

NB: Unofficial translation

Guardianship Services Act

(442/1999)

Chapter 1 — General provisions

Section 1

- (1) The objective of guardianship services is to look after the rights and interests of persons who cannot themselves take care of their financial affairs owing to incompetency, illness, absence or another reason.
- (2) If the interests of someone need to be looked after in a non-financial affair, this shall be a task for guardianship services in so far as provided below.

Section 2

For the purposes of this Act, an *incompetent* person is defined as a person under 18 years of age (*minor*) or a person who has attained the age of 18 years (*adult*) but who has been declared incompetent.

Section 3

- (1) The financial affairs of an incompetent person and his/her other affairs referred to in this Act shall be managed by a guardian.
- (2) A guardian may be appointed in accordance with this Act also to a person who is not incompetent, if the person needs support in managing his/her affairs. If the appointment of a guardian is not sufficient in order to safeguard the person's interests, his/her competency can be restricted as provided below.

Chapter 2 — **Guardians**

Eligibility

Section 4

- (1) The custodians of a minor shall also be his/her guardians, unless otherwise provided below. However, a court may dismiss a custodian from his/her task as guardian and, where necessary, appoint another person as the guardian of the minor.
- (2) An adult's guardian shall be the person who has been appointed to the task by a court or a guardianship authority.
- (3) A court or guardianship authority may appoint several guardians and, where necessary, decide on the division of task among them.

Section 5

A suitable person who consents to the appointment shall be eligible as a guardian. In the assessment of suitability, *inter alia* the skill and experience of the nominee and the nature and extent of the task shall be taken into account.

Section 6

- (1) An incompetent person shall not be eligible as a guardian.
- (2) If the custodian of a child is a minor at the birth of the child, the custodian shall become the guardian of the child upon attaining the age of 18 years.

Preconditions for the appointment of a guardian

Section 7

- (1) If a minor or a person whose competency has been restricted lacks a guardian owing to the death of his/her guardian or another reason, a court shall appoint a guardian for him/her.

- (2) Where necessary, a guardianship authority shall file a petition with a district court for the appointment of the guardian.

Section 8

- (1) If an adult, owing to illness, disturbed mental faculties, diminished health or another comparable reason, is incapable of looking after his/her interests or taking care of personal or financial affairs in need of management, a court may appoint a guardian for him/her. Where necessary, a guardianship authority shall file a petition with a district court for the appointment of the guardian.
- (2) The guardian may be appointed if the person whose interests need to be looked after does not object to the same. If he/she objects to the appointment of the guardian, the appointment may nonetheless be made if, taking his/her state and need for a guardian into account, there is no sufficient reason for the objection.
- (3) The task of the guardian may be restricted to cover only a given transaction, matter or property.

Section 9

A guardian may be appointed for a minor in accordance with section 8 as from the time when the minor attains the age of 17 years. In this event, the task of the guardian shall begin when the minor attains the age of 18 years.

Section 10

A court shall appoint a guardian, if:

- (1) a deceased person has left an inheritance, and the identity or whereabouts of the heir or beneficiary under a will is unknown, or the heir or beneficiary otherwise is not in a position to look after his/her interests;
- (2) it is otherwise necessary to look after the rights or manage the property of an absent person;

- (3) the ownership of given property depends on a future event, or the possession and ownership of given property reverts to someone only later, so that a guardian is needed to look after the rights of the future owner or manage the property on his/her behalf; or
- (4) it is stipulated in a deed of gift or a will that the property reverting to the beneficiary shall be managed by someone else than the guardian of the beneficiary, and the appointment of a guardian to manage the said property is in the best interests of the beneficiary.

Section 11

- (1) If the guardian is temporarily prevented from performing his/her task owing to illness, a reason referred to in section 32(2) or (3), or another reason, a court may appoint a substitute guardian.
- (2) The provisions in this Act on a guardian apply also to a substitute guardian.

Section 12

- (1) In addition to a court, also a guardianship authority may appoint a guardian:
 - (1) for a person whose competency has been restricted, if he/she has no guardian owing to the death of the guardian or another reason; and
 - (2) for a person who is in need of a guardian under section 8 or 9.
- (2) In cases referred to in paragraph (1), it shall be a prerequisite for the appointment of the guardian that the person whose interests are to be looked after understands the significance of the matter and that he/she requests that a named person be appointed as the guardian.
- (3) In addition, under the circumstances referred to in section 11, the guardianship authority may appoint a substitute guardian upon the request of the guardian.

Section 13

- (1) The petition for the appointment of a guardian in accordance with section 12 shall be filed with the guardianship authority which supervises the activities

of the guardian under section 46 or 47. If the guardianship authority holds that the petition cannot be allowed, it shall upon the request of the petitioner transfer the matter to a district court, except if the petition is obviously ill-founded.

- (2) The decision of a guardianship authority concerning a petition referred to in paragraph (1) shall not be subject to appeal. However, a decision allowing the petition shall be subject to appeal on the grounds that the petitioner did not understand the significance of the matter when filing the petition.

Status of the ward

Section 14

The appointment of a guardian shall not disqualify the ward from self administering his/her property or entering into transactions, unless otherwise provided elsewhere in the law.

Termination of the task of a guardian

Section 15

- (1) The appointment of a guardian shall be valid for the time being or for a period set in the appointment. If the guardian has been appointed for a given task, the appointment shall be valid until the task has been performed.
- (2) Where necessary, the task of a guardian or the period of validity of the appointment can be altered.

Section 16

- (1) A court shall dismiss a guardian from his/her task, if the guardian proves to be unfit or unsuitable, or if there is another specific reason for the dismissal.
- (2) The guardian shall be dismissed also if he/she so requests. However, a parent who is the guardian of his/her minor child can be dismissed on request only if there is a specific reason for the same.

Section 17

- (1) The task of a guardian shall be terminated when:
 - (1) the appointment of the guardian ceases to be valid, as provided in section 15;
 - (2) the ward dies;
 - (3) the guardian is dismissed from the task or declared to be incompetent;
or
 - (4) when the ward attains the age of 18 years, if the guardianship is based on the fact that the ward is a minor.
- (2) The task of a substitute guardian shall be terminated when, after the preventing circumstances cease to apply, the guardian and the substitute together notify the same to the guardianship authority referred to in section 46 or 47. If the guardian and the substitute do not agree on whether the task of the substitute is terminated, a district court shall rule on the matter upon a petition by either of them.
- (3) Upon a petition, a court shall terminate the task of a guardian when the ward no longer needs one.
- (4) If the guardian has been appointed on the basis of section 8 or 9, the guardianship authority shall on its own initiative, during the fourth calendar year after the appointment of the guardian, inquire as to the continued need for guardianship and, where necessary, file a petition with a district court for the termination of the task of the guardian. The inquiry shall be repeated every fourth calendar year.

