

2008 No. 50

ADULT SUPPORT

ADULTS WITH INCAPACITY

The Adult Support and Protection (Scotland) Act 2007 (Adults with Incapacity) (Consequential Provisions) Order 2008

<i>Made</i> - - - -	<i>20th February 2008</i>
<i>Laid before the Scottish Parliament</i>	<i>21st February 2008</i>
<i>Coming into force</i> - -	<i>1st April 2008</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 76(1)(a) of the Adult Support and Protection (Scotland) Act 2007^(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Adult Support and Protection (Scotland) Act 2007 (Adults with Incapacity) (Consequential Provisions) Order 2008 and comes into force on 1st April 2008.

Amendment of the Civil Legal Aid (Scotland) Regulations 2002

2. The Civil Legal Aid (Scotland) Regulations 2002^(b) are amended by substituting for subparagraphs (e), (f) and (g) of regulation 14(4) the following—

- “(e) an application under section 24C, 24D, 25, 26B, 26D, 26F or 26G of the 2000 Act is remitted for determination by the sheriff under section 27F(1) of the 2000 Act;
- (f) a decision of the Public Guardian to grant or refuse an application under section 24C, 24D, 25, 26B, 26D, 26E, 26F or 26G of the 2000 Act; to reduce or extend the period of validity of a withdrawal certificate under section 31(2) of the 2000 Act; or to suspend or terminate the authority of a withdrawer under section 31A is appealed under section 31D of the 2000 Act;
- (g) a decision of the Public Guardian to refuse to remit an application to the sheriff under section 27F of the 2000 Act is appealed under section 31D of the 2000 Act;”.

^(a) 2007 asp 10.

^(b) S.S.I. 2002/494 as amended by regulation 5 of the Civil Legal Aid (Scotland) Amendment (No. 2) Regulations 2007 (S.S.I. 2007/425).

Revocation of the Adults with Incapacity (Countersignatories of Applications for Authority to Intromit) (Scotland) Regulations 2001

3. The Adults with Incapacity (Countersignatories of Applications for Authority to Intromit) (Scotland) Regulations 2001(a) are revoked.

St Andrew's House,
Edinburgh
20th February 2008

FERGUS EWING
Authorised to sign by the Scottish Ministers

(a) S.S.I. 2001/78 as amended by S.S.I. 2005/445 and 631.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Civil Legal Aid (Scotland) Regulations 2002 (“the 2002 Regulations”) and revokes the Adults with Incapacity (Countersignatories of Applications for Authority to Intromit) (Scotland) Regulations 2001 (“the 2001 Regulations”) in consequence of the substitution of Part 3 (accounts and funds) of the Adults with Incapacity (Scotland) Act 2000 (asp 4) (“the Act”) by section 58 of the Adult Support and Protection (Scotland) Act 2007.

The 2002 Regulations are amended to update the references to the relevant sections in the new Part 3 of the Act. The 2001 Regulations are revoked as the persons who may countersign applications are no longer required to be of a prescribed class (new section 27A of the Act).

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