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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 176**

**MENTAL HEALTH**

**The Mental Welfare Commission for Scotland  
(Prescribed Persons) Regulations 2005**

<i>Made</i>	- - - -	<i>22nd March 2005</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>23rd March 2005</i>
<i>Coming into force</i>	- -	<i>5th October 2005</i>

The Scottish Ministers, in exercise of the powers conferred by section 17(2)(k) of 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 (Prescribed Persons) Regulations 2005 and shall come into force on 5th October 2005.

**Prescribed persons**

2. The persons prescribed for the purposes of section 17(2)(k) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (persons in addition to those specifically mentioned who must afford the Mental Welfare Commission for Scotland or a person authorised by the Commission certain facilities) are any persons who provide, under contract to, or by arrangement with, a Health Board, a Special Health Board or a local authority, services in connection with any of the functions of those bodies under that Act.

St Andrew's House, Edinburgh  
22nd March 2005

*RHONA BRANKIN*  
Authorised to sign by the Scottish Ministers

**Status:** This is the original version (as it was originally made).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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## EXPLANATORY NOTE

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

The Mental Health (Care and Treatment) (Scotland) Act 2003 (“the Act”) provides that the persons mentioned in section 17(2) of the Act shall provide to the Mental Welfare Commission for Scotland (“the Commission”), or a person authorised by the Commission, all facilities necessary to enable the Commission, or the authorised person, to discharge their functions under the Act.

The Scottish Ministers are empowered, under section 17(2)(k) of the Act, to prescribe persons, in addition to those already mentioned in section 17(2) of the Act, who must provide the Commission, or an authorised person with such necessary facilities. These Regulations prescribe those additional persons.

Regulation 2 prescribes those additional persons as any persons who provide a Health Board, a Special Health Board or a local authority with services in connection with any of the functions of those bodies under the Act under contract or by arrangement.