Chapter 3 — **Restriction of competency**

Section 18

- (1) If an adult is unable to take care of his/her financial affairs and his/her property, livelihood or other important interests are thereby endangered, and

the appointment of a guardian is not alone sufficient to safeguard his/her interests, a court may restrict his/her competency by ordering that:

- (1) he/she may enter into given transactions or administer given property only in conjunction with the guardian;
 - (2) he/she is not competent to enter into given transactions or to administer given property; or
 - (3) he/she is declared incompetent.
- (2) No one shall be declared incompetent if the other options available under paragraph (1) are sufficient to safeguard his/her interests.
- (3) Also, the competency of a person shall not otherwise be restricted more than what is necessary for the safeguarding of the interests of that person. The restriction shall not be extended to transactions which an incompetent person is by law entitled to enter into. However, for important reasons, a court may restrict the competency of a person to decide on the proceeds of his/her own work earned after the order has been issued.

Section 19

The competency of a minor may be restricted, as provided in section 18, as from the time when the minor attains the age of 17 years. In this event, the restriction shall take effect when the minor attains the age of 18 years.

Section 20

When a court issues an order on the restriction of someone's competency, it shall at the same time, where necessary, appoint a guardian for that person.

Section 21

If a person has entered into a transaction which was beyond his/her competence owing to a restriction, the binding effect of the transaction, the restitution of performances and the compensation for the value of the performance or for loss shall be subject to the provisions in sections 26—28.

Section 22

- (1) A court order on the restriction of someone's competency shall be valid for the time being or for a period set in the order.
- (2) The restriction or its period of validity may be altered if changes in circumstances or other reasons so require. A restriction shall be lifted when it is no longer necessary.
- (3) The provisions in section 17(4) apply also where someone's competency has been restricted.

Chapter 4 — **Status of the incompetent person**

Section 23

- (1) An incompetent person cannot self administer his/her property or enter into contracts or other transactions, unless otherwise provided elsewhere in the law.
- (2) Unless otherwise provided elsewhere in the law, a person who has been declared incompetent may self decide on matters pertaining to his/her person, if he/she understands the significance of the matter.

Section 24

- (1) An incompetent person may enter into transactions which, in view of the circumstances, are usual and of little significance.
- (2) A gift or the promise of a gift of movable property given to an incompetent person without the co-operation of the guardian shall nonetheless be binding on the donor if the incompetent person has understood the significance of the matter.

Section 25

- (1) An incompetent person has the right to decide on the proceeds of his/her own work earned during the incompetency, as well as on property given to his/her administration by the guardian in accordance with section 38 of this

Act. In addition, the incompetent person may decide on the revenue arising from the property referred to above and on the property that has come as a substitute for the said property.

- (2) If the incompetent person exercises this right in a manner that is obviously contrary to his/her best interests or if there is an imminent danger of the same, the guardian may take the property referred to in paragraph (1) into his/her administration in so far as necessary in order to safeguard the interests of the incompetent person. If the measure is directed at the proceeds of the work of the incompetent person, the consent of the guardianship authorities shall be obtained for the same.

Section 26

- (1) A transaction beyond the competency of the incompetent person shall not be binding on him/her, unless the guardian has consented to the same.
- (2) A transaction entered into by an incompetent person shall become binding on him/her, if the guardian or, after the end of incompetency, the person himself/herself ratifies the same.
- (3) The provisions of the Code of Inheritance apply to the competency of an incompetent person to make a will.

Section 27

- (1) If an incompetent person has entered into a transaction without the required consent of the guardian, the counterparty shall have the right to renounce the transaction as long as it has not been ratified or appropriately performed.
- (2) However, if the counterparty knew that the other party was incompetent, he/she shall not have the right to renounce the transaction during the period agreed for the procurement of the consent or the reasonable time needed for the procurement of the consent. Nevertheless, the counterparty shall have the right to renounce the transaction in accordance with paragraph (1) if he/she had reason to believe that the incompetent person was competent to enter into the transaction regardless of the incompetency.

- (3) The renouncement shall be notified to the incompetent person or the guardian.

Section 28

- (1) If a transaction entered into by an incompetent person without the necessary consent does not become binding, both parties shall restore what they have received under the transaction or, if this is not possible, give compensation as to its value. However, the incompetent person's liability in compensation shall not exceed what has been used for his/her reasonable maintenance or which otherwise has come to his/her benefit.
- (2) If both parties to a transaction are incompetent and one party cannot restore what he/she has received under the transaction, that party shall give compensation as to a value that can be deemed reasonable for both parties. When assessing the quantum of the compensation, due consideration shall be given to the position of the parties when the transaction was made, the subsequent circumstances and any other relevant factors.
- (3) If an incompetent person has accomplished the transaction by a deliberate act which carries criminal liability, the compensation for the resulting loss shall be subject to the provisions of the Damages Act (412/1974) notwithstanding the provisions on criminal accountability or the provisions in paragraphs (1) and (2).

Chapter 5 — **Status and task of the guardian**

Representation

Section 29

- (1) The guardian shall be competent to represent the ward in transactions pertaining to the ward's property and financial affairs, unless the appointing court has otherwise ordered or unless it has been otherwise provided elsewhere in the law.

- (2) If the court has so ordered, the guardian shall be competent to represent the ward also in matters pertaining to his/her person, if the ward cannot understand the significance of the matter. However, the guardian shall not have such competence in matters subject to provisions to the contrary elsewhere in the law.
- (3) The guardian shall not be competent to give a consent to marriage or adoption on the behalf of the ward, nor to acknowledge paternity, consent to an acknowledgement of paternity, make or revoke a will or represent the ward in other matters of a comparably personal and individual nature.
- (4) Separate provisions apply to the competence of the guardian to exercise the ward's right to be heard before a court or another authority.

Section 30

- (1) If a ward has several guardians, they shall perform the task of guardian together, unless the court has decided on a division of the task among the guardians.
- (2) If a guardian cannot participate in a decision owing to a journey, illness or another reason, and a delay in the decision would be harmful, the consent of that guardian shall not be required. However, a decision on a matter of considerable significance to the ward may be made only by the guardians together, unless the best interests of the ward obviously require otherwise.
- (3) If the guardians cannot agree on a matter that they must decide together, and a delay in the decision would be harmful, a guardian may request a decision from the guardianship authority as to whose opinion is to prevail. The decision shall be requested from the guardianship authority which supervises the activities of the guardian under section 46 or 47.

