



National Health Service (Scotland) Act 1972

1972 CHAPTER 58

PART VIII

MISCELLANEOUS AND GENERAL

Miscellaneous

52 The Mental Welfare Commission for Scotland

- (1) In section 2(2) of the Mental Health (Scotland) Act 1960 (constitution of Mental Welfare Commission), for the word " nine " there shall be substituted the word " eleven ".
- (2) For the purpose of any inquiry under section 4 (2) (a) of the said Act of 1960 (ill-treatment etc. of mentally disordered), the Mental Welfare Commission may, by notice in writing, require any person to attend at the time and place set forth in the notice to give evidence, but no person shall be required in obedience to such a notice to go more than ten miles from his place of residence unless the necessary expenses of his attendance are paid or tendered to him.
- (3) A person giving evidence at such an inquiry shall not be required to answer any question which he would be entitled, on the ground of privilege or confidentiality, to refuse to answer if the inquiry were a proceeding in a court of law.
- (4) The proceedings in any such inquiry shall have the privilege of a court of law.
- (5) The chairman of the inquiry may administer oaths to witnesses and examine witnesses on oath, and may accept, in lieu of evidence on oath by any person, evidence on affirmation or a statement in writing by that person.
- (6) Any person who refuses or wilfully neglects to attend in obedience to a notice under subsection (2) above or to give evidence shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20.