



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

2003 asp 13

PART 2

THE MENTAL WELFARE COMMISSION FOR SCOTLAND

Continued existence of Commission

4 The Mental Welfare Commission for Scotland

- (1) There shall continue to be a body corporate known as the Mental Welfare Commission for Scotland (in this Act referred to as “the Commission”).
- (2) The Commission shall discharge such functions as are conferred on it by virtue of—
 - (a) this Act;
 - (b) the Adults with Incapacity (Scotland) Act 2000 (asp 4); and
 - (c) any other enactment.

[^{F1}(2A) In so discharging its functions, the Commission shall act in a manner which seeks to protect the welfare of persons who have a mental disorder.]

- (3) Schedule 1 to this Act (which makes provision as respects the Commission) shall have effect.

Textual Amendments

- F1** S. 4(2A) 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 \(asp 8\)](#), **ss. 111(2), 134(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.**

Commencement Information

- I1** S. 4(1)(2) 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**)
- I2** S. 4(3) in force at 1.7.2003 for specified purposes by [S.S.I. 2003/316](#), **art. 2**

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Continued existence of Commission is up to date with all changes known to be in force on or before 24 July 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*

I3 S. 4(3) in force at 5.10.2005 in so far as not already in force 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)

F2 4ZA National Confidential Forum

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Textual Amendments

F2 Ss. 4ZA-4ZD repealed (28.6.2021) by [Redress for Survivors \(Historical Child Abuse in Care\) \(Scotland\) Act 2021](#) (asp 15), s. 109(2), **sch. 2 para. 4(2)**; [S.S.I. 2021/234](#), reg. 2, sch.

F2 4ZB General functions of NCF

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Textual Amendments

F2 Ss. 4ZA-4ZD repealed (28.6.2021) by [Redress for Survivors \(Historical Child Abuse in Care\) \(Scotland\) Act 2021](#) (asp 15), s. 109(2), **sch. 2 para. 4(2)**; [S.S.I. 2021/234](#), reg. 2, sch.

F2 4ZC Carrying out NCF functions

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Textual Amendments

F2 Ss. 4ZA-4ZD repealed (28.6.2021) by [Redress for Survivors \(Historical Child Abuse in Care\) \(Scotland\) Act 2021](#) (asp 15), s. 109(2), **sch. 2 para. 4(2)**; [S.S.I. 2021/234](#), reg. 2, sch.

F2 4ZD Modifications in relation to NCF

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Textual Amendments

F2 Ss. 4ZA-4ZD repealed (28.6.2021) by [Redress for Survivors \(Historical Child Abuse in Care\) \(Scotland\) Act 2021](#) (asp 15), s. 109(2), **sch. 2 para. 4(2)**; [S.S.I. 2021/234](#), reg. 2, sch.

Changes to legislation:

Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Continued existence of Commission is up to date with all changes known to be in force on or before 24 July 2023.

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[View outstanding changes](#)

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\(3\)](#)