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WELSH STATUTORY INSTRUMENTS

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**2012 No. 1397 (W.169) (C.52)**

**MENTAL HEALTH, ENGLAND AND WALES**

The Mental Health (Wales) Measure  
2010 (Commencement No.2) Order 2012

Made - - - -

28 May 2012

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.2) Order 2012.

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

**Provisions of the Measure coming into force on 6 June 2012**

2. The following provisions of the Measure come into force on 6 June 2012—

- (a) Section 12 (meaning of “relevant patient”);
- (b) Section 13 (meaning of “mental health service provider”);
- (c) Section 14 (duty to appoint a care coordinator for a relevant patient);
- (d) Section 15 (identification of the relevant mental health service provider for a relevant patient);
- (e) Section 16 (further provision about the appointment of care coordinators);
- (f) Section 17 (duty to coordinate provision of mental health services) except so far as it relates to Part 1 of the Measure;
- (g) Section 18 (functions of the care coordinator) except so far as it relates to Part 1 of the Measure;
- (h) Section 19 (arrangements for assessment of former users of secondary mental health services);
- (i) Section 20 (duty to carry out assessments);
- (j) Section 21 (failure to agree arrangements);

- (k) Section 22 (entitlement to assessment);
- (l) Section 23 (assessments: the relevant discharge period);
- (m) Section 24 (provision of information about assessments);
- (n) Section 25 (purpose of assessment);
- (o) Section 26 (assessments: further provision);
- (p) Section 27 (action following an assessment);
- (q) Section 28 (referrals relating to housing or well-being services);
- (r) Section 29 (determination of usual residence);
- (s) Section 30 (application of this Part to persons under local authority guardianship);
- (t) Section 41 (cooperative and joint working between Local Health Boards and local authorities) in so far as it relates to Part 2 and Part 3 of the Measure;
- (u) Section 42 (information sharing) in so far as it relates to Part 2 and Part 3 of the Measure;
- (v) Section 43 (amendment of the Local Authority Social Services Act 1970) in so far as it relates to Part 2 and Part 3 of the Measure;
- (w) Section 46 (Part 3: power to secure regional provision); and
- (x) Section 47 (regulations as to the individuals who may carry out primary mental health assessments and act as care coordinators) in so far as it relates to Part 2 of the Measure.

28 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)*

This Order is made under sections 52(2) and 55(3) of the Mental Health (Wales) Measure 2010 (“the Measure”). Article 2 lists the provisions which are to come into force on 6 June 2012.

This Order commences Part 2 of the Measure which requires the relevant mental health service providers to appoint a care coordinator for relevant patients. Part 2 also sets out the functions of a care coordinator. This Order also commences Part 3 of the Measure which makes provision for the assessment of former users of secondary mental health services. It also commences some provisions of Part 5 of the Measure in so far as they relate to Parts 2 and 3.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Measure have been brought into force in relation to England and Wales by a commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I.No.</i>
Section 1	8 May 2012	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 2	8 May 2012	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 4	8 May 2012	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 5	8 May 2012	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 11	8 May 2012	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 31	3 January 2012 (partially) 2 April 2012 (fully)	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 32	3 January 2012	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 33	2 April 2012	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 34	3 January 2012 (partially) 2 April 2012 (fully)	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 35	3 January 2012	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 36	2 April 2012	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 37	3 January 2012	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 38	2 April 2012	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 39	3 January 2012 (partially) 2 April 2012 (fully)	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 40	3 January 2012 (partially) 2 April 2012 (fully)	<a href="#">2011/3046 (W.321) (C.116)</a>

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I.No.</i>
Section 43	8 May 2012 (partially)	2011/3046 (W.321) (C.116)
Section 44	3 January 2012	2011/3046 (W.321) (C.116)
Section 45	8 May 2012	2011/3046 (W.321) (C.116)
Section 53(1)	3 January 2012 (partially) 2 April 2012 (fully)	2011/3046 (W.321) (C.116)
Section 54	3 January 2012 (partially) 2 April 2012 (fully)	2011/3046 (W.321) (C.116)
Schedule 1	3 January 2012 (partially) 2 April 2012 (fully)	2011/3046 (W.321) (C.116)
Schedule 2	3 January 2012 (partially) 2 April 2012 (fully)	2011/3046 (W.321) (C.116)

See also section 55(1) of the Measure for the provisions that came into force on the date two months after which the Measure was approved by Her Majesty in Council.