

**2007 No. 320**

**ADULTS WITH INCAPACITY**

**The Adults with Incapacity (Public Guardian's Fees) (Scotland)  
Amendment Regulations 2007**

<i>Made</i> - - - -	<i>7th June 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>8th June 2007</i>
<i>Coming into force</i> - -	<i>16th July 2007</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 7(2) and 86(2) of the Adults with Incapacity (Scotland) Act 2000(a) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Adults with Incapacity (Public Guardian's Fees) (Scotland) Amendment Regulations 2007 and shall come into force on 16th July 2007.

**Amendment of the 2001 Regulations**

2.—(1) The Adults with Incapacity (Public Guardian's Fees) (Scotland) Regulations 2001(b) ("the 2001 Regulations") are amended in accordance with the following paragraphs.

(2) After regulation 1 of the 2001 Regulations, insert—

**"Exemption from fees**

**1A.** A fee regulated by these Regulations shall not be payable by a person if—

- (a) the person is in receipt of legal aid within the meaning of section 13(2) of the Legal Aid (Scotland) Act 1986(c) in respect of the matter in the Table of Fees in connection with which the fee is payable; or
- (b) the person's solicitor is undertaking work in relation to the matter in the Table of Fees in connection with which the fee is payable on the basis of any regulations made under section 36 of the Legal Aid (Scotland) Act 1986 providing for legal aid in a matter of special urgency."

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(a) 2000 asp 4. See section 87(1) for the definition of "prescribe" and section 86(1) as to power to make regulations.

(b) S.S.I. 2001/75, as amended by S.S.I. 2002/131.

(c) 1986 c.47. Section 13(2) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40), section 74 and Schedule 8, paragraph 36(3).

(3) For the Schedule to the 2001 Regulations, substitute the Schedule to these Regulations.

*FERGUS EWING*

Authorised to sign on behalf of the Scottish Ministers

St Andrew's House,  
Edinburgh  
7th June 2007

## SCHEDULE

Regulation 2(3)

### TABLE OF FEES PAYABLE TO PUBLIC GUARDIAN

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable)</i>	<i>Column 3 (Fee formerly payable)(a)</i>
<b>1.</b> Search of registers under section 6(2)(b) of the Act (per half hour or any part thereof)	£8.00	£5.00
<b>2.</b> Submission of a document conferring a continuing or welfare power of attorney under section 19 of the Act	£60.00	£35.00
<b>3.</b> Provision of a duplicate or replacement of a certificate issued under section 19(2) of the Act	£11.00	£10.00
<b>4.</b> Audit of accounts submitted by a continuing attorney under section 20(2)(b) of the Act	£87.00	£75.00
<b>5.</b> Processing of an application for authorisation to intronit with funds under section 26 of the Act, and where such an application is granted, the issue of a certificate of authority to the withdrawer	£60.00	£35.00
<b>6.</b> Provision of a duplicate or replacement of a certificate of authority issued under section 26(4) of the Act	£11.00	£10.00
<b>7.</b> Provision of a copy—		
(a) per page	£0.20	£0.30
(b) on a computer disc or in other electronic form	£3	not applicable
<b>8.</b> Registration under section 6(2) of the Act of—	£60	£35
(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 and issuing certificates)		
<b>9.</b> Authorisation of a gift out of the adult's estate under section 66(1) of the Act, where the gift has a value in excess of £2,500	£41	£35

(a) Column 3 shows the fees which were formerly payable under S.S.I. 2001/75 (as amended by S.S.I. 2002/131) before the coming into force of these Regulations.

<i>Column 1 (Matters)</i>	<i>Column 2 (Fee payable)</i>	<i>Column 3 (Fee formerly payable)</i>
<b>10.</b> Recall of the powers of a guardian under section 73 of the Act–		
(a) for an estate with no heritable property	£41	£35
(b) for an estate with heritable property	£87	£75
<b>11.</b> Approval 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	£41	£35
£30,001 to £50,000	£174	£150
£50,001 to £100,000	£348	£300
£100,001 to £500,000	£580	£500
£500,001 and over	£870	£750
<b>12.</b> Granting an application for consent made in accordance with paragraph 6 of schedule 2 to the Act	£116	£100
<b>13.</b> 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	£58	£50
£30,001 to £50,000	£145	£125
£50,001 to £100,000	£406	£350
£100,001 to £250,000	£522	£450
£250,001 to £750,000	£696	£600
£750,001 to £2,000,000	£1,392	£1,200
£2,000,001 and over	£2,030	£1,750
<b>14.</b> 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	£108	} not applicable
£30,001 to £50,000	£195	
£50,001 to £100,000	£456	
£100,001 to £250,000	£572	
£250,001 to £750,000	£746	
£750,001 to £2,000,000	£1,442	
£2,000,001 and over	£2,080	

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Adults with Incapacity (Public Guardian's Fees) (Scotland) Regulations 2001 to make provision for the fees which may be charged by the Public Guardian for providing certain services under Part 6 of the Adults with Incapacity (Scotland) Act 2000 (regulation 2 and Schedule).

The fee increases are on average 17% which is approximately the cumulative rate of inflation over that period.





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**£3.00**

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