
EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints dates for the coming into force of the remaining provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 (“the Act”). The Act received Royal Assent on 25th April 2003.

Article 2 appoints 21st March 2005 as the day for the coming into force of the provisions of the Act specified in Schedule 1 to this Order. With the exception of section 327 (which is brought into force fully), these provisions are all brought into force for the limited purposes of making orders, directions and regulations. In addition, sections 22 and 233 are brought into force for purposes related to approving and designating medical practitioners.

Article 3 appoints 5th October 2005 as the day for the coming into force of the remaining provisions of the Act (with the exception of Chapter 3 of Part 17) to the extent that they are not already in force at that date.

Chapter 3 of Part 17 of the Act (detention in conditions of excessive security) comes into force on 1st May 2006 by virtue of section 333(2) of the Act. However, in exercise of the power conferred by that section, article 4 advances the date when sections 268 and 273 are brought into force, for the purpose of making regulations. That advanced date is 6th January 2006.