WELSH STATUTORY INSTRUMENTS

2012 No. 1305 (W.166)

MENTAL HEALTH, WALES

The Mental Health (Primary Care Referrals and Eligibility to Conduct Primary Mental Health Assessments) (Wales) Regulations 2012

Made - - - -	*15 May 2012*
Coming into force - -	*1 October 2012*

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 7(6)(a), 47(1)(a) and (2), and 52(2) of the Mental Health (Wales) Measure 2010(**1**).

A draft of this instrument has been laid before the National Assembly for Wales in accordance with section 52(5)(b) of the Measure, and approved by resolution of the National Assembly for Wales.

PART 1 —
GENERAL

Title, commencement and application

1.—(1) The title of these Regulations is The Mental Health (Primary Care Referrals and Eligibility to Conduct Primary Mental Health Assessments) (Wales) Regulations 2012 and they come into force on 1 October 2012.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

"local mental health partners" ("*partneriaid iechyd meddwl lleol*") has the meaning provided in section 1 of the Measure;

"local primary mental health support services" ("*gwasanaethau cymorth iechyd meddwl sylfaenol lleol*") has the meaning provided in section 5 of the Measure;

(**1**) 2010 nawm 7.

"primary care provider" ("*darparydd gofal sylfaenol*") has the meaning provided in section 51(1) of the Measure;

"primary medical services" ("*gwasanaethau meddygol sylfaenol*") means—

(a) medical services provided under Part 4 of the 2006 Act whether by—

(i) a contractor with whom a general medical services contract has been entered into with a Local Health Board under section 42 of that Act;

(ii) a person with whom arrangements have been made under section 50 of that Act by a Local Health Board;

(iii) a registered medical practitioner employed for the purposes of section 41(2)(a) of that Act by a Local Health Board; or

(iv) a registered medical practitioner with whom a Local Health Board has made arrangements under section 41(2)(b) of that Act; or

(b) medical services provided by—

(i) a registered medical practitioner under arrangements made between a registered medical practitioner and a person responsible for the provision or running of a contracted out prison (within the meaning of section 84(4) of the Criminal Justice Act 1991(**2**)) in Wales; or

(ii) a registered medical practitioner employed by Her Majesty's Prison Service in Wales;

"primary mental health assessment" ("*asesiad iechyd meddwl sylfaenol*") has the meaning provided in section 51(1) of the Measure;

"relevant local mental health partner" ("*partner iechyd meddwl lleol perthnasol*") means the local mental health partner that is responsible for providing the majority of the local primary mental health support services under the Scheme agreed under section 2 of the Measure. If a Scheme is not agreed under section 2 of the Measure, the relevant local mental health partner is the Local Health Board for the local authority area in question;

"scheme" ("*cynllun*") means a scheme that local mental health partners must take all reasonable steps to agree in accordance with section 2 of the Measure;

"the 2006 Act" ("*Deddf 2006*") means the National Health Service (Wales) Act 2006(**3**);

"the Measure" ("*y Mesur*") means the Mental Health (Wales) Measure 2010(**4**).

PART 2 —

PRIMARY CARE REFERRALS

Persons whom a primary care provider may refer to local primary mental health support services

3.—(1) Subject to section 8(1) of the Measure(**5**), a primary care provider may refer any person—

(a) who is entitled to receive primary medical services, and

(**2**) 1991 c. 53.
(**3**) 2006 c. 42.
(**4**) 2010 nawm 7.
(**5**) In accordance with section 7(1)(a) a primary care provider may not refer an individual who falls within any of the descriptions in section 8(1) of the Measure. Section 8(1) applies to individuals who are liable to be detained under the Mental Health Act 1983; an individual who is subject to guardianship under that Act; an individual who is a community patient within the meaning of that Act and an individual who is receiving secondary mental health services.