



# Mental Health (Wales) Measure 2010

2010 nawm 7

## PART 4 **W**

### MENTAL HEALTH ADVOCACY

#### **38 Duty to give information about independent mental health advocates to Welsh qualifying informal patients **W****

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

##### **“130L Duty to give information about independent mental health advocates to Welsh qualifying informal patients**

- (1) The responsible person in relation to a Welsh qualifying informal patient (within the meaning given by section 130J above) shall take such steps as are practicable to ensure that the patient understands—
  - (a) that help is available to him from an independent mental health advocate; and
  - (b) how he can obtain that help.
- (2) In subsection (1) above, the “responsible person” means the managers of the hospital or registered establishment to which the patient is admitted as an in-patient.
- (3) The steps to be taken under subsection (1) above shall be taken as soon as practicable after the patient becomes an in-patient.
- (4) The steps to be taken under subsection (1) above shall include giving the requisite information both orally and in writing.
- (5) The responsible person in relation to a Welsh qualifying informal patient shall, except where the patient otherwise requests, take such steps as are practicable to furnish any person falling within subsection (6) with a copy of any information given to the patient in writing under subsection (1) above.

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*Changes to legislation: There are currently no known outstanding effects for the  
Mental Health (Wales) Measure 2010, Section 38. (See end of Document for details)*

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- (6) A person falls within this subsection if–
- (a) the person appears to the responsible person to be a carer of the patient;
  - (b) the person is a donee of a lasting power of attorney (within the meaning of section 9 of the Mental Capacity Act 2005) created by the patient and the scope of the donee's authority includes matters related to the care and treatment of the patient;
  - (c) the person is a deputy appointed for the patient by the Court of Protection under section 16 of that Act and the scope of the deputy's authority includes matters related to the care and treatment of the patient.
- (7) In subsection (6), “carer”, in relation to a Welsh qualifying informal patient, means an individual who provides or intends to provide a substantial amount of care on a regular basis for the patient, but does not include any individual who provides, or intends to provide care by virtue of a contract of employment or other contract with any person or as a volunteer for a body (whether or not incorporated);
- (8) The steps to be taken under subsection (5) above shall be taken when the information concerned is given to the patient or within a reasonable time thereafter.”

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**Commencement Information**

**II** S. 38 in force at 2.4.2012 by S.I. 2011/3046, art. 3(e) (with art. 5)

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Health (Wales) Measure 2010, Section 38.