

Draft Regulations laid before the National Assembly for Wales under section 52(5)(b) of the Mental Health (Wales) Measure 2010, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2012 No. (W.)

MENTAL HEALTH, WALES

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations provide for regional provision for the purposes of Parts 1 and 3 of the Mental Health (Wales) Measure 2010 (“the Measure”).

2. Parts 1 and 3 of the Measure are disapplied in relation to all of the local authority areas listed in Schedule 1 to these Regulations (regulations 3(1) and 4(1)).

3. Parts 1 and 3 of the Measure and so far as necessary, Parts 5 and 6 of the Measure are then applied in relation to the combined areas of the local authorities which are grouped together in column 1 of the table in Schedule 2 to these Regulations. The combined areas of these groups of local authorities are known as “regions” (regulations 3(2) and 4(2)).

4. The local mental health partners for each region are assigned in column 2 of the table in Schedule 2 to these Regulations (regulations 3(3) and 4(3)).

5. An exception is made to the disapplication and application of Part 1 of the Measure for the purposes of sections 6, 7 and 8. This exception means that regional provision does not apply for the purposes of sections 6, 7 and 8, except to the extent that those sections relate to a scheme for a region (as referred to in section 2(4) and (5) of the Measure) in sections 7(6) and 8(2) and (5) (regulation 3(4)).

6. An exception is made to the disapplication and application of Part 3 of the Measure for the purposes of sections 19, 22 and 29. This exception means that

regional provision does not apply for the purposes of sections 19, 22 and 29 to the extent that those sections relate to the entitlement of an adult to assessment, or the determination of an adult's usual residence by local authority area for the purpose of establishing that adult's entitlement to assessment (regulation 4(4)).

7. A regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. 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.

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2012 No. (W.)

MENTAL HEALTH, WALES

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

Made

*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

(1) 2010 nawm 7.

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.

(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.

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

Date

SCHEDULE 1

Regulations 3(1) and 4(1)

Local authority areas which are disapplied in order to secure regional provision for Parts 1 and 3 of the Measure

Blaenau Gwent County Borough Council

Bridgend County Borough Council

Cardiff Council

Caerphilly County Borough Council

Carmarthenshire County Council

Ceredigion County Council

City and County of Swansea

Conwy County Borough Council

Denbighshire County Council

Flintshire County Council

Gwynedd Council

Isle of Anglesey County Council

Merthyr Tydfil County Borough Council

Monmouthshire County Council

Neath Port Talbot County Borough Council

Newport City Council

Pembrokeshire County Council

Rhondda Cynon Taf County Borough Council

Torfaen County Borough Council

Vale of Glamorgan Council

Wrexham County Borough Council

SCHEDULE 2

Regulations 3(2) and (3) and 4(2) and (3)

Regional provision and assigned local mental health partners for Parts 1 and 3 of the Measure

<i>Column 1</i>	<i>Column 2</i>
Local authority areas (or parts thereof) applied as regions	Local mental health partners
Conwy County Borough Council	Betsi Cadwaladr University Local Health Board
Denbighshire County Council	Conwy County Borough Council
Flintshire County Council	Denbighshire County Council
Gwynedd Council	Flintshire County Council
Isle of Anglesey County Council	Gwynedd Council
Wrexham County Borough Council	Isle of Anglesey County Council
	Wrexham County Borough Council
Carmarthenshire County Council	Carmarthenshire County Council
Ceredigion County Council	Ceredigion County Council
Pembrokeshire County Council	Hywel Dda Local Health Board
	Pembrokeshire County Council
Bridgend County Borough Council	Abertawe Bro Morgannwg University Local Health Board
City and County of Swansea	Bridgend County Borough Council
Neath Port Talbot County Borough Council	City and County of Swansea
	Neath Port Talbot County Borough Council
Cardiff Council	Cardiff and Vale University Local Health Board
Vale of Glamorgan Council	Cardiff Council
	Vale of Glamorgan Council
Merthyr Tydfil County Borough Council	Cwm Taf Local Health Board
Rhondda Cynon Taf County Borough Council	Merthyr Tydfil County Borough Council

	Rhondda Cynon Taf County Borough Council
Blaenau Gwent County Borough Council	Aneurin Bevan Local Health Board
Caerphilly County Borough Council	Blaenau Gwent County Borough Council
Monmouthshire County Council	Caerphilly County Borough Council
Newport City Council	Monmouthshire County Council
Torfaen County Borough Council	Newport City Council Torfaen County Borough Council