Section 31

- (1) A receivable that belongs to property that is being managed by the guardian may be repaid only to the guardian or an account of the ward designated by the guardian. However, the repayment shall be effective even if made to the

ward, if the debtor did not know and, under the circumstances, could not be expected to know, that the repayment should have been made to the guardian.

- (2) If the ward has an account with a credit institution, the guardian shall notify the institution as to who has the right to withdraw funds from the account.

Section 32

- (1) The guardian shall not donate the property of the ward.
- (2) The guardian shall not represent the ward, if the counterparty is the guardian himself/herself, the spouse of the guardian or another person close to the guardian, or another person represented by the guardian. However, if siblings have the same guardian, he/she may represent all of them in the distribution of a decedent's estate, provided that the interests of the wards are not in conflict owing to claims made at the distribution or to other related circumstances.
- (3) The provision in paragraph (2) applies also in situations where the interests of the guardian and the ward may for another reason come to be in conflict.

Section 33

- (1) A guardian appointed for an absent person in accordance with section 10 shall not sell the property of the absent person before three years have elapsed since the last information pertaining to that person was received, unless the sale is necessary in order to repay a debt, settle the estate, prevent damage to the property or for another similar reason. A guardian appointed to look after the interests of a future owner in accordance with section 10 shall not sell the property that he/she is looking after, unless there is a reason for the same, as referred to above.
- (2) A guardian referred to in paragraph (1) may represent the heir or beneficiary under a will in a matter pertaining to service of notice of the will or contesting the will, but the guardian is not competent to interrupt the

limitation period pertaining to the right of the heir or beneficiary on their behalf.

- (3) Transactions entered into by a guardian appointed for an absent person or a future owner in accordance with the appointment shall be valid even if the property reverts to someone else than the person represented by the guardian.

Section 34

- (1) Unless otherwise provided elsewhere in the law, a guardian shall not be competent to do the following on the behalf of the ward, unless so permitted by the guardianship authority:
 - (1) convey or purchase real property or a leasehold over land and buildings "attached to it" which can be transferred to a third party without hearing the titleholder;
 - (2) hand property over as a lien or otherwise raise a lien on the property;
 - (3) lease out real property or other property referred to in subparagraph (1) for the use of a third person for longer than five years or for longer than one year after the ward becomes an adult;
 - (4) take out a loan, other than a student loan guaranteed by the state, or assume liability for a bill of exchange or the debt of another person;
 - (5) begin to pursue a business in the name of the ward;
 - (6) commit to the establishment of a general or limited partnership or to accession to such a partnership;
 - (7) renounce an inheritance or convey the share of the ward in a decedent's estate;
 - (8) enter into an agreement on the joint administration of a decedent's estate;
 - (9) enter into an agreement on the separation or distribution of assets that is to be carried out without a distributor, as referred to in chapter 23 of the Code of Inheritance;

- (10) convey or purchase shares or certificates which give the right to possess an apartment or a right of residence, as referred to in the Act on Rights of Residence (650/1990);
 - (11) convey, for an agreed term, an apartment possessed by virtue of a right referred to in subparagraph (10) for the use of another person for longer than five years or for longer than one year after the ward becomes an adult;
 - (12) sell logs or undertake logging for the purpose of sale, extract stone, gravel, sand, peat or soil from the lands of the ward for the purpose of sale, or convey a right of extraction, unless the same is based on a property management plan approved by the guardianship authority; nor
 - (13) purchase investment targets as referred to in section 2 of the Act on Investment Firms (579/1996), or shares in companies, with the exception of:
 - (a) bonds issued by the State, a municipality or a federation of municipalities;
 - (b) securities that are publicly traded, as referred to in chapter 1, section 3 of the Securities Markets Act;
 - (c) shares in mutual funds, where at least three fourths of the capital of the fund is invested in bonds and securities referred to in points (a) and (b);
 - (d) investment targets that correspond to those referred to in points (a)—(c), where so provided by Decree; and
 - (e) shares or certificates that mainly entitle the holder to receive normal domestic goods or services, if the share or certificate does not render the holder personally liable for the debts of the corporation.
- (2) The permit shall be requested from the guardianship authority which supervises the activities of the guardian under section 46 of 47. If the permit is being requested for a transaction to be entered into on the behalf of a

minor, the guardianship authority shall reserve a minor who has attained the age of 15 years an opportunity to be heard, if his/her opinion cannot be credibly ascertained from the documents. Otherwise, the provisions of the Administrative Procedure Act (582/1982) apply to such hearings.

- (3) If the guardian has been permitted to undertake an activity or measure referred to in paragraph (1)(5) or (6), he/she may enter into the transactions required by the nature of the business in question notwithstanding the provisions in paragraph (1).

Section 35

The guardianship authority may grant the permit referred to in section 34 if the pertinent transaction or measure is in the best interests of the ward. In this event, the provisions in sections 37—41 on the management of the property shall be taken into account.

Section 36

- (1) A transaction beyond the competence of the guardian shall not be binding on the ward.
- (2) A transaction entered into by the guardian without the required permit shall not be binding on the ward, unless the guardianship authority from whom the permit should have been requested grants a *post facto* permit on the request of the guardian. In this event, the provisions in section 27(2) apply, in so far as appropriate, to the right of the counterparty to renounce the transaction.
- (3) If a transaction entered into by the guardian is not binding by virtue of paragraph (1), the provisions of section 25 of the Contracts Act (228/1929) apply, in so far as appropriate, to the liability of the guardian in damages to the injured counterparty.

Property management

Section 37

- (1) The guardian shall manage the property of the ward in a manner allowing for the property and the revenue to be used for the benefit of the ward and for the satisfaction of his/her personal needs. In this task, the guardian shall take conscientious care of the rights of the ward and promote his/her interests.
- (2) The guardian shall assume the administration of the property of the ward in so far as necessary for the safeguarding of the ward's interests. Where necessary, the guardian has the right for executive assistance from the police, as provided in section 40 of the Police Act (493/1995). However, as regards property that the ward can decide on, such property shall not be taken into administration against the will of the ward.

