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*Status: This is the original version (as it was originally enacted).*

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## SCHEDULE 1 THE MENTAL WELFARE COMMISSION FOR SCOTLAND

### PART 2

#### TRANSITIONAL PROVISION

- 10 (1) The Mental Health (Scotland) Act 1984 (c. 36) shall be amended as follows.
- (2) In section 2 (membership etc. of the Mental Welfare Commission)—
- (a) in subsection (2), after “commissioners”, where it first occurs, insert “appointed under subsection (4) of this section”;
  - (b) in subsection (4), at the beginning, insert “Subject to subsection (5A) of this section.”;
  - (c) after subsection (5), insert—
    - “(5A) The person who holds the post of chief officer of the Mental Welfare Commission shall—
      - (a) be a member *ex officio* of the Commission; and
      - (b) cease automatically to hold office as such member on ceasing to hold that post.”; and
  - (d) in subsection (7), for “the said commissioners”, in both places where it occurs, substitute “commissioners appointed under subsection (4) of this section”.
- (3) In section 6 (appointment and payment etc. of officers and staff)—
- (a) at the beginning, insert—
    - “(1) The Mental Welfare Commission shall appoint a chief officer on such terms and conditions as the Scottish Ministers may determine.
    - (2) Before appointing a chief officer under subsection (1) above, the Commission shall obtain the approval of the Scottish Ministers.
    - (3)”; and
  - (b) in subsection (3) (being the existing wording of the section)—
    - (i) in paragraph (a), after “appoint”, insert “other”; and
    - (ii) in paragraph (b)(ii), after “of”, insert “its chief officer or in respect of”.