



Adults with Incapacity (Scotland) Act 2000

2000 asp 4

PART 6

INTERVENTION ORDERS AND GUARDIANSHIP ORDERS

Termination of authority to intervene and guardianship on death of adult

77 Termination of authority to intervene and guardianship on death of adult

- (1) An intervention order or a guardianship order in respect of an adult under this Part shall cease to have effect on his death.
- (2) A person authorised under an intervention order or a guardian having powers relating to the property or financial affairs of the adult shall, until he becomes aware of the death of the adult or of any other event which has the effect of terminating his authority, be entitled to act under those powers if he acts in good faith.
- (3) Where the authority of a person authorised under an intervention order or of a guardian (including a joint guardian) is terminated or otherwise comes to an end, a third party in good faith is entitled to rely on the authority of the person or guardian if he is unaware of the termination or ending of that authority.
- (4) No title to any interest in heritable property acquired by a third party in good faith and for value from a person authorised under an intervention order or from a guardian having powers relating to the property or financial affairs of the adult shall be challengeable on the grounds only of the termination or coming to an end of the authority of the person or of the guardian.
- (5) In this section any reference to a guardian shall include a reference to a guardian (however called) appointed under the law of any country to, or entitled under the law of any country to act for, an adult during his incapacity, if the guardianship is recognised by the law of Scotland.

78 Amendment of registration under section 61 on events affecting guardianship or death of adult

(1) The Public Guardian shall—

- (a) where under section 71(3)(a), 73(2)(a), 74(5)(a) or 75(3)(a) he enters in the register maintained by him under section 6(2)(b)(iv) prescribed particulars relating to a guardianship order in respect of which the appointment of the guardian was recorded or registered under section 61; or
- (b) where an adult in respect of whom there was such a guardianship order has died,

apply forthwith to the Keeper of the Registers of Scotland for the recording of the interlocutor or other document vouching the event giving rise to the entry or, as the case may be, the certificate of the death or, as the case may be, the registering of the event or the death in the Land Register of Scotland.

(2) On an application under subsection (1), the Keeper shall, as appropriate—

- (a) record the interlocutor or other document or certificate in the Register of Sasines and endorse it that it has been so recorded;
- (b) update the title sheet of the heritable property accordingly.

79 Protection of third parties: guardianship

Where a third party has acquired, in good faith and for value, title to any interest in heritable property from a guardian that title shall not be challengeable on the ground only—

- (a) of any irregularity of procedure in making the guardianship order; or
- (b) that the guardian has acted outwith the scope of his authority.