Section 38

- (1) The property that the ward needs for personal use shall be left to him/her. A reasonable amount of money, in view of the needs and other circumstances of the ward, shall be left to the administration of the ward. The guardian may leave also other property to the administration of the ward, if this is in the best interests of the ward.
- (2) If the ward wishes to make a gift which, in view of the circumstances, is normal and of little financial significance, the guardian shall see to it that the wish of the ward can be fulfilled.

Section 39

- (1) The guardian shall retain the property that the ward needs during the guardianship or afterwards for accommodation or business, or that is otherwise of special value to the ward.
- (2) Other property, not to be used for the maintenance or other needs of the ward, shall be invested so that it is sufficiently safe and yields a reasonable return.

- (3) Upon the request of the ward, the guardian shall explain to him/her the financial situation and the property management measures that the guardian has taken.

Section 40

- (1) A guardianship authority may order that the guardian is to draw up a management plan for the management and use of the property, and to present it for approval to the guardianship authority, if this is to be deemed necessary in view of the nature and amount of the property and the other circumstances. The management plan shall be drawn up taking into account the provisions in sections 37—39 on the management of the property.
- (2) The management plan may be altered or supplemented, where necessary.

Section 41

- (1) If a person has given property to another by way of gift or testament, and at the same time issued instructions for the management of the property, said instructions shall apply notwithstanding the provisions in this chapter.
- (2) However, a court may decide, on the petition of the guardian, that the property is to be managed in accordance with the provisions in this Act, if it is evident that, owing to a change in circumstances or otherwise, the application of the instructions for the management of the property will not fulfil the purpose of the donor or testator.

Caring for the ward

Section 42

A guardian appointed for an adult shall see to it that the ward is provided with the treatment, care and therapy that are to be deemed appropriate in view of the ward's need of care and other circumstances, as well as the ward's wishes.

Hearing the ward

Section 43

- (1) Before the guardian makes a decision in a matter falling within his/her task, he/she shall inquire the opinion of the ward, if the matter is to be deemed important from the ward's point of view and if the hearing can be arranged without considerable inconvenience.
- (2) However, no hearing shall be necessary if the ward cannot understand the significance of the matter.
- (3) If the ward is a minor, also the opinion of his/her custodian shall be inquired, as provided in paragraph (1).

Fee and expenses of the guardian

Section 44

- (1) The parent of a minor and the custodian of a minor acting also as the guardian shall have the right to compensation for his/her necessary expenses from the assets of the minor.
- (2) The guardian of an adult and the guardian appointed for a minor, other than one referred to in paragraph (1), shall have the right to compensation for his/her necessary expenses from the assets of the ward, as well as to a fee that is reasonable in view of the nature and extent of the task and the assets of the ward.
- (3) The Ministry of Justice may issue more detailed guidelines on the basis for the determination of guardians' fees.

Liability

Section 45

- (1) The guardian shall be liable in damages for the loss that he/she has deliberately or negligently caused to the ward in the performance of his/her task.

- (2) The provisions in chapters 2 and 6 of the Damages Act apply to the adjustment of the liability and the division of liability among two or more liable persons. If a public guardian, as referred to in the Act on Public Guardianship Services (443/1999), has caused the loss, also the provisions in chapters 3 and 4 of the Damages Act apply to the liability.
- (3) The ward shall not be liable for loss caused by the guardian acting on the behalf of the ward.

Chapter 6 — **Supervision of the activities of the guardian**

Supervisory authority

Section 46

- (1) The guardianship authority shall supervise the activities of the guardian. The supervision shall be a task for the guardianship authority in whose district the ward resides, as provided in the Act on the Municipality of Residence (201/1994).
- (2) If the ward is not resident in Finland, the supervision shall be a task for the guardianship authority in whose district the ward usually stays.
- (3) If the guardianship concerns the right of an absent person or a future owner in a decedent's estate, the supervision shall be a task for the guardianship authority which, under paragraph (1), would have been competent to supervise the activities of a guardian appointed for the decedent. If the interests of someone else are to be looked after under section 10, the guardianship authority in whose district the need for guardianship is apparent shall be the competent authority.
- (4) If no supervising guardianship authority can be determined under paragraphs (1) and (2), the Registry Office of Helsinki shall supervise the activities of the guardian.

Section 47

- (1) If the guardianship has been entered into the register of guardianship matters, the supervising guardianship authority, notwithstanding the provisions in section 46, shall be that authority whose task the supervision was under section 46 at the time when the pertinent entry was made into the register.
- (2) The guardianship authority whose task the supervision is under paragraph (1) may assign the supervision to another guardianship authority, if the ward resides in the district of the latter authority or if the assignment is otherwise necessary for the supervision. Before the supervision is assigned, the guardian and the prospective assignee authority shall be heard.
- (3) A decision on the assignment of supervision shall not be subject to appeal.

Property inventory

Section 48

- (1) Within three months of the commencement of his/her duties, the guardian shall provide the guardianship authority with an inventory of the assets and liabilities of the ward that are to be managed by the guardian. The inventory shall indicate also the property that has been left to the administration of the ward under section 38(1). If the ward later acquires property that is to be managed by the guardian, an inventory of the acquired property shall be provided within one month of the acquisition. However, the duty to provide an inventory shall not apply to such recurring payments that derive to the ward on the basis of a right entered into the inventory.
- (2) When the ward becomes a shareholder in a decedent's estate, the guardian shall provide the guardianship authority with a copy of the estate inventory within one month of the inventory being compiled.
- (3) The provisions in paragraph (1) do not apply to the parent of a minor, acting as the guardian, if the minor has only little property. Upon a petition of the guardian, the guardianship authority may grant an extension to the deadline

set in paragraph (1), if this is necessary owing to the amount of the property or for other reasons.

Section 49

The guardian shall declare, in the inventory referred to in section 48, that the information provided therein is correct and that he/she has not deliberately omitted any information. A court may oblige the guardian to reaffirm the declaration under oath before the court, if the guardianship authority so requires.

Accountability

Section 50

- (1) A guardian charged with the management of property shall keep accounts of the assets and liabilities of the ward and of the transactions during the accounting period.
- (2) A guardian appointed to a task other than the management of property shall keep such notes that he/she can provide an account of the measures taken in the performance of his/her task.

