



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2012 Rhif 1428 (Cy.178)

2012 No. 1428 (W.178)

IECHYD MEDDWL, CYMRU

MENTAL HEALTH, WALES

Gorchymyn Iechyd Meddwl
(Gwasanaethau Iechyd Meddwl
Eilaidd) (Cymru) 2012

The Mental Health (Secondary
Mental Health Services) (Wales)
Order 2012

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

At ddibenion Rhannau 2 a 3 o Fesur Iechyd Meddwl (Cymru) 2010 ("y Mesur"), mae erthygl 3 o'r Gorchymyn hwn yn darparu nad yw gwasanaethau cymorth iechyd meddwl sylfaenol lleol sy'n cael eu rhoi ar gael mewn ardal awdurdod lleol benodol o dan gynllun i'w hystyried fel gwasanaethau iechyd meddwl eilaidd yn yr ardal awdurdod lleol honno.

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.

Effaith erthygl 3 yw'r canlynol: nid yw'r gofynion sy'n ymwneud â chydgyssylltu a chynllunio gofal a thriniaeth a ddarperir gan Ran 2 o'r Mesur yn gymwys i unigolyn nad yw ond yn derbyn y gwasanaethau neu driniaeth sy'n cael eu rhoi ar gael fel gwasanaethau cymorth iechyd meddwl sylfaenol lleol yn yr ardal awdurdod lleol lle y mae preswylfa arferol yr unigolyn hwnnw. Hefyd, ni fydd unigolyn nad yw ond wedi derbyn gwasanaethau o'r fath yn gymwys ar gyfer asesiad o dan Ran 3 o'r Mesur.

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.

Mae erthygl 4 o'r Gorchymyn hwn yn darparu y bydd gwasanaethau yn Lloegr, yr Alban neu yng Ngogledd Iwerddon, sy'n gyfwerth â gwasanaethau iechyd meddwl eilaidd a ddarperir yng Nghymru, yn cael eu hystyried yn wasanaethau iechyd meddwl eilaidd at ddibenion penodol yn Rhan 3 o'r Mesur.

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.

Effaith erthygl 4 yw galluogi oedolion sydd wedi derbyn y gwasanaethau hynny yn Lloegr, yr Alban neu yng Ngogledd Iwerddon, ond sydd bellach yn preswyllo yng Nghymru, i fod yn gymwys ar gyfer asesiad o dan Ran 3 o'r Mesur, ar yr amod eu bod yn bodloni'r meini prawf ar gyfer yr hawl a ddarperir yn adran 22 o'r Mesur.

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.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, paratowyd asesiad effaith rheoleiddiol o'r costau a'r buddiannau sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi gan y Tîm Deddfwriaeth Iechyd Meddwl, Yr Adran Iechyd, Gwasanaethau Cymdeithasol a Phlant, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

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.

2012 Rhif 1428 (Cy.178)

2012 No. 1428 (W.178)

IECHYD MEDDWL, CYMRU

MENTAL HEALTH, WALES

Gorchymyn Iechyd Meddwl
(Gwasanaethau Iechyd Meddwl
Eilaidd) (Cymru) 2012

The Mental Health (Secondary
Mental Health Services) (Wales)
Order 2012

Gwnaed 29 Mai 2012

Made 29 May 2012

Yn dod i rym 6 Mehefin 2012

Coming into force 6 June 2012

Mae Gweinidogion Cymru yn gwneud y Gorchymyn hwn, drwy arfer y pwerau a roddwyd gan adrannau 49(4) a 52(2) o Fesur Iechyd Meddwl (Cymru) 2010(1).

The Welsh Ministers make this Order in exercise of the powers conferred by sections 49(4) and 52(2) of the Mental Health (Wales) Measure 2010(1).

Gosodwyd drafft o'r offeryn hwn gerbron Cynulliad Cenedlaethol Cymru yn unol ag adran 52(5)(a) o'r Mesur, a'i gymeradwyo gan benderfyniad Cynulliad Cenedlaethol Cymru.

A draft of this instrument, has been laid before the National Assembly for Wales in accordance with section 52(5)(a) of the Measure, and approved by resolution of the National Assembly for Wales.

Enwi, cychwyn a chymhwys

Title, commencement and application

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Meddwl (Gwasanaethau Iechyd Meddwl Eilaidd) (Cymru) 2012, a daw i rym ar 6 Mehefin 2012.

