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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 261**

**MENTAL HEALTH**

**The Mental Welfare Commission for Scotland  
(Appointment of Medical Commissioners) Regulations 2005**

<i>Made</i>	- - - -	<i>16th May 2005</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>18th May 2005</i>
<i>Coming into force</i>	- -	<i>5th October 2005</i>

The Scottish Ministers, in exercise of the powers conferred on them by paragraph 3(1)(b) of Schedule 1 to the Mental Health (Care and Treatment) (Scotland) Act 2003<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Mental Welfare Commission for Scotland (Appointment of Medical Commissioners) Regulations 2005 and shall come into force on 5th October 2005.

**Medical commissioners of the Mental Welfare Commission for Scotland**

2. A person appointed to serve as a medical commissioner under paragraph 3(1)(b) of Schedule 1 to the Mental Health (Care and Treatment) (Scotland) Act 2003 shall be a medical practitioner who—

- (a) is a member or fellow of the Royal College of Psychiatrists;
- (b) has been included by the General Medical Council in the specialist register under article 8 of the European Specialist Medical Qualifications Order 1995<sup>(2)</sup> as a specialist in—
  - (i) psychiatry;
  - (ii) child and adolescent psychiatry;
  - (iii) forensic psychiatry;
  - (iv) mental handicap;
  - (v) old age psychiatry; or
  - (vi) psychotherapy; and

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(1) 2003 asp 13.

(2) S.I.1995/3208. Amended by S.I. 1997/2928, 1999/1373, 1999/3154, 2002/849 and 2003/3148.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(c) since the date of inclusion in the specialist register referred to in paragraph (b), has a minimum of five years whole-time equivalent experience of providing psychiatric services.

3. For the purposes of regulation 2(c) whole time equivalent will be calculated by multiplying the full length of the person's experience by the following fraction:-

$$\frac{\textit{person's hours of employment each week}}{\textit{hours constituting comparable whole - time employment}}$$

St Andrew's House, Edinburgh  
16th May 2005

*RHONA BRANKIN*  
Authorised to sign on behalf of the Scottish  
Ministers

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

The Mental Health (Care and Treatment) (Scotland) Act 2003 provides for the appointment of a minimum of three persons to serve as medical commissioners of the Mental Welfare Commission for Scotland.

Regulation 2 lists the qualifications and experience required of those persons.