Section 51

- (1) A guardian referred to in section 50(1) shall provide the guardianship authority with a statement of accounts every year (*annual statement*). The guardianship authority may decide that the accounting year is to be a year's period other than a calendar year, if this is appropriate in view of the management of the property, accounting or the auditing of the accounts.
- (2) The annual statement shall be given within three months of the end of the accounting year. If the guardianship has begun during the latter half of an accounting year, the guardianship authority may decide that the statement be given together with the annual statement for the following year.
- (3) If the guardian has not been able to give an annual statement in the time provided, owing to illness, the extent of the task or another comparable

reason, the guardianship authority may, upon request, grant an extension to the deadline.

- (4) The guardian shall not be required to give an annual statement for the guardianship of a minor which was not to be entered into the register of guardianship affairs.

Section 52

A guardian whose task is terminated or whose task has been restricted shall without delay provide the guardianship authority with a statement of accounts relating to the property no longer managed by the guardian, for the period that has not yet been accounted for (*final statement*). However, the guardian shall not be required to give a final statement for the guardianship of a minor which was not to be entered into the register of guardianship affairs.

Section 53

If it is evident, on the basis of the property inventory or an annual statement, that the ward has no property or that there is only little property in the management of the guardian, the guardianship authority may grant a temporary or standing release to the guardian from the duty to provide annual statements, or decide that the accounting period be longer than one year. However, no release or extension shall be granted if the ward has considerable liabilities and the guardian is to see to the service of the liabilities. The guardianship authority may alter a decision referred to above, if this is deemed necessary.

Section 54

- (1) When the annual statement or final statement is given, the pertinent, necessary receipts shall be appended thereto. After the audit, the receipts shall be returned to the guardian.
- (2) The guardian shall retain the receipts pertaining to the statement until the deadline for bringing an action has passed, as referred to in section 61(1), or,

if an action has been brought, until the matter has been decided by a final judgment. Thereafter, the ward, his/her heirs or the new guardian shall be entitled to get possession of the receipts.

Section 55

- (1) The annual statement and the final statement shall indicate the assets and liabilities of the ward in the beginning and at the end of the accounting period, the changes that have occurred during the accounting period, the significant transactions entered into on behalf of the ward, as well as the other corresponding measures that the guardian has taken in the management of the property. The information shall be presented in a form allowing for the guardianship authority to supervise the management of the property and the guardian's compliance with the management plan.
- (2) The statement shall indicate also the property that the guardian has given to the administration of the ward during the accounting period.
- (3) If the guardian is the ward's parent, spouse, child or other person close to the ward, the guardianship authority may decide that a generalised statement on the property in management or a part thereof can be given, if this is deemed sufficient in view of the nature of the property in management. In any event, the statement shall indicate the changes that have occurred during the accounting period.

Section 56

- (1) Upon receipt of the annual statement or final statement, the guardianship authority shall without delay audit the management of the property, the adequacy of the funds given to the use of the ward and the correctness of the statement.
- (2) Upon request, the guardian shall provide the guardianship authority with all necessary information pertaining to his/her task, receipts and documents, as well as present the securities in his/her management for inspection.

Coercive measures available to the guardianship authority

Section 57

- (1) If the guardian fails to provide an appropriate statement of accounts, inventory, receipt or other requested information, or fails to draw up a management plan that the guardianship authority has ordered to be drawn up, the guardianship authority may oblige the guardian to rectify the situation, reinforcing said order by the threat of a fine or a threat that the failure be rectified by someone else at the expense of the guardian.
- (2) When the guardianship authority decides that the threat of rectification by someone else be enforced, it may at the same time oblige the guardian to provide, under threat of a fine, the other person with the receipts and documents necessary for the performance of the task.
- (3) Otherwise, the provisions in the Act on Threats of a Fine (1113/1990) apply to the threat of a fine and the threat of rectification by someone else.

Safeguarding the interests of the ward

Section 58

If the safeguarding of the interests of the ward requires measures that the guardian has failed to take, the court may appoint another guardian to see to the measures on the petition of the guardianship authority, the ward himself/herself or another person referred to in section 72(1) and (2). Likewise, the court may appoint another guardian if there is reason to bring an action against the guardian before his/her task is terminated.

Measures at the termination of a guardian's task

Section 59

- (1) At the termination of his/her task, the guardian shall without delay hand over the property in his/her management to the ward, the new guardian or another person entitled to the same.

- (2) When the task of a guardian is terminated because of the death of the ward, and the property cannot without delay be surrendered to the joint administration of the shareholders in the ward's estate, the guardian may surrender the property to a shareholder who is capable of taking care of the estate, as provided in chapter 18, section 3, of the Code of Inheritance. The guardian shall notify the surrender of the property to all shareholders whose whereabouts and identity are known.

Section 60

- (1) When the task of the guardian is terminated and the guardianship authority has audited the final statement, it shall notify its remarks concerning the statement, and provide a copy of the statement, to the person who is entitled to take charge of the property. Upon request, that person has the right of access to the guardian's receipts pertaining to the annual statements and final statement.
- (2) The guardian may be obliged, under threat of a fine, to provide access to the receipts, as provided in section 57.

Section 61

- (1) An action for damages based on the activities of the guardian shall be brought within one year of the provision of the guardianship documents, in accordance with section 60, by the guardianship authority to the person entitled to the same. However, if the guardian is one referred to in section 50(2), the deadline for bringing the action shall be counted from the time when the guardian has given the accounts referred to in that provision to the person entitled to the same.
- (2) However, the deadline referred to above shall not apply if the action for damages is based on circumstances not appearing in the accounts.
- (3) If the guardian has caused loss to the ward by a criminal offence and the deadline for bringing a charge for the offence is longer than that provided in

paragraph (1), the action for damages may be brought within the deadline for bringing the charge.

Section 62

- (1) An action for damages based on circumstances appearing in the accounts shall not be brought if the person entitled to receive the accounts has, after receiving the documents referred to in section 60, notified in writing that he/she accepts the activities of the guardian or otherwise declared in writing that no damages are going to be sought.

Section 63

- (1) If the guardian is dead, the provisions in this chapter on a guardian apply, in so far as appropriate, to the shareholders and administrator of his estate and bankruptcy estate.
- (2) The person in charge of the administration of the decedent's estate shall without delay notify the death of the guardian to the guardianship authority and take care of the property of the ward for as long as it remains in the possession of the estate.
- (3) However, the provisions in paragraphs (1) and (2) do not apply if a public guardian has acted as the guardian.

