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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 153 (C. 10)**

**MENTAL HEALTH**

**The Mental Health (Care and Treatment) (Scotland)  
Act 2003 (Commencement No. 2) Order 2004**

*Made - - - - 25th March 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>(1)</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. 2) 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 come into force on 26th March 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 column 1 of Schedule 2 to this Order shall, in so far as not then in force, come into force on 3rd May 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.

St Andrew’s House, Edinburgh  
25th March 2004

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

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*Status: This is the original version (as it was originally made). Scottish  
Statutory Instruments are not carried in their revised form on this site.*

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## SCHEDULE 1

Article 2

## PROVISIONS OF THE ACT COMING INTO FORCE ON 26th MARCH 2004

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Purpose</i>
Section 21(4)	Only for the purpose of bringing into force the provisions of Schedule 2 to the Act specified in this Schedule.
Section 274	
Section 329	
Schedule 2, paragraph 1(1)	Only for the purpose of enabling regulations to be made.
Schedule 2, paragraph 1(2)(c)	Only for the purpose of enabling regulations to be made.
Schedule 2, paragraph 3(3)	Only for the purpose of enabling regulations to be made.

## SCHEDULE 2

Article 3

## PROVISIONS OF THE ACT COMING INTO FORCE ON 3RD MAY 2004

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Purpose</i>
Section 21(1) and (3)	
Section 21(4)	Only for the purpose of bringing into force the provisions of Schedule 2 to the Act specified in this Schedule.
Schedule 2, paragraph 1(2)	
Schedule 2, paragraphs 3 to 13, 15 and 16	

**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 26th March 2004 as the day for the coming into force of the provisions of the Act specified in Schedule 1 to this Order. These are sections 274 (code of practice), 329

(interpretation), certain provisions of Schedule 2 to the Act which enable regulations to be made about the qualifications and disqualifications of the members and President of the Mental Health Tribunal for Scotland (“the Tribunal”) and section 21(4) for the purpose of bringing into force those provisions of Schedule 2 to the Act.

Article 3 appoints 3rd May 2004 as the day for the coming into force of provisions of the Act specified in Schedule 2 to this Order. These provisions all relate to the Tribunal. These are section 21(1) (establishment of the Tribunal) and (3) (regulations) and, insofar as not already in force, paragraphs 1(2) (disqualification of members), 3 (President of the Tribunal), 4 and 5 (terms of office), 6 (remuneration and pensions), 7 (organisation and administration), 8 (staff and accommodation), 9 (finance), 10 (rules), 11 (practice directions), 12 (evidence), 13 (decisions), 15 (disclosure of information) and 16 (allowances) of Schedule 2 to the Act and section 21(4) for the purpose of bringing into force those provisions of Schedule 2 to the 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 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)	1st July 2003	<a href="#">2003/316</a>
Schedule 1, paragraph 10	1st July 2003	<a href="#">2003/316</a>