

## **Executive Note**

### **The Mental Health (Fee Payable to Designated Medical Practitioners) (Scotland) (No 2) Regulations 2005 SSI/2005/412**

The above instrument was made in exercise of the powers conferred by section 233(6) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (“the Act”). The instrument is subject to negative resolution procedure.

### **Policy Objectives**

The Act makes provision for the Mental Welfare Commission to compile and maintain a list of medical practitioners who have such qualifications and experience as the Commission considers appropriate to discharge the functions of part 16 (medical treatment) of the Act. The fee for designated medical practitioners was set at £137.14 by the Mental Health (Fee payable to Designated Medical Practitioners) (Scotland) Regulations 2005

This fee is set at the same figure as the consultants’ rates for ‘exceptional consultations’ under paragraph 9.2.1 of the Terms and Conditions of Service for Hospital Medical and Dental Staff and Doctors in Public Health Medicine and the Community Health Service. The fee received an annual uprate of 3.225% on 1 April 2005. These regulations adjust the fee accordingly, and provide for a fee of £141.56 to be paid to Designated Medical Practitioners. Any further change to that rate will not automatically be reflected in this fee.

### **Consultation**

Policy on the payment of the fee was consulted on formally in a “regulations policy proposals consultation document” published in summer 2004. Further consultation has also taken place by way of discussion with the Scottish Executive’s Mental Health Legislation Reference Group.

### **Financial Effects**

The order has no financial effects on the Scottish Executive.. There will be costs for the Mental Welfare Commission of payment of the fees but designated medical practitioners under the 2003 Act are equivalent to second opinion doctors under the 1984 Act. There will therefore be no new financial effects on the Commission as a result of this order.

Scottish Executive Health Department  
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