

Constitutional and Legislative Affairs Committee

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Constitutional and Legislative Affairs Committee Draft Report

Title: The Mental Health (Assessment of Former Users of Secondary Mental Health Services) (Wales) Regulations 2011

Procedure: Affirmative

These Regulations make provision about mental health assessments for former users of secondary mental health services.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this draft instrument.

Merits Scrutiny

Under Standing Order 21.3(ii) (gives rise to issues of public policy likely to be of interest to the Assembly) the Assembly is invited to pay special attention to the following instrument.

These Regulations are part of a suite of regulations made by the Welsh Ministers under powers conferred on them by provisions of the Mental Health (Wales) Measure 2010 (“the Measure”) or under provisions of the Mental Health Act 1983 as amended by the Measure designed to develop and enhance mental health services in Wales.

Under Part 3 of the Measure patients who have been discharged from secondary mental health services but who subsequently believe their mental health to be deteriorating to such a point as to again require specialist intervention may self-refer themselves within a period of three years from discharge (“the discharge period”) back to secondary services.

Those eligible will be persons over the age of 18 years who have previously received secondary services. However, individuals who have received and have been discharged from secondary services whilst under the age of 18 years will also be eligible if they reach the age of 18 years during the discharge period.

The provisions contained in part 3 of the Measure introduce a regime unique to Wales.

As these Regulations are subject to the affirmative procedure they will be debated by the Assembly in Plenary.

Legal Advisers

Constitutional and Legislative Affairs Committee

September 2011