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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 334**

**The Adult Support and Protection (Scotland)  
Act 2007 (Commencement No. 1, Transitional  
Provision and Savings) Order 2007**

**Citation and interpretation**

1.—(1) This Order may be cited as the Adult Support and Protection (Scotland) Act 2007 (Commencement No. 1, Transitional Provision and Savings) Order 2007.

(2) In this Order—

- (a) “the Act” means the Adult Support and Protection (Scotland) Act 2007;
- (b) “the 2000 Act” means the Adults with Incapacity (Scotland) Act 2000<sup>(1)</sup>;
- (c) references to sections and schedules are, unless otherwise stated, references to sections of, and schedules to, the Act.

**Appointed days**

2. The days appointed for the coming into force of the following provisions of the Act are—

- (a) 30th June 2007 for the provisions of the Act specified in column (1) of Schedule 1 to this Order (the subject matter of each provision being mentioned in column (2)).
- (b) 5th October 2007 for the provisions of the Act specified in column (1) of Schedule 2 to this Order (the subject matter of each provision being mentioned in column (2)).

**Transitional provision**

3. Until the coming into force of section 58, for the reference to section 30B(2) of the 2000 Act in the new section 81A of that Act, inserted by the commencement of section 61 (as provided for in article 2(b) of and Schedule 2 to this Order), substitute reference to section 30(2)(a) of the 2000 Act.

**Savings**

4. Despite the coming into force (as provided for in article 2(b) of and Schedule 2 to this Order) of the amendments to sections 15(3) and 16(3) of the 2000 Act in section 57(1)(a) and (2)(a), those sections shall continue to have the effect on or after 5th October 2007 as they had effect immediately before that date in relation to continuing and welfare powers of attorney signed before that date.

5. Despite the coming into force (as provided for in article 2(b) of and Schedule 2 to this Order) of the amendments to section 70 of the 2000 Act in section 60(8), that section shall continue to have effect on or after 5th October 2007 as it had effect immediately before that date in relation to applications made by a guardian to a sheriff before that date and not determined before that date.

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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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6. Despite the coming into force (as provided for in article 2(b) of and Schedule 2 to this Order) of the repeal of section 142 of the Mental Health Act 1983<sup>(2)</sup> in section 77(1) and Schedule 2, section 142 shall continue to have effect in relation to periodic payments where the first of those payments was made before 5th October 2007.

St Andrew's House,  
Edinburgh  
20th June 2007

*SHONA ROBISON*  
Authorised to sign by the Scottish Ministers

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(2) 1983 c. 20.