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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 375**

**MENTAL HEALTH**

**The Mental Health Tribunal for Scotland  
(Appointment of General 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)(c) of schedule 2 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 Health Tribunal for Scotland (Appointment of General Members) Regulations 2004 and shall come into force on 28th September 2004.

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

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

- (a) has experience of—
  - (i) a mental disorder; and
  - (ii) of using services provided in relation to mental disorder,or is a carer for a person having such experience;
- (b) is a registered nurse with experience of providing services to persons having a mental disorder;
- (c) is a clinical psychologist entered on the British Psychological Society's register of chartered psychologists;
- (d) is a social worker (having the meaning given by section 77(1) of the Regulation of Care (Scotland) Act 2001<sup>(2)</sup>) with experience in the assessment and care management of persons having a mental disorder;

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(1) 2003 asp 13.  
(2) 2001 asp 8.

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**Status:** This is the original version (as it was originally made).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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- (e) is an occupational therapist registered with the Health Professions Council who has experience in the assessment and care management of persons having a mental disorder; or
- (f) not being a person mentioned in (a) to (e), is employed in the provision of (or in managing the provision of) a care service (having the meaning given by subsection (1)(a), (b), (e), (g), (h) and (k) of section 2 of the Regulation of Care (Scotland) Act 2001) to persons having a mental disorder.

St Andrew's House, Edinburgh  
3rd September 2004

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

## **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 general members of the Mental Health Tribunal for Scotland. Regulation 2 of these Regulations lists the qualifications and experience required of those persons.