

# **ADULT SUPPORT AND PROTECTION (SCOTLAND) ACT 2007**

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## **EXPLANATORY NOTES**

### **THE ACT – AN OVERVIEW**

#### **Part 5**

#### **Final Provisions**

##### ***Section 76 – Ancillary provisions***

176. This allows the Scottish Ministers to make provision ancillary to the Act in subordinate legislation.

##### ***Section 77 – Minor and consequential amendments and repeals***

177. This section gives effect to the schedules to the Act which amend and repeal provisions in other Acts.

##### ***Section 78 – Orders***

178. This sets out the procedure under which the Scottish Ministers can exercise powers which the Act gives them to make subordinate legislation.
179. All orders are to be made by statutory instrument (and will be published as such). Most will be subject to the Scottish Parliament's negative resolution procedure. Orders under section 76 which make changes to primary legislation will be subject to the Scottish Parliament's affirmative resolution procedure. Commencement orders will not be subject to parliamentary procedure.
180. Subordinate legislation powers which the Act adds to other Acts will be regulated by the procedures set out in the Acts into which they are inserted.

##### ***Section 79 – Commencement***

181. This section commenced sections 76, 78, 79 and 80 on the day on which the Act received Royal Assent. Sections 64, 69 and 70 came into force on the day after Royal Assent. The Scottish Ministers have the power to appoint by order the days on which other provisions are to be commenced.

##### ***Section 80 – Short title***

182. This section gives the Act its short title.