

**2007 No. 105**

**ADULTS WITH INCAPACITY**

**The Adults with Incapacity (Requirements for Signing Medical Treatment Certificates) (Scotland) Regulations 2007**

*Made* - - - - - *21st February 2007*

*Laid before the Scottish Parliament* *22nd February 2007*

*Coming into force* - - - *23rd March 2007*

The Scottish Ministers, in exercise of the powers conferred by section 47(1A)(b) of the Adults with Incapacity (Scotland) Act 2000(a) 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 Adults with Incapacity (Requirements for Signing Medical Treatment Certificates) (Scotland) Regulations 2007 and shall come into force on 23rd March 2007.

**Requirements to be satisfied by relevant health professional signing medical treatment certificate**

2. The requirements prescribed for the purposes of section 47(1A)(b) of the Adults with Incapacity (Scotland) Act 2000 are that the person concerned must have completed and passed the course entitled “Adults with Incapacity: Part 5 Amendment – Assessment of Incapacity for Health Professionals” administered by Napier University, Craiglockhart Campus, Edinburgh(b).

*LEWIS MACDONALD*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
21st February 2007

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(a) 2000 asp 4. Section 47(1A) was inserted by the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) section 35(2)(b). See section 87(1) of the 2000 Act for the definition of “prescribe” and section 86(1) as to the power to make regulations.  
(b) See Faculty of Health and Life Sciences, School of Community Health “Adults with Incapacity: Part 5 Amendment – Assessment of Incapacity for Health Professionals CH32254”, Module Handbook, February 2006.

## **EXPLANATORY NOTE**

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

These Regulations make provision in relation to the issue by certain persons of medical treatment certificates as respects adults with incapacity in accordance with section 47(1) of the Adults with Incapacity (Scotland) Act 2000 (“the Act”).

Regulation 2 prescribes, for the purposes of section 47(1A)(b) of the Act, the requirements which must be satisfied by any of the persons mentioned in section 47(1A)(b) of the Act (a dental practitioner, an ophthalmic optician, a registered nurse or an individual who falls within such description of persons as may be prescribed by Scottish Ministers) in order for that person to be authorised to sign a certificate for the purposes of section 47(1). The requirements prescribed in relation to these persons are that they must complete and pass a course in the assessment of incapacity run by Napier University.

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