



# Adults with Incapacity (Scotland) Act 2000

2000 asp 4

## PART 2

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

#### 24 Termination of continuing or welfare power of attorney

(1) If the granter and the continuing or welfare attorney are married to each other the power of attorney shall, unless the document conferring it provides otherwise, come to an end upon the granting of—

- (a) a decree of separation to either party;
- (b) a decree of divorce to either party;
- (c) declarator of nullity of the marriage.

[<sup>F1</sup>(1A) If the granter and the continuing or welfare attorney are in civil partnership with each other the power of attorney shall, unless the document conferring it provides otherwise, come to an end on the granting of—

- (a) a decree of separation of the partners in the civil partnership;
- (b) a decree of dissolution of the civil partnership;
- (c) a declarator of nullity of the civil partnership.]

(2) The authority of a continuing or welfare attorney in relation to any matter shall come to an end on the appointment of a guardian with powers relating to that matter.

(3) In subsection (2) any reference to—

- (a) a continuing attorney shall include a reference to a person granted, under a contract, grant or appointment governed by the law of any country, powers (however expressed), relating to the granter's property or financial affairs and having continuing effect notwithstanding the granter's incapacity;
- (b) a welfare attorney shall include a reference to a person granted, under a contract, grant or appointment governed by the law of any country, powers (however expressed) relating to the granter's personal welfare and having effect during the granter's incapacity.

*Status: Point in time view as at 04/05/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 24. (See end of Document for details)*

- (4) No liability shall be incurred by any person who acts in good faith in ignorance of—
- (a) the coming to an end of a power of attorney under subsection (1) [<sup>F2</sup>or subsection (1A)] ; or
  - (b) the appointment of a guardian as mentioned in subsection (2),
- nor shall any title to heritable property acquired by such a person be challengeable on those grounds alone.

#### **Textual Amendments**

- F1** S. 24(1A) inserted (4.5.2006) by Family Law (Scotland) Act 2006 (asp 2), ss. 36(a), 46(2); S.S.I. 2006/212, art. 2, (subject to arts. 3-13)
- F2** Words in s. 24(4) inserted (4.5.2006) by Family Law (Scotland) Act 2006 (asp 2), ss. 36(b), 46(2); S.S.I. 2006/212, art. 2, (subject to arts. 3-13)

#### **Commencement Information**

- I1** S. 24 Wholly in force at 1.4.2002; s. 24 not in force at Royal Assent see s. 89(2); S. 24(1)(4) in force at 2.4.2001 by S.S.I. 2001/81, art. 2, Sch. 1; s. 24 fully in force at 1.4.2002 by S.S.I. 2001/81, art. 3, Sch. 2

**Status:**

Point in time view as at 04/05/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 24.