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WELSH STATUTORY INSTRUMENTS

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

**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);
  - (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;

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- (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).

15 September 2012

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

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## 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	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 2	8 May 2012	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 4	8 May 2012	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 5	8 May 2012	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 11	8 May 2012	<a href="#">2011/3046 (W.321) (C.116)</a>
Section 12	6 June 2012	<a href="#">2012/1397 (W.169) (C.52)</a>
Section 13	6 June 2012	<a href="#">2012/1397 (W.169) (C.52)</a>
Section 14	6 June 2012	<a href="#">2012/1397 (W.169) (C.52)</a>
Section 15	6 June 2012	<a href="#">2012/1397 (W.169) (C.52)</a>
Section 16	6 June 2012	<a href="#">2012/1397 (W.169) (C.52)</a>
Section 17	6 June 2012 (partially)	<a href="#">2012/1397 (W.169) (C.52)</a>
Section 18	6 June 2012 (partially)	<a href="#">2012/1397 (W.169) (C.52)</a>
Section 19	6 June 2012	<a href="#">2012/1397 (W.169) (C.52)</a>
Section 20	6 June 2012	<a href="#">2012/1397 (W.169) (C.52)</a>
Section 21	6 June 2012	<a href="#">2012/1397 (W.169) (C.52)</a>
Section 22	6 June 2012	<a href="#">2012/1397 (W.169) (C.52)</a>
Section 23	6 June 2012	<a href="#">2012/1397 (W.169) (C.52)</a>
Section 24	6 June 2012	<a href="#">2012/1397 (W.169) (C.52)</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I.No.</i>
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)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I.No.</i>
Schedule 2	3 January 2012 (partially) 2 April 2012 (fully)	<a href="#">2011/3046 (W.321) (C.116)</a>

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.