

These notes relate to the Adult Support and Protection (Scotland) Act 2007 (asp 10) which received Royal Assent on 21 March 2007

ADULT SUPPORT AND PROTECTION (SCOTLAND) ACT 2007

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Schedule 1 – Minor and consequential amendments

Paragraph 4

187. Subparagraph (a) amends the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”) to provide that a guardianship order cannot be made under the 1995 Act if there is an existing guardianship order made under the 2000 Act which makes the same provision as that applied for. Subparagraph (b)(i) clarifies that section 58(7) of the 1995 Act applies only to guardianship orders made under section 58. Subparagraph (b) (ii) removes the limited application of the provision to offenders. Subparagraph (c) is consequential on the repeal of section 58(1) of the 1995 Act in the Mental Health (Care and Treatment) (Scotland) Act 2003.