

MENTAL HEALTH (WALES) MEASURE 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Sections 6 to 8 – Duties to carry out primary mental health assessments (various)

12. This group of sections provide that primary mental health assessments must be carried out in respect of certain individuals, and may be carried out (if the scheme so provides) in respect of other persons. The purpose of an assessment is set out in section 9.
13. [Section 6](#) establishes a duty to undertake an assessment of an individual referred by the GP with whom they are registered, to the local primary mental health partners for the area where that individual is usually resident. In practice it is anticipated that a referral will be made to the mental health professionals operating within the established scheme.
14. [Section 7](#) provides that referrals may also be made by a GP where the individual is not registered with them, if such individuals fall within a category of persons prescribed in regulations made by the Welsh Ministers. This will provide access to local primary mental health support services to certain categories of people who do not have a usual residence, or registration with a GP.
15. It is anticipated that the significant majority of patients subject to compulsion under the 1983 Act, or already receiving secondary mental health services, would not necessarily benefit from local primary mental health services. The local mental health partners will decide if some or all of these patients are to be entitled to assessment or treatment under the scheme. Section 8 therefore provides that if a scheme enables it, referrals may also be made in respect of such a patient by a practitioner from within secondary mental health services. Where a scheme enables such referrals, the scheme must also set out who is entitled to make referrals to the primary mental health support services.