



Adults with Incapacity (Scotland) Act 2000

2000 asp 4

PART 6

INTERVENTION ORDERS AND GUARDIANSHIP ORDERS

Functions etc. of guardian

66 Gifts

- (1) A guardian having powers relating to the property or financial affairs of an adult may make a gift out of the adult's estate only if authorised to do so by the Public Guardian.
- (2) Authorisation by the Public Guardian under subsection (1) may be given generally, or in respect of a particular gift.
- (3) On receipt of an application in the prescribed form for an authorisation to make a gift, the Public Guardian shall, subject to subsection (4), intimate the application to the adult, his nearest relative, his primary carer [^{F1}, his named person] and any other person who the Public Guardian considers has an interest in the application and advise them of the prescribed period within which they may object to the granting of the application; and he shall not grant the application without affording to any objector an opportunity of being heard.
- (4) Where the Public Guardian is of the opinion that the value of the gift is such that intimation is not necessary, he may dispense with intimation.
- (5) Having heard any objections as mentioned in subsection (3), the Public Guardian may grant the application.
- (6) Where the Public Guardian proposes to refuse the application he shall intimate his decision to the guardian and advise him of the prescribed period within which he may object to the refusal; and he shall not refuse the application without affording to the guardian, if he objects, an opportunity of being heard.

Changes to legislation: There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 66. (See end of Document for details)

- (7) The Public Guardian may at his own instance or at the instance of the guardian or of any person who objects to the granting of the application remit the application for determination by the sheriff, whose decision shall be final.
- (8) A decision of the Public Guardian—
- (a) to grant an application under subsection (5) or to refuse an application; or
 - (b) to refuse to remit an application to the sheriff under subsection (7),
- may be appealed to the sheriff, whose decision shall be final.

Textual Amendments

- F1** Words in s. 66(3) inserted (27.9.2005) by *The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Enactments) Order 2005 (S.S.I. 2005/465)*, art. 2, **Sch. 1 para. 28(6)**

Changes to legislation:

There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 66.