

**2005 No. 261**

**MENTAL HEALTH**

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

*Made* - - - - - *16th May 2005*

*Laid before the Scottish Parliament* *18th May 2005*

*Coming into force* - - - *5th October 2005*

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>(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 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>(b)</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
- (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.

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<sup>(a)</sup> 2003 asp 13.

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

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.

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