



Mental Health (Wales) Measure 2010

2010 nawm 7

PART 3

ASSESSMENTS OF FORMER USERS OF SECONDARY MENTAL HEALTH SERVICES

Assessment entitlements

22 Entitlement to assessment

- (1) An adult is entitled to an assessment as described in section 25 if—
 - (a) the adult requests either of the local mental health partners for the local authority area in which the adult is usually resident to carry out such an assessment;
 - (b) the adult has been discharged from secondary mental health services (whether or not the services were the responsibility of the local mental health partner to whom the request for an assessment is made);
 - (c) the request is made within the relevant discharge period (see section 23); and
 - (d) the local mental health partner to whom the request is made does not consider the request to be frivolous or vexatious.
- (2) For the purposes of subsection (1)(b), an adult has been discharged from secondary mental health services if the adult was being provided with a secondary mental health service or services but is no longer, for whatever reason, being provided with any secondary mental health service.
- (3) The reference to an adult being discharged from secondary mental health services includes a discharge that occurred when the adult was a child.

23 Assessments: the relevant discharge period

- (1) The relevant discharge period in relation to an adult—
 - (a) begins on the date on which the adult was discharged from secondary mental health services (within the meaning of section 22(2)); and

Changes to legislation: There are currently no known outstanding effects for the Mental Health (Wales) Measure 2010, Cross Heading: Assessment entitlements. (See end of Document for details)

- (b) ends upon the expiry of the period of time specified in regulations made for the purposes of this section by the Welsh Ministers.
- (2) The relevant discharge period also ends if, before the expiry of the period of time referred to in subsection (1)(b), an event specified in regulations made by the Welsh Ministers occurs.

Commencement Information

- I1** S. 23 in force in so far as not already in force at 6.6.2012 by S.I. 2012/1397, art. 2(1)
- I2** S. 23 partly in force; s. 23 in force at 15.2.2011 in so far as it confers power to make subordinate legislation see s. 55

24 Provision of information about assessments

- (1) Where a Local Health Board discharges an adult from secondary mental health services, the Board must provide the adult with information in writing about entitlement to assessment under this Part if, at the date of discharge, no local authority is providing the adult with a secondary mental health service.
- (2) Where a local authority discharges an adult from secondary mental health services, the authority must provide the adult with information in writing about entitlement to assessment under this Part if, at the date of discharge, no Local Health Board is providing the adult with a secondary mental health service.
- (3) Where the relevant discharge period begins when an individual is a child and ends when that individual becomes an adult, the Board or authority has the same duty to provide that individual with information about their entitlement to an assessment as it has to provide an adult with such information under subsections (1) and (2).
- (4) For the purposes of this section, a Board or authority discharges an individual from secondary mental health services when it implements a decision that the Board or authority no longer needs to provide the individual with any such service.

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