



# Adults with Incapacity (Scotland) Act 2000

2000 asp 4

## PART 2

### CONTINUING POWERS OF ATTORNEY AND WELFARE POWERS OF ATTORNEY

#### [<sup>F1</sup>22A Revocation of continuing or welfare power of attorney

- (1) The granter of a continuing or welfare power of attorney may revoke the power of attorney (or any of the powers granted by it) after the document conferring the power of attorney has been registered under section 19 by giving a revocation notice to the Public Guardian.
- (2) A revocation notice shall be valid only if it is expressed in a written document which—
  - (a) is subscribed by the granter; and
  - (b) incorporates a certificate in the prescribed form by a practising solicitor or by a member of another prescribed class that—
    - (i) he has interviewed the granter immediately before the granter subscribed the document;
    - (ii) he is satisfied, either because of his own knowledge of the granter or because he has consulted another person (whom he names in the certificate) who has knowledge of the granter, that at the time the revocation is made the granter understands its effect;
    - (iii) he has no reason to believe that the granter is acting under undue influence or that any other factor vitiates the revocation of the power.
- (3) The Public Guardian, on receiving a revocation notice, shall—
  - (a) enter the prescribed particulars of it in the register maintained by him under section 6(2)(b)(i) or (ii) as the case may be; and
  - (b) notify—
    - (i) the continuing or welfare attorney; and
    - (ii) where it is the welfare attorney who is notified, the local authority and the Mental Welfare Commission.
- (4) A revocation has effect when the revocation notice is registered under this section.

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**Changes to legislation:** *There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 22A. (See end of Document for details)*

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- (5) No liability shall be incurred by any person who acts in good faith in ignorance of the revocation of a power of attorney under this section. Nor shall any title to heritable property acquired by such a person be challengeable on that ground alone.]

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**Textual Amendments**

- F1** S. 22A inserted (1.4.2008) by [Adult Support and Protection \(Scotland\) Act 2007 \(asp 10\)](#), **ss. 57(7)**, [79\(3\)](#); [S.S.I. 2008/49](#), art. 2(1)

**Changes to legislation:**

There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 22A.