Chapter 7 — **Registration of guardianship**

Section 64

- (1) The register of guardianship affairs is a nation-wide register controlled by the guardianship authorities and the Population Register Centre for the supervision of the activities of guardians and the safeguarding of third parties' rights. Identification data and contact information on the guardian and the ward may be entered into the register. In addition, the following information may be entered into the register: the restriction of a person's competency, the contents of said restriction, the task of the guardian and the basis for his/her appointment, the submission and auditing of a property

inventory, a statement and a management plan, a decision on a permit referred to in section 34 and the measures of a guardianship authority referred to in sections 57 and 60. Moreover, information useful in view of the purpose of the register, other than personal data, may also be entered into the register.

- (2) A guardianship authority shall be responsible for the updating of the data in the register as regards the activities of the guardians supervised by that authority. The guardianship authority shall decide on the granting of access to the register. A demand for the rectification of information in the register shall be made to the guardianship authority supervising the activities of the guardian in question.
- (3) The Population Register Centre shall be responsible for the general functionality of the register of guardianship affairs and the consistency of the register operations.
- (4) The personal and other data necessary for the maintenance of the register of guardianship affairs, as well as the changes to said data, may be transferred thereto from the population register.

Section 65

- (1) A guardianship or a restriction of competency shall be entered into the register of guardianship affairs, where:
 - (1) a guardian is appointed for an adult;
 - (2) the competency of an adult is restricted;
 - (3) a person other than the parent of a minor is appointed as the guardian of the minor;
 - (4) a guardian is appointed for a minor in accordance with section 9 or the competency of a minor is restricted in accordance with section 19;
 - (5) a guardian is appointed for an absent person or a future owner.

- (2) However, the guardianship shall not be entered into the register of guardianship affairs if the task of the guardian does not involve the management of property or attending to a share in an undivided estate.
- (3) When a court issues an order which entails the entry of the guardianship into the register of guardianship affairs, it shall notify the same to the guardianship authority supervising the guardian in question.

Section 66

- (1) The guardianship shall be entered into the register of guardianship affairs also when the guardianship authority becomes aware of the following:
 - (1) a minor is a shareholder in a decedent's estate and his/her share of the assets of the estate is not insignificant; or
 - (2) a minor has property in the management of a guardian, and the amount of the property is not insignificant.
- (2) The guardianship referred to in paragraph (1) shall be entered into the register of guardianship affairs even if amount of the property or the assets in the share is insignificant, if there is a specific reason for the same.
- (3) Provisions may be issued by a Decree on when the amount of assets is to be deemed insignificant.

Section 67

- (1) Unless otherwise provided in section 68, everyone shall have access to the register of guardianship affairs in order to find out whether a given person is subject to guardianship, who is the guardian of a given person, what is the task of the guardian and whether, and how, the competency of the person has been restricted. However, a personal identification number may be disclosed only to a person who needs it in order to enforce his/her rights or interests or to perform his/her duties.
- (2) Everyone shall have access to the information on himself/herself in the register of guardianship affairs, as specifically provided elsewhere.

- (3) A guardian shall have access to the entries in the register that pertain to his/her guardianship task or his/her ward.
- (4) A state and municipal authority and the Social Insurance Institution shall have access to the information in the register of guardianship affairs that they need for the performance of their task.

Section 68

- (1) The information entered into the register of guardianship affairs shall be retained for a period of ten years after the guardianship has been terminated.
- (2) After the guardianship has been terminated, access to the register of guardianship affairs shall be granted on the basis of section 67(1) only to such persons that need it in order to enforce his/her rights or interests or to perform his/her duties.

Chapter 8 — **Procedural provisions**

Section 69

A matter pertaining to the appointment of a guardian or the restriction of someone's competency shall be brought before a district court by way of a petition.

Section 70

- (1) Unless otherwise provided below, a matter pertaining to the appointment of a guardian or the restriction of someone's competency shall be brought before the district court in whose district the prospective ward resides or, if the prospective ward is not resident in Finland, in whose district he/she usually stays.
- (2) A matter pertaining to the appointment of a guardian to look after the interests of an absent person in a decedent's estate shall be brought before the district court which is competent in matters pertaining to the estate. If a guardian is to be appointed otherwise by virtue of section 10, the matter shall

be brought before the district court in whose district the absent person has property or in whose district the need for guardianship is otherwise apparent.

- (3) If no district court in Finland can otherwise be deemed competent to deal with the matter, the matter may be brought before the District Court of Helsinki.

Section 71

If the appointment of a guardian is sought for a trial, the matter may be brought also before the district court in which the trial is or will be pending.

Section 72

- (1) A petition for the appointment of a guardian or the restriction of someone's competency may be filed by a guardianship authority, the person whose interest is to be looked after, as well as the guardian, parent, spouse, child or other person close to him/her.
- (2) A matter pertaining to the appointment of a guardian for a minor may be brought also by the custodian of the minor and a body referred to in section 6 of the Social Welfare Act (710/1982).
- (3) If a guardian is needed to look after the interests of an absent person or a future owner in a decedent's estate, the administrator, other caretaker, distributor or shareholder in the estate shall file a petition with the district court for the appointment of the guardian. The administrator or distributor of the estate may also otherwise file the petition if the appointment of the guardian is necessary for the distribution of matrimonial assets or a decedent's estate. If the affairs of the absent person otherwise need looking after, the petition may be filed, in addition to the persons referred to in paragraph (1), by a person whose right or interest is affected by the matter.

Section 73

- (1) In a matter pertaining to the appointment of a guardian to a minor, the custodian of the minor, and a minor who has attained the age of fifteen years, shall be reserved an opportunity to be heard.

- (2) In a matter pertaining to the appointment of a guardian to an adult, the person whose interests need looking after and, unless it under the circumstances is manifestly unnecessary, his/her spouse shall be reserved an opportunity to be heard.
- (3) However, no opportunity to be heard need be reserved, if the summons to the hearing would have to be delivered by way of a public announcement referred to in chapter 11, section 9 of the Code of Judicial Procedure.

Section 74

- (1) In a matter pertaining to the restriction of someone's competency, the court shall hear, in person, the person whose interest needs looking after. However, the matter can be decided without hearing the person if the petition is at once rejected as ill-founded or if the hearing is impossible because of the condition of the person to be heard, or causes undue inconvenience to that person.
- (2) If the person to be heard cannot appear in court without considerable inconvenience, or if there is another special reason for the same, the hearing can be arranged outside the main hearing of the court.

Section 75

- (1) The guardianship authority shall be reserved an opportunity to be heard in a matter pertaining to the appointment of a guardian or the restriction of someone's competency, if the position of the authority does not appear in the petition documents.
- (2) However, the hearing of the guardianship authority can be waived in a matter pertaining to the appointment of a guardian, if the hearing is not necessary for a decision in the matter.

