
STATUTORY INSTRUMENTS

2005 No. 1790 (S.5)

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
SOCIAL SECURITY, ENGLAND AND WALES
SOCIAL SECURITY, NORTHERN IRELAND**

The Adults with Incapacity (Scotland) Act
2000 (Consequential Modifications) (England,
Wales and Northern Ireland) Order 2005

Made - - - - 29th June 2005
Coming into force - - 30th June 2005

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament in accordance with section 115 of, and paragraphs 1, 2 and 3 of Schedule 7 to, the Scotland Act 1998(1);

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by sections 104, 112(1) and 113 of that Act and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Adults with Incapacity (Scotland) Act 2000 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2005 and shall come into force on the day after the day on which it is made.

(2) Subject to paragraphs (3) and (4), this Order extends to England and Wales and Northern Ireland.

(3) Articles 2 and 3 of this Order extend to England and Wales only(2).

(4) Article 4 of this Order extends to Northern Ireland only(3).

(1) 1998 c. 46.

(2) Modifications in identical terms to those in articles 2 and 3 of this Order have been made as regards Scotland by the [Adults with Incapacity \(Scotland\) Act 2000 \(asp 4\)](#), section 88 and Schedule 5, paragraphs 22 and 23.

(3) Article 4 modifies the Social Security Administration (Northern Ireland) Act 1992 which extends to Northern Ireland only.

Child Support Act 1991

2. In section 50 of the Child Support Act 1991 (unauthorised disclosure of information)(4), in subsection (8)(c), for sub-paragraphs (i) and (ii) substitute “a guardian or other person entitled to act on behalf of the person under the [Adults with Incapacity \(Scotland\) Act 2000 \(asp 4\)](#)”.

Social Security Administration Act 1992

3. In section 123 of the Social Security Administration Act 1992 (unauthorised disclosure of information relating to particular persons)(5), in subsection (10)(c), for sub-paragraphs (i) and (ii) substitute “a guardian or other person entitled to act on behalf of the person under the [Adults with Incapacity \(Scotland\) Act 2000 \(asp 4\)](#)”.

Social Security Administration (Northern Ireland) Act 1992

4. In section 117 of the Social Security Administration (Northern Ireland) Act 1992 (unauthorised disclosure of information relating to particular persons)(6), in subsection (10)(c), for sub-paragraphs (i) and (ii) substitute “a guardian or other person entitled to act on behalf of the person under the [Adults with Incapacity \(Scotland\) Act 2000 \(asp 4\)](#)”.

Dover House, London
29th June 2005

DAVID CAIRNS
Parliamentary Under Secretary of State Scotland
Office
Department for Constitutional Affairs

(4) 1991 c. 48. Section 50(8)(c) was amended by the [Adults with Incapacity \(Scotland\) Act 2000 \(asp 4\)](#), section 88 and Schedule 5, paragraph 22.
(5) 1992 c. 5. Section 123(10)(c) was amended by the [Adults with Incapacity \(Scotland\) Act \(asp 4\)](#), section 88 and Schedule 5, paragraph 23.
(6) 1992 c. 8.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision where necessary in consequence of the Adults with Incapacity (Scotland) Act 2000 (“the 2000 Act”). The 2000 Act amended the Child Support Act 1991 and the Social Security Administration Act 1992 including the definition under these Acts as regards Scotland of a mental health custodian.

Articles 2 and 3 make identical amendment to these Acts as regards England and Wales.

Article 4 makes the same amendment to an equivalent Act, the Social Security Administration (Northern Ireland) Act 1992, as regards Northern Ireland.