



Adults with Incapacity (Scotland) Act 2000

2000 asp 4

PART 6 **S**

INTERVENTION ORDERS AND GUARDIANSHIP ORDERS

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

76 **Change of habitual residence** **S**

- (1) Where the guardian is the chief social work officer of the local authority and the adult changes his place of habitual residence to the area of another local authority, the chief social work officer of the first mentioned local authority shall notify the chief social work officer of the second mentioned local authority (the “receiving authority”) who shall become guardian on receipt of the notification and shall within 7 days of that receipt notify the Public Guardian and (in a case where the incapacity of the adult is by reason of, or reasons which include, mental disorder and the guardianship order relates to the adult’s personal welfare or factors which include it) the Mental Welfare Commission.
- (2) The Public Guardian shall—
 - (a) enter prescribed particulars in the register maintained by him under section 6(2)(b)(iv) and issue a certificate of appointment to the new guardian; and
 - (b) subject to subsection (4), notify the adult within 7 days of receipt of the notification from the receiving authority.
- (3) Subject to subsection (4), the chief social work officer of the receiving authority shall, within 7 working days of receipt of the notification, notify any person who received notification under section 58(7) of the appointment of the name of the officer responsible at any time for carrying out the functions and duties of guardian.
- (4) If, in relation to the original application for a guardianship order, the sheriff has directed that intimation or notification of any application or other proceedings should

Changes to legislation: *There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 76. (See end of Document for details)*

not be given to the adult, the Public Guardian and the chief social work officer shall not notify the adult under subsection (2)(b) or (3) as the case may be.

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