Mental Health (Care and Treatment) (Scotland) Act 2003
2003 asp 13

PART 2

THE MENTAL WELFARE COMMISSION FOR SCOTLAND

Continued existence of Commission

(1) The following modifications of this Part apply in relation to the NCF functions—
(a) sections 5, 6, 9, 9A, 10, 16 and 19 do not apply,
(b) in section 17(1), references to the Commission (except in the phrase “Commission Visitor”) are to be read as if they were references to NCF,
(c) sub-paragraph (2) of paragraph 11 of schedule 1A applies in relation to the Commission’s annual report mentioned in section 18(1) as it applies in relation to a report prepared under that paragraph,
(d) section 20 is to be read as if after subsection (1) there were inserted—
   “(1A) For the purposes of the law of defamation—
      (a) any statement made in good faith by NCF, its members or NCF staff in carrying out any of the NCF functions is privileged,
      (b) any statement made by an eligible person in accordance with arrangements made by NCF under paragraph 8(2) of schedule 1A is privileged.
   (1B) A word or expression used in subsection (1A) has the same meaning as it has in schedule 1A.”.

(2) Section 1 of the Public Records (Scotland) Act 2011 is to be read as if after subsection (8) there were inserted—
   “(8A) The Mental Welfare Commission for Scotland must have a separate records management plan in relation to the public records created in carrying out the
NCF functions (within the meaning of section 4ZA(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003).”

Textual Amendments

F1 Ss. 4ZA-4ZD inserted (18.1.2014 for the purpose of the insertion of s. 4ZA, 1.7.2014 in so far as not already in force) by Victims and Witnesses (Scotland) Act 2014 (asp 1), ss. 30, 34(1); S.S.I. 2014/117, art. 3
Changes to legislation:
Mental Health (Care and Treatment) (Scotland) Act 2003, Section 4ZD is up to date with all changes known to be in force on or before 02 January 2020. 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.
View outstanding changes

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)
- s. 164A inserted by 2019 asp 14 s. 26(4)
- s. 167A167B inserted by 2019 asp 14 s. 26(5)