



# Mental Health (Wales) Measure 2010

2010 nawm 7

## PART 5

### GENERAL

#### **41 Cooperative and joint working between Local Health Boards and local authorities**

- (1) Local mental health partners may for the purposes of their functions under Parts 1 and 3 of this Measure—
  - (a) provide staff, goods, services, accommodation or other resources to each other;
  - (b) establish and maintain a pooled fund.
- (2) Local Health Boards and local authorities may for the purposes of their functions under Part 2 of this Measure—
  - (a) provide staff, goods, services, accommodation or other resources to each other;
  - (b) establish and maintain a pooled fund.
- (3) For the purposes of subsections (1) and (2) a pooled fund is a fund—
  - (a) which is made up of contributions by persons mentioned in subsections (1) and (2); and
  - (b) out of which payments may be made towards expenditure incurred in the discharge of functions under Parts 1 to 3.
- (4) The local mental health partners may, if they think fit, exercise any of their functions under Parts 1 and 3 jointly.

#### **Commencement Information**

**II** S. 41 in force at 6.6.2012 by S.I. 2012/1397, art. 2(t)

*Status: Point in time view as at 06/06/2012. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health (Wales) Measure 2010, PART 5. (See end of Document for details)*

## 42 Information sharing

- (1) A local mental health partner (partner 1) may supply to the other partner (partner 2) information–
  - (a) which partner 1 has obtained in the discharge of its functions under Part 1 or 3 of this Measure; and
  - (b) which relates to an individual for whom local primary mental health support services are being, or might be, provided by partner 2 or an adult in respect of whom partner 2 is exercising functions under Part 3 of this Measure.
- (2) Local authorities, Local Health Boards and the Welsh Ministers may supply to each other information–
  - (a) which any of them have obtained in the discharge of their functions under Part 2 of this Measure; and
  - (b) which relates to a relevant patient for the purposes of that Part.
- (3) Nothing in subsection (1) or (2) authorises the disclosure of any information in contravention of any provision of, or made under, this or any other Measure or any Act of Parliament or Act of the National Assembly for Wales (whenever passed or made) which prevents disclosure of the information.
- (4) This section is without prejudice to any other power of a local authority, Local Health Board or the Welsh Ministers to supply information.

### Commencement Information

**I2** S. 42 in force at 6.6.2012 by S.I. 2012/1397, art. 2(u)

## 43 Amendment of the Local Authority Social Services Act 1970

- (1) The Local Authority Social Services Act 1970 is amended as described in subsection (2).
- (2) At the end of the table in Schedule 1 to the Act insert–

“Mental Health (Wales) Measure 2010 Parts 1 to 3	Local primary mental health support services, coordination of and care planning for secondary mental health service users, assessments of former users of secondary mental health services.”
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### Commencement Information

**I3** S. 43 in force at 6.6.2012 by S.I. 2012/1397, art. 2(v)

**I4** S. 43 in force for specified purposes at 8.5.2012 by S.I. 2011/3046, art. 4(f) (with art. 5)

## 44 Codes of practice

- (1) The Welsh Ministers may prepare, and from time to time revise, one or more codes of practice for the following purposes–

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- (a) for the guidance of local authorities, Local Health Boards, care coordinators or any other persons in relation to their functions under this Measure;
  - (b) for the guidance of any persons in connection with the operation of the provisions of this Measure.
- (2) The Welsh Ministers must arrange for any such code or revised code to be published.
- (3) In performing their functions under this Measure, the persons mentioned in subsection (1)(a) must have regard to any code of practice published under this section.
- (4) Before preparing or revising any such code, the Welsh Ministers must consult any persons they consider appropriate.
- (5) The Welsh Ministers must lay copies of any such code or revised code before the National Assembly for Wales; and if the National Assembly for Wales passes a resolution requiring the code to be withdrawn, the Welsh Ministers must withdraw the code.
- (6) No resolution may be passed by the National Assembly for Wales under subsection (5) in respect of a code or revised code after the expiration of the period of 40 days beginning with the day on which a copy of the code was laid before the Assembly.
- (7) For the purposes of subsection (6) no account is to be taken of any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.
- (8) The Welsh Ministers may revoke any code of practice by direction.
- (9) Any direction under subsection (8) must be laid before the National Assembly for Wales.

