

**2012 No. 170**

**ADULTS WITH INCAPACITY**

**The Adults with Incapacity (Requirements for Signing Medical  
Treatment Certificates) (Scotland) Amendment  
Regulations 2012**

<i>Made</i>	- - - -	<i>29th May 2012</i>
<i>Laid before the Scottish Parliament</i>		<i>31st May 2012</i>
<i>Coming into force</i>	- -	<i>2nd July 2012</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 47(1A)(b) of the Adults with Incapacity (Scotland) Act 2000<sup>(a)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Adults with Incapacity (Requirements for Signing Medical Treatment Certificates) (Scotland) Amendment Regulations 2012 and come into force on 2nd July 2012.

**Amendment of the Adults with Incapacity (Requirements for Signing Medical Treatment Certificates) (Scotland) Regulations 2007**

2. For regulation 2 of the Adults with Incapacity (Requirements for Signing Medical Treatment Certificates) (Scotland) Regulations 2007<sup>(b)</sup> substitute—

“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 had their knowledge of how to assess an individual’s capacity to be able to make decisions as to that individual’s medical treatment certified by—

- (a) a body specified in schedule 2 of the Further and Higher Education (Scotland) Act 2005<sup>(c)</sup>; or

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<sup>(a)</sup> 2000 asp 4; section 47(1A) was inserted by section 35(2)(b) of the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13); section 87(1) provides that “prescribed” means prescribed by regulations.

<sup>(b)</sup> S.S.I. 2007/105.

<sup>(c)</sup> 2005 asp 6; schedule 2 has been amended by S.S.I. 2005/660, 2006/480, 2007/255 and 524, 2008/241 and 412 and 2011/227 and 229.

(b) NHS Education for Scotland(a).”.

St Andrew’s House,  
Edinburgh  
29th May 2012

*MICHAEL MATHESON*  
Authorised to sign by the Scottish Ministers

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(a) NHS Education for Scotland is a Special Health Board constituted by S.S.I. 2002/103.

## **EXPLANATORY NOTE**

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

These Regulations amend the Adults with Incapacity (Requirements for Signing Medical Treatment Certificates) (Scotland) Regulations 2007 in respect of the requirements which must be satisfied by any of the persons mentioned in section 47(1A)(b) of the Adults with Incapacity (Scotland) Act 2000 (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 have their knowledge of the assessment of capacity certified by a Scottish further or higher education institution or by NHS Education for Scotland.

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