
STATUTORY INSTRUMENTS

2012 No. 1428 (W.178)

MENTAL HEALTH, WALES

**The Mental Health (Secondary Mental
Health Services) (Wales) Order 2012**

Made - - - - 29 May 2012

Coming into force - - 6 June 2012

The Welsh Ministers make this Order in exercise of the powers conferred by sections 49(4) 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)(a) of the Measure, and approved by resolution of the National Assembly for Wales.

Title, commencement and application

1.—(1) The title of this Order is the Mental Health (Secondary Mental Health Services) (Wales) Order 2012, and it comes into force on 6 June 2012.

(2) This Order applies in relation to Wales.

Interpretation

2. In this Order “the Measure” (“*y Mesur*”) means the Mental Health (Wales) Measure 2010.

Meaning of secondary mental health services for the purposes of Parts 2 and 3 of the Measure

3. Services and treatment which are made available as local primary mental health support services(2) in a particular local authority area under a scheme(3) are not to be regarded as secondary mental health services(4) for the purposes of Part 2 (coordination of and care planning for secondary mental health service users) and Part 3 (assessments of former users of secondary mental health services) of the Measure in that local authority area.

(1) 2010 nawm 7.

(2) See section 5 (meaning of “local primary mental health support services”) of the Measure for the meaning of local primary mental health support services.

(3) See section 2 (joint schemes for the provision of local primary mental health support services) and section 4 (failures to agree schemes) of the Measure regarding schemes for the provision of local primary mental health support services in local authority areas.

(4) See section 49 (meaning of secondary mental health services) of the Measure for the meaning of secondary mental health services.

Meaning of secondary mental health services for the purposes of entitlement to assessment in Part 3 of the Measure

4. A service provided in England, Scotland or Northern Ireland which is the equivalent of a secondary mental health service provided in Wales is to be regarded as a secondary mental health service for the purposes of section 22 (entitlement to assessment) and section 23 (assessments: the relevant discharge period) of the Measure.

29 May 2012

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

EXPLANATORY NOTE

(This note is not part of the Order)

Article 3 of this Order provides that, for the purposes of Parts 2 and 3 of the Mental Health (Wales) Measure 2010 (“the Measure”), local primary mental health support services made available in a particular local authority area under a scheme are not to be regarded as secondary mental health services in that local authority area.

The effect of article 3 is that the requirements surrounding coordination and care and treatment planning provided by Part 2 of the Measure do not apply to an individual who is only in receipt of services or treatment which are made available as local primary mental health support services in the local authority area in which that individual is usually resident. Also, an individual who has received only such services will not be eligible for assessment under Part 3 of the Measure.

Article 4 of this Order provides that services in England, Scotland or Northern Ireland which are the equivalent of secondary mental health services provided in Wales are to be regarded as secondary mental health services for certain purposes in Part 3 of the Measure.

The effect of article 4 is to enable adults who have received such services in England, Scotland or Northern Ireland but who are now resident in Wales to be entitled to assessment under Part 3 of the Measure, provided they satisfy the entitlement criteria provided in section 22 of the Measure.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Mental Health Legislation Team, Department for Health, Social Services and Children, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.