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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Paragraph 2D 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*

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SCHEDULE 1  
THE MENTAL WELFARE COMMISSION FOR SCOTLAND

**PART 1**

MEMBERSHIP, PROCEEDINGS ETC.

*[<sup>F1</sup>Removal of members*

**Textual Amendments**

**F1** Sch. 1 para. 2A-2E and crossheadings 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 \(asp 8\)](#), s. 134(7), [sch. 18 para. 4](#); 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.

- 2D The Scottish Ministers may, by written notice, remove a member from office if they are satisfied that—
- (a) the member—
    - (i) has been adjudged bankrupt;
    - (ii) has granted a trust deed for creditors or a composition contract;
    - (iii) has proposed a voluntary arrangement which has been approved;
  - (b) the member's estate has been sequestrated;
  - (c) the member has been absent from 3 consecutive meetings of the Commission without the permission of the Commission;
  - (d) the member is otherwise unfit or unable to discharge the functions of a member.]

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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\(3\)](#)