

**2004 No. 374**

**MENTAL HEALTH**

**The Mental Health Tribunal for Scotland (Appointment of  
Medical Members) Regulations 2004**

*Made* - - - - - *3rd September 2004*

*Laid before the Scottish Parliament* *6th September 2004*

*Coming into force* - - - *28th September 2004*

The Scottish Ministers, in exercise of the powers conferred by paragraph 1(1)(b) of schedule 2 to the Mental Health (Care and Treatment) (Scotland) Act 2003<sup>(a)</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 Health Tribunal for Scotland (Appointment of Medical Members) Regulations 2004 and shall come into force on 28th September 2004.

**Medical members of the Mental Health Tribunal for Scotland**

2. A member of the panel mentioned in paragraph 1(1)(b) of schedule 2 to the Mental Health (Care and Treatment) (Scotland) Act 2003 shall be a person who is a medical practitioner and—

- (a) is a member or fellow of the Royal College of Psychiatrists; or
- (b) has a minimum of four years whole-time equivalent experience of providing psychiatric services.

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

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

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
3rd September 2004

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(a) 2003 asp 13.

## 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 panel of persons for the purpose of serving as medical members of the Mental Health Tribunal for Scotland. Regulation 2 of these Regulations lists the qualifications and experience required of those persons.

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