

---

STATUTORY INSTRUMENTS

---

**2013 No. 261**

**The National Health Service and Public Health (Functions and Miscellaneous Provisions) Regulations 2013**

**PART 6**

Mental health

**Amendment of the Mental Health Act 1983 (Independent Mental Health Advocates) (England) Regulations 2008**

**16.**—(1) The Mental Health Act 1983 (Independent Mental Health Advocates) (England) Regulations 2008 <sup>M1</sup> are amended as follows.

(2) In regulation 2 (interpretation)—

(a) for the definition of “commissioning body” substitute—

““commissioning body” means a local social services authority whose area is in England;”;  
and

(b) for the definition of “section 130A functions” substitute—

““section 130A functions” means the functions under section 130A of the Act of a local social services authority whose area is in England.”.

(3) For regulation 3 (directions in respect of section 130A functions), substitute—

**“3 Circumstances in which a person may be appointed to be an Independent Mental Health Advocate**

(1) A commissioning body, in exercising section 130A functions, may enter into arrangements to appoint an individual to act as an IMHA only if the commissioning body is satisfied that the conditions set out in regulation 6 are satisfied.

(2) A commissioning body, in exercising section 130A functions, may enter into arrangements with a provider of advocacy services only if such arrangements include a term that the provider is satisfied that the conditions set out in regulation 6 are satisfied in respect of an individual made available by the provider to act as an IMHA.

(3) A commissioning body may only enter into the arrangements described in paragraphs (1) or (2) above where it has had due regard to the diverse circumstances (including but not limited to the ethnic, cultural and demographic needs) of qualifying patients.”

(4) Omit regulation 4 (amendment of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 <sup>M2</sup>).

(5) Omit regulation 5 (amendment of the National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002 <sup>M3</sup>).

---

**Changes to legislation:** *There are currently no known outstanding effects for the The National Health Service and Public Health (Functions and Miscellaneous Provisions) Regulations 2013, Section 16. (See end of Document for details)*

---

.....  
**Marginal Citations**

**M1** [S.I. 2008/3166](#).

**M2** [S.I. 2000/617](#), as amended by [S.I. 2009/2376](#).

**M3** [S.I. 2002/2375](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service and Public Health (Functions and Miscellaneous Provisions) Regulations 2013, Section 16.