Section 76

If, in a matter pertaining to the appointment of a guardian or the restriction of someone's competency, there is the need to hear, in person, a person with the right to be heard under section 72, the provisions in chapter 12 of the

Code of Judicial Procedure on the obligation of a party to a civil matter to appear in court in person apply to that person.

Section 77

In a matter pertaining to the appointment of a guardian, the court may entrust the guardian with task not included in the petition and, in a matter pertaining to the restriction of someone's competency, restrict said competency more or otherwise in derogation of the petition, if the same is to be deemed necessary, under section 8 or 18, for the safeguarding of the interests of the ward.

Section 78

In a matter pertaining to the appointment of a guardian or the restriction of someone's competency, the court shall on its own initiative procure all necessary information for a decision in the matter.

Section 79

- (1) In a matter pertaining to the appointment of a guardian or the restriction of someone's competency, the court may issue an interim order. The interim order may be issued without hearing the person whose interests need looking after, if the matter does not admit of delay. The interim order shall be in effect until the court issues an order in the matter, unless it is revoked or altered before that time.
- (2) An interim order shall not be subject to appeal.

Section 80

Everyone who has the right to bring the matter before a court under section 72 shall have standing to appeal against a court order on the appointment of a guardian or the restriction of someone's competency.

Section 81

- (1) In so far as appropriate, the provisions in sections 69—80 apply also to matters pertaining to the dismissal of a guardian or the alteration of a guardian's task, as well as to matters pertaining to the revocation or alteration of the restriction of someone's competency.
- (2) When a matter referred to in paragraph (1) is being considered in court, the guardian shall be reserved an opportunity to be heard. However, no opportunity to be heard need be reserved, if the summons to the hearing would have to be delivered by way of a public announcement referred to in chapter 11, section 9 of the Code of Judicial Procedure.

Section 82

In matters referred to in this chapter, the court may on its own initiative appoint a counsel or guardian for trial for the person whose guardianship is involved, if this is necessary in view of the legal safeguards due to that person.

Section 83

- (1) The order of a district court on the appointment of a guardian or the restriction of someone's competency shall be complied with even if it has not yet become final.
- (2) The order of a court of appeal on a matter referred to in this chapter shall be complied with even if it has not yet become final, unless the court of appeal has otherwise ruled in the order.
- (3) If the court of appeal or the Supreme Court returns the matter to the lower court for reconsideration, it may order that the appointment of the guardian or the restriction of competency remains in effect until the said lower court has decided the case or issued an interim order.

Chapter 9 — **Administration of guardianship services and appeals against the decisions of guardianship authorities**

Administrative provisions

Section 84

- (1) The material rules of guardianship services and the development thereof shall be in the purview of the Ministry of Justice. The administrative guidance and development of the guardianship authorities shall be in the purview of the Ministry of the Interior.
- (2) The registry offices shall function as guardianship authorities.
- (3) In the Åland Islands, the Government of Åland shall function as the guardianship authority.

Section 85

- (1) A matter pertaining to the appointment of a guardian or a permit or obligation referred to in this Act shall be decided in the guardianship authority presentation on the basis of a reasoned draft decision. Other matters shall be decided in the guardianship authority in accordance with the specific provisions on decision-making in matters within the competence of the registry offices.
- (2) Unless otherwise provided by this Act, the Administrative Procedure Act applies to the consideration of a matter and the disqualification of officials.
- (3) The services of the guardianship authorities shall be subject to a charge, as provided in the Act on the Charge Criteria of the State (150/1992).

Section 86

Where a guardianship authority has been petitioned to appoint a guardian on the basis of section 12(1), the authority shall hear, in person, that person whose interests need looking after. The guardianship authority may require that the petitioner supply it with a medical statement on the matters that are of consequence for a decision in the matter.

Appeal against the decision of a guardianship authority

Section 87

- (1) The decisions of a guardianship authority shall be subject to appeal in an administrative court, as provided in the Act on Administrative Judicial Procedure (586/1996).
- (2) The decisions of a guardianship authority on the resolution of a dispute between guardians, under section 30(3), the extension of a time limit referred to in section 48(3) or the time of filing a statement, as referred to in section 53(1)—(3), shall not be subject to appeal.

Chapter 10 — **Miscellaneous provisions**

Section 88

A person under guardianship shall have access to the information on himself/herself in the documents of the guardianship authority, as specifically provided elsewhere. After the death of the person under guardianship, the heirs shall have the same access to information that could have been granted to the person himself/herself.

Section 89

- (1) In matters pertaining to his/her task, the guardian shall have the same access to information that the ward would have, unless specifically otherwise provided.
- (2) In the absence of the consent of the ward, the guardian shall only be entitled to open such letters or comparable closed messages addressed to the ward that can on the basis of the sender's name or other specific circumstances be expected to pertain to a matter that is to be taken care of by the guardian.

Section 90

- (1) Notwithstanding any provisions on secrecy, a state authority, a municipal authority, another public corporation, the Social Insurance Institution, a

pension fund, another pensions institute, an insurance company, a bank, another financial company, an operative unit of the social welfare or health services, a health care professional and a private provider of social welfare services shall grant to a guardianship authority and a court access to the information and accounts that are necessary for a decision in a pending matter.

- (2) A guardianship authority or a court may request a statement from a municipal social welfare or health authority, if it is necessary to obtain information on the circumstances of the person in question in a matter referred to in this Act. The request shall be addressed to the social welfare or health authority of the municipality of residence of the person or, if the person is not resident in Finland, of the municipality where he/she normally stays.
- (3) If the provision of information or a statement other than that referred to in paragraph (2) causes considerable costs or significant extra work to the person obliged to provide it, a reasonable fee may be levied for the provision of the information.

Section 91

A person who has become aware of someone being in need of guardianship, may notify the same to the guardianship authority regardless of any duty of confidentiality. The notification shall be made to the guardianship authority in whose district the person concerned resides or, if the person is not resident in Finland, to the guardianship authority in whose district he/she normally stays. Upon receipt of the notification, the guardianship authority shall take measures to determine the need of guardianship and, where necessary, file a petition with the district court for the appointment of a guardian.

Section 92

- (1) A person in the service of the state, the municipality or a provider of guardianship services, a public representative, a guardian and an expert

providing guardianship advice shall not without the consent of the person concerned disclose matters that they have learned in the course of their guardianship duties, if the matter is to be kept secret in order to protect the financial interests or privacy of an individual.

