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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 446**

**MENTAL HEALTH**

**The Mental Health (Class of Nurse)  
(Scotland) Regulations 2005**

*Made* - - - - 12th September 2005  
*Laid before the Scottish  
Parliament* - - - - 13th September 2005  
*Coming into force* - - 5th October 2005

The Scottish Ministers, in exercise of the powers conferred by section 299(2) 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, commencement and interpretation**

1.—(1) These Regulations may be cited as the Mental Health (Class of Nurse) (Scotland) Regulations 2005 and shall come into force on 5th October 2005.

(2) In these Regulations, “the register” means the register of qualified nurses and midwives established and maintained under article 5 of the Nursing and Midwifery Order 2001<sup>(2)</sup>.

**Class of nurse**

2. For the purposes of section 299(2) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (nurse’s power to detain pending medical examination), the class of nurse prescribed is a nurse registered in Sub-Part 1 of the Nurses’ Part of the register, whose entry includes an entry to indicate that the nurse’s field of practice is mental health nursing or learning disabilities nursing.

St Andrew’s House, Edinburgh  
12th September 2005

*LEWIS MACDONALD*  
Authorised to sign by the Scottish Ministers

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(1) 2003 asp 13; see section 329 for the definition of “regulations”.  
(2) S.I. 2002/253; for the parts of the register see S.I. 2004/1765.

**Status:** This is the original version (as it was originally made).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

These Regulations prescribe the class of nurse who is empowered under section 299 of the Mental Health (Care and Treatment) (Scotland) Act 2003 to detain a person already being treated in hospital. The class of nurse prescribed is a mental health or learning disabilities nurse registered in Sub-Part 1 of the Nurses' Part of the register kept in accordance with the Nursing and Midwifery Order 2001 (S.I.2002/253).