
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the second Commencement Regulations made under the Mental Health Units (Use of Force) Act 2018 (c.27) (“the Act”).

Regulation 2 brings into force on 31st March 2022 the following provisions of the Act:

- section 1, which sets out the key definitions for the purposes of the Act;
- section 2, which requires mental health units to appoint a responsible person for the purposes of the Act;
- section 3, which requires the responsible person to publish policies on the use of force;
- section 4, which requires the responsible person to publish information for patients about the use of force;
- section 5, which requires the responsible person to train staff on the use of force;
- section 6, (apart from subsection (5)(n)) which requires the responsible person to keep a record on the use of force;
- section 9, (apart from subsection (e)) which sets out the guidance that the responsible person must have regard to when a patient dies or suffers a serious injury in a mental health unit;
- section 10, which relates to delegation of the responsible person’s functions;
- section 11, which relates to guidance about functions under the Act in so far as they are not already in force;
- section 13, which contains definitions for the purposes of the Act; and
- section 15 which relates to financial provisions.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.