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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 314 (C. 28)**

**MENTAL HEALTH  
ADULT SUPPORT**

**The Adult Support and Protection (Scotland) Act 2007  
(Commencement No. 3 and Related Amendments) Order 2008**

*Made - - - - 16th September 2008*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 79(3) of the Adult Support and Protection (Scotland) Act 2007(1).

**Citation**

1. This Order may be cited as the Adult Support and Protection (Scotland) Act 2007 (Commencement No. 3 and Related Amendments) Order 2008.

**Commencement**

2. The Adult Support and Protection (Scotland) Act 2007, in so far as it is not already in force, with the exception of section 66 (Application of Social Work (Scotland) Act 1968(2): persons outwith Scotland), shall come into force on 29th October 2008.

**Amendment of the Adult Support and Protection (Scotland) Act 2007 (Commencement No. 2 and Transitional Provisions) Order 2008**

3. In article 2(2) of the Adult Support and Protection (Scotland) Act 2007 (Commencement No. 2 and Transitional Provisions) Order 2008(3) for “1st October 2008” substitute “3rd November 2008”.

St Andrew's House,  
Edinburgh  
16th September 2008

*S ROBISON*  
Authorised to sign by the Scottish Ministers

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(1) 2007 asp 10.  
(2) 1968 c. 49.  
(3) S.S.I. 2008/49.

**Status:** This is the original version (as it was originally made).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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## EXPLANATORY NOTE

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

This Order brings into force the remainder of the Adult Support and Protection (Scotland) Act 2007 (“the 2007 Act”), with the exception of section 66, on 29th October 2008.

Article 3 amends the Adult Support and Protection (Scotland) Act 2007 (Commencement No. 2 and Transitional Provisions) Order 2008. The effect of the amendment is that section 74 and section 77(2) of, and schedule 2 to the 2007 Act, (insofar as the two latter relate to section 146 of the Mental Health Act 1983 (c. 20) (“the 1983 Act”)) come into force on 3rd November 2008. The effect of these provisions coming into force is the repeal of sections 88 and the partial repeal of section 146 of the 1983 Act.

## 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 earlier commencement orders.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 48	5th October 2007	<a href="#">S.S.I. 2007/334</a>
Section 52	5th October 2007	<a href="#">S.S.I. 2007/334</a>
Section 53	5th October 2007	<a href="#">S.S.I. 2007/334</a>
Section 54	5th October 2007	<a href="#">S.S.I. 2007/334</a>
Section 55	5th October 2007	<a href="#">S.S.I. 2007/334</a>
Section 56	5th October 2007	<a href="#">S.S.I. 2007/334</a>
Section 57(1)(a), (1)(b)(i), (1)(c), (1)(d), (2)(a), (2)(b)(i), (2)(c), (2)(d), (4), (5), (6), (8) and (9)	5th October 2007	<a href="#">S.S.I. 2007/334</a>
Section 57(1)(b)(ii) and (iii), (2)(b)(ii) and (iii), (3) and (7)	1st April 2008	<a href="#">S.S.I. 2008/49</a>
Section 58	1st April 2008	<a href="#">S.S.I. 2008/49</a>
Section 59(1)	1st April 2008	<a href="#">S.S.I. 2008/49</a>
Section 59(2) and (3)	5th October 2007	<a href="#">S.S.I. 2007/334</a>
Section 60(1) to (6), (9), (11) to (14) and (16)	1st April 2008	<a href="#">S.S.I. 2008/49</a>
Section 60(7), (8), (10), (15) and (17)	5th October 2007	<a href="#">S.S.I. 2007/334</a>
Section 61	5th October 2007	<a href="#">S.S.I. 2007/334</a>
Section 62	5th October 2007	<a href="#">S.S.I. 2007/334</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 63	5th October 2007	S.S.I. 2007/334
Section 65	5th October 2007	S.S.I. 2007/334
Section 67	5th October 2007	S.S.I. 2007/334
Section 68	5th October 2007	S.S.I. 2007/334
Section 71	30th June 2007	S.S.I. 2007/334
Section 72	30th June 2007	S.S.I. 2007/334
Section 73	30th June 2007	S.S.I. 2007/334
Section 75	30th June 2007	S.S.I. 2007/334
Section 77(1) in so far as it relates to the commencement of paragraphs 2 and 6 of schedule 1	30th June 2007	S.S.I. 2007/334
Section 77(1) and (2) in so far as they relate to the provisions of schedules 1 and 2 mentioned below	5th October 2007	S.S.I. 2007/334
Schedule 1, paragraphs 1, 3(b), 4 and 5	5th October 2007	S.S.I. 2007/334
Schedule 2 in so far as it relates to the National Assistance Act 1948(4) (with the exception of section 47 of that Act), the Solicitors (Scotland) Act 1980(5), section 142 of the Mental Health Act 1983(6), the Law Reform (Parent and Child) (Scotland) Act 1986(7), the Adults with Incapacity (Scotland) Act 2000(8) and the Courts Act 2003(9)	5th October 2007	S.S.I. 2007/334

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(4) 1948 c. 29.  
(5) 1980 c. 46.  
(6) 1983 c. 20.  
(7) 1986 c. 9.  
(8) 2000 asp 4.  
(9) 2003 c. 39.