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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force certain provisions of the Adult Support and Protection (Scotland) Act 2007 (“the Act”) on 1st April 2008.

Article 2(1) brings into force the remaining provisions in Part 2 (Adults with Incapacity) of the Act. These provisions make various amendments to the Adults with Incapacity (Scotland) Act 2000 (“the 2000 Act”).

Article 2(2) brings into force section 74 of and part of Schedule 2 to the Act which repeal sections 88, 128 and 146 of the Mental Health Act 1983 on 1st October 2008.

Articles 3 and 4 contain transitional provisions for applications made and certificates issued under Part 3 (Accounts and Funds) of the 2000 Act. Article 3 provides that applications made but not determined before 1st April 2008 are to be treated as applications under the new Part 3 of the 2000 Act. Article 4 provides that certificates of authority issued under Part 3 of the 2000 Act before 1st April 2008 are to be treated as certificates of authority issued under the new Part 3 of the 2000 Act.