
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 289

ADULTS WITH INCAPACITY

The Adults with Incapacity (Public Guardian's Fees) (Scotland) Amendment Regulations 2012

Made - - - - 30th October 2012
Laid before the Scottish Parliament - - - - 31st October 2012
Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 7(2) of the Adults with Incapacity (Scotland) Act 2000⁽¹⁾ and all other powers enabling them to do so.

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Adults with Incapacity (Public Guardian's Fees) (Scotland) Amendment Regulations 2012 and, subject to paragraphs (2) and (3), come into force on 10th December 2012.

(2) Regulation 2(b) and Schedule 2 come into force, and regulation 2(a) and Schedule 1 cease to have effect, on 1st April 2013.

(3) Regulation 2(c) and Schedule 3 come into force, and regulation 2(b) and Schedule 2 cease to have effect, on 1st April 2014.

Amendment of the Adults with Incapacity (Public Guardian's Fees) (Scotland) Regulations 2008

2. The Table of Fees in the Schedule to the Adults with Incapacity (Public Guardian's Fees) (Scotland) Regulations 2008⁽²⁾ is substituted by—

- (a) the Table of Fees in Schedule 1 to these Regulations on 10th December 2012;
- (b) the Table of Fees in Schedule 2 to these Regulations on 1st April 2013;
- (c) the Table of Fees in Schedule 3 to these Regulations on 1st April 2014.

(1) 2000 asp 4 as amended by the [Adult Support and Protection \(Scotland\) Act 2007 \(asp 10\)](#). See section 87(1) and (1A) for the definition of “prescribe” and section 86(1) as to power to make regulations.
(2) [S.S.I. 2008/52](#) as amended by [2008/238](#).

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St Andrew's House,
Edinburgh
30th October 2012

KENNY MACASKILL
A member of the Scottish Government

SCHEDULE 1

Regulation 2(a)

TABLE OF FEES PAYABLE TO PUBLIC GUARDIAN

Fees payable from 10th December 2012

<i>Column 1</i> <i>(Matters)</i>	<i>Column 2</i> <i>(Fee payable)</i> <i>£</i>	<i>Column 3</i> <i>(Fee formerly payable)(3)</i> <i>£</i>
1. Submission of a document conferring a continuing or welfare power of attorney under section 19 of the Act.	70	70
2. Registration of a deed of amendment to a continuing or welfare power of Attorney under section 19 of the Act.	70	
3. Provision of a duplicate or replacement of a certificate issued under section 19(2) of the Act.	16	15
4. Audit of accounts submitted by a continuing attorney under section 20(2)(b) of the Act.	105	100
5. Processing of an application for authorisation to obtain information about the adult's funds under section 24C of the Act and, where such an application is granted, the issue of a certificate authorising any fundholder to provide the applicant with such information.	74	70
6. Where there is no application under section 24C, the processing of an application for authorisation to intromit with funds under section 25 of the Act and, where such an application is granted, the issue of a certificate of authority to the withdrawer.	74	70(4)
7. Processing of an application for appointment as a joint withdrawer under section 26B of the Act and, where such an application is granted, the issue of a certificate of authority to the joint withdrawer.	16	15
8. Processing of an application for appointment as a reserve withdrawer under section 26D of the Act.	16	15
9. Provision of a certificate of authority to the reserve withdrawer under section 26E(3)(b) of the Act, where the certificate is not applied for at the same time as the application under section 26D is made.	16	15
10. Processing of an application for variation of a withdrawal certificate under section 26F of the Act and, where such	16	15

(3) Column 3 shows the fees which were payable under [S.S.I. 2008/52](#) immediately before the coming into force of this Schedule. Where there is no entry in column 3 but there is an entry in column 2 the matter is new or has been amended such that no direct comparison can be made with the fee formerly payable.

(4) The figure of £70 was also the fee for processing the application where the certificate granted under section 24C was more than 4 months old. A charge is now no longer payable on such an application.

