
EXPLANATORY NOTE

(This note is not part of the Order)

Article 3 of this Order provides that, for the purposes of Parts 2 and 3 of the Mental Health (Wales) Measure 2010 (“the Measure”), local primary mental health support services made available in a particular local authority area under a scheme are not to be regarded as secondary mental health services in that local authority area.

The effect of article 3 is that the requirements surrounding coordination and care and treatment planning provided by Part 2 of the Measure do not apply to an individual who is only in receipt of services or treatment which are made available as local primary mental health support services in the local authority area in which that individual is usually resident. Also, an individual who has received only such services will not be eligible for assessment under Part 3 of the Measure.

Article 4 of this Order provides that services in England, Scotland or Northern Ireland which are the equivalent of secondary mental health services provided in Wales are to be regarded as secondary mental health services for certain purposes in Part 3 of the Measure.

The effect of article 4 is to enable adults who have received such services in England, Scotland or Northern Ireland but who are now resident in Wales to be entitled to assessment under Part 3 of the Measure, provided they satisfy the entitlement criteria provided in section 22 of the Measure.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Mental Health Legislation Team, Department for Health, Social Services and Children, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.