
Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Paragraph 10 is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 1 THE MENTAL WELFARE COMMISSION FOR SCOTLAND

PART 2

TRANSITIONAL PROVISION

- 10 (1) The Mental Health (Scotland) Act 1984 (c. 36) shall be amended as follows.
- (2) In section 2 (membership etc. of the Mental Welfare Commission)—
- (a) in subsection (2), after “commissioners”, where it first occurs, insert “appointed under subsection (4) of this section”;
 - (b) in subsection (4), at the beginning, insert “Subject to subsection (5A) of this section,”;
 - (c) after subsection (5), insert—
 - “(5A) The person who holds the post of chief officer of the Mental Welfare Commission shall—
 - (a) be a member *ex officio* of the Commission; and
 - (b) cease automatically to hold office as such member on ceasing to hold that post.”; and
 - (d) in subsection (7), for “the said commissioners”, in both places where it occurs, substitute “commissioners appointed under subsection (4) of this section”.
- (3) In section 6 (appointment and payment etc. of officers and staff)—
- (a) at the beginning, insert—
 - “(1) The Mental Welfare Commission shall appoint a chief officer on such terms and conditions as the Scottish Ministers may determine.
 - (2) Before appointing a chief officer under subsection (1) above, the Commission shall obtain the approval of the Scottish Ministers.
 - (3) ”; and
 - (b) in subsection (3) (being the existing wording of the section)—
 - (i) in paragraph (a), after “appoint”, insert “other”;
 - (ii) in paragraph (b)(ii), after “of”, insert “its chief officer or in respect of”.

Commencement Information

II Sch. 1 para. 10 in force at 1.7.2003 by [S.S.I. 2003/316](#), [art. 2](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)