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<i>Column 1</i> <i>(Matters)</i>	<i>Column 2</i> <i>(Fee payable)</i> <i>£</i>	<i>Column 3</i> <i>(Fee formerly payable)(3)</i> <i>£</i>
an application is granted, the issue of a varied withdrawal certificate to the withdrawer.		
11. Where an application for authority to transfer a specified sum under section 26G of the Act is not made at the same time as an application under section 25, processing of an application under section 26G and, where such an application is granted, the issue of a certificate to the applicant.	16	15
12. Provision of a duplicate or replacement of a certificate of authority issued under sections 24C(3), 24D(3), 25(4)(b), 26B(4)(b), 26E(3)(b), 26F(3)(b) or 26G(4)(b) of the Act.	16	15
13. Processing of an application for renewal of authority to intromit with funds under section 31B of the Act and, where such an application is granted, the issue of a certificate of authority to the joint withdrawer.	42	40
14. Provision of a copy of any document—		
(a) up to 10 pages;	5	5
(b) each page thereafter;	0.50	0.50
(c) in electronic form, per document.	5	5
15. Registration under section 6(2) of the Act of—	74	70
(a) a guardianship order;		
(b) an intervention order;		
(c) a variation of a guardianship order;		
(d) a variation of an intervention order; or		
(e) a renewal of a guardianship order,		
made under Part 6 of the Act (including, where appropriate, checking caution or other security and issuing certificates).		
16. Recall of the powers of a guardian under section 73 of the Act—		
(a) for an estate with no heritable property;	47	45
(b) for an estate with heritable property.	105	100
17. Consideration of guardian's management plan and inventory, in accordance with paragraphs 1 and 3 of schedule 2 to the Act—		
Estate value (excluding heritable property)		

(3) Column 3 shows the fees which were payable under [S.S.I. 2008/52](#) immediately before the coming into force of this Schedule. Where there is no entry in column 3 but there is an entry in column 2 the matter is new or has been amended such that no direct comparison can be made with the fee formerly payable.

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<i>Column 1</i> <i>(Matters)</i>	<i>Column 2</i> <i>(Fee payable)</i> £	<i>Column 3</i> <i>(Fee formerly payable)(3)</i> £
£0 to £30,000;	47	45
£30,001 to £50,000;	210	200
£50,001 to £250,000;	420	400 – 665(5)
£250,001 to £500,000;	698	665
£500,001 and over.	1,050	1000
18. Consideration of an application for consent made in accordance with paragraph 6 of schedule 2 to the Act.	50	135
19. Audit (except final audit) of accounts submitted in accordance with paragraph 7 of schedule 2 to the Act— Estate value (excluding heritable property)		
£0 to £30,000;	68	65
£30,001 to £50,000;	173	165
£50,001 to £250,000;	488	465 – 600(6)
£250,001 to £500,000;	630	600 – 800(7)
£500,001 and over.	840	800 – 2,335(8)
20. Final audit of accounts submitted in accordance with paragraph 7 of schedule 2 to the Act— Estate value (excluding heritable property)		
£0 to £30,000;	131	125
£30,001 to £50,000;	236	225
£50,001 to £250,000;	551	525 – 660(9)
£250,001 to £500,000;	693	660 – 860(10)
£500,001 and over.	903	860 – 2395(11)

(3) Column 3 shows the fees which were payable under [S.S.I. 2008/52](#) immediately before the coming into force of this Schedule. Where there is no entry in column 3 but there is an entry in column 2 the matter is new or has been amended such that no direct comparison can be made with the fee formerly payable.

(5) The previous estate value ranges were from £50,001 to £100,000, for which the fee was £400, and from £100,001 to £500,000, for which the fee was £665.

(6) The previous estate value ranges were from £50,001 to £100,000, for which the fee was £465, and from £100,001 to £250,000, for which the fee was £600.

(7) The previous estate value range was from £250,001 to £750,000, for which the fee was £800.

(8) The previous estate value ranges were from £750,001 to £2,000,000, for which the fee was £1,600, and values of £2,000,001 and over, for which the fee was £2,335.

(9) The previous estate value ranges were from £50,001 to £100,000, for which the fee was £525, and from £100,001 to £250,000, for which the fee was £660.

(10) The previous estate value range was from £250,001 to £750,000, for which the fee was £860.

(11) The previous estate value ranges were from £750,001 to £2,000,000, for which the fee was £1,660, and values of £2,000,001 and over, for which the fee was £2,395.

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SCHEDULE 2

Regulation 2(b)

