



# Mental Health (Wales) Measure 2010

2010 nawm 7

## PART 4

### MENTAL HEALTH ADVOCACY

#### 31 Independent mental health advocates: Wales

After section 130D of the Mental Health Act 1983 insert—

##### “130E Independent mental health advocates: Wales

- (1) The Welsh Ministers shall make such arrangements as they consider reasonable to enable persons (“independent mental health advocates”) to be available to help—
  - (a) Welsh qualifying compulsory patients; and
  - (b) Welsh qualifying informal patients.
- (2) The Welsh Ministers may by regulations make provision as to the appointment of persons as independent mental health advocates.
- (3) The regulations may, in particular, provide—
  - (a) that a person may act as an independent mental health advocate only in such circumstances, or only subject to such conditions, as may be specified in the regulations;
  - (b) for the appointment of a person as an independent mental health advocate to be subject to approval in accordance with the regulations.
- (4) In making arrangements under this section, the Welsh Ministers shall have regard to the principle that any help available to a patient under the arrangements should, so far as practicable, be provided by a person who is independent of any person who—
  - (a) is professionally concerned with the patient’s medical treatment; or
  - (b) falls within a description specified in regulations made by the Welsh Ministers.

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*Status: This is the original version (as it was originally enacted).*

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- (5) For the purposes of subsection (4) above, a person is not to be regarded as professionally concerned with a patient’s medical treatment merely because he is representing him in accordance with arrangements—
  - (a) under section 35 of the Mental Capacity Act 2005; or
  - (b) of a description specified in regulations under this section.
- (6) Arrangements under this section may include provision for payments to be made to, or in relation to, persons carrying out functions in accordance with the arrangements.
- (7) Regulations under this section and sections 130F to 130H—
  - (a) may make different provision for different cases;
  - (b) may make provision which applies subject to specified exceptions;
  - (c) may include transitional, consequential, incidental or supplemental provision.”