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STATUTORY INSTRUMENTS

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**2008 No. 3166**

**The Mental Health Act 1983 (Independent Mental Health Advocates) (England) Regulations 2008**

**Directions in respect of section 130A functions**

3.—(1) Where a commissioning body, in exercising section 130A functions, enters into arrangements with an individual who may be made available to act as an IMHA the Secretary of State directs that the commissioning body must be satisfied that the conditions set out in regulation 6 are satisfied.

(2) Where a commissioning body, in exercising section 130A functions, enters into arrangements with a provider of advocacy services the Secretary of State directs that such arrangements must include a term that the provider of advocacy services is satisfied that the conditions set out in regulation 6 are satisfied.

(3) The Secretary of State directs that a commissioning body, in exercising section 130A functions must, as far as reasonably practicable, have regard to the diverse circumstances (including but not limited to the ethnic, cultural and demographic needs) of qualifying patients in respect of whom that commissioning body may exercise those functions.