TABLE OF FEES PAYABLE TO PUBLIC GUARDIAN

Fees payable from 1st April 2013

<i>Column 1</i> <i>(Matters)</i>	<i>Column 2</i> <i>(Fee payable)</i> <i>£</i>	<i>Column 3</i> <i>(Fee formerly payable)(12)</i> <i>£</i>
1. Submission of a document conferring a continuing or welfare power of attorney under section 19 of the Act.	70	70
2. Registration of a deed of amendment to a continuing or welfare power of Attorney under section 19 of the Act.	70	70
3. Provision of a duplicate or replacement of a certificate issued under section 19(2) of the Act.	16	16
4. Audit of accounts submitted by a continuing attorney under section 20(2)(b) of the Act.	108	105
5. Processing of an application for authorisation to obtain information about the adult's funds under section 24C of the Act and, where such an application is granted, the issue of a certificate authorising any fundholder to provide the applicant with such information.	76	74
6. Where there is no application under section 24C, the processing of an application for authorisation to intromit with funds under section 25 of the Act and, where such an application is granted, the issue of a certificate of authority to the withdrawer.	76	74
7. Processing of an application for appointment as a joint withdrawer under section 26B of the Act and, where such an application is granted, the issue of a certificate of authority to the joint withdrawer.	16	16
8. Processing of an application for appointment as a reserve withdrawer under section 26D of the Act.	16	16
9. Provision of a certificate of authority to the reserve withdrawer under section 26E(3)(b) of the Act, where the certificate is not applied for at the same time as the application under section 26D is made.	16	16
10. Processing of an application for variation of a withdrawal certificate under section 26F of the Act and, where such an application is granted, the issue of a varied withdrawal certificate to the withdrawer.	16	16

(12) Column 3 shows the fees which were payable by virtue of Schedule 1 to these Regulations immediately before the coming into force of this Schedule.

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<i>Column 1</i> <i>(Matters)</i>	<i>Column 2</i> <i>(Fee payable)</i> <i>£</i>	<i>Column 3</i> <i>(Fee formerly payable)(12)</i> <i>£</i>
11. Where an application for authority to transfer a specified sum under section 26G of the Act is not made at the same time as an application under section 25, processing of an application under section 26G and, where such an application is granted, the issue of a certificate to the applicant.	16	16
12. Provision of a duplicate or replacement of a certificate of authority issued under sections 24C(3), 24D(3), 25(4)(b), 26B(4)(b), 26E(3)(b), 26F(3)(b) or 26G(4)(b) of the Act.	16	16
13. Processing of an application for renewal of authority to intromit with funds under section 31B of the Act and, where such an application is granted, the issue of a certificate of authority to the joint withdrawer.	43	42
14. Provision of a copy of any document—		
(a) up to 10 pages;	5	5
(b) each page thereafter;	0.50	0.50
(c) in electronic form, per document.	5	5
15. Registration under section 6(2) of the Act of—	76	74
(a) a guardianship order;		
(b) an intervention order;		
(c) a variation of a guardianship order;		
(d) a variation of an intervention order; or		
(e) a renewal of a guardianship order, made under Part 6 of the Act (including, where appropriate, checking caution or other security and issuing certificates).		
16. Recall of the powers of a guardian under section 73 of the Act—		
(a) for an estate with no heritable property;	49	47
(b) for an estate with heritable property.	108	105
17. Consideration of the guardian's management plan and inventory, in accordance with paragraphs 1 and 3 of schedule 2 to the Act—		
Estate value (excluding heritable property)		
£0 to £30,000;	49	47
£30,001 to £50,000;	216	210

(12) Column 3 shows the fees which were payable by virtue of Schedule 1 to these Regulations immediately before the coming into force of this Schedule.

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<i>Column 1</i> <i>(Matters)</i>	<i>Column 2</i> <i>(Fee payable)</i> <i>£</i>	<i>Column 3</i> <i>(Fee formerly payable)(12)</i> <i>£</i>
£50,001 to £250,000;	433	420
£250,001 to £500,000;	719	698
£500,001 and over.	1,082	1,050
18. Consideration of an application for consent made in accordance with paragraph 6 of schedule 2 to the Act.	52	50
19. Audit (except final audit) of accounts submitted in accordance with paragraph 7 of schedule 2 to the Act— Estate value (excluding heritable property)		
£0 to £30,000;	70	68
£30,001 to £50,000;	178	173
£50,001 to £250,000;	503	488
£250,001 to £500,000;	649	630
£500,001 and over.	865	840
20. Final audit of accounts submitted in accordance with paragraph 7 of schedule 2 to the Act— Estate value (excluding heritable property)		
£0 to £30,000;	135	131
£30,001 to £50,000;	243	236
£50,001 to £250,000;	568	551
£250,001 to £500,000;	714	693
£500,001 and over.	930	903

(12) Column 3 shows the fees which were payable by virtue of Schedule 1 to these Regulations immediately before the coming into force of this Schedule.

