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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Exercise of certain functions etc. 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>Exercise of certain functions etc.*

#### Textual Amendments

**F1** Sch. 1 paras. 7A-7I 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. 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.

- 7F (1) A member of the Commission may not—
- (a) exercise the functions of a Commission Visitor;
  - (b) be appointed as a Commission Visitor.
- (2) The chief executive may not be a member of the Commission.
- (3) A member of staff of the Commission (other than a Commission Visitor) may not exercise the functions of a Commission Visitor.
- (4) An appointment as a Commission Visitor under paragraph 7A(1) does not affect the appointed person's—
- (a) status as employed under paragraph 7(1)(a) or (b); or
  - (b) ability to perform the duties of the person as so employed.]

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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\(3\)](#)