

*Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Paragraph 7 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 1

#### MEMBERSHIP, PROCEEDINGS ETC.

#### *Appointment etc. of chief [<sup>F1</sup> executive] and other staff*

##### Textual Amendments

**F1** Word in sch. 1 para. 7 heading substituted (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. 6; [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.

- 7 (1) Subject to sub-paragraphs (2) and (3) below [<sup>F1</sup>and paragraph 10A], the Commission—
- (a) shall appoint a chief [<sup>F2</sup>executive ]; and
  - (b) may appoint such other staff as it considers appropriate, on such terms and conditions as it may, with the approval of the Scottish Ministers, determine.
- (2) A member of the Commission may not be appointed as a member of its staff.
- (3) The Commission shall obtain the approval of the Scottish Ministers before appointing a chief [<sup>F3</sup>executive].
- (4) The Commission may pay to the members of its staff, including its chief [<sup>F4</sup>executive], (referred to in this paragraph collectively as “employees”) such remuneration and allowances as the Scottish Ministers may determine.
- (5) The Commission may—
- (a) pay, or make arrangements for the payment of;
  - (b) make payments towards the provision of; and
  - (c) provide and maintain schemes (whether contributory or not) for the payment of,
- such pensions, allowances and gratuities to or in respect of such of its employees, or former employees, as the Scottish Ministers may determine.
- (6) The reference in sub-paragraph (5) above to pensions, allowances and gratuities includes a reference to pensions, allowances and gratuities by way of compensation for loss of employment or reduction in remuneration.
- (7) A determination under sub-paragraph (4) or (5) above may make different provision for different cases or descriptions of case.

##### Textual Amendments

**F1** Words in sch. 1 para. 7(1) 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.

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134(7), **sch. 18 para. 5(a)**; 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.

**F2** Word in sch. 1 para. 7(1)(a) substituted (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. 5(b)**; 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.

**F3** Word in sch. 1 para. 7(3) substituted (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. 5(c)**; 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.

**F4** Word in sch. 1 para. 7(4) substituted (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. 5(d)**; 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.

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#### **Commencement Information**

**I1** Sch. 1 para. 7 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)

**Changes to legislation:**

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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\(3\)](#)