



Llywodraeth Cymru
Welsh Government

MENTAL HEALTH REVIEW TRIBUNAL FOR WALES (MEMBERSHIP) ACT 2026

Explanatory Memorandum
incorporating the
Regulatory Impact Assessment and
Explanatory Notes

February 2026

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PART 1 – EXPLANATORY MEMORANDUM

1. Description

- 1.1. The Mental Health Review Tribunal for Wales (Membership) Act 2026 (“the Act”) makes amendments to the qualifying criterion for medical membership of the Mental Health Review Tribunal for Wales; and makes connected retrospective provision about the validity of previous appointments to and membership of the tribunal.
- 1.2. It provides that medical members of that tribunal must be registered medical practitioners defined as being a fully registered person within the meaning of the Medical Act 1983, but do not need to hold a