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WELSH STATUTORY INSTRUMENTS

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**2011 No. 2942**

**The Mental Health (Care Co-ordination and Care and Treatment Planning) (Wales) Regulations 2011**

**Part 1 —  
General**

**Title, commencement and application**

1.—(1) The title of these Regulations is The Mental Health (Care Co-ordination and Care and Treatment Planning) (Wales) Regulations 2011 and they come into force on 6 June 2012.

(2) These Regulations apply in relation to Wales.

**Interpretation**

2.—(1) In these Regulations—

“adult placement carer” (*“gofalwr lleoliad oedolyn”*) means a person in whose home an adult is or may be accommodated and provided with personal care under an adult placement agreement entered into or proposed to be entered into by the carer;

“care and treatment plan” (*“cynllun gofal a thriniaeth”*) means a plan prepared for the purpose of achieving the outcomes which the provision of mental health services for a relevant patient<sup>(1)</sup> is designed to achieve, as provided in section 18(1)(b) (functions of the care coordinator) of the Measure;

“carer” (*“gofalwr”*) means, in relation to a relevant patient, an individual who provides or intends to provide a substantial amount of care on a regular basis for that patient, but does not include an individual who provides, or intends to provide care for that patient by virtue of a contract of employment or other contract with any person or as a volunteer for a body (whether incorporated or not incorporated);

“employed” (*“wedi'i gyflogi”*) means employed under a contract of service or engaged under a contract for services;

“guardian” (*“gwarcheidwad”*) means the person named as guardian in a guardianship application made under section 7 (application for guardianship) of the 1983 Act or a guardianship order made under section 37 (powers of courts to order hospital admission or guardianship) of the 1983 Act;

“managing authority” (*“awdurdod rheoli”*) in relation to a National Health Service hospital has the meaning given by paragraph 176 (hospitals and their managing authorities) of Schedule A1 (hospital and care home residents: deprivation of liberty) to the 2005 Act, in relation to an independent hospital has the meaning given by paragraph 177(b) (hospitals and their managing authorities) of Schedule A1 to the 2005 Act, and in relation to a care home has the meaning

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(1) See section 12 (meaning of “relevant patient”) of the Measure for the definition of relevant patient.

given by paragraph 179(b) (care homes and their managing authorities) of Schedule A1 to the 2005 Act;

“the Measure” (“*y Mesur*”) means the Mental Health (Wales) Measure 2010<sup>(2)</sup>;

“parental responsibility” (“*cyfrifoldeb rhiant*”) has the meaning given by section 3 (meaning of “parental responsibility”) of the 1989 Act;

“relevant discharge period” (“*cyfnod rhyddhau perthnasol*”) means the period within which an adult may request that a mental health assessment is carried out following discharge from secondary mental health services<sup>(3)</sup>;

“relevant mental health service provider” (“*darparnydd gwasanaeth iechyd meddwl perthnasol*”) means the secondary mental health service provider who is identified as a relevant patient’s relevant mental health service provider in accordance with section 15 (identification of the relevant mental health service provider for a relevant patient) of the Measure or regulation 3 of these Regulations;

“relevant patient’s medical practitioner” (“*ymarferydd meddygol claf perthnasol*”) means, in relation to a relevant patient, the registered medical practitioner with whom the patient is registered and any registered medical practitioner with whom a patient is not registered but by whom that patient is referred for a primary mental health assessment under Part 1 (local primary mental health support services) of the Measure;

“responsible clinician” (“*clinigydd cyfrifol*”) has the meaning given by section 34(1) (interpretation of Part II) of the 1983 Act;

“responsible Local Social Services Authority” (“*Awdurdod Gwasanaethau Cymdeithasol Lleol cyfrifol*”) has the meaning provided by section 34(3) of the 1983 Act;

“supervisory body” (“*corff goruchwyllo*”) in relation to a hospital has the identity given by paragraph 181 (supervisory bodies: hospitals) of Schedule A1 to the 2005 Act, and in relation to a care home has the identity given by paragraph 182 (supervisory bodies: care homes) of Schedule A1 to the 2005 Act;

“the 1983 Act” (“*Deddf 1983*”) means the Mental Health Act 1983<sup>(4)</sup>;

“the 1989 Act” (“*Deddf 1989*”) means the Children Act 1989<sup>(5)</sup>;

“the 2005 Act” (“*Deddf 2005*”) means the Mental Capacity Act 2005<sup>(6)</sup>; and

“working day” (“*diwrnod gwaith*”) means any day except Saturday, Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971<sup>(7)</sup>.

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(2) 2010 nawm 7.

(3) See regulation 3 (relevant discharge period) of The Mental Health (Assessment of Former Users of Secondary Mental Health Services) (Wales) Regulations 2011 (S.I.2011/2500 (W. 272)).

(4) 1983 c. 20.

(5) 1989 c. 41.

(6) 2005 c. 9.

(7) 1971 c. 80.