

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Approved mental health professionals

Section 126: Education and training of approved mental health professionals

397. The Mental Health Act (as amended by the Mental Health Act 2007) provides for the approval of persons to act as AMHPs and confers functions on the Councils in relation to the education and training of people who are or wish to become AMHPs. When the relevant provisions come into force, AMHPs will take on the functions previously exercised by approved social workers, including making applications for a patient's admission and detention in hospital under Part 2 of the Mental Health Act. In addition to social workers, a wider group of professionals (for example nurses, occupational therapists and psychologists) will potentially be eligible for approval as AMHPs as long as they have the right skills, experience and training.
398. [Section 126](#) allows the Secretary of State in relation to the GSCC and the Welsh Ministers in relation to the CCW to make regulations modifying the functions of the Councils that relate to the education and training of AMHPs. This might cover, for example, their functions that relate to the approval of courses for social workers when acting as AMHPs.
399. *Subsection (2)* provides that the regulation-making power may be used to amend, repeal or apply (with or without modifications) any provision of any enactment, instrument or document.
400. *Subsection (3)* provides that certain paragraphs of Schedule 9 also apply (with modifications) to regulations made under this section. For example, the regulations may provide for fees to be charged and payments to be made by the Councils (paragraph 5 of Schedule 9). The same procedure for making regulations under section 124 applies to regulations made under this section (paragraphs 9 and 10 of Schedule 9).