

2021 No. 1372 (C. 76)

MENTAL HEALTH, ENGLAND AND WALES

**The Mental Health Units (Use of Force) Act 2018
(Commencement No. 2) Regulations 2021**

Made - - - -

6th December 2021

The Secretary of State, in exercise of the power conferred by section 17(3) of the Mental Health Units (Use of Force) Act 2018^(a), makes the following Regulations.

Citation

1. These Regulations may be cited as the Mental Health Units (Use of Force) Act 2018 (Commencement No. 2) Regulations 2021.

Provisions coming into force on 31st March 2022

2. The following provisions of the Mental Health Units (Use of Force) Act 2018 come into force on 31st March 2022 —

- (a) section 1 (key definitions);
- (b) section 2 (mental health units to have a responsible person);
- (c) section 3 (policy on use of force);
- (d) section 4 (information about use of force);
- (e) section 5 (training in appropriate use of force);
- (f) section 6 (recording of use of force) apart from subsection (5)(n);
- (g) section 9 (investigation of deaths or serious injuries) apart from subsection (e);
- (h) section 10 (delegation of responsible person's functions);
- (i) section 11 (guidance about functions under this Act) in so far as not already in force;
- (j) section 13 (interpretation); and
- (k) section 15 (financial provisions).

6th December 2021

Gillian Keegan
Minister of State,
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the second Commencement Regulations made under the Mental Health Units (Use of Force) Act 2018 (c.27) (“the Act”).

Regulation 2 brings into force on 31st March 2022 the following provisions of the Act:

- section 1, which sets out the key definitions for the purposes of the Act;
- section 2, which requires mental health units to appoint a responsible person for the purposes of the Act;
- section 3, which requires the responsible person to publish policies on the use of force;
- section 4, which requires the responsible person to publish information for patients about the use of force;
- section 5, which requires the responsible person to train staff on the use of force;
- section 6, (apart from subsection (5)(n)) which requires the responsible person to keep a record on the use of force;
- section 9, (apart from subsection (e)) which sets out the guidance that the responsible person must have regard to when a patient dies or suffers a serious injury in a mental health unit;
- section 10, which relates to delegation of the responsible person’s functions;
- section 11, which relates to guidance about functions under the Act in so far as they are not already in force;
- section 13, which contains definitions for the purposes of the Act; and
- section 15 which relates to financial provisions.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

Section 11(3) of the Act was brought into force on 28th October 2019 by the Mental Health Units (Use of Force) Act 2018 (Commencement No. 1) Regulations 2019 (S.I. No. 2019/1373).

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