

**2004 No. 367 (C.23)**

**MENTAL HEALTH**

**The Mental Health (Care and Treatment) (Scotland) Act 2003  
(Commencement No. 3) Order 2004**

*Made* - - - -

*31st August 2004*

The Scottish Ministers, in exercise of the powers conferred by section 333(3) and (4) of the Mental Health (Care and Treatment) (Scotland) Act 2003<sup>(a)</sup>, hereby make the following Order:

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Mental Health (Care and Treatment) (Scotland) Act 2003 (Commencement No. 3) Order 2004.

(2) In this Order, “the Act” means the Mental Health (Care and Treatment) (Scotland) Act 2003.

**Appointed days**

**2.** The provisions of the Act specified in column 1 of Schedule 1 to this Order shall, in so far as not then in force, come into force on 1st September 2004, but, where a particular purpose is specified in relation to any provision in column 2 of that Schedule, that provision shall come into force on that day only for that purpose.

**3.** The provisions of the Act specified in Schedule 2 to this Order shall, in so far as not then in force, come into force on 4th October 2004.

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

St Andrew’s House,  
Edinburgh  
31st August 2004

## SCHEDULE 1

Article 2

### PROVISIONS OF THE ACT COMING INTO FORCE ON 1st SEPTEMBER 2004

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Purpose</i>
Section 250	Only for the purpose of enabling regulations to be made.
Section 253	Only for the purpose of enabling regulations to be made.
Section 258	
Section 275	Only for the purpose of enabling regulations to be made.
Schedule 2, paragraph 1(1)	

SCHEDULE 2

Article 3

PROVISIONS OF THE ACT COMING INTO FORCE ON  
4th OCTOBER 2004

Sections 250, 253 and 275

## EXPLANATORY NOTE

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

This Order appoints dates for the coming into force of certain provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 (“the Act”). The Act received Royal Assent on 25th April 2003.

Article 2 appoints 1st September 2004 as the day for the coming into force of the provisions of the Act specified in Schedule 1 to this Order. These are section 250 (nomination of named person) for the purpose of enabling regulations to be made which prescribe the class of persons who are able to witness the making and revocation of a nomination of a named person and certify certain matters in accordance with that section; section 253 (declaration in relation to named person) for the purpose of enabling regulations to be made which prescribe the class of persons who are able to witness the making and revocation of a declaration in relation to a named person and certify certain matters in accordance with that section; section 258 (interpretation) which contains a definition of “person”; section 275 (advance statements: making and withdrawal) for the purpose of enabling regulations to be made which prescribe the class of persons who are able to witness the making and withdrawal of an advance statement and certify certain matters in accordance with that section; and schedule 2, paragraph 1(1), so far as not already in force, which gives power to the Scottish Ministers to appoint members to the Mental Health Tribunal for Scotland.

Article 3 appoints 4th October 2004 as the day for the coming into force of the provisions of the Act specified in Schedule 2 to this Order. Sections 250, 253 and 275 so far as not already commenced by Schedule 1 to this Order are commenced.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Act have been brought into force by Commencement Order made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 4(3) (partially)	1st July 2003	2003/316
Section 21(1) and (3)	3rd May 2004	2004/153
Section 21(4) (partially)	26th March 2004	2004/153
Section 21(4) (partially)	3rd May 2004	2004/153
Section 274	26th March 2004	2004/153
Section 329	26th March 2004	2004/153
Schedule 1, paragraph 10	1st July 2003	2003/316
Schedule 2, paragraph 1(1) (partially)	26th March 2004	2004/153
Schedule 2, paragraph 1(2)	3rd May 2004	2004/153
Schedule 2, paragraph 1(2)(c) (partially)	26th March 2004	2004/153
Schedule 2, paragraph 3(3) (partially)	26th March 2004	2004/153
Schedule 2, paragraphs 3 to 13, 15 and 16	3rd May 2004	2004/153

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