



Mental Health (Care and Treatment) (Scotland) Act 2003

2003 asp 13

PART 2

THE MENTAL WELFARE COMMISSION FOR SCOTLAND

Continued existence of Commission

4 The Mental Welfare Commission for Scotland

- (1) There shall continue to be a body corporate known as the Mental Welfare Commission for Scotland (in this Act referred to as “the Commission”).
- (2) The Commission shall discharge such functions as are conferred on it by virtue of—
 - (a) this Act;
 - (b) the Adults with Incapacity (Scotland) Act 2000 (asp 4); and
 - (c) any other enactment.
- [^{F1}(2A) In so discharging its functions, the Commission shall act in a manner which seeks to protect the welfare of persons who have a mental disorder.]
- (3) Schedule 1 to this Act (which makes provision as respects the Commission) shall have effect.

Textual Amendments

- F1** S. 4(2A) inserted (1.8.2010 for specified purposes, 1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), **ss. 111(2)**, 134(7); [S.S.I. 2010/221](#), **art. 3(2)(3)**, *sch.*; [S.S.I. 2010/321](#), **art. 3**, *sch.*; [S.S.I. 2011/122](#), **art. 2**, *sch.*

Commencement Information

- I1** S. 4(1)(2) in force at 5.10.2005 by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by [S.S.I. 2005/375](#), **art. 2** and as amended (22.9.2005) by [S.S.I. 2005/459](#), **art. 2**)
- I2** S. 4(3) in force at 1.7.2003 for specified purposes by [S.S.I. 2003/316](#), **art. 2**

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 4 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*

- I3** S. 4(3) in force at 5.10.2005 in so far as not already in force by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), 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\(3\)](#)