

2004 No. 154

MENTAL HEALTH

**The Mental Health Tribunal for Scotland (Disqualification)
Regulations 2004**

Made - - - - - *26th March 2004*

Laid before the Scottish Parliament *29th March 2004*

Coming into force - - - *5th May 2004*

The Scottish Ministers, in exercise of the powers conferred on them by paragraph 1(2)(c) of Schedule 2 to the Mental Health (Care and Treatment) (Scotland) Act 2003(a), 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 Health Tribunal for Scotland (Disqualification) Regulations 2004 and shall come into force on 5th May 2004.

Disqualification of members of Mental Health Tribunal for Scotland

2. The following persons are disqualified from appointment as, and being, a member of the Mental Health Tribunal for Scotland—

- (a) a member of the staff of the Scottish Administration(b); and
- (b) the holder of an office in the Scottish Administration which is not a ministerial office(c).

MALCOLM CHISHOLM
A member of the Scottish Executive

St Andrew's House,
Edinburgh
26th March 2004

(a) 2003 asp 13.
(b) "Member of the staff of the Scottish Administration" has the same meaning as in section 126(7)(b) of the Scotland Act 1998 (c.46).
(c) "Office in the Scottish Administration which is not a ministerial office" has the same meaning as in section 126(8) of the Scotland Act 1998.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Mental Health (Care and Treatment) (Scotland) Act 2003 provides that members of the Scottish Parliament, members of the Scottish Executive and junior Scottish Ministers are disqualified from appointment as, and being, a member of the Mental Health Tribunal for Scotland. These Regulations add to this list of persons so disqualified, members of the staff of the Scottish Administration and holders of offices in the Scottish Administration which are not ministerial offices.

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