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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 136 (C. 8)**

**ADULTS WITH INCAPACITY**

**The Adults with Incapacity (Scotland) Act  
2000 (Commencement No. 3) Order 2003**

*Made - - - - 5th March 2003*

The Scottish Ministers, in exercise of the powers conferred by section 89(2) of the Adults with Incapacity (Scotland) Act 2000<sup>(1)</sup> and all other powers enabling them in that behalf, hereby make the following Order:

**Citation**

1. This Order may be cited as the Adults with Incapacity (Scotland) Act 2000 (Commencement No. 3) Order 2003.

**Commencement**

2.—(1) Sections 37(2) and (9), 39(3) and 41(d) of the Adults with Incapacity (Scotland) Act 2000 shall come into force on 6th March 2003 but only for the purpose of making regulations to come into force on 1st April 2003.

(2) The following provisions of the Adults with Incapacity (Scotland) Act 2000 shall come into force on 1st April 2003:—

- (a) Part 4 (Management of Residents' Finances) insofar as not already in force;
- (b) Schedule 1 (Managers of an Establishment);
- (c) Section 88(1) and schedule 4 but only for the purpose of bringing paragraph 5 of that schedule into force;
- (d) Section 88(2) and schedule 5 (minor and consequential amendments) but only for the purpose of bringing paragraph 17(23) of that schedule into force; and
- (e) Section 88(3) and schedule 6 (repeals) but only for the purpose of bringing into force the repeal in section 5(2) and of section 94 of the Mental Health (Scotland) Act 1984<sup>(2)</sup>.

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(1) 2000 asp 4.  
(2) 1984 c. 36.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House, Edinburgh  
5th March 2003

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

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

This Order appoints 6th March 2003 as the date for the coming into force of sections 37(2) and (9), 39(3) and 41(d) of the Adults with Incapacity (Scotland) Act 2000, but only for the purposes of making Regulations. They will come fully into force on 1st April 2003.

This Order further appoints 1st April 2003 as the date for the coming into force of Part 4, schedule 1 and parts of schedules 4, 5 and 6.

The provisions of the Act remaining to be commenced after this Order are certain provisions from schedules 3 to 6.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Act have been, or will be, brought into force by the Adults with Incapacity (Scotland) Act 2000 (Commencement No. 1) Order 2001 (S.S.I.2001/81), as amended by the Adults with Incapacity (Scotland) Act 2000 (Commencement No. 1) (Amendment) Order 2002 (S.S.I. 2002/172) and the Adults with Incapacity (Scotland) Act 2000 (Commencement No. 2) Order 2002 (S.S.I. 2002/189).

<i>Provision</i>	<i>Date of commencement</i>
Sections 6, 9, 10, 12, 24, 81, 82, 85, 88 and Schedules 3, 4, 5 and 6 (all partially only); and sections 1 to 5, 7, 8, 11, 13 to 23, 25 to 34, 83, 86 and 87	2.4.2001
Sections 6, 9, 10, 12 and 24 (for the purposes for which they are not already in force), sections 53 to 80, 81 (partially), 82 (partially), 84, 88 (partially), Schedule 2 and Schedules 4, 5 and 6 (all partially only)	1.4.2002
Sections 47, 48, 49, 50, 51 and 52	1.7.2002