



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2012 Rhif 1265 (Cy.158)

2012 No. 1265 (W.158)

IECHYD MEDDWL, CYMRU

MENTAL HEALTH, WALES

Rheoliadau Iechyd Meddwl
(Ysbyty, Gwarcheidiaeth, Triniaeth
Gymunedol a Chydsynio i
Driniaeth) (Cymru) (Diwygio)
2012

The Mental Health (Hospital,
Guardianship, Community
Treatment and Consent to
Treatment) (Wales) (Amendment)
Regulations 2012

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Iechyd Meddwl (Ysbyty, Gwarcheidiaeth, Triniaeth Gymunedol a Chydsynio i Driniaeth) (Cymru) 2008 (O.S. 2008/2439 (Cy.212)) ("Rheoliadau 2008").

These Regulations amend the Mental Health (Hospital, Guardianship, Community Treatment and Consent to Treatment) (Wales) Regulations 2008 (S.I. 2008/2439 (W.212)) ("the 2008 Regulations").

Diwygiodd adran 299 o Ddeddf Iechyd a Gofal Cymdeithasol 2012 (tystysgrif cydsynio cleifion cymunedol i driniaeth) adrannau 64C a 64E o Ddeddf Iechyd Meddwl 1983 er mwyn amrywio'r gofyniad am dystysgrif pan fo gallu gan y claf i gydsynio i driniaeth a'i fod wedi cydsynio iddi. Mae rheoliad 2(2) yn diwygio rheoliad 40 o Reoliadau 2008 er mwyn adlewyrchu hyn ac y mae rheoliad 2(3) yn gwneud diwygiadau i ffurflenni sydd yn yr Atodlen i Reoliadau 2008 ac yn mewnosod ffurflen newydd, sef Ffurflen CO 8.

Section 299 of the Health and Social Care Act 2012 (certificate of consent of community patients to treatment) amended sections 64C and 64E of the Mental Health Act 1983 to vary the certificate requirement where the patient has capacity to consent to the treatment and has consented. Regulation 2(2) amends regulation 40 of the 2008 Regulations to reflect this and regulation 2(3) makes amendments to forms in the Schedule to the 2008 Regulations and inserts a new form, Form CO 8.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol gwneud asesiad effaith rheoleiddiol o'r costau a'r buddiannau sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

2012 Rhif 1265 (Cy.158)

IECHYD MEDDWL, CYMRU

Rheoliadau Iechyd Meddwl
(Ysbyty, Gwarcheidiaeth, Triniaeth
Gymunedol a Chydsynio i
Driniaeth) (Cymru) (Diwygio)
2012

Gwnaed 9 Mai 2012

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 11 Mai 2012

Yn dod i rym 2 Mehefin 2012

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd gan adran 64H(2) o Ddeddf Iechyd Meddwl 1983(1).

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Iechyd Meddwl (Ysbyty, Gwarcheidiaeth, Triniaeth Gymunedol a Chydsynio i Driniaeth) (Cymru) (Diwygio) 2012 a deuant i rym ar 2 Mehefin 2012.

Diwygio Rheoliadau Iechyd Meddwl (Ysbyty, Gwarcheidiaeth, Triniaeth Gymunedol a Chydsynio i Driniaeth) (Cymru) 2008

2.—(1) Mae Rheoliadau Iechyd Meddwl (Ysbyty, Gwarcheidiaeth, Triniaeth Gymunedol a Chydsynio i Driniaeth) (Cymru) 2008(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 40 (tystysgrifau ar gyfer rhoi triniaeth)—

- (a) ym mharagraff (4) ar ôl "Ffurflen CO 7" mewnosoder "ac eithrio pan fo paragraff (5) yn gymwys"; a
- (b) ar ôl paragraff (4) mewnosoder—

(1) 1983 p.20. Mewnosodwyd adran 64H gan adran 35(1) o Ddeddf Iechyd Meddwl 2007 (2007 p.12) ac fe'i diwygiwyd gan adran 299 o Ddeddf Iechyd a Gofal Cymdeithasol 2012 (2012 p.7).

(2) O.S. 2008/2439 (Cy.212).

2012 No. 1265 (W.158)

MENTAL HEALTH, WALES

The Mental Health (Hospital,
Guardianship, Community
Treatment and Consent to
Treatment) (Wales) (Amendment)
Regulations 2012

Made 9 May 2012

*Laid before the National
Assembly for Wales* 11 May 2012

Coming into force 2 June 2012

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 64H(2) of the Mental Health Act 1983(1).

Title and commencement

1. The title of these Regulations is the Mental Health (Hospital, Guardianship, Community Treatment and Consent to Treatment) (Wales) (Amendment) Regulations 2012 and they come into force on 2 June 2012.

Amendment of the Mental Health (Hospital, Guardianship, Community Treatment and Consent to Treatment) (Wales) Regulations 2008

2.—(1) The Mental Health (Hospital, Guardianship, Community Treatment and Consent to Treatment) (Wales) Regulations 2008(2) are amended as follows.

