



# Mental Health (Wales) Measure 2010

**2010 nawm 7**

## **PART 1**

### **LOCAL PRIMARY MENTAL HEALTH SUPPORT SERVICES**

#### *Primary mental health assessments*

- 7 Duties to carry out primary mental health assessments: other primary care referrals**
- (1) This section applies to an individual—
    - (a) who does not fall within any of the descriptions in section 8(1); and
    - (b) in respect of whom a relevant referral for the purposes of this section is made.
  - (2) A primary mental health assessment must be carried out in respect of the individual in accordance with section 9.
  - (3) A relevant referral for the purposes of this section means a request that an individual has a primary mental health assessment which meets the following conditions.
  - (4) The first condition is that the request is made by—
    - (a) a contractor with whom a general medical services contract has been entered into under section 42 of the National Health Service (Wales) Act 2006 by—
      - (i) the Local Health Board to which the request is made, or
      - (ii) where the request is made to a local authority, the Local Health Board which is the authority's local mental health partner;
    - (b) a person with whom arrangements have been made under section 50 of that Act by—
      - (i) the Local Health Board to which the request is made, or
      - (ii) where the request is made to a local authority, the Local Health Board which is the authority's local mental health partner;
    - (c) a registered medical practitioner employed for the purposes of section 41 of that Act by—

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*Changes to legislation: There are currently no known outstanding effects for the  
 Mental Health (Wales) Measure 2010, Section 7. (See end of Document for details)*

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- (i) the Local Health Board to which the request is made, or
  - (ii) where the request is made to a local authority, the Local Health Board which is the authority's local mental health partner; or
- (d) 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.
- (5) The second condition is that the request is made to a local mental health partner for the local authority area in which the contractor, person or practitioner carries on the majority of the contractor's, person's or practitioner's business or activities.
- (6) The third condition is that the individual in respect of whom the request is made falls within a category specified in–
  - (a) regulations made by the Welsh Ministers; or
  - (b) the scheme for that local authority area under section 2(4)(c).

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**Commencement Information**

- I1** [S. 7](#) in force in so far as not already in force at 1.10.2012 by [S.I. 2012/2411](#), **art. 2(c)**
- I2** [S. 7](#) partly in force; [s. 7](#) in force at 15.2.2011 in so far as it confers power to make subordinate legislation see [s. 55](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Health (Wales) Measure 2010, Section 7.