1.—(1) The title of this Order is the Mental Health (Secondary Mental Health Services) (Wales) Order 2012, and it comes into force on 6 June 2012.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(2) This Order applies in relation to Wales.

Dehongli

Interpretation

2. Yn y Gorchymyn hwn, ystyr "y Mesur" ("*the Measure*") yw Mesur Iechyd Meddwl (Cymru) 2010.

2. In this Order "the Measure" ("*y Mesur*") means the Mental Health (Wales) Measure 2010.

Ystyr gwasanaethau iechyd meddwl eilaidd at ddibenion Rhannau 2 a 3 o'r Mesur

Meaning of secondary mental health services for the purposes of Parts 2 and 3 of the Measure

3. Nid yw gwasanaethau a thriniaeth sydd yn cael eu rhoi ar gael fel gwasanaethau cymorth iechyd meddwl sylfaenol lleol(2) mewn ardal awdurdod lleol benodol

3. Services and treatment which are made available as local primary mental health support services(2) in a

(1) 2010 mccc 7.

(1) 2010 nawm 7.

(2) *Gweler* adran 5 (ystyr "gwasanaethau cymorth iechyd meddwl sylfaenol lleol") o'r Mesur am ystyr gwasanaethau cymorth iechyd meddwl sylfaenol lleol.

(2) *See* section 5 (meaning of "local primary mental health support services") of the Measure for the meaning of local primary mental health support services.

o dan gynllun(1) i'w hystyried fel gwasanaethau iechyd meddwl eilaidd(2) at ddibenion Rhan 2 (cydgysylltu a chynllunio gofal ar gyfer defnyddwyr gwasanaethau iechyd meddwl eilaidd) a Rhan 3 (asesiadau ar ddefnyddwyr blaenorol o wasanaethau iechyd meddwl eilaidd) o'r Mesur yn yr ardal awdurdod lleol honno.

Ystyr gwasanaethau iechyd meddwl eilaidd at ddibenion hawl i asesiad yn Rhan 3 o'r Mesur

4. Mae gwasanaeth a ddarperir yn Lloegr, yr Alban neu yng Ngogledd Iwerddon, sy'n gyfwerth â gwasanaeth iechyd meddwl eilaidd a ddarperir yng Nghymru, i'w ystyried yn wasanaeth iechyd meddwl eilaidd at ddibenion adran 22 (hawl i asesiad) ac adran 23 (asesiadau: y cyfnod rhyddhau perthnasol) o'r Mesur.

particular local authority area under a scheme(1) are not to be regarded as secondary mental health services(2) for the purposes of Part 2 (coordination of and care planning for secondary mental health service users) and Part 3 (assessments of former users of secondary mental health services) of the Measure in that local authority area.

Meaning of secondary mental health services for the purposes of entitlement to assessment in Part 3 of the Measure

4. A service provided in England, Scotland or Northern Ireland which is the equivalent of a secondary mental health service provided in Wales is to be regarded as a secondary mental health service for the purposes of section 22 (entitlement to assessment) and section 23 (assessments: the relevant discharge period) of the Measure.

Lesley Griffiths

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru

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

29 Mai 2012

29 May 2012

© Hawlfraint y Goron 2012

© Crown copyright 2012

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

-
- (1) *Gweler* adran 2 (cynlluniau ar y cyd ar gyfer darparu gwasanaethau cymorth iechyd meddwl sylfaenol lleol) ac adran 4 (methiannau i gytuno ar gynlluniau) o'r Mesur sy'n ymwneud â chynlluniau ar gyfer darparu gwasanaethau cymorth iechyd meddwl sylfaenol lleol mewn ardaloedd awdurdod lleol.
- (2) *Gweler* adran 49 (ystyr gwasanaethau iechyd meddwl eilaidd) o'r Mesur am ystyr gwasanaethau iechyd meddwl eilaidd.

-
- (1) *See* section 2 (joint schemes for the provision of local primary mental health support services) and section 4 (failures to agree schemes) of the Measure regarding schemes for the provision of local primary mental health support services in local authority areas.
- (2) *See* section 49 (meaning of secondary mental health services) of the Measure for the meaning of secondary mental health services.