

**Changes to legislation:** There are currently no known outstanding effects for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, SCHEDULE 2. (See end of Document for details)

## SCHEDULE 2

(introduced by section 103)

### THE NATIONAL CONFIDENTIAL FORUM

#### PART 1

##### CONTINUING MATTERS

###### *Confidentiality and disclosure of information*

- 1 (1) This sub-paragraph applies to—
- (a) the Mental Welfare Commission for Scotland (“the Commission”),
  - (b) a person who is or has been a member of the Commission,
  - (c) a person who is or has been an employee of the Commission,
  - (d) a person who has been a member of the NCF,
  - (e) a person who is given relevant information for the purpose of storing or preserving it.
- (2) A person to whom sub-paragraph (1) applies must not disclose relevant information.
- (3) Sub-paragraph (2) does not prevent disclosure of relevant information by the person to the extent that—
- (a) the disclosure is to another person to whom sub-paragraph (1) applies and is necessary for the purpose of enabling or assisting the carrying out by the Commission of any of its functions,
  - (b) the disclosure is necessary for the purpose of enabling the Commission to prepare its annual report, or
  - (c) the disclosure is in accordance with sub-paragraph (4).
- (4) A court may order disclosure of relevant information in, or for the purposes of, civil or criminal proceedings (including for the purposes of the investigation of any offence or suspected offence) if it is satisfied that—
- (a) the disclosure is necessary in the interests of justice, and
  - (b) the extent of the disclosure is necessary in the interests of justice.
- (5) In this paragraph, “relevant information” means any information which—
- (a) has been provided to a person in connection with the carrying out by the Commission of any of its functions which relate to the functions that, prior to its dissolution, were the NCF’s functions, and
  - (b) is not otherwise in the public domain.

#### **Commencement Information**

**II** Sch. 2 para. 1 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, sch.

###### *Public records*

- 2 Section 1 of the Public Records (Scotland) Act 2011 (records management plans) is to be read as if after subsection (8) there were inserted—

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“(8A) The Mental Welfare Commission for Scotland must continue to have a separate records management plan for the public records created in carrying out the National Confidential Forum's functions prior to its dissolution under section 103 of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021.”.

**Commencement Information**

**I2** [Sch. 2 para. 2](#) in force at 28.6.2021 by [S.S.I. 2021/234](#), [reg. 2](#), [sch.](#)

## PART 2

### CONSEQUENTIAL MODIFICATIONS

*Public Appointments and Public Bodies etc. (Scotland) Act 2003*

- 3 (1) The Public Appointments and Public Bodies etc. (Scotland) Act 2003 is amended as follows.
- (2) In schedule 2, under the heading “Offices”, the words “NCF Head and any other member of the National Confidential Forum established under section 4ZA(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003” are repealed.

**Commencement Information**

**I3** [Sch. 2 para. 3](#) in force at 28.6.2021 by [S.S.I. 2021/234](#), [reg. 2](#), [sch.](#)

*Mental Health (Care and Treatment) (Scotland) Act 2003*

- 4 (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (2) Sections 4ZA to 4ZD are repealed.
- (3) In schedule 1—
- (a) in paragraph 2A(1)(b), for “7 nor more than 9” substitute “ 6 nor more than 8 ”,
  - (b) in paragraph 2B(2)—
    - (i) after paragraph (a), insert “ and ”,
    - (ii) paragraph (c) is repealed, together with the word “and” immediately preceding it.
- (4) Schedule 1A is repealed.

**Commencement Information**

**I4** [Sch. 2 para. 4](#) in force at 28.6.2021 by [S.S.I. 2021/234](#), [reg. 2](#), [sch.](#)

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*Victims and Witnesses (Scotland) Act 2014*

- 5 (1) The Victims and Witnesses (Scotland) Act 2014 is amended as follows.
- (2) Sections 30 and 31 are repealed, together with the italic heading immediately preceding section 30.

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**Commencement Information**

**I5** Sch. 2 para. 5 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, sch.

*National Confidential Forum (Prescribed Care and Health Services) (Scotland) Order 2014*

- 6 The National Confidential Forum (Prescribed Care and Health Services) (Scotland) Order 2014 (S.S.I. 2014/193) is revoked.

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**Commencement Information**

**I6** Sch. 2 para. 6 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, sch.

*Gender Representation on Public Boards (Scotland) Act 2018*

- 7 (1) The Gender Representation on Public Boards (Scotland) Act 2018 is amended as follows.
- (2) In schedule 1, the entry relating to the National Confidential Forum is repealed.

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**Commencement Information**

**I7** Sch. 2 para. 7 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, sch.

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