

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is made under sections 52(2) and 55(3) of the Mental Health (Wales) Measure 2010 (“the Measure”).

This is the first commencement order to be made under the Measure. It commences Part 4 of the Measure which amends the Mental Health Act 1983 (“the 1983 Act”) in relation to Independent Mental Health Advocates (“IMHAs”). The 1983 Act, as amended by Part 4, will require the Welsh Ministers to make arrangements for help to be provided by IMHAs to two client groups: Welsh qualifying compulsory patients and Welsh qualifying informal patients.

This Order also commences some of the provisions of Part 1 of the Measure which requires the local mental health partners to take reasonable steps to agree a scheme for the provision of local primary mental health support services and contains powers for the Welsh Ministers in the event of a failure to agree such a scheme.

This Order also commences section 44 of the Measure which enables the Welsh Ministers to prepare a code of practice for the guidance of (i) local authorities, LHBs, care co-ordinators and any other persons in relation to their functions under the Measure and (ii) any persons in connection with the operation of the provisions of the Measure.

Article 2 lists the provisions which are to come into force on 3 January 2012 and for which purposes. Article 3 lists the provisions which come into force on 2 April 2012 and for which purposes.

Article 4 lists the provisions, which form part of Part 1 of the Measure, which come into force on 8 May 2012.

The Order also makes a transitional provision so that those who are receiving help under arrangements made under section 130A of the Mental Health Act 1983 are treated, from 3 January 2012, as if they are receiving help under arrangements made under section 130E of that Act.

This is the first commencement order, but see also section 55(1) of the Measure for the provisions that came into force on the date two months after which the Measure was approved by Her Majesty in Council.