

*These notes relate to the Adults with Incapacity (Scotland)
Act 2000 (asp 4) which received Royal Assent on 9 May 2000*

ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000

EXPLANATORY NOTES

THE ACT

Part 4: Management of Residents' Finances

Section 39: Matters which may be managed

152. This section sets out the matters which managers of care establishments may manage on behalf of residents with incapacity. These include any accounts or cash the resident may have and any moveable property (e.g. furniture or pictures) the resident brings to the establishment. Any reference to "residents' affairs" or similar in this part of the Act can be taken to refer to the specific areas set out in this section. Subsection (2) ensures that the managers use a resident's funds for the benefit of that resident. It is permissible to use funds to contribute to the purchase of shared items, so long as each resident concerned will benefit from such items. Subsection (2) also clarifies that managers must take into account the sentimental value of items belonging to a resident, in considering, for example, whether such items should be disposed of. Subsection (3) allows for regulations to prescribe an upper limit to the amount of funds that may be managed. The approval of the supervisory body would be required for managers to look after funds exceeding this figure.