SCOTTISH STATUTORY INSTRUMENTS

2001 No. 81 (C. 2)

ADULTS WITH INCAPACITY

The Adults with Incapacity (Scotland) Act 2000 (Commencement No. 1) Order 2001

Made - - - - 7th March 2001

The Scottish Ministers, in exercise of the powers conferred by section 89(2) of the Adults with Incapacity (Scotland) Act 2000(**1**), and all other powers enabling them in that behalf, hereby make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Adults with Incapacity (Scotland) Act 2000 (Commencement No. 1) Order 2001.

(2) In this Order, "the Act" means the Adults with Incapacity (Scotland) Act 2000.

Commencement

2. The provisions of the Act which are specified in column 1 of Schedule 1 to this Order and the subject matter of which is described in column 2 of that Schedule shall come into force on 2nd April 2001, and where a particular purpose is specified in relation to any provision in Column 3 of that Schedule, that provision shall come into force on that day for that purpose only.

3. The provisions of the Act which are specified in column 1 of Schedule 2 to this Order and the subject matter of which is described in column 2 of that Schedule shall so far as not then in force come into force on 1st April 2002, and where a particular purpose is specified in relation to any provision in Column 3 of that Schedule, that provision shall come into force on that day for that purpose only.

St Andrew's House,Edinburgh
7th March 2001

JAMES R WALLACE
A member of the Scottish Executive

(**1**) 2000 asp 4

SCHEDULE 1 Article 2

PROVISIONS OF THE ACT BROUGHT INTO FORCE
BY ARTICLE 2 OF THIS ORDER ON 2ND APRIL 2001

Column 1 *Provision of the Act*	*Column 2* *Subject matter*	*Column 3* *Purposes*
Section 1	General principles and fundamental definitions	
Section 2	Applications and other proceedings and appeals	
Section 3	Powers of sheriff	
Section 4	Power of Court of Session or sheriff with regard to nearest relative	
Section 5	Safeguarding of interests in Court of Session appeals or proceedings	
Section 6(1), (2)(b)(i)to (iii), (2)(c)(i) and (ii), (2)(d)	The Public Guardian and his functions	
Section 6(2)(e)	” ”	Only for the purpose of bringing into force this provision insofar as it relates to continuing attorneys or withdrawers
Section 6(2)(f), (3)(b)	” ”	
Section 7	The Public Guardian: further provision	
Section 8	Expenses in court proceedings	
Section 9(1)(a) to (c), (d)(i), (e), (f)	Functions of the Mental Welfare Commission	
Section 9(1)(g)	” ”	Only for the purpose of bringing into force this provision insofar as it relates to welfare attorneys
Section 9(2)	” ”	Only for the purpose of bringing into force this provision insofar as it relates to welfare attorneys
Section 9(3)(b)	” ”	
Sections 10(1)(b), (1)(c)(i), (1)(d)	Functions of local authorities	
Section 10(1)(e)	” ”	Only for the purpose of bringing into force this

Column 1 *Provision of the Act*	*Column 2* *Subject matter*	*Column 3* *Purposes*
		provision insofar as it relates to welfare attorneys
Section 10(2), (3)(b)(ii), (4)(b)	Functions of local authorities	
Section 11	Intimation not required in certain circumstances	
Section 12	Investigations	Only for the purpose of bringing into force this provision insofar as it relates to investigations in relation to continuing attorneys, welfare attorneys and intromission with funds under Part 3 of the Act
Section 13	Codes of practice	
Section 14	Appeal against decision as to incapacity	
Section 15	Creation of continuing power of attorney	
Section 16	Creation and exercise of welfare power of attorney	
Section 17	Attorney not obliged to act in certain circumstances	
Section 18	Power of attorney not granted in accordance with this Act	
Section 19	Registration of continuing or welfare power of attorney	
Section 20	Powers of sheriff	
Section 21	Records: attorneys	
Section 22	Notification to Public Guardian	
Section 23	Resignation of continuing or welfare attorney	
Section 24(1) and (4)	Termination of continuing or welfare power of attorney	
Section 25	Authority to intromit with funds	
Section 26	Application for authority to intromit	
Section 27	Notification of change of address	

Column 1 *Provision of the Act*	*Column 2* *Subject matter*	*Column 3* *Purposes*
Section 28	Purposes of intromission with funds	
Section 29	Withdrawal and use of funds	
Section 30	Records and inquiries	
Section 31	Duration and termination of registration	
Section 32	Joint accounts	
Section 33	Transfer of funds	
Section 34	Disapplication of Part 3 of the Act	
Section 81(1)(a) to (c)	Repayment of funds	
Section 81(2)	” ”	Only for the purpose of bringing into force this provision insofar as it relates to section 82 of the Act
Section 82(1)	Limitation of liability	Only for the purpose of bringing into force this provision insofar as it relates to continuing attorneys, welfare attorneys and withdrawers
Section 82(2)(b) and (c)	” ”	
Section 83	Offence of ill treatment and wilful neglect.	
Section 85	Jurisdiction and private international law	Only for the purpose of bringing into force the provisions of Schedule 3 to the Act specified below
Section 86	Regulations	
Section 87	Interpretation	
Section 88	Continuation of existing powers, minor and consequential amendments and repeals	Only for the purpose of bringing into force the provisions of Schedules 4, 5 and 6 to the Act specified below
Schedule 3, paragraphs 1(1) and (5), 2(1), (3) and (4), 3, 4, 5, 6, 7(1), (2)(a), (3)(a) to (d), 8, 9, 10, 13 and 14	Jurisdiction and private international law	
Schedule 4, paragraphs 4, 7(a) to (c), and 8	Continuation of existing curators, tutors, guardians and attorneys under this Act	