(2) In regulation 40 (certificates for administration of treatment)—

- (a) in paragraph (4) after "Form CO 7" insert "except where paragraph (5) applies"; and
- (b) after paragraph (4) insert—

(1) 1983 c.20. Section 64H was inserted by section 35(1) of the Mental Health Act 2007 (2007 c.12) and was amended by section 299 of the Health and Social Care Act 2012 (2012 c.7).

(2) S.I. 2008/2439 (W.212).

"(5) Pan fo awdurdod i roi triniaeth i glaf yn rhinwedd adrannau 64C(2)(a) neu 64E(6)(a), rhaid i'r dystysgrif sy'n ofynnol at ddibenion adrannau 64B(2)(b) a 64E(2)(b) fod ar y ffurf a osodir yn Ffurflen CO 8."

(3) Yn Atodlen 1 (ffurflenni)—

- (a) yn Ffurflen HO 15 (Deddf Iechyd Meddwl 1983 adran 20 - adnewyddu'r awdurdod i roi dan gadwad)—
 - (i) yn Rhan 2 ar ôl "from the Responsible Clinician" mewnosoder ". This Part to be completed following consultation with the Responsible Clinician", a
 - (ii) yn Rhan 3 ar ôl "the Responsible Clinician" mewnosoder "following the completion of Part 2";
- (b) yn Ffurflen CP 1 (Deddf Iechyd Meddwl 1983 adran 17A - gorchymyn triniaeth gymunedol), Rhan 1 amod 2—
 - (i) ar ôl "Part 4A" mewnosoder "that falls within section 64C(4)", a
 - (ii) ar ôl "in the patient's case" mewnosoder "(SOAD Part 4A Certificate)";
- (c) yn Ffurflen CP 5 (Deddf Iechyd Meddwl 1983 adran 17E - hysbysiad am alw'n ôl i'r ysbyty), Rhan 2 paragraff (b), ar ôl "enabling a" mewnosoder "SOAD";
- (d) yn Ffurflen TC 8 (Deddf Iechyd Meddwl 1983 Rhan 6 - trosglwyddo claf sy'n ddarostyngedig i orfodaeth yn y gymuned) Rhan 1 amod 4, yn lle "Part 4A of the Act the patient's case" rhodder "Part 4A that falls within section 64C(4) of the Act in the patient's case (SOAD Part 4A Certificate)";
- (e) ym mhennawd Ffurflen CO 7 yn lle "(Part 4A Certificate)" rhodder "(SOAD Part 4A Certificate)"; ac
- (f) ar ôl Ffurflen CO 7 mewnosoder—

"Form CO 8 Mental Health Act 1983 Part 4A - certificate of consent to treatment for community patient (Approved Clinician Part 4A certificate)

Regulation 40(5)

I [full name and address] the approved clinician in charge of the treatment described below certify that [full name and address of patient]

- (a) is capable of understanding the nature, purpose and likely effects of [give description of treatment or plan of treatment; indicate clearly if the certificate is to apply to any or all of the treatment for a specified period]

"(5) Where there is authority to give treatment to a patient by virtue of sections 64C(2)(a) or 64E(6)(a), the certificate required for the purposes of sections 64B(2)(b) and 64E(2)(b) must be in the form set out in Form CO 8."

(3) In Schedule 1 (forms)—

- (a) in Form HO 15 (Mental Health Act 1983 section 20 - renewal of authority for detention)-
 - (i) in Part 2 after "from the Responsible Clinician" insert ". This Part to be completed following consultation with the Responsible Clinician", and
 - (ii) in Part 3 after "the Responsible Clinician" insert "following the completion of Part 2";
- (b) in Form CP 1 (Mental Health Act 1983 section 17A - community treatment order), Part 1 condition 2—
 - (i) after "Part 4A" insert "that falls within section 64C(4)", and
 - (ii) after "in the patient's case" insert "(SOAD Part 4A Certificate)";
- (c) in Form CP 5 (Mental Health Act 1983 section 17E - notice of recall to hospital), Part 2 paragraph (b), after "enabling a" insert "SOAD";
- (d) in Form TC 8 (Mental Health Act 1983 Part 6 - transfer of patient subject to compulsion in the community), Part 1 condition 4, for "Part 4A of the Act the patient's case" substitute "Part 4A that falls within section 64C(4) of the Act in the patient's case (SOAD Part 4A Certificate)";
- (e) in the heading of Form CO 7 for "(Part 4A Certificate)" substitute "(SOAD Part 4A Certificate)"; and
- (f) after Form CO 7 insert—

"Form CO 8 Mental Health Act 1983 Part 4A - certificate of consent to treatment for community patient (Approved Clinician Part 4A certificate)

Regulation 40(5)

I [full name and address] the approved clinician in charge of the treatment described below certify that [full name and address of patient]

- (a) is capable of understanding the nature, purpose and likely effects of [give description of treatment or plan of treatment; indicate clearly if the certificate is to apply to any or all of the treatment for a specified period]

AND

(b) has consented to that treatment.

Signed [signature]

Date [date]".

AND

(b) has consented to that treatment.

Signed [signature]

Date [date]".

Lesley Griffiths

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru

9 Mai 2012

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

9 May 2012

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