
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 1st September 2004 as the day for the coming into force of the provisions of the Act specified in Schedule 1 to this Order. These are section 250 (nomination of named person) for the purpose of enabling regulations to be made which prescribe the class of persons who are able to witness the making and revocation of a nomination of a named person and certify certain matters in accordance with that section; section 253 (declaration in relation to named person) for the purpose of enabling regulations to be made which prescribe the class of persons who are able to witness the making and revocation of a declaration in relation to a named person and certify certain matters in accordance with that section; section 258 (interpretation) which contains a definition of “person”; section 275 (advance statements: making and withdrawal) for the purpose of enabling regulations to be made which prescribe the class of persons who are able to witness the making and withdrawal of an advance statement and certify certain matters in accordance with that section; and schedule 2, paragraph 1(1), so far as not already in force, which gives power to the Scottish Ministers to appoint members to the Mental Health Tribunal for Scotland.

Article 3 appoints 4th October 2004 as the day for the coming into force of the provisions of the Act specified in Schedule 2 to this Order. Sections 250, 253 and 275 so far as not already commenced by Schedule 1 to this Order are commenced.