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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Public Services Reform (Scotland) Act 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULE 18

### THE MENTAL WELFARE COMMISSION FOR SCOTLAND: MODIFICATIONS OF THE MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

4 After paragraph 2 insert—

#### *“Membership*

- 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 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.
- 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; and
  - (b) one person who falls within paragraph (c) of sub-paragraph (1) of this paragraph.

#### *Terms of appointment etc.*

- 2C (1) Each member of the Commission is to be appointed for such period as the Scottish Ministers think fit.
- (2) A member—
- (a) holds and vacates office in accordance with the terms and conditions of appointment; but
  - (b) may, by written notice to the Scottish Ministers, resign office as a member.
- (3) A person is, on ceasing to be a member, eligible for reappointment.

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*Removal of members*

- 2D The Scottish Ministers may, by written notice, remove a member from office if they are satisfied that—
- (a) the member—
    - (i) has been adjudged bankrupt;
    - (ii) has granted a trust deed for creditors or a composition contract;
    - (iii) has proposed a voluntary arrangement which has been approved;
  - (b) the member's estate has been sequestrated;
  - (c) the member has been absent from 3 consecutive meetings of the Commission without the permission of the Commission;
  - (d) the member is otherwise unfit or unable to discharge the functions of a member.

*Disqualification from membership*

- 2E A person is disqualified from appointment, and from holding office, as a member of the Commission if that person is—
- (a) a member of the Scottish Parliament;
  - (b) a member of the House of Commons;
  - (c) a member of the European Parliament.”.

**Commencement Information**

- I1** Sch. 18 para. 4 in force at 1.8.2010 for specified purposes by [S.S.I. 2010/221](#), art. 3(2)(3), **Sch.**
- I2** Sch. 18 para. 4 in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321](#), art. 3, **Sch.**
- I3** Sch. 18 para. 4 in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122](#), art. 2, **Sch.**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5 Ch. 3A amendment to earlier affecting provision 2019 asp 6, s. 12(2) by [S.S.I. 2023/127 reg. 3\(4\)](#)
- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)