
WELSH STATUTORY INSTRUMENTS

2008 No. 2439

The Mental Health (Hospital, Guardianship, Community Treatment and Consent to Treatment) (Wales) Regulations 2008

PART 9

Correspondence of Patients

Inspection and opening of postal packets

41.—(1) Where under section 134(4) (inspection and opening of postal packets addressed to or by patients in hospital) any postal packet is inspected and opened, but neither the packet nor anything contained in it is withheld under section 134(1), the person appointed must record in writing—

- (a) that the packet had been so inspected and opened;
- (b) that nothing in the packet has been withheld; and
- (c) his or her name and the name of the hospital,

and must, before resealing the packet, place the record in that packet and keep a copy of that record.

(2) Where under section 134(1) any postal packet or anything contained in it is withheld by the person appointed—

- (a) he or she must record in a register kept for the purpose—
 - (i) that the packet or anything contained in it has been withheld,
 - (ii) the date on which it was so withheld,
 - (iii) the grounds on which it was so withheld,
 - (iv) a description of the contents of the packet withheld or of any item withheld, and
 - (v) his or her name and the name of the hospital; and
- (b) if anything contained in the packet is withheld, he or she must record in writing—
 - (i) that the packet has been inspected and opened,
 - (ii) that an item or items contained in the packet have been withheld,
 - (iii) a description of any such item, and
 - (iv) his or her name and the name of the hospital,

and must, before resealing the packet, place the record in that packet.

(3) For the purposes of this regulation “the person appointed” means a person appointed under section 134(7) to perform the functions of the managers of the hospital under that section.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Independent Advocacy Services

42. For the purposes of section 134(3A)(b)(iii), the prescribed arrangements are arrangements in respect of independent mental capacity advocates made under sections 35 to 41 of the Mental Capacity Act 2005(1) (independent advocacy service).