

Executive Note

The Mental Welfare Commission for Scotland (Procedure and Delegation of Functions) (No 2) Regulations 2005 SSI/2005/442

The above instrument was made in exercise of the powers conferred by paragraph 8(1) of Schedule 1 to the Mental Health (Care and Treatment) (Scotland) Act 2003 (“the Act”). The instrument is subject to negative resolution procedure.

Policy Objectives

The Act makes provision for the Mental Welfare Commission to have committees and sub-committees. These regulations replace the Mental Welfare Commission for Scotland (Procedure and Delegation of Functions) Regulations 2005, which were withdrawn following comments from the Subordinate Legislation Committee. These regulations amend regulation 3. (1) to read ‘Regulations’ rather than ‘regulations’. They also amend the heading of the Schedule to refer to Regulation 4(2) rather than regulation 4(1) and the word ‘shall’ in paragraph 1(2) of the Schedule replaces the word ‘may’. The content of the regulations is otherwise the same. They make provision concerning the proceedings of and the delegation of functions by the Mental Welfare Commission for Scotland.

Consultation

Policy on this instrument was consulted on formally in a “regulations policy proposals consultation document” published in summer 2004. Further consultation has also taken place by way of discussion with the Mental Welfare Commission.

Financial Effects

The instrument has no financial effects on the Scottish Executive or any other organisation.

Scottish Executive Health Department
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