

2012 No. 2411 (W. 261) (C. 93)

**MENTAL HEALTH, ENGLAND
AND WALES**

**The Mental Health (Wales)
Measure 2010 (Commencement
No.3) Order 2012**

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”). Article 2 lists the provisions which are to come into force on 1 October 2012.

This Order commences the remainder of Part 1 of the Measure which requires the Local Health Boards and the local authority for a local authority area (“local mental health partners”) to provide local primary mental health support services in accordance with a scheme agreed between the local mental health partners for that area or determined by the Welsh Ministers. Part 1 of the Measure also requires a primary mental health assessment of individuals to be undertaken in certain circumstances.

This Order also commences the remaining provisions of the Measure.

**NOTE AS TO EARLIER COMMENCEMENT
ORDERS**

(This note is not part of the Order)

The following provisions of the Measure have been brought into force in relation to England and Wales by a commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	8 May 2012	2011/3046 (W.321) (C.116)
Section 2	8 May 2012	2011/3046 (W.321) (C.116)
Section 4	8 May 2012	2011/3046 (W.321) (C.116)
Section 5	8 May 2012	2011/3046 (W.321) (C.116)
Section 11	8 May 2012	2011/3046 (W.321) (C.116)
Section 12	6 June 2012	2012/1397 (W.169) (C.52)
Section 13	6 June 2012	2012/1397 (W.169) (C.52)
Section 14	6 June 2012	2012/1397 (W.169) (C.52)
Section 15	6 June 2012	2012/1397 (W.169) (C.52)
Section 16	6 June 2012	2012/1397 (W.169) (C.52)
Section 17	6 June 2012 (partially)	2012/1397 (W.169) (C.52)
Section 18	6 June 2012 (partially)	2012/1397 (W.169) (C.52)
Section 19	6 June 2012	2012/1397 (W.169) (C.52)
Section 20	6 June 2012	2012/1397 (W.169) (C.52)
Section 21	6 June 2012	2012/1397 (W.169) (C.52)
Section 22	6 June 2012	2012/1397 (W.169) (C.52)
Section 23	6 June 2012	2012/1397 (W.169) (C.52)
Section 24	6 June 2012	2012/1397 (W.169) (C.52)
Section 25	6 June 2012	2012/1397 (W.169) (C.52)
Section 26	6 June 2012	2012/1397 (W.169) (C.52)
Section 27	6 June 2012	2012/1397 (W.169) (C.52)
Section 28	6 June 2012	2012/1397 (W.169) (C.52)
Section 29	6 June 2012	2012/1397 (W.169) (C.52)
Section 30	6 June 2012	2012/1397 (W.169) (C.52)

Section 31	3 January 2012 (partially) 2 April 2012 (fully)	2011/3046 (W.321) (C.116)
Section 32	3 January 2012	2011/3046 (W.321) (C.116)
Section 33	2 April 2012	2011/3046 (W.321) (C.116)
Section 34	3 January 2012 (partially) 2 April 2012 (fully)	2011/3046 (W.321) (C.116)
Section 35	3 January 2012	2011/3046 (W.321) (C.116)
Section 36	2 April 2012	2011/3046 (W.321) (C.116)
Section 37	3 January 2012	2011/3046 (W.321) (C.116)
Section 38	2 April 2012	2011/3046 (W.321) (C.116)
Section 39	3 January 2012 (partially) 2 April 2012 (fully)	2011/3046 (W.321) (C.116)
Section 40	3 January 2012 (partially) 2 April 2012 (fully)	2011/3046 (W.321) (C.116)
Section 41	6 June 2012 (partially)	2012/1397 (W.169) (C.52)
Section 42	6 June 2012 (partially)	2012/1397 (W.169) (C.52)
Section 43	8 May 2012 (partially) 6 June 2012 (partially)	2011/3046 (W.321) (C.116) 2012/1397 (W.169) (C.52)
Section 44	3 January 2012	2011/3046 (W.321) (C.116)
Section 45	8 May 2012	2011/3046 (W.321) (C.116)
Section 46	6 June 2012	2012/1397 (W.169) (C.52)
Section 47	6 June 2012 (partially)	2012/1397 (W.169) (C.52)
Section 53(1)	3 January 2012 (partially) 2 April 2012 (fully)	2011/3046 (W.321) (C.116)

Section 54	3 January 2012 (partially) 2 April 2012 (fully)	2011/3046 (W.321) (C.116)
Schedule 1	3 January 2012 (partially) 2 April 2012 (fully)	2011/3046 (W.321) (C.116)
Schedule 2	3 January 2012 (partially) 2 April 2012 (fully)	2011/3046 (W.321) (C.116)

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.

2012 No. (W.) (C.)

**MENTAL HEALTH, ENGLAND
AND WALES**

**The Mental Health (Wales)
Measure 2010 (Commencement
No.3) Order 2012**

Made

15 September 2012

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 52(2) and 55(3) of the Mental Health (Wales) Measure 2010⁽¹⁾.

Title and interpretation

1.—(1) The title of this Order is the Mental Health (Wales) Measure 2010 (Commencement No.3) Order 2012.

(2) In this Order “the Measure” (“*y Mesur*”) means the Mental Health (Wales) Measure 2010.

Provisions of the Measure coming into force on 1 October 2012

2. The following provisions of the Measure come into force on 1 October 2012—

- (a) Section 3 (duty to provide local primary mental health support services);
- (b) Section 6 (duties to carry out primary mental health assessments: referrals for registered patients in primary care);
- (c) Section 7 (duties to carry out primary mental health assessments: other primary care referrals);
- (d) Section 8 (duties to carry out primary mental health assessments: secondary mental health care referrals);

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- (e) Section 9 (conduct of primary mental health assessments);
- (f) Section 10 (action following a primary mental health assessment);
- (g) Section 17 (duty to coordinate provision of mental health services) in so far as it is not already in force;
- (h) Section 18 (functions of the care coordinator) in so far as it is not already in force;
- (i) Section 41 (cooperative and joint working between Local Health Boards and local authorities) in so far as it is not already in force;
- (j) Section 42 (information sharing) in so far as it is not already in force;
- (k) Section 43 (amendment of the Local Authority Social Services Act 1970) in so far as it is not already in force;
- (l) Section 47 (regulations as to the individuals who may carry out primary mental health assessments and act as care coordinators) in so far as it is not already in force; and
- (m) Section 48 (duty to review the Measure).

Lesley Griffiths

Minister for Health and Social Services, one of the
Welsh Ministers

15 September 2012