



Mental Health (Wales) Measure 2010

2010 nawm 7

PART 4 **W**

MENTAL HEALTH ADVOCACY

35 **Welsh qualifying compulsory patients** **W**

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

“130I Welsh qualifying compulsory patients

- (1) This section applies for the purposes of section 130E above.
- (2) A patient is a Welsh qualifying compulsory patient if he is—
 - (a) liable to be detained under this Act (other than under section 135 or 136 below) and the hospital or registered establishment in which he is liable to be detained is situated in Wales;
 - (b) subject to guardianship under this Act and the area of the responsible local social services authority within the meaning of section 34(3) above is situated in Wales; or
 - (c) a community patient and the responsible hospital is situated in Wales.
- (3) A patient is also a Welsh qualifying compulsory patient if the patient is to be regarded as being in Wales for the purposes of this subsection and—
 - (a) not being a qualifying patient falling within subsection (2) above, he discusses with a registered medical practitioner or approved clinician the possibility of being given a form of treatment to which section 57 above applies; or
 - (b) not having attained the age of 18 years and not being a qualifying patient falling within subsection (2) above, he discusses with a registered medical practitioner or approved clinician the possibility of being given a form of treatment to which section 58A above applies.

*Changes to legislation: There are currently no known outstanding effects for the
Mental Health (Wales) Measure 2010, Section 35. (See end of Document for details)*

- (4) For the purposes of subsection (3), a patient is to be regarded as being in Wales if that has been determined in accordance with arrangements made for the purposes of that subsection and section 130C(3), and published, by the Secretary of State and the Welsh Ministers.
- (5) Where a patient who is a Welsh qualifying compulsory patient falling within subsection (3) above is informed that the treatment concerned is proposed in his case, he remains a qualifying patient falling within that subsection until—
- (a) the proposal is withdrawn; or
 - (b) the treatment is completed or discontinued.”

Commencement Information

II S. 35 in force at 3.1.2012 by S.I. 2011/3046, art. 2(d) (with art. 5)

Changes to legislation:

There are currently no known outstanding effects for the Mental Health (Wales) Measure 2010, Section 35.