

MENTAL HEALTH (WALES) MEASURE 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 45 – Part 1: power to secure regional provision

78. *Part 1* of the Measure, in effect, creates partnerships between a local authority and the LHB for local primary mental health support services for the area of the local authority, which are limited to that area. However section 45 provides that the Welsh Ministers may, by regulations, modify the operation of Part 1 so that schemes can be made for an area wider than a local authority area – in effect regions.
79. Subsection (1) therefore extends the area, by dis-applying the local authority area established in Part 1 and applying it to a new area. Subsection (2) then reconstructs the concept of partners in the scheme, and in each scheme there must be at least one LHB and one local authority, but this does not prevent more than one LHB or more than one local authority also being a partner in the new scheme for the new area. It also does not prevent partners comprising LHBs and/or local authorities whose geographic area does not sit within the area where the partnership will deliver local primary mental health support services.
80. For example, it may be the case that a Health Board covers a geographic area of four local authorities and that the five partners within that area (the Health Board and the four local authorities) consider that a single scheme for the whole of the Health Board area is a safe, economic and clinically appropriate approach to take to deliver local primary mental health support services. Regulations could be made to enable this to take place.