



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2012 Rhif 1244 (Cy.152)

2012 No. 1244 (W.152)

IECHYD MEDDWL, CYMRU

MENTAL HEALTH, WALES

Rheoliadau Iechyd Meddwl
(Darpariaeth Ranbarthol) (Cymru)
2012

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

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

1. Mae'r Rheoliadau hyn yn darparu ar gyfer darpariaeth ranbarthol at ddibenion Rhannau 1 a 3 o Fesur Iechyd Meddwl (Cymru) 2010 ("y Mesur").

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. Mae Rhannau 1 a 3 o'r Mesur yn cael eu datgymhwyso o ran ardaloedd yr holl awdurdodau lleol sydd wedi eu rhestru yn Atodlen 1 i'r Rheoliadau hyn (rheoliadau 3(1) a 4(1)).

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. Wedyn mae Rhannau 1 a 3 o'r Mesur ac i'r graddau y mae angen hynny, mae Rhannau 5 a 6 o'r Mesur yn cael eu cymhwyso o ran ardaloedd cyfun yr awdurdodau lleol sydd wedi eu grwpio gyda'i gilydd yng ngholofn 1 o'r tabl yn Atodlen 2 i'r Rheoliadau hyn. Yr enw ar ardaloedd cyfun y grwpiau hyn o awdurdodau lleol yw "rhanbarthau" (rheoliadau 3(2) a 4(2)).

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. Mae'r partneriaid iechyd meddwl lleol i bob rhanbarth wedi eu dyrannu yng ngholofn 2 o'r tabl yn Atodlen 2 i'r Rheoliadau hyn (rheoliadau 3(3) a 4(3)).

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. Mae eithriad yn cael ei wneud i'r modd y mae Rhan 1 o'r Mesur yn cael ei datgymhwyso a'i chymhwyso at ddibenion adrannau 6, 7 ac 8. Mae'r eithriad hwn yn golygu nad yw darpariaeth ranbarthol yn gymwys at ddibenion adrannau 6, 7 ac 8, ac eithrio i'r graddau y mae'r adrannau hynny'n ymwneud â chynllun ar gyfer rhanbarth (fel y cyfeirir ato yn adran 2(4) a (5) o'r Mesur) yn adrannau 7(6) ac 8(2) a (5) (rheoliad 3(4)).

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. Mae eithriad yn cael ei wneud i'r modd y mae Rhan 3 o'r Mesur yn cael ei datgymhwyso a'i chymhwyso at ddibenion adrannau 19, 22 a 29. Mae'r

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

eithriad hwn yn golygu nad yw darpariaeth ranbarthol yn gymwys at ddibenion adrannau 19, 22 a 29 i'r graddau y mae'r adrannau hynny'n ymwneud â hawl oedolyn i gael asesiad, neu â phenderfynu man preswyllo arferol oedolyn yn ôl ardaloedd yr awdurdodau lleol er mwyn sefydlu hawl yr oedolyn hwnnw i gael asesiad (rheoliad 4(4)).

7. Mae asesiad effaith rheoleiddiol wedi ei baratoi ynglŷn â chostau a buddion tebygol cydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth y Tîm Deddfwriaeth Iechyd Meddwl, Yr Adran Iechyd, Gwasanaethau Cymdeithasol a Phlant, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

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.

2012 Rhif 1244 (Cy.152)

IECHYD MEDDWL, CYMRU

Rheoliadau Iechyd Meddwl
(Darpariaeth Ranbarthol) (Cymru)
2012

Gwnaed

8 Mai 2012

Yn dod i rym yn unol â rheoliad 1(2)

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adrannau 45, 46 a 52(2) o Fesur Iechyd Meddwl (Cymru) 2010(1).

Mae drafft o'r offeryn hwn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru yn unol ag adran 52(5)(b) o'r Mesur, ac wedi ei gymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru.

Enwi, cychwyn a chymhwys

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Iechyd Meddwl (Darpariaeth Ranbarthol) (Cymru) 2012.

(2) Daw'r Rheoliadau hyn i rym—

- (a) i'r graddau y maent yn ymwneud â darpariaeth ranbarthol ar gyfer Rhan 1 o'r Mesur, yn union ar ôl i adran 45 (Rhan 1: y pŵer i sicrhau darpariaeth ranbarthol) o'r Mesur ddod i rym ar 8 Mai 2012; a
- (b) at bob diben arall, yn union ar ôl i adran 46 (Rhan 3: y pŵer i sicrhau darpariaeth ranbarthol) o'r Mesur ddod i rym ar 6 Mehefin 2012.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Dehongli

2. Yn y Rheoliadau hyn, ystyr "y Mesur" ("*the Measure*") yw Mesur Iechyd Meddwl (Cymru) 2010.

(1) 2010 mccc 7.

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.

(1) 2010 nawm 7.