- (2) The duty of confidentiality provided in paragraph (1) shall not restrict the other duties of confidentiality imposed by law on public servants.
- (3) The provisions in paragraphs (1) and (2) shall not prevent the disclosure of the matter:
 - (1) to state or municipal authorities or other persons for the performance of task under this Act;
 - (2) to prosecutors or the police for the investigation of crime;
 - (3) to a court, if necessary in a matter under this Act, or
 - (4) to a person entitled by law to the same.

Section 93

The penalty for a breach of the duty of confidentiality is provided in chapter 38, section 1 or 2, of the Penal Code, unless the act is punishable under chapter 40, section 5 of the Penal Code or more severely punishable elsewhere in the law.

Section 94

- (1) A person who refuses to provide information that he/she should provide under section 90 shall be sentenced for a *breach of the duty to provide information under the Guardianship Services Act* to a fine.
- (2) The public prosecutor shall not bring charges for an act referred to in paragraph (1) unless the guardianship authority has reported it for prosecution.

Section 95

More detailed provisions on the implementation of this Act shall be issued by Decree.

Chapter 11 — **Entry into force and transitional provisions**Section 96 — *Entry into force and repeal of provisions*

- (1) This Act shall enter into force on 1 December 1999.
- (2) This Act repeals the Act on Guardianship of 19 August 1898 (34/1898), as later amended.

Section 97 — *Consideration of pending matters*

- (1) Matters that are pending in a municipal guardianship board at the entry into force of this Act shall be transferred to the guardianship authority in whose district the municipality is located.
- (2) A court shall deal with cases pending in the court at the entry into force of this Act, even if the case would not under this Act be a matter for the courts.

Section 98 — *Application of the Act*

This Act shall apply to matters deriving from before its entry into force as follows:

- (1) *Incompetent persons.* Persons who are incompetent at the entry into force of this Act shall be subject to the provisions of this Act on incompetent persons. As regards persons declared under guardianship and supervised by a guardianship authority, the authority shall without delay determine whether the incompetency should continue and, where necessary, file a petition for the arrangement of the guardianship in accordance with this Act.
- (2) *Guardians and trustees.* Guardians and trustees appointed under the Act on Guardianship shall after the entry into force of this Act be subject to the provisions of this Act on guardians.

- (3) *Certain pending matters.* If a matter concerning the declaration of a person incompetent, on the appointment of a guardian or a trustee, or the release of the same is pending in a court at the entry into force of this Act, the matter shall be considered as a petition for the restriction of competency, the appointment of a guardian or the dismissal of a guardian, respectively. If a matter concerning the declaration of a person incompetent is pending on appeal in the Supreme Court or a court of appeal, it shall be returned to the lower court for reconsideration, unless the appeal is at once ruled inadmissible. When a court orders that the matter be returned, it may at the same time order that the decision on declaring a person incompetent shall remain in effect until the lower court has made its decision.

Section 99 — *Application of the previous Act*

The Act in force at the entry into force of this Act (*previous Act*) applies after the said entry into force as follows:

- (1) *Pending applications for a permit.* If an application is pending at the entry into force of this Act for the consent of a guardianship board or a court for a transaction already completed or to be completed later, the provisions of the previous Act apply to the application. However, the application shall lapse if no consent of the guardianship authority for the transaction is necessary under this Act.
- (2) *Validity of transactions.* The provisions of the previous Act apply to the assessment of the validity of a transaction entered into by a guardian or a trustee before the entry into force of this Act.
- (3) *Filing of accounts.* An account of guardianship covering the financial year 1999 or an earlier financial year shall after the entry into force of this Act be filed with the guardianship authority. However, the account and the filing thereof shall otherwise be governed by the provisions of the previous Act. If, under section 51(1) of the Act on Guardianship, the court has extended the financial period to over one year, the extension

shall remain in force regardless of the entry into force of this Act, unless the guardianship authority orders otherwise.

- (4) *Terminated guardianships.* If the task of a guardian or a trustee has been terminated before the entry into force of this Act, the previous Act applies thereto.

Section 100 — *References to the previous Act*

If an Act or a Decree contains a reference to the previous Act, the reference provision applies after the entry into force of this Act as follows:

- (1) *Provisions on guardians and trustees.* A provision on a guardian or a trustee appointed under the Act on Guardianship applies also to a guardian, unless otherwise provided in section 50(3) of the Act on Child Custody and Right of Access (361/1983).
- (2) *Legal effects of the measures of guardians and trustees.* A provision in an Act or a Decree on the legal effects of a measure or omission by a guardian or a trustee appointed under the Act on Guardianship applies also to a guardian.
- (3) *Provisions on persons declared under guardianship.* A provision applying on a person declared under guardianship applies also to a person who has been declared incompetent.
- (4) *Provisions on incompetent persons and persons under guardianship.* A provision in an Act or a Decree on an incompetent person or a person under guardianship applies also to incompetent persons as referred to in this Act.
- (5) *Provisions requiring full competency.* If, in an Act or a Decree, the obtainment of a permit, the performance of a task, the pursuit of an activity or the carrying out of a measure is dependent on the person being fully competent and in charge of his/her person and property, a restriction of the person's competency under section 18(1)(1) or (2) shall nonetheless allow the same, unless otherwise follows from the contents of the restriction.

- (6) *Provisions on the guardianship board.* A provision in an Act or a Decree on the guardianship board applies, in so far as appropriate, to the guardianship authority.
- (7) *Other references to the Act on Guardianship.* If an Act or a Decree otherwise contains a reference to a provision superseded by the provisions of this Act, the provision of this Act applies, in so far as appropriate, to the same.

Section 101 — *Transfer of information in the guardianship ledger*

A registry office shall before the entry into force of this Act transfer into the register of guardianship affairs all information on the guardianships and trusteeships that have been entered into the guardianship ledger and that are to be supervised by the registry office after the entry into force of this Act. The district court where the guardianship ledger is kept shall supply the necessary information to the registry office and make sure that the information supplied is correct.

Section 102 — *Transfer of the documents of the guardianship boards*

The documents of the guardianship boards on guardianships and trusteeships that are necessary for the guardianship authority for the performance of task referred to in chapter 6 of this Act shall be handed over to the guardianship authority in whose jurisdiction the municipality is located. The municipality shall see to the delivery of the documents.

Section 103 — *Authorisation for implementing measures*

Measures necessary for the implementation of this Act may be taken before it enters into force.