

*These notes relate to the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) which received Royal Assent on 25 April 2003*

# MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### ***SCHEDULE 1 (Introduced by Section 4): THE MENTAL WELFARE COMMISSION FOR SCOTLAND***

##### **Part 1: membership, proceedings etc**

656. Paragraph 1 makes provision about the status of the Commission. It is not to be regarded as a servant or agent of the Crown or as having any Crown status, immunity or privilege. Its members or staff are not to be regarded as civil servants and its property is not Crown property.
657. Paragraph 2 gives the Commission certain general powers.
658. Paragraph 3 deals with Commission membership. Commissioners are appointed by Her Majesty on the recommendation of the Scottish Ministers. The Commission must include a convenor and at least three commissioners holding such qualifications, training and experience as may be prescribed (“medical commissioners”). Other members who meet any other requirements as may be prescribed may also be appointed.
659. Paragraph 3(2) makes the chief officer of the Commission a member *ex officio* and provides for the cessation of membership on termination of office.
660. Paragraph 3(2) gives the Scottish Ministers power, by order, to amend the arrangements for the number and categories of commissioners.
661. Paragraph 4 makes provision about terms of office and paragraph 5 deals with eligibility for reappointment.
662. Paragraph 6 deals with the remuneration, pensions and allowances of commissioners and members of sub-committees who are not commissioners.
663. Paragraph 7 deals with the appointment and remuneration of Commission staff as well as pensions arrangements.
664. Paragraph 8 permits regulations to be made enabling the delegation of Commission functions to committees and sub-committees, and on their procedures.
665. Paragraph 9 deals with Commission accounts.