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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 205**

**MENTAL HEALTH**

The Mental Welfare Commission for Scotland  
(Authorised Persons) Regulations 2005

<i>Made</i>	- - - -	<i>4th April 2005</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>7th April 2005</i>
<i>Coming into force</i>	- -	<i>5th October 2005</i>

The Scottish Ministers, in exercise of the powers conferred by section 15(2)(b) of the Mental Health (Care and Treatment) (Scotland) Act 2003(1) 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 Mental Welfare Commission for Scotland (Authorised Persons) Regulations 2005 and shall come into force on 5th October 2005.

**Authorised persons of the Mental Welfare Commission for Scotland**

2. For the purposes of section 15(2)(b) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (the qualifications, experience and training of a member of the staff of the Mental Welfare Commission for Scotland who may be authorised by the Commission to carry out a medical examination of a patient), an authorised person shall be a medical practitioner and either—

- (a) a member or fellow of the Royal College of Psychiatrists; or
- (b) have a minimum of four years whole-time equivalent experience of providing psychiatric services.

3. For the purposes of regulation 2(b) whole-time equivalent will be calculated by multiplying the full length of the person's experience by the following fraction:—

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

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**Status:** This is the original version (as it was originally made).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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St Andrew's House, Edinburgh  
4th April 2005

*RHONA BRANKIN*  
Authorised to sign on behalf of the Scottish  
Ministers

## **EXPLANATORY NOTE**

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

Section 15(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 empowers a person authorised (an “authorised person”) by the Mental Welfare Commission for Scotland to carry out in private a medical examination of a patient.

Section 15(2) of that Act provides that an authorised person shall be (a) a medical commissioner or (b) a member of staff of the Commission who has such qualifications and experience and who has undertaken such training as may be prescribed by regulations.

These regulations prescribe the qualifications and experience required of those members of staff.