
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 356

MENTAL HEALTH

The Mental Welfare Commission for Scotland (Qualifications, Training and Experience of Medical Visitors) Regulations 2010

Made - - - - 7th October 2010
Laid before the Scottish
Parliament - - - - 11th October 2010
Coming into force - - 15th November 2010

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 326(2) of, and paragraph 7C(1) of schedule 1 to, the Mental Health (Care and Treatment) (Scotland) Act 2003⁽¹⁾ and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Mental Welfare Commission for Scotland (Qualifications, Training and Experience of Medical Visitors) Regulations 2010 and come into force on 15th November 2010.

(2) In these Regulations, “the Act” means the Mental Health (Care and Treatment) (Scotland) Act 2003.

(3) For the purposes of regulation 2(a)(ii) and (b)(iii) whole-time equivalent is to be calculated by multiplying the full length of the person’s experience by the following fraction:—

$$\frac{\textit{person's hours of employment each week}}{\textit{hours constituting comparable whole – time employment}}$$

Qualifications, training and experience required for Medical Visitors

2. The qualifications, training and experience prescribed for the purposes of paragraph 7C(1) of schedule 1 to the Act are—

- (a) in the case of all persons, that the person is a medical practitioner and either (or both)—
(i) is a member of the Royal College of Psychiatrists;

(1) [2003 asp 13](#); paragraph 7C(1) of schedule 1 was inserted by the [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), Schedule 18, paragraph 7. “Regulations” is defined in section 329 to mean regulations made by the Scottish Ministers.

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- (ii) has a minimum of four years' whole-time equivalent experience of providing psychiatric services;
- (b) in the case of at least one person, that—
 - (i) the person satisfies the requirements of paragraph (a);
 - (ii) the person's name is included in the Specialist Register kept by the General Medical Council pursuant to section 34D of the Medical Act 1983⁽²⁾ as a specialist in psychiatry; and
 - (iii) since the date of inclusion in the Specialist Register the person has had a minimum of five years' whole-time equivalent experience of providing psychiatric services.

St Andrew's House,
Edinburgh
7th October 2010

NICOLA STURGEON
A member of the Scottish Executive

(2) 1983 c.54; section 34D was inserted by the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010 (S.I. 2010/234), Schedule 1, paragraph 10.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the qualifications, training and experience required to be appointed as a Medical Visitor in terms of paragraph 7C(1) of schedule 1 to the Mental Health (Care and Treatment) (Scotland) Act 2003 (“the 2003 Act”).

Paragraph 7C(1) of schedule 1 to the 2003 Act provides that in appointing Commission Visitors, the Mental Welfare Commission for Scotland must appoint one or more persons for the purposes of carrying out the functions of Commission Visitors under section 15 of that Act. Persons so appointed are known as Medical Visitors (paragraph 7C(2) of schedule 1 to the 2003 Act). Section 15 permits Medical Visitors to carry out, in private, a medical examination of a patient in connection with the discharge of the Mental Welfare Commission for Scotland’s functions under the 2003 Act or the [Adults with Incapacity \(Scotland\) Act 2000 \(asp 4\)](#).