

ADULTS WITH INCAPACITY
(SCOTLAND) ACT 2000

Guidance Notes and Inventory Form



OFFICE OF THE PUBLIC GUARDIAN (SCOTLAND)



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1. Introduction



1.1 WHAT IS THE PURPOSE OF THE INVENTORY?

The inventory is designed to let the Public Guardian know exactly what financial and property interests belonging to the adult the financial guardian will be responsible for managing. The inventory should only include those items of the adult's estate over which the financial guardian has been given authority. In any case of doubt please contact the Office of the Public Guardian for assistance (OPG).

1.2 IS AN INVENTORY ALWAYS NECESSARY?

No. The Public Guardian may dispense with the need for the financial guardian to submit an inventory. This may be where the appointment of a financial guardian has been made for fairly limited purposes, e.g to pursue a damages claim on behalf of the adult or where the financial guardian provides written confirmation that the estate does not merit the need for an inventory. The financial guardian will be advised by letter in the event that an inventory is not required.

1.3 IS THERE A SPECIFIC FORM FOR THE INVENTORY?

Yes. The Public Guardian has devised a form for this purpose, a copy of which can be found enclosed with this guidance.

1.4 WHEN SHOULD THE INVENTORY BE SENT TO THE OPG?

The inventory should be submitted along with the draft management plan (if required) within three months of the registration of the appointment of the financial guardian with the Public Guardian. The Public Guardian will advise the financial guardian of this date by letter.

The inventory should only include those items of the adult's estate which the financial guardian has powers over.

1.5 WHAT SHOULD ACCOMPANY THE INVENTORY?

The Public Guardian requires documentation to support items contained within the inventory, e.g. bank books, share value certificates, etc and these should accompany the inventory. There is a single fee to cover the lodging of the inventory and management plan and this fee should be sent at the same time as lodging the inventory and management plan. The Public Guardian can waive this fee in certain circumstances. For more information, please contact the office.

1.6 WHAT HAPPENS WHEN THE INVENTORY IS LODGED?

The Public Guardian will examine the inventory and provided the information is accurate and properly supported it will be approved. Alternatively, it may be that the Public Guardian will ask for additional information. The Public Guardian will write to the financial guardian to advise the position.

1.7 ONCE APPROVED IS THE INVENTORY CAST IN STONE?

The inventory should be an accurate record of the adult's estate under the management of the financial guardian as at the date of appointment by the court. If additional estate is identified after the inventory has been approved, notification should be made to the Public Guardian within six months of the discovery, or at the next submission of accounts for audit whichever occurs sooner, in order that an appropriate note can be recorded on the inventory.

2. Details required in an Inventory



2.1 HERITABLE ASSETS

Heritable Assets are all buildings and land belonging to the adult over which you have been granted authority. The financial guardian must indicate if the adult wholly owns the property or has a half or other share. An estimate of

the value of all property owned by the adult should be provided. The financial guardian should also advise of any details of rental and/or occupancy arrangements.

2.2 MOVEABLE ASSETS

Moveable Assets are any assets or property belonging to the adult, over which you have been granted authority, and which is not heritable. The financial guardian must indicate if the adult wholly owns the property or has a half or other share. Moveable Assets can include:

- Cash, bank and building society accounts or money held in other organisations. A statement of the account or passbook disclosing the balance as at the date of your appointment by the court should be produced;
- Details of all stocks, shares and bonds held with value disclosed as at the date of your appointment by the court Confirmation of holding and value as at the date of your appointment by the court should be produced;
- Property such as furniture, electronic equipment, ornaments, paintings and jewellery should be included. A valuation should be provided for goods insured separately from house contents insurance, e.g. antiques, jewellery etc and such items should be itemised;
- Vehicles (including caravans);
- Business assets and interests with value disclosed as at the date of your appointment by the court;
- Surrender value of Life Assurance policies from which a cash return is expected

All of the information in the inventory must be as at the date of your appointment by the court. You should refer to the court interlocutor to identify the date.

This list is for guidance and is not exhaustive. The inventory will be dependent on the adult's estate placed under your control. For valuable items that the adult owns you should obtain some proof of ownership such as title deeds for property or registration document for a vehicle and keep this information for your own records.

2.3 ADULT'S INCOME

All forms of income and any third party authorised to receive them, including:

- Salaries/wages;
- Pensions;
- Benefits or allowances;
- Interest payments;
- Dividends;
- Rents; and
- Any other sources of income due to the adult

2.4 EXISTING DEBTS

All debts due by the adult, must be included in the inventory, e.g. Council Tax or money owed to third parties such as rent or residential care costs as at the date of your appointment by the court. Ongoing outlays should not be included.

2.5 ANY OTHER RELEVANT INFORMATION

Any other financial interest the adult may have such as:

- A beneficial interest in a trust;
- A life rent;
- Compensation payments due to the adult now or in the future;
- Court action for damages if amount not yet determined;
- Funds owed to the adult, etc.

The financial guardian should also ascertain any other person who has the power to intervene in the adult's affairs if it is very likely that there will be consultation with some or all of them at some phase of the guardianship, e.g.

- Trustees of a trust set up for the benefit of the adult;
- A holder of a joint account with the adult;
- Any appointee with authority to receive funds on behalf of the adult;
- Any person who has been informally managing the adult's affairs;
- If relevant to your appointment, business partners and co-directors;
- Welfare guardian or person authorised under an intervention order

YOU SHOULD ONLY FORWARD THE
INVENTORY FORM TO THE OPG.

PLEASE RETAIN THESE GUIDANCE
NOTES FOR YOUR OWN USE.

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The office of the Public Guardian (OPG) is open to the public from 9am to 5pm, Monday to Friday.

This leaflet is available free of charge in Braille, audiotape large print format, and various non-English languages by phoning the above telephone number. The OPG subscribes to Language Line and the RNID Typetalk service.

