

SCHEDULE 1

Article 2

PROVISIONS OF THE ACT BROUGHT INTO FORCE
BY ARTICLE 2 OF THIS ORDER ON 2ND APRIL 2001

| <i>Column 1</i> <i>Provision of the Act</i> | <i>Column 2</i> <i>Subject matter</i> | <i>Column 3</i> <i>Purposes</i> |
|--|--|---|
| Section 1 | General principles and fundamental definitions | |
| Section 2 | Applications and other proceedings and appeals | |
| Section 3 | Powers of sheriff | |
| Section 4 | Power of Court of Session or sheriff with regard to nearest relative | |
| Section 5 | Safeguarding of interests in Court of Session appeals or proceedings | |
| Section 6(1), (2)(b)(i) to (iii), (2)(c)(i) and (ii), (2)(d) | The Public Guardian and his functions | |
| Section 6(2)(e) | ” | ” Only for the purpose of bringing into force this provision insofar as it relates to continuing attorneys or withdrawers |
| Section 6(2)(f), (3)(b) | ” | ” |
| Section 7 | The Public Guardian: further provision | |
| Section 8 | Expenses in court proceedings | |
| Section 9(1)(a) to (c), (d)(i), (e), (f) | Functions of the Mental Welfare Commission | |
| Section 9(1)(g) | ” | ” Only for the purpose of bringing into force this provision insofar as it relates to welfare attorneys |
| Section 9(2) | ” | ” Only for the purpose of bringing into force this provision insofar as it relates to welfare attorneys |
| Section 9(3)(b) | ” | ” |
| Sections 10(1)(b), (1)(c)(i), (1)(d) | Functions of local authorities | |
| Section 10(1)(e) | ” | ” Only for the purpose of bringing into force this |

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| | | provision insofar as it relates to welfare attorneys |
| Section 10(2), (3)(b)(ii), (4)(b) | Functions of local authorities | |
| Section 11 | Intimation not required in certain circumstances | |
| Section 12 | Investigations | Only for the purpose of bringing into force this provision insofar as it relates to investigations in relation to continuing attorneys, welfare attorneys and intromission with funds under Part 3 of the Act |
| Section 13 | Codes of practice | |
| Section 14 | Appeal against decision as to incapacity | |
| Section 15 | Creation of continuing power of attorney | |
| Section 16 | Creation and exercise of welfare power of attorney | |
| Section 17 | Attorney not obliged to act in certain circumstances | |
| Section 18 | Power of attorney not granted in accordance with this Act | |
| Section 19 | Registration of continuing or welfare power of attorney | |
| Section 20 | Powers of sheriff | |
| Section 21 | Records: attorneys | |
| Section 22 | Notification to Public Guardian | |
| Section 23 | Resignation of continuing or welfare attorney | |
| Section 24(1) and (4) | Termination of continuing or welfare power of attorney | |
| Section 25 | Authority to intromit with funds | |
| Section 26 | Application for authority to intromit | |
| Section 27 | Notification of change of address | |

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|--|---|---|
| Section 28 | Purposes of intromission with funds | |
| Section 29 | Withdrawal and use of funds | |
| Section 30 | Records and inquiries | |
| Section 31 | Duration and termination of registration | |
| Section 32 | Joint accounts | |
| Section 33 | Transfer of funds | |
| Section 34 | Disapplication of Part 3 of the Act | |
| Section 81(1)(a) to (c) | Repayment of funds | |
| Section 81(2) | ” | ” Only for the purpose of bringing into force this provision insofar as it relates to section 82 of the Act |
| Section 82(1) | Limitation of liability | Only for the purpose of bringing into force this provision insofar as it relates to continuing attorneys, welfare attorneys and withdrawers |
| Section 82(2)(b) and (c) | ” | ” |
| Section 83 | Offence of ill treatment and wilful neglect. | |
| Section 85 | Jurisdiction and private international law | Only for the purpose of bringing into force the provisions of Schedule 3 to the Act specified below |
| Section 86 | Regulations | |
| Section 87 | Interpretation | |
| Section 88 | Continuation of existing powers, minor and consequential amendments and repeals | Only for the purpose of bringing into force the provisions of Schedules 4, 5 and 6 to the Act specified below |
| Schedule 3, paragraphs 1(1) and (5), 2(1), (3) and (4), 3, 4, 5, 6, 7(1), (2)(a), (3)(a) to (d), 8, 9, 10, 13 and 14 | Jurisdiction and private international law | |
| Schedule 4, paragraphs 4, 7(a) to (c), and 8 | Continuation of existing curators, tutors, guardians and attorneys under this Act | |

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| Schedule 5: Paragraph 2 | Minor and Consequential Amendments – Defence Act 1842 (c. 94) | |
| Paragraph 3 | Judicial Factors Act 1849 (c. 51) | |
| Paragraph 5 | Titles to Land (Consolidation) (Scotland) Act 1868 (c. 101) | |
| Paragraph 6 | Judicial Factors (Scotland) Act 1889 (c. 39) | |
| Paragraph 7 | Heritable Securities (Scotland) Act 1894 (c. 44) | Only for the purpose of bringing into force this provision insofar as it relates to continuing and welfare attorneys and withdrawers |
| Paragraph 9 | Offices Shops and Railway Premises Act 1963 (c. 41) | Only for the purpose of bringing into force this provision insofar as it relates to continuing and welfare attorneys and withdrawers |
| Paragraph 13 | Sheriff Courts (Scotland) Act 1971 (c. 58) | |
| Paragraph 14 | Land Registration (Scotland) Act 1979 (c. 33) | |
| Paragraph 17(3) to (21), (24) (b) | Mental Health (Scotland) Act 1984 (c. 36) | Only for the purpose of bringing into force these provisions insofar as they relate to welfare attorneys |
| Paragraph 19 | Legal Aid (Scotland) Act 1986 (c. 47) | |
| Paragraph 22 | Child Support Act 1991 (c. 48) | Only for the purpose of bringing into force this provision insofar as it relates to welfare attorneys |
| Paragraph 23 | Social Security Administration Act 1992 (c. 5) | Only for the purpose of bringing into force this provision insofar as it relates to welfare attorneys |
| Paragraph 25 | Clean Air Act 1993 (c. 11) | |
| Schedule 6 | Repeals | Only for the purpose of bringing into force the repeal of section 71 of the Law Reform (Miscellaneous |

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| | | Provisions) (Scotland) Act 1990 (c. 40) |