



Mental Health (Wales) Measure 2010

2010 nawm 7

PART 6

MISCELLANEOUS AND SUPPLEMENTAL

51 General interpretation

(1) In this Measure—

“adult” (“*oedolyn*”) means a person aged 18 or above;

“child” (“*plentyn*”) means a person who has not attained the age of 18;

“community care services” (“*gwasanaethau gofal cymunedol*”) has the same meaning as in section 46 of the National Health Service and Community Care Act 1990;

“functions” (“*swyddogaethau*”) includes powers and duties;

“housing or well-being services” (“*gwasanaethau tai neu wasanaethau llesiant*”) must be construed in accordance with section 50;

“local authority” (“*awdurdod lleol*”) means a county council or a county borough council;

“local authority area” (“*ardal awdurdod lleol*”) means a principal area in Wales within the meaning of section 20 of the Local Government Act 1972;

“Local Health Board” (“*Bwrdd Iechyd Lleol*”) means a Board established under section 11 of the National Health Service (Wales) Act 2006;

“local mental health partners” (“*partneriaid iechyd meddwl lleol*”), and related expressions, must be construed in accordance with section 1;

“local primary mental health treatment” (“*triniaeth iechyd meddwl sylfaenol leol*”), in relation to a local authority area, means the treatment referred to in the scheme for the area agreed under section 2 or determined by the Welsh Ministers under section 4(1)(c) or, where there is no scheme, the treatment which a Local Health Board has decided to make available for the area under section 4(1)(a);

“primary care provider” (“*darparnydd gofal sylfaenol*”) means a contractor under a general medical services contract entered into under section 42 of the

Status: This is the original version (as it was originally enacted).

National Health Service (Wales) Act 2006, a person with whom arrangements have been made under section 50 of that Act, a registered medical practitioner employed by a Local Health Board for the purposes of section 41 of that Act, and a registered medical practitioner providing services to prisoners under arrangements made between the registered medical practitioner and a person responsible for the provision or running of a contracted out prison (within the meaning of section 84(4) of the Criminal Justice Act 1991) in Wales;

“primary mental health assessment” (“*asesiad iechydd meddwl sylfaenol*”) is an assessment under section 9;

“registered patient” (“*claf cofrestredig*”) means—

- (a) in relation to a contractor under a general medical services contract entered into under section 42 of the National Health Service (Wales) Act 2006, an individual—
 - (i) whom the contractor has accepted as a patient under regulations made under section 47(3)(a) of that Act, and
 - (ii) in respect of whom the contractor has not terminated responsibility under regulations made under section 47(3)(c) of that Act;
- (b) in relation to a person with whom arrangements have been made under section 50 of that Act, an individual—
 - (i) whom the person has accepted as a patient under regulations made under section 52(8)(a) of that Act, and
 - (ii) in respect of whom the person has not terminated responsibility under regulations made under section 52(8)(c) of that Act;
- (c) in relation to a registered medical practitioner employed by a Local Health Board for the purposes of section 41 of that Act, an individual falling within a category specified in regulations made by the Welsh Ministers;

“secondary mental health services” (“*gwasanaethau iechydd meddwl eilaidd*”) has the meaning given by section 49;

“treatment” (“*triniaeth*”) means treatment for mental disorder within the meaning of field 9 of Part 1 of Schedule 5 to the Government of Wales Act 2006.

- (2) For the purposes of this Measure, an individual is under the guardianship of a local authority in Wales if a local authority has, in respect of the individual, the powers in section 8(1) of the Mental Health Act 1983.
- (3) In this Measure any reference (however expressed) to a service being provided by a person includes a reference to a service being provided under arrangements made by the person.
- (4) Until the coming into force of section 8(1) of the Children and Young Persons Act 2008, all references to section 22C(12) of the Children Act 1989 are to be read as references to section 23(3) of the Children Act 1989.
- (5) References in this Measure to a care coordinator are to be construed as references to a care coordinator acting on behalf of the mental health service provider who had responsibility for appointing the individual as care coordinator under section 14(1) or (3), unless the context otherwise requires.