Adults with Incapacity (Scotland) Act 2000

2000 asp 4

PART 6

INTERVENTION ORDERS AND GUARDIANSHIP ORDERS

Termination and variation of guardianship and replacement, removal or resignation of guardian

[F1 75A Death of guardian

The personal representatives of a guardian who dies shall, if aware of the existence of the guardianship, notify the Public Guardian who shall—

(a) notify—

(i) the adult;

(ii) the local authority; and

(iii) in a case where the adult's incapacity is by reason of, or reasons which include, mental disorder and the guardianship order relates to the adult's personal welfare or factors including it, the Mental Welfare Commission;

(b) enter prescribed particulars in the register maintained under section 6(2)(b)(iv); and

(c) issue a new certificate of appointment—

(i) to any surviving joint guardian;

(ii) where the Public Guardian is satisfied that any substitute guardian appointed in respect of the dead guardian is willing to act and has found caution or given other security if so required, to the substitute guardian.**]**

Textual Amendments

F1 S. 75A inserted (5.10.2007) by Adult Support and Protection (Scotland) Act 2007 (asp 10), **ss. 60(15)**, 79; S.S.I. 2007/334, **art. 2(b)**, Sch. 2 (with savings in arts. 4-6)

Changes to legislation:
There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 75A.