

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Membership is up to date with all changes known to be in force on or before 26 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.

[^{F1}Membership

Textual Amendments

- F1** Sch. 1 para. 2A-2E 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. 4**; 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.

- 2A (1) The Commission is to consist of the following members—
- (a) a person appointed by the Scottish Ministers to chair the Commission; and
 - (b) no fewer than [^{F2}6 nor more than 8] other members appointed by the Scottish Ministers.
- (2) The Scottish Ministers may by order amend sub-paragraph (1)(b) by substituting for the minimum or maximum number of members for the time being specified there such other number as they think fit.]

Textual Amendments

- F2** Words in [sch. 1 para. 2A\(1\)\(b\)](#) substituted (28.6.2021) by [Redress for Survivors \(Historical Child Abuse in Care\) \(Scotland\) Act 2021 \(asp 15\)](#), s. 109(2), **sch. 2 para. 4(3)(a)**; S.S.I. 2021/234, reg. 2, sch.

- 2B (1) In appointing members, the Scottish Ministers are to have regard to the desirability of including—
- (a) persons who have experience of, and have shown capacity and capability in, the provision of services to those who have a mental disorder;
 - (b) persons who use, or have used, such services;
 - (c) persons who are, or have been, carers of those who have a mental disorder;
 - (d) persons who have such other skills, knowledge or experience as the Scottish Ministers consider to be relevant in relation to the exercise of the Commission's functions.
- (2) In appointing members under paragraph 2A(1)(b), the Scottish Ministers must appoint at least—
- (a) one person who falls within paragraph (b) of sub-paragraph (1) of this paragraph; [^{F3} and]
 - (b) one person who falls within paragraph (c) of sub-paragraph (1) of this paragraph ^{F4}...

^{F4}

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Textual Amendments

- F3** Word in sch. 1 para. 2B(2) inserted (28.6.2021) by [Redress for Survivors \(Historical Child Abuse in Care\) \(Scotland\) Act 2021 \(asp 15\)](#), s. 109(2), [sch. 2 para. 4\(3\)\(b\)\(i\)](#); S.S.I. 2021/234, reg. 2, sch.
- F4** Sch. 1 para. 2B(2)(c) and word 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\(3\)\(b\)\(ii\)](#); S.S.I. 2021/234, reg. 2, sch.

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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\(3\)](#)