



# Mental Health (Wales) Measure 2010

2010 nawm 7

## PART 6

### MISCELLANEOUS AND SUPPLEMENTAL

#### **49 Meaning of secondary mental health services**

- (1) Subject to the following provisions of this section, for the purposes of this Measure, a secondary mental health service is—
  - (a) a service in the form of treatment for an individual's mental disorder which is provided under Part 1 of the National Health Service (Wales) Act 2006;
  - (b) a service provided under section 117 of the Mental Health Act 1983;
  - (c) a community care service the main purpose of which is to meet a need related to an adult's mental health;
  - (d) a service provided for a child under Part III of the Children Act 1989 the main purpose of which is to meet a need related to that child's mental health.
- (2) For the purposes of subsection (1), a service is not to be taken as provided under Part 1 of the National Health Service (Wales) Act 2006 if it is provided under—
  - (a) section 41 of that Act;
  - (b) a general medical services contract entered into by a Local Health Board under section 42 of that Act;
  - (c) arrangements for the provision of primary medical services entered into by a Local Health Board under section 50 of that Act;
  - (d) Schedule 1 to that Act.
- (3) A service in the form of treatment for an individual's mental disorder includes a service that, in the opinion of the person providing or making arrangements for the provision of the service, is intended to treat a mental disorder that the individual receiving the service is suspected to have.
- (4) The Welsh Ministers may, by order —
  - (a) specify other services that are to be regarded as secondary mental health services for the purpose of any provision of this Measure;

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*Status: This is the original version (as it was originally enacted).*

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- (b) provide that services that would otherwise be regarded as secondary mental health services for the purpose of any provision of this Measure are not to be so regarded.