
STATUTORY INSTRUMENTS

2009 No. 2376

**The Mental Health and Mental Capacity (Advocacy)
Amendment (England) Regulations 2009**

Amendment of the 2008 Regulations

3.—(1) The 2008 Regulations are amended as follows.

(2) For regulation 6(5) substitute—

“(5) For the purposes of the condition referred to in paragraph (2)(b) there must be obtained, in respect of that person, an enhanced criminal record certificate issued pursuant to section 113B of the Police Act 1997 which includes—

- (a) where the qualifying patient has not attained the age of 18, suitability information relating to children (within the meaning of section 113BA of the Police Act 1997);
- (b) where the qualifying patient has attained the age of 18, suitability information relating to vulnerable adults (within the meaning of section 113BB of that Act).”.