Darpariaeth ranbarthol ar gyfer Rhan 1 o'r Mesur

3.—(1) Yn ddarostyngedig i baragraff (4), er mwyn sicrhau darpariaeth ranbarthol yn unol â'r hyn a ddarperir yn adran 45 o'r Mesur mae Rhan 1 (gwasanaethau cymorth iechyd meddwl sylfaenol lleol) o'r Mesur wedi ei datgymhwyso o ran ardaloedd yr awdurdodau lleol a nodir yn Atodlen 1 i'r Rheoliadau hyn.

(2) Yn ddarostyngedig i baragraff (4), mae Rhan 1 ac i'r graddau y mae angen hynny mae Rhannau 5 (cyffredinol) a 6 (amrywiol ac atodol) o'r Mesur wedi eu cymhwyso o ran ardaloedd cyfun yr awdurdodau lleol a nodir ac a grwpir gyda'i gilydd fel rhanbarthau yng ngholofn 1 o'r tabl yn Atodlen 2 i'r Rheoliadau hyn.

(3) At ddibenion Rhan 1 o'r Mesur mae'r partneriaid iechyd meddwl lleol i bob rhanbarth wedi eu dyrannu yng ngholofn 2 o'r tabl yn Atodlen 2 i'r Rheoliadau hyn.

(4) Nid yw adrannau 6 (dyletswyddau i gynnal asesiadau iechyd meddwl sylfaenol: atgyfeiriadau ar gyfer cleifion cofrestredig mewn gofal sylfaenol), 7 (dyletswyddau i gynnal asesiadau iechyd meddwl sylfaenol: atgyfeiriadau gofal sylfaenol eraill) ac 8 (dyletswyddau i gynnal asesiadau iechyd meddwl sylfaenol: atgyfeiriadau gofal iechyd meddwl eilaidd) wedi eu datgymhwyso at ddibenion paragraff (1) nac wedi eu cymhwyso at ddibenion paragraff (2) ac eithrio i'r graddau y maent yn ymwneud â'r cynllun y cyfeirir ato yn adran 2(4) neu 2(5) (cynlluniau ar y cyd ar gyfer darparu gwasanaethau cymorth iechyd meddwl sylfaenol lleol) i'r rhanbarth yn adrannau 7(6) ac 8(2) a (5).

Darpariaeth ranbarthol ar gyfer Rhan 3 o'r Mesur

4.—(1) Yn ddarostyngedig i baragraff (4), er mwyn sicrhau darpariaeth ranbarthol yn unol â'r hyn a ddarperir yn adran 46 o'r Mesur mae Rhan 3 (asesiadau ar ddefnyddwyr blaenorol o wasanaethau iechyd meddwl eilaidd) o'r Mesur wedi ei datgymhwyso o ran ardaloedd yr awdurdodau lleol a nodir yn Atodlen 1 i'r Rheoliadau hyn.

(2) Yn ddarostyngedig i baragraff (4), mae Rhan 3 ac i'r graddau y mae angen hynny mae Rhannau 5 (cyffredinol) a 6 (amrywiol ac atodol) o'r Mesur wedi eu cymhwyso o ran ardaloedd cyfun yr awdurdodau lleol a nodir ac a grwpir gyda'i gilydd fel rhanbarthau yng ngholofn 1 o'r tabl yn Atodlen 2 i'r Rheoliadau hyn.

(3) At ddibenion Rhan 3 o'r Mesur mae'r partneriaid iechyd meddwl lleol i bob rhanbarth wedi eu dyrannu yng ngholofn 2 o'r tabl yn Atodlen 2 i'r Rheoliadau hyn.

(4) Nid yw adrannau 19 (trefniadau ar gyfer asesu defnyddwyr blaenorol o wasanaethau iechyd meddwl eilaidd), 22 (hawl i asesiad) a 29 (penderfynu man

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

preswyllo arferol), wedi eu datgymhwyso at ddibenion paragraff (1) nac wedi eu cymhwyso at ddibenion paragraff (2) i'r graddau y maent yn ymwneud â'r canlynol—

- (i) hawl oedolyn i gael asesiad; a
- (ii) penderfynu man preswyllo arferol yr oedolyn hwnnw er mwyn sefydlu'r hawl i gael asesiad ar y sail bod man preswyllo arferol yr oedolyn hwnnw mewn ardal awdurdod lleol.

