
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 401

The Mental Health (Safeguards for Certain Informal Patients) (Scotland) Regulations 2005

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Mental Health (Safeguards for Certain Informal Patients) (Scotland) Regulations 2005 and shall come into force on 5th October 2005.

(2) In these Regulations—

“the 2003 Act” means the Mental Health (Care and Treatment) (Scotland) Act 2003;

“designated medical practitioner” means—

- (a) a child specialist⁽¹⁾, where the medical practitioner primarily responsible for treating the patient is not a child specialist; or
- (b) a medical practitioner approved for the purposes of this regulation by the Commission, where the medical practitioner primarily responsible for treating the patient is a child specialist;

“medical treatment” means a type of medical treatment specified in regulation 6;

“parental responsibilities” and “parental rights” have the meanings given by sections 1(3) and 2(4) of the Children (Scotland) Act 1995⁽²⁾;

“patient” shall be construed in accordance with regulation 2;

“transcranial magnetic stimulation” means the focal modulation of the activity of specific brain regions, by the administration of a changing magnetic field repeatedly, over an extended period;

“vagus nerve stimulation” means the intermittent electrical stimulation of the cervical portion of the left vagus nerve by a surgically implanted, programmable electronic device which administers electrical stimuli repeatedly, over an extended period; and

any reference to a numbered section is a reference to the section bearing that number in the Act.

(1) “child specialist” has the meaning given in section 249 of the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) as [13](#). Note also section 233(3) of that Act.

(2) [1995 c. 36](#).