

Draft Order laid before the Scottish Parliament under section 9(4) and (7)(d) of the Electronic Communications Act 2000, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2008 No.

**ADULTS WITH INCAPACITY
ELECTRONIC COMMUNICATIONS**

The Adults with Incapacity (Electronic
Communications) (Scotland) Order 2008

<i>Made</i>	- - - -	2008
<i>Coming into force</i>	- -	2008

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 8 and 9 of the Electronic Communications Act 2000⁽¹⁾ and all other powers enabling them to do so.

They consider that authorisation by this Order of the use of electronic communications or electronic storage for the purpose of the registration of powers of attorney is such that the extent to which records of things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications or electronic storage than in other cases.

The Secretary of State has consented to the making of the Order in accordance with section 9(7) (c) of that Act.

In accordance with section 9(4) and (7)(d) of that Act, a draft of the Order has been laid before and approved by resolution of the Scottish Parliament:

(1) 2000 c. 7 (“the 2000 Act”). By virtue of the modifications for Scotland in section 9(7) of the 2000 Act, the reference to the appropriate Minister in section 8 is to be read as a reference to the Secretary of State, and the powers of the Secretary of State may be exercised by the Scottish Ministers, with the consent of the Secretary of State. Section 15 contains a definition of “enactment” relevant to the exercise of the powers in this Order.