SCHEDULE 3

Regulation 2(c)

TABLE OF FEES PAYABLE TO PUBLIC GUARDIAN

Fees payable from 1st April 2014

<i>Column 1</i> <i>(Matters)</i>	<i>Column 2</i> <i>(Fee payable)</i> £	<i>Column 3</i> <i>(Fee formerly payable)</i> £
1. Submission of a document conferring a continuing or welfare power of attorney under section 19 of the Act.	70	70
2. Registration of a deed of amendment to a continuing or welfare power of Attorney under section 19 of the Act.	70	70
3. Provision of a duplicate or replacement of a certificate issued under section 19(2) of the Act.	17	16
4. Audit of accounts submitted by a continuing attorney under section 20(2)(b) of the Act.	111	108
5. Processing of an application for authorisation to obtain information about the adult's funds under section 24C of the Act and, where such an application is granted, the issue of a certificate authorising any fundholder to provide the applicant with such information.	78	76
6. Where there is no application under section 24C, the processing of an application for authorisation to intromit with funds under section 25 of the Act and, where such an application is granted, the issue of a certificate of authority to the withdrawer.	78	76
7. Processing of an application for appointment as a joint withdrawer under section 26B of the Act and, where such an application is granted, the issue of a certificate of authority to the joint withdrawer.	17	16
8. Processing of an application for appointment as a reserve withdrawer under section 26D of the Act.	17	16
9. Provision of a certificate of authority to the reserve withdrawer under section 26E(3)(b) of the Act, where the certificate is not applied for at the same time as the application under section 26D is made.	17	16
10. Processing of an application for variation of a withdrawal certificate under section 26F of the Act and, where such an application is granted, the issue of a varied withdrawal certificate to the withdrawer.	17	16
11. Where an application for authority to transfer a specified sum under section 26G of the Act is not made at the same time as an application under section 25, processing of an application under	17	16

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<i>Column 1</i> <i>(Matters)</i>	<i>Column 2</i> <i>(Fee payable)</i> <i>£</i>	<i>Column 3</i> <i>(Fee formerly payable)</i> <i>£</i>
section 26G and, where such an application is granted, the issue of a certificate to the applicant.		
12. Provision of a duplicate or replacement of a certificate of authority issued under sections 24C(3), 24D(3), 25(4)(b), 26B(4)(b), 26E(3)(b), 26F(3)(b) or 26G(4)(b) of the Act.	17	16
13. Processing of an application for renewal of authority to intromit with funds under section 31B of the Act and, where such an application is granted, the issue of a certificate of authority to the joint withdrawer.	45	43
14. Provision of a copy of any document—		
(a) up to 10 pages;	5	5
(b) each page thereafter;	0.50	0.50
(c) in electronic form, per document.	5	5
15. Registration under section 6(2) of the Act of—	78	76
(a) a guardianship order;		
(b) an intervention order;		
(c) a variation of a guardianship order;		
(d) a variation of an intervention order; or		
(e) a renewal of a guardianship order,		
made under Part 6 of the Act (including, where appropriate, checking caution or other security and issuing certificates).		
16. Recall of the powers of a guardian under section 73 of the Act—		
(a) for an estate with no heritable property;	50	49
(b) for an estate with heritable property.	111	108
17. Consideration of guardian's management plan and inventory, in accordance with paragraphs 1 and 3 of schedule 2 to the Act—		
Estate value (excluding heritable property)		
£0 to £30,000;	50	49
£30,001 to £50,000;	223	216
£50,001 to £250,000;	446	433
£250,001 to £500,000;	741	719
£500,001 and over.	1,114	1,082

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<i>Column 1</i> <i>(Matters)</i>	<i>Column 2</i> <i>(Fee payable)</i> <i>£</i>	<i>Column 3</i> <i>(Fee formerly payable)</i> <i>£</i>
18. Consideration of an application for consent made in accordance with paragraph 6 of schedule 2 to the Act.	53	52
19. Audit (except final audit) of accounts submitted in accordance with paragraph 7 of schedule 2 to the Act— Estate value (excluding heritable property)		
£0 to £30,000;	72	70
£30,001 to £50,000;	184	178
£50,001 to £250,000;	518	503
£250,001 to £500,000;	668	649
£500,001 and over.	891	865
20. Final audit of accounts submitted in accordance with paragraph 7 of schedule 2 to the Act— Estate value (excluding heritable property)		
£0 to £30,000;	139	135
£30,001 to £50,000;	251	243
£50,001 to £250,000;	585	568
£250,001 to £500,000;	735	714
£500,001 and over.	958	930

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Adults with Incapacity (Public Guardian’s Fees) (Scotland) Regulations 2008 (“the 2008 Regulations”); specifying new fee levels payable to the Public Guardian for certain matters and removing fees in relation to other matters.

The Regulations specify the fee levels for the period from 10th December 2012 until 31st March 2013 by substituting the Table of Fees in the 2008 Regulations with the Table of Fees in Schedule 1.

They specify the fee levels for the period from 1st April 2013 until 31st March 2014 by substituting the Table of Fees in Schedule 1 with the Table of Fees in Schedule 2.

They specify the fee levels from 1st April 2014 onwards by substituting the Table of Fees in Schedule 2 with the Table of Fees in Schedule 3.

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