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

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru

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

8 Mai 2012

8 May 2012

ATODLEN 1

Rheoliadau 3(1) a 4(1)

Ardaloedd awdurdodau lleol sydd wedi eu datgymhwyso er mwyn sicrhau darpariaeth ranbarthol ar gyfer Rhannau 1 a 3 o'r Mesur

Cyngor Bro Morgannwg
Cyngor Bwrdeistref Sirol Blaenau Gwent
Cyngor Bwrdeistref Sirol Caerffili
Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot
Cyngor Bwrdeistref Sirol Conwy
Cyngor Bwrdeistref Sirol Merthyr Tudful
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr
Cyngor Bwrdeistref Sirol Rhondda Cynon Taf
Cyngor Bwrdeistref Sirol Tor-faen
Cyngor Bwrdeistref Sirol Wrecsam
Cyngor Caerdydd
Cyngor Dinas Casnewydd
Cyngor Gwynedd
Cyngor Sir Caerfyrddin
Cyngor Sir Ceredigion
Cyngor Sir Ddinbych
Cyngor Sir Mynwy
Cyngor Sir Penfro
Cyngor Sir y Fflint
Cyngor Sir Ynys Môn
Dinas a Sir Abertawe

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

ATODLEN 2

SCHEDULE 2

Rheoliadau 3(2) a (3) a 4(2) a (3)

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

Y ddarpariaeth ranbarthol a'r partneriaid iechyd meddwl lleol sydd wedi eu dyrannu ar gyfer Rhannau 1 a 3 o'r Mesur

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

<i>Colofn 1</i>	<i>Colofn 2</i>	<i>Column 1</i>	<i>Column 2</i>
Ardaloedd yr awdurdodau lleol (neu'r rhannau ohonynt) a gymhwysir fel rhanbarthau	Y partneriaid iechyd meddwl lleol	Local authority areas (or parts thereof) applied as regions	Local mental health partners
Cyngor Bwrdeistref Sirol Conwy	Bwrdd Iechyd Lleol Prifysgol Betsi Cadwaladr	Conwy County Borough Council	Betsi Cadwaladr
Cyngor Bwrdeistref Sirol Wrecsam	Cyngor Bwrdeistref Sirol Conwy	Denbighshire County Council	University Local Health Board
Cyngor Gwynedd	Cyngor Bwrdeistref Sirol Wrecsam	Flintshire County Council	Conwy County Borough Council
Cyngor Sir Ddinbych	Cyngor Gwynedd	Gwynedd Council	Denbighshire County Council
Cyngor Sir y Fflint	Cyngor Sir Ddinbych	Isle of Anglesey County Council	Flintshire County Council
Cyngor Sir Ynys Môn	Cyngor Sir y Fflint	Wrexham County Borough Council	Gwynedd Council
	Cyngor Sir Ynys Môn		Isle of Anglesey County Council
			Wrexham County Borough Council
Cyngor Sir Caerfyrddin	Bwrdd Iechyd Lleol Hywel Dda	Carmarthenshire County Council	Carmarthenshire County Council
Cyngor Sir Ceredigion	Cyngor Sir Caerfyrddin	Ceredigion County Council	Ceredigion County Council
Cyngor Sir Penfro	Cyngor Sir Ceredigion	Pembrokeshire County Council	Hywel Dda Local Health Board
	Cyngor Sir Penfro		Pembrokeshire County Council
Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot	Bwrdd Iechyd Lleol Prifysgol Abertawe Bro Morgannwg	Bridgend County Borough Council	Abertawe Bro Morgannwg University Local Health Board
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr	Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot	City and County of Swansea	Bridgend County Borough Council
Dinas a Sir Abertawe	Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr	Neath Port Talbot County Borough Council	City and County of Swansea
	Dinas a Sir Abertawe		Neath Port Talbot County Borough Council

Cyngor Bro Morgannwg Cyngor Caerdydd	Bwrdd Iechyd Lleol Prifysgol Caerdydd a'r Fro Cyngor Bro Morgannwg Cyngor Caerdydd	Cardiff Council Vale of Glamorgan Council	Cardiff and Vale University Local Health Board Cardiff Council Vale of Glamorgan Council
Cyngor Bwrdeistref Sirol Merthyr Tudful Cyngor Bwrdeistref Sirol Rhondda Cynon Taf	Bwrdd Iechyd Lleol Cwm Taf Cyngor Bwrdeistref Sirol Merthyr Tudful Cyngor Bwrdeistref Sirol Rhondda Cynon Taf	Merthyr Tydfil County Borough Council Rhondda Cynon Taf County Borough Council	Cwm Taf Local Health Board Merthyr Tydfil County Borough Council Rhondda Cynon Taf County Borough Council
Cyngor Bwrdeistref Sirol Blaenau Gwent Cyngor Bwrdeistref Sirol Caerffili Cyngor Bwrdeistref Sirol Tor-faen Cyngor Dinas Casnewydd Cyngor Sir Mynwy	Bwrdd Iechyd Lleol Aneurin Bevan Cyngor Bwrdeistref Sirol Blaenau Gwent Cyngor Bwrdeistref Sirol Caerffili Cyngor Bwrdeistref Sirol Tor-faen Cyngor Dinas Casnewydd Cyngor Sir Mynwy	Blaenau Gwent County Borough Council Caerphilly County Borough Council Monmouthshire County Council Newport City Council Torfaen County Borough Council	Aneurin Bevan Local Health Board Blaenau Gwent County Borough Council Caerphilly County Borough Council Monmouthshire County Council Newport City Council Torfaen County Borough Council

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