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STATUTORY INSTRUMENTS

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**2022 No. 635**

**The National Health Service (Integrated Care Boards: Responsibilities) Regulations 2022**

**PART 2**

Additional persons for whom an integrated care board has responsibility

**Additional persons for whom an ICB has responsibility: persons detained under the Mental Health Act 1983 pursuant to an application made on or after the coming into force of these Regulations**

5.—(1) For the purposes of sections 3 and 3A of the NHS Act 2006 (duties and powers of ICBs to commission certain health services), in addition to the group of people for whom it has core responsibility (see section 14Z31 of that Act), an ICB has responsibility to arrange for the provision of mental health services during the course of the person’s detention under the Mental Health Act 1983 for each person—

- (a) who is detained under the Mental Health Act 1983 in a hospital or registered establishment pursuant to a relevant application made on or after the coming into force of these Regulations;
- (b) who is a qualifying patient within the meaning of section 130C of the Mental Health Act 1983; and
- (c) for whom the ICB had core responsibility when the relevant application resulting in the person’s detention was made.

(2) In this regulation, an application for detention, made in respect of a person, is an application for the person’s admission to a hospital or registered establishment made in accordance with Part 2 of the Mental Health Act 1983.

(3) In this regulation—

“exclusion period”, in relation to a person who is detained under the Mental Health Act 1983, means a period—

- (a) beginning with the person’s detention under the Mental Health Act 1983; and
- (b) ending with the person’s next discharge from after-care services;

“relevant application” means an application for detention made outside of the exclusion period.