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WELSH STATUTORY INSTRUMENTS

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**2008 No. 2439**

**The Mental Health (Hospital, Guardianship, Community Treatment and Consent to Treatment) (Wales) Regulations 2008**

**PART 4**

Procedures and Records relating to Community Treatment

**Procedures for and record of community treatment orders**

**16.**—(1) For the purposes of making community treatment orders under section 17A and attaching conditions to the same under section 17B—

- (a) any order made by the responsible clinician under section 17A(1) must be in the form set out in Parts 1 and 3 of Form CP 1;
- (b) the conditions specified in the order under section 17B(3) and any other conditions under section 17B(2) must be in the applicable form set out in Part 1 of Form CP 1;
- (c) any statement of an approved mental health professional made under section 17A(4) or, as the case may be, section 17B(2) must be in the applicable form set out in Part 2 of Form CP 1;
- (d) any community treatment order must be furnished to the managers of the responsible hospital as soon as reasonably practicable.

(2) Any variation to conditions specified in a community treatment order under section 17B(4) must be recorded in the form set out in Form CP 2 and the order so varying the conditions must be furnished to the managers of the responsible hospital as soon as reasonably practicable.

**Extension of community treatment periods**

**17.** For the purposes of extending community treatment periods under section 20A—

- (a) any report by a responsible clinician made under section 20A(4) must be in the form set out in Parts 1 and 3 of Form CP 3;
- (b) any statement of an approved mental health professional made under section 20A(8) must be in the form set out in Part 2 of Form CP 3;
- (c) any extension of a community treatment period under section 20A(3) must be recorded by the managers of the responsible hospital in the form set out in Part 4 of Form CP 3.

**Community treatment after absence without leave for more than 28 days**

**18.** In relation to the return of a community patient who is taken into custody or returns after absence without leave after more than 28 days—

- (a) any report made under section 21B(2) must be in the form set out in Part 1 of Form CP 4;
- (b) the receipt of that report must be recorded by the managers of the responsible hospital in the form set out in Part 2 of Form CP 4.

### **Recall and release of community patients**

**19.**—(1) For the purpose of recalling a patient to hospital under section 17E(1)—

- (a) a responsible clinician’s notice under section 17E(5) must be in the form set out in Form CP 5;
- (b) the responsible clinician must furnish a copy of the notice to the managers of the responsible hospital as soon as reasonably practicable;
- (c) where the patient is recalled to a hospital which is not the responsible hospital, the responsible clinician must—
  - (i) furnish the managers of that hospital with a copy of the notice, and
  - (ii) notify those managers of the name and address of the responsible hospital; and
- (d) the managers of the hospital to which the patient is recalled must record the time and date of the patient’s detention pursuant to that notice in the form set out in Part 1 of Form CP 6.

(2) In relation to the release of a community patient recalled to hospital under section 17F(5), the responsible clinician must notify the managers of the responsible hospital of any such release and those managers must record the time and date of the patient’s release in the form set out in Part 2 of Form CP 6.

(3) Where the patient’s responsible hospital is in England, the patient’s recall must be effected in accordance with Regulations made by the Secretary of State to similar effect for England.

(4) A responsible clinician’s notice recalling a patient to hospital for the purposes of section 17E (power to recall a community patient to hospital) in Form CP 5 must be served by—

- (a) delivering it by hand to the patient,
- (b) delivering it by hand to the patient’s usual or last known address, or
- (c) sending it by pre-paid first class post addressed to the patient at the patient’s usual or last known address.

(5) Notice of recall in Form CP 5 is considered served—

- (a) in the case of paragraph 4(a), immediately on delivery of the notice to the patient;
- (b) in the case of paragraph 4(b), on the day (which does not have to be a business day) after it is delivered;
- (c) in the case of paragraph 4(c), on the second business day after it was posted.

### **Revocation of community treatment orders**

**20.** For the purpose of revoking a community treatment order under section 17F(4) (powers in respect of recalled patients)—

- (a) a responsible clinician’s order revoking a community treatment order must be in the form set out in Parts 1 and 3 of Form CP 7;
- (b) any statement of an approved mental health professional made under section 17F(4)(b) must be in the form set out in Part 2 of Form CP 7;
- (c) the responsible clinician must furnish the managers of the hospital to which the patient has been recalled with the revocation order;
- (d) where the patient has been recalled to a hospital which is not the responsible hospital, the responsible clinician must (as soon as reasonably practicable) furnish the managers of the hospital which was the patient’s responsible hospital prior to the revocation of the patient’s community treatment order, with a copy of that revocation order;

- (e) the managers of the hospital in which the patient is detained upon revocation of the community treatment order must record receipt of the copy of the revocation order and the time and date of the revocation in the form set out in Part 4 of Form CP 7.

### **Discharge of community patients by responsible clinicians or hospital managers**

**21.** Any order made by the responsible clinician or hospital managers under section 23(2)(c) for the discharge of a community patient must be in the form set out in Form CP 8 and in the event of the order being made by the patient's responsible clinician must be served on the managers of the responsible hospital.

### **Provision of information – community patients**

**22.**—(1) As soon as practicable following the recall of a patient under section 17E, the managers of the responsible hospital must take such steps as are reasonably practicable to—

- (a) cause the patient to be informed, both orally and in writing, of the provisions of the Act under which the patient is for the time being detained and the effect of those provisions, and
  - (b) ensure that the patient understands the effect, so far as is relevant to the patient's case, of sections 56 to 64 (consent to treatment).
- (2) Unless the patient requests otherwise, where—
- (a) a patient's period of community treatment is extended pursuant to a report furnished under section 20A (community treatment period), the managers of the responsible hospital must take such steps as are reasonably practicable to cause the person (if any) appearing to them to be the patient's nearest relative to be informed of that extension as soon as practicable following their decision not to discharge the patient;
  - (b) by virtue of section 21B(7A) (patients who are taken into custody or return after more than 28 days) a patient's period of community treatment is extended pursuant to a report furnished under section 21B(2), the managers of the responsible hospital must take such steps as are reasonably practicable to cause the person (if any) appearing to them to be the patient's nearest relative to be informed of that extension as soon as practicable following their decision not to discharge the patient;
  - (c) by virtue of section 21B(6A) and (6B) (patients who are taken into custody or return after more than 28 days) a patient's period of community treatment is extended retrospectively pursuant to a report furnished under section 21B(2), the managers of the responsible hospital must take such steps as are reasonably practicable to cause the person (if any) appearing to them to be the patient's nearest relative to be informed of that extension as soon as practicable following their receipt of that report.