

Changes to legislation: There are currently no known outstanding effects for the Adult Support and Protection (Scotland) Act 2007. (See end of Document for details)

SCHEDULE 1

(introduced by section 77(1))

MINOR AND CONSEQUENTIAL AMENDMENTS

National Assistance Act 1948 (c. 29)

- 1 The National Assistance Act 1948 is amended as follows—
- (a) in section 26(4)—
 - (i) for “Subsections (5A), (7) and (9)” substitute “ Subsection (5A) ”, and
 - (ii) for “they apply” substitute “ it applies ”,
 - (b) in section 51—
 - (i) in subsection (1), for “, himself or any other person” substitute “ him ”,
 - (ii) in subsection (3), after “conviction” insert “ to imprisonment for a term not exceeding 3 months. ”.

Commencement Information

11 Sch. 1 para. 1 in force at 5.10.2007 by S.S.I. 2007/334, art. 2(b), Sch. 2

Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

- 2 The Disabled Persons (Services, Consultation and Representation) Act 1986 is amended as follows—
- (a) in section 7(2)(a), for “1984” substitute “ 2003 ”,
 - (b) in section 16—
 - (i) in paragraph (b) of the definition of “mental disorder”, for the words “section 1(2) of the 1984 Act” substitute “ section 328 of the 2003 Act ”,
 - (ii) in the definition of “State hospital”, for “1984” substitute “ 2003 ”.

Commencement Information

12 Sch. 1 para. 2 in force at 30.6.2007 by S.S.I. 2007/334, art. 2(a), Sch. 1

Legal Aid (Scotland) Act 1986 (c. 47)

- 3 The Legal Aid (Scotland) Act 1986 is amended as follows—
- (a) in section 34(2), after the last paragraph insert—
 - “(g) in pursuance of a requirement made under section 10(1) of the Adult Support and Protection (Scotland) Act 2007 (asp 10).”,
 - (b) in section 36(3)(bb)—
 - (i) after “is” insert “ applying for an order under section 53(1), 57(1), 60(1), 62(1) or 63(1) of the Adults with Incapacity (Scotland) Act 2000 (asp 4) (in relation to himself or any other adult) or is otherwise ”,

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- (ii) for “the Adults with Incapacity (Scotland) Act 2000 (asp 4)” substitute “ that Act ”.

Commencement Information

- I3** Sch. 1 para. 3(a) in force at 29.10.2008 by S.S.I. 2008/314, art. 2
I4 Sch. 1 para. 3(b) in force at 5.10.2007 by S.S.I. 2007/334, art. 2(b), Sch. 2

Criminal Procedure (Scotland) Act 1995 (c. 46)

- 4 The Criminal Procedure (Scotland) Act 1995 is amended as follows—
- (a) in section 58(6)(d), for “person” substitute “ person's personal welfare which makes the same provision as the guardianship order which the court proposes to make under this section ”,
 - (b) in section 58(7)—
 - (i) after “order”, where first occurring, insert “ made under this section ”,
 - (ii) for “offender” substitute “ person ” and for “offender's” substitute “ person's ”,
 - (c) in section 60B, the words “under section 58(1) of this Act” are repealed.

Commencement Information

- I5** Sch. 1 para. 4 in force at 5.10.2007 by S.S.I. 2007/334, art. 2(b), Sch. 2

Adults with Incapacity (Scotland) Act 2000 (asp 4)

- 5 The Adults with Incapacity (Scotland) Act 2000 is amended as follows—
- (a) in section 6(2)(b)(iii), for “to intromit” substitute “ relating to intromission ”,
 - (b) in section 39(1)(a), after “(c.4)” insert “ , the State Pensions Credit Act 2002 (c. 16) ”,
 - (c) in section 41(a), after “(c.4)” insert “ , the State Pensions Credit Act 2002 (c. 16) ”,
 - (d) in section 47, after subsection (2) insert—

“(2A) Subsection (2)—

 - (a) does not affect any authority conferred by any other enactment or rule of law; and
 - (b) is subject to—
 - (i) the following provisions of this section;
 - (ii) sections 49 and 50; and
 - (iii) sections 234, 237, 240, 242, 243 and 244 of the 2003 Act.”
 - (e) in section 87, after subsection (1) insert—

“(1A) Any power under this Act to prescribe anything by regulations is exercisable by the Scottish Ministers.”
 - (f) in paragraph 6(2) of schedule 2, after “carer” insert “ , his named person ”,
 - (g) in paragraph 3(3) of schedule 3, for “18” substitute “ 20 ”,

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- (h) for sub-paragraphs (3) to (6) (as re-numbered) of paragraph 4 of schedule 4 substitute—

“(3) Sections 6(2)(c)(i), 15, 19, 20(3)(a), 21, 22, and 23 shall not apply to persons who have become continuing attorneys by virtue of sub-paragraph (1)(a) or (c).

(4) Sections 16(1) to (4) and (7), 19, 20(3)(a), 21, 22, and 23 shall not apply to persons who have become welfare attorneys by virtue of sub-paragraph (1)(b) or (c).”.

Commencement Information

I6 Sch. 1 para. 5 in force at 5.10.2007 by S.S.I. 2007/334, art. 2(b), Sch. 2

Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)

- 6 In paragraph 3(1)(b) of schedule 1 to the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), for “a minimum of three” substitute “one or more”.

Commencement Information

I7 Sch. 1 para. 6 in force at 30.6.2007 by S.S.I. 2007/334, art. 2(a), Sch. 1

SCHEDULE 2

(introduced by section 77(2))

REPEALS

Commencement Information

I8 Sch. 2 in force at 5.10.2007 by S.S.I. 2007/334, art. 2(b), Sch. 2 (with art. 6)

I9 Sch. 2 in force at 29.10.2008 in so far as not already in force by S.S.I. 2008/314, art. 2

Enactment

National Assistance Act 1948 (c. 29)

Extent of repeal

Section 47.

In section 48(1), paragraph (c) and the word “or” which immediately precedes it.

In section 48(3), the words “, or from any person who for the purposes of this Act is liable to maintain him,”.

In section 50(4), the words from “or” to “death”.

In section 51(1), the words “or any person whom he is liable to maintain for the purposes of this Act”.

In section 51(2), the words “or any other person”.

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	In section 51(3), paragraphs (a) and (b).
National Assistance (Amendment) Act 1951 (c. 57)	The whole Act.
Solicitors (Scotland) Act 1980 (c. 46)	In section 24F(1), paragraph (b). In section 24G(4), the words “or (b)” and the words “or, as the case may be, on the <i>curator bonis</i> being discharged”.
Mental Health Act 1983 (c. 20)	Section 142. In section 146, the words from “88” to “138)” and the words from “128” to “guardianship”.
Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9)	Paragraph 5 of Schedule 1.
Adults with Incapacity (Scotland) Act 2000 (asp 4)	In section 47(2), the words from the beginning to “the 2003 Act,” and the word “the”, where eighth occurring. Section 47(8). Paragraphs 4 and 26(4) of schedule 5.
Courts Act 2003 (c. 39)	Paragraph 80 of Schedule 8.

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