#### Commencement Information

**I5** S. 44 in force at 3.1.2012 by S.I. 2011/3046, art. 2(h) (with art. 5)

## 45 Part 1: power to secure regional provision

- (1) The Welsh Ministers may by regulations make provision for and in connection with—
- (a) disapplying (for so long as the regulations are in force) Part 1 in relation to two or more local authority areas; and
  - (b) instead applying that Part and, so far as necessary this Part and Part 6, in relation to the combined areas of the authorities referred to in paragraph (a) (that combined area being referred to in this section as a “region”).
- (2) The provision made by regulations under subsection (1) must include provision specifying at least one Local Health Board and one local authority as the mental health partners for the region (and it does not matter if no part of the area for which such a Board or authority is constituted falls within the region).
- (3) The provision that may be made by regulations under subsection (1) includes (but is not limited to) provision—
- (a) specifying more than one such Board or authority amongst the mental health partners for the region;
  - (b) making such modifications of Part 1 as appear to the Welsh Ministers to be necessary or expedient.

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#### Commencement Information

**I6** S. 45 in force at 8.5.2012 by S.I. 2011/3046, art. 4(g) (with art. 5)

### 46 Part 3: power to secure regional provision

- (1) The Welsh Ministers may by regulations make provision for and in connection with—
  - (a) disapplying (for so long as the regulations are in force) Part 3 in relation to two or more local authority areas; and
  - (b) instead applying that Part and, so far as necessary this Part and Part 6, in relation to the combined areas of the authorities referred to in paragraph (a) (that combined area being referred to in this section as a “region”).
- (2) The provision made by regulations under subsection (1) must include provision specifying at least one Local Health Board and one local authority as the mental health partners for the region (and it does not matter if no part of the area for which such a Board or authority is constituted falls within the region).
- (3) The provision that may be made by regulations under subsection (1) includes (but is not limited to) provision—
  - (a) specifying more than one such Board or authority amongst the mental health partners for the region;
  - (b) making such modifications of Part 1 as appear to the Welsh Ministers to be necessary or expedient.

#### Commencement Information

**I7** S. 46 in force in so far as not already in force at 6.6.2012 by S.I. 2012/1397, art. 2(w)

### 47 Regulations as to the individuals who may carry out primary mental health assessments and act as care coordinators

- (1) The Welsh Ministers may by regulations make provision about the eligibility of individuals to—
  - (a) exercise the function of a local mental health partner to carry out primary mental health assessments under section 9;
  - (b) be appointed as a care coordinator under section 14.
- (2) The regulations may make provision relating to a person's—
  - (a) qualifications;
  - (b) skills;
  - (c) training; or
  - (d) experience.
- (3) The regulations may make different provision in relation to the eligibility of individuals to carry out a primary mental health assessment compared to that which is made in relation to the eligibility of individuals to be appointed as care coordinators.

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### Commencement Information

**18** S. 47 in force at 6.6.2012 by S.I. 2012/1397, art. 2(x)

VALID FROM 01/10/2012

### 48 Duty to review the Measure

- (1) The Welsh Ministers must review the operation of this Measure for the purposes of publishing a report or reports in accordance with subsections (3) to (6).
- (2) Before undertaking a review of the operation of any part or provision of the Measure, the Welsh Ministers must satisfy themselves that there has been sufficient time for that part or provision to have been in operation; but this is subject to subsections (3) to (6).
- (3) A report on a review of the operation of Part 1 must be published within four years of the commencement of all the duties contained in the following provisions: sections 2(1), 3(1), 4(1), 6(2), 7(2), 8(2), 9(2) and 10(1) to (3).
- (4) A report on a review of the operation of Part 2 must be published within four years of the commencement of all the duties contained in the following provisions: sections 13(1), 16(1) and 17(1) and (10).
- (5) A report on a review of the operation of Part 3 must be published within four years of the commencement of all the duties contained in the following provisions: sections 18(1) and (3), 19, 23(1) and (2), 25, 26(2) and 27(1) and (2).
- (6) A report on a review of the operation of Part 4 must be published within four years of the commencement of all the duties contained in section 130E(1) of the Mental Health Act 1983, as inserted by section 31 of this Measure.
- (7) Any two or more reports may be published in the same document.
- (8) For the purposes of this section, “commencement” means commencement for any case, class of case, area or purpose.
- (9) The Welsh Ministers must lay a copy of any report required to be published under subsections (3) to (6) before the National Assembly for Wales.

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**Changes to legislation:**

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