

An example of the certificate. The fundholder should note:

OFFICE OF THE PUBLIC GUARDIAN
ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000
Certificate in terms of the Adults with Incapacity (Scotland) Act 2000 Part 3
Certificate Number 1234768/2008/1X
Case Reference Number PG/S/1232008/1

This Certificate gives authority to John Squirrel, 4 High Street, Hedgeton, to open a Designated Account in his name on behalf of James Squirrel, 6 Low Street, Hedgeton.
Bank of Forreest, 48 Level Street, Hedgeton is authorised to transfer the funds contained in the under-noted Account(s) in the name of James Squirrel but only in so far as permitted under this certificate.
John Squirrel is authorised to use those funds for the purposes contained within the application.




INSTRUCTION FOR FUNDHOLDER: Bank of Forreest

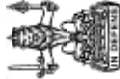
Adult's Current Account
Branch: Hedgeton
Sort Code: 20-91-56
Account No: 123456789
Account Holder: James Squirrel

Instruction for this account:

1. Continue credit transactions
2. Set up Direct Debit for Overseas Gas
3. Cancel Direct Debit for National Gas
4. Transfer monthly £1,200 to the designated account to be opened in the name of John Squirrel on behalf of James Squirrel
5. Transfer lump sum of £3,500 to the designated account to be opened in the name of Squirrel on behalf of James Squirrel

John Squirrel








Clauses
Fund holders are not permitted to allow any account to become overdrawn, irrespective of any arrangement in place prior to the issue of this Certificate of Authority.
All prior operations on any account are to be terminated with effect from the date of this Certificate of Authority and no further operations on any account are permitted other than in accordance with a Certificate of Authority.
If any account becomes overdrawn Bank of Forreest may seek recovery of the overdrawn sum(s) and any charges and/or interest accrued from John Squirrel on behalf of James Squirrel.
Bank of Forreest must advise the Office of the Public Guardian if any account becomes overdrawn.
Date of issue of certificate: 03 June 2008
This certificate remains in force until: 03 June 2011

Public Guardian
03 June 2008

Please Keep this certificate and attached document in a safe place.
If this Certificate is found please return it to the Public Guardian

The Office of the Public Guardian, Hadrian House
Callendar Business Park, Falkirk, FK1 1XR



Advice and Guidance

The staff at the OPG will be pleased to provide information and advice. The office is open between 9am and 5pm, Monday to Friday.

Our website is a useful point of reference with links to related sites. We can also provide a CD-ROM (it is free) that gives access to the relevant code of practice and to the Act itself. Please contact the office if you would like one sent out to you.

OPG (Scotland)
Hadrian House
Callendar Business Park
Callendar Road
FALKIRK
FK1 1XR

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LP-17 Falkirk

Telephone: 01324 678300
E-mail: opg@scotcourts.gov.uk
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The OPG is part of the Scottish Court Service

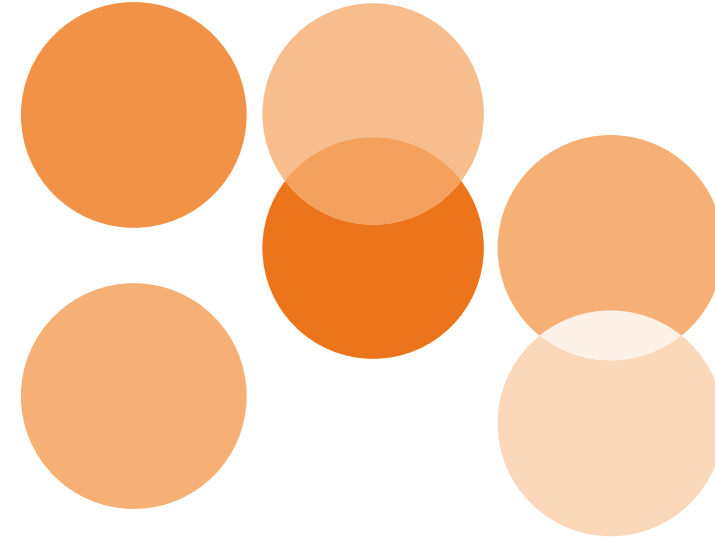
Issue 1 April 2008



INVESTOR IN PEOPLE

ADULTS WITH INCAPACITY
(SCOTLAND) ACT 2000

Access to
Account information
A Guide for Fundholders



OFFICE OF THE PUBLIC GUARDIAN (SCOTLAND)



WHO THIS LEAFLET IS FOR?

This leaflet is to provide fundholders with information when a person has been given authority by the Public Guardian to request information about an adult's finances. Fundholder means a bank, building society or other financial institutions with which an adult who lacks capacity is an account holder.

WHAT IS THE ROLE OF THE OFFICE OF THE PUBLIC GUARDIAN (OPG)?

The OPG has powers to authorise and supervise the arrangements of the access to funds scheme. The OPG provides advice and guidance and maintains a register of persons appointed under each provision of the legislation. Details of how to contact the OPG are on the back of this leaflet.

WHAT IS THE ACCESS TO FUNDS (ATF) SCHEME?

The ATF scheme is designed to enable access to the funds (usually a bank or building society account or accounts) of an adult who is unable to manage his/her affairs where there is no continuing attorney, financial intervener or financial guardian to do so. An adult may be unable to manage their affairs due to a severe learning disability, illness or an accident.

HOW DOES IT WORK?

The adult must have an account(s) with a bank, building society or other financial institution in their sole name. Where funds are held or will be held and no suitable account(s) exist, the withdrawer must have authority from the Public Guardian to open an account in the sole name of the adult.

REQUESTING ACCOUNT INFORMATION

Where an adult is no longer able to manage his/her affairs, and an individual, individuals or an organisation wishes to make an application to access funds, the person considering making the application may have little or no knowledge as to the adult's finances.

By making an application to the Public Guardian, the proposed withdrawer can ask for authority to access information regarding the adult's finances. The Public Guardian can issue a certificate authorising a proposed withdrawer to approach fundholders with a view to identifying:

- what accounts they hold in the adult's sole name;
- where the account(s) is/are held;
- the account details;
- the type of account;
- how much is held in the account(s);
- and any other information needed to complete an access to funds application.

ABOUT THE CERTIFICATE OF AUTHORITY

When the Public Guardian has given authority to request account information a certificate of authority will be issued to the proposed withdrawer(s). The proposed withdrawer(s) need this in order to make arrangements with the fundholder.

A fundholder presented, by the proposed withdrawer, with such a certificate of authority issued by the Public Guardian is not prevented by any obligation as to confidentiality; or any other restriction on disclosure of information from providing the information as requested on the certificate to that person. A fundholder presented with such a certificate will require to satisfy itself that the person to whom it releases information requested is the person named in the certificate.

The fundholder should always ask to see the certificate. If necessary, the fundholder can take a copy of the certificate and ask for additional identification from the proposed withdrawer(s).

WHAT WILL THE CERTIFICATE LOOK LIKE?

The certificate bears a unique number and is authenticated with the Public Guardian's seal. The date of issue and expiry of a certificate is detailed in the document. The fundholder should carefully note the date of expiry as this is when authority normally ceases.

The fundholder should note that it may only provide information with regard to what is stated in the certificate.

[An example of the certificate is over the page](#)

