
EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints dates for the coming into force of certain 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 26th March 2004 as the day for the coming into force of the provisions of the Act specified in Schedule 1 to this Order. These are sections 274 (code of practice), 329 (interpretation), certain provisions of Schedule 2 to the Act which enable regulations to be made about the qualifications and disqualifications of the members and President of the Mental Health Tribunal for Scotland (“the Tribunal”) and section 21(4) for the purpose of bringing into force those provisions of Schedule 2 to the Act.

Article 3 appoints 3rd May 2004 as the day for the coming into force of provisions of the Act specified in Schedule 2 to this Order. These provisions all relate to the Tribunal. These are section 21(1) (establishment of the Tribunal) and (3) (regulations) and, insofar as not already in force, paragraphs 1(2) (disqualification of members), 3 (President of the Tribunal), 4 and 5 (terms of office), 6 (remuneration and pensions), 7 (organisation and administration), 8 (staff and accommodation), 9 (finance), 10 (rules), 11 (practice directions), 12 (evidence), 13 (decisions), 15 (disclosure of information) and 16 (allowances) of Schedule 2 to the Act and section 21(4) for the purpose of bringing into force those provisions of Schedule 2 to the Act.