WELSH STATUTORY INSTRUMENTS

2011 No. 3046 (W.321) (C.116)

MENTAL HEALTH, ENGLAND AND WALES

The Mental Health (Wales) Measure 2010 (Commencement No.1 and Transitional Provision) Order 2011

Made - - - - 18 December 2011

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 52(2) and 55(3) of the Mental Health (Wales) Measure 2010(**1**).

Title and interpretation

1.—(1) The title of this Order is the Mental Health (Wales) Measure 2010 (Commencement No.1 and Transitional Provision) Order 2011.

(2) In this Order—

(a) "the Measure" ("*y Mesur*") means the Mental Health (Wales) Measure 2010;

(b) "qualifying patient" ("*claf cymwys*") has the same meaning as in section 130C of the Mental Health Act 1983(**2**);

(c) "Welsh qualifying informal patients" ("*cleifion anffurfiol cymwys Cymru*") has the same meaning as in section 130J of the Mental Health Act 1983(**3**).

Provisions of the Measure coming into force on 3 January 2012

2. The following provisions of the Measure come into force on 3 January 2012—

(a) Section 31 (independent mental health advocates: Wales) except in so far as it relates to Welsh qualifying informal patients;

(b) Section 32 (further provision about independent mental health advocacy for Welsh qualifying compulsory patients);

(c) Section 34 (independent mental health advocates: supplementary powers and duties) except in so far as it relates to Welsh qualifying informal patients;

(d) Section 35 (Welsh qualifying compulsory patients);

(e) Section 37 (duty to give information about independent mental health advocates to Welsh qualifying compulsory patients);

(**1**) 2010 nawm 7.
(**2**) 1983 c. 20. Section 130C was inserted by section 30 of the Mental Health Act 2007 (c. 12).
(**3**) Section 130J was inserted by section 36 of the Measure.

(f) Section 39 (application of the Mental Health Act 1983 code of practice to Welsh independent mental health advocates) except in so far as it relates to Welsh qualifying informal patients;

(g) Section 40 (procedures for making regulations under the Mental Health Act 1983) except in so far as it relates to Welsh qualifying informal patients;

(h) Section 44 (codes of practice);

(i) Section 53(1) (consequential etc amendments) except in so far as it relates to Welsh qualifying informal patients;

(j) Section 54 (repeals) except in so far as it relates to Welsh qualifying informal patients;

(k) Schedule 1 (consequential amendments to the Mental Health Act 1983) except in so far as it relates to Welsh qualifying informal patients; and

(l) Schedule 2 (repeals) except in so far as it relates to Welsh qualifying informal patients.

Provisions of the Measure coming into force on 2 April 2012

3. The following provisions of the Measure come into force on 2 April 2012—

(a) Section 31 (independent mental health advocates: Wales) in so far as not already commenced;

(b) Section 33 (further provision about independent mental health advocacy for Welsh qualifying informal patients);

(c) Section 34 (independent mental health advocates: supplementary powers and duties) in so far as not already commenced;

(d) Section 36 (Welsh qualifying informal patients);

(e) Section 38 (duty to give information about independent mental health advocates to Welsh qualifying informal patients);

(f) Section 39 (application of the Mental Health Act 1983 code of practice to Welsh independent mental health advocates) in so far as not already commenced;

(g) Section 40 (procedures for making regulations under the Mental Health Act 1983) in so far as not already commenced;

(h) Section 53(1) (consequential etc amendments) in so far as not already commenced;

(i) Section 54 (repeals) in so far as not already commenced;

(j) Schedule 1 (consequential amendments to the Mental Health Act 1983) in so far as not already commenced; and

(k) Schedule 2 (repeals) in so far as not already commenced.

Provisions of the Measure coming into force on 8 May 2012

4. The following provisions of the Measure come into force on 8 May 2012—

(a) Section 1 (meaning of "local mental health partners");

(b) Section 2 (joint schemes for the provision of local primary mental health support services);

(c) Section 4 (failures to agree schemes);

(d) Section 5 (meaning of "local primary mental health support services");

(e) Section 11 (inclusion of schemes under this Part in children and young people's plans);

(f) Section 43 (amendment of the Local Authority Social Services Act 1970) in so far as it relates to sections 1, 2, 4, 5 and 11 of the Measure; and