WELSH STATUTORY INSTRUMENTS

2012 No. 1244 (W.152)

MENTAL HEALTH, WALES

The Mental Health (Regional Provision) (Wales) Regulations 2012

Made - - - - 8 May 2012

Coming into force in accordance with regulation 1(2)

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 45, 46 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.

Title, commencement and application

1.—(1) The title of these Regulations is the Mental Health (Regional Provision) (Wales) Regulations 2012.

(2) These Regulations come into force—

(a) insofar as they relate to regional provision for Part 1 of the Measure, immediately after the coming into force of section 45 (Part 1: power to secure regional provision) of the Measure on 8 May 2012; and

(b) for all other purposes, immediately after the coming into force of section 46 (Part 3: power to secure regional provision) of the Measure on 6 June 2012.

(3) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations "the Measure" ("*y Mesur*") means the Mental Health (Wales) Measure 2010.

Regional provision for Part 1 of the Measure

3.—(1) Subject to paragraph (4), in order to secure regional provision as provided in section 45 of the Measure Part 1 (local primary mental health support services) of the Measure is disapplied in relation to the local authority areas which are identified in Schedule 1 to these Regulations.

(**1**) 2010 nawm 7.

(2) Subject to paragraph (4), Part 1 and so far as necessary Parts 5 (general) and 6 (miscellaneous and supplemental) of the Measure are applied in relation to the combined local authority areas which are identified and grouped together as regions in column 1 of the table in Schedule 2 to these Regulations.

(3) For the purposes of Part 1 of the Measure the local mental health partners for each region are assigned in column 2 of the table in Schedule 2 to these Regulations.

(4) Sections 6 (duties to carry out primary mental health assessments: referrals for registered patients in primary care), 7 (duties to carry out primary mental health assessments: other primary care referrals) and 8 (duties to carry out primary mental health assessments: secondary mental health care referrals) are not disapplied for the purposes of paragraph (1) or applied for the purposes of paragraph (2) except to the extent to which they relate to the scheme referred to in section 2(4) or 2(5) (joint schemes for the provision of local primary mental health support services) for the region in sections 7(6) and 8(2) and (5).

Regional provision for Part 3 of the Measure

4.—(1) Subject to paragraph (4), in order to secure regional provision as provided in section 46 of the Measure Part 3 (assessments of former users of secondary mental health services) of the Measure is disapplied in relation to the local authority areas which are identified in Schedule 1 to these Regulations.

(2) Subject to paragraph (4), Part 3 and so far as necessary Parts 5 (general) and 6 (miscellaneous and supplemental) of the Measure are applied in relation to the combined local authority areas which are identified and grouped together as regions in column 1 of the table in Schedule 2 to these Regulations.

(3) For the purposes of Part 3 of the Measure the local mental health partners for each region are assigned in column 2 of the table in Schedule 2 to these Regulations.

(4) Sections 19 (arrangements for assessment of former users of secondary mental health services), 22 (entitlement to assessment) and 29 (determination of usual residence), are not disapplied for the purposes of paragraph (1) or applied for the purposes of paragraph (2) to the extent to which they relate to—

(i) the entitlement of an adult to an assessment; and

(ii) the determination of usual residence of that adult for the purpose of establishing entitlement to assessment on the basis of that adult's usual residence in a local authority area.

Lesley Griffiths
Minister for Health and Social Services, one of
the Welsh Ministers

8 May 2012