
STATUTORY INSTRUMENTS

200[] No.

CONSTITUTIONAL LAW,

DEVOLUTION, WALES

**The National Assembly for Wales (Legislative Competence)
(No 6) Order 2008**

Made - - - - - ***

Coming into force in accordance with Article 1

At the Court at Buckingham Palace, the *** day of ***2008

Present

The Queen's Most Excellent Majesty in Council

In accordance with section 95(5) of the Government of Wales Act 2006(a) a draft of this order has been laid before, and approved by resolution of, the National Assembly for Wales and each House of Parliament.

Accordingly, Her Majesty, in pursuance of section 95(1) of the Government of Wales Act 2006, is pleased, by and with the advice of Her Privy Council, to order as follows:-

Citation and commencement

1. This Order may be cited as the National Assembly for Wales (Legislative Competence) (No 6) Order 2008 and it comes into force on the day after the day on which it is made.

Amendments to Schedule 5 to the Government of Wales Act 2006

2.—(1) Part 1 of Schedule 5 to the Government of Wales Act 2006 is amended in accordance with this article.

(2) In Field 9 (health and health services) insert—

(a) 2006 (c. 32)

“Matter 9.[]

Provision for and in connection with –

- (a) the assessment by the health service in Wales of persons who are or may be mentally disordered persons;
- (b) duties on the health service in Wales to provide treatment for mentally disordered persons;
- (c) independent mental health advocacy for persons who are or may be mentally disordered persons.

This matter does not include assessment of, treatment or advocacy for persons detained, liable to be detained or liable to recall under the Mental Health Act 1983 (or any statutory modification or re-enactment thereof).

- (3) Under the heading “Interpretation of this field” before the definition of “patient” insert—
““mentally disordered persons” means persons having any disorder or disability of the mind”.

Clerk to the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 5 to the Government of Wales Act 2006 (“the 2006 Act”). The effect of the Order is to extend the legislative competence of the National Assembly for Wales to make new laws for Wales by Measure under section 93 of the 2006 Act.

Article 2 inserts a new matter 9.[] into Field 9 (health and health services). The new matter inserted is about providing for the assessment, treatment and provision of independent mental health advocacy services for mentally disordered persons who are not detained, liable to detention or liable to recall under the Mental Health Act 1983.. Any provision of an Assembly Measure relating to new matter 9. [] will be within the legislative competence of the Assembly by virtue of this matter and section 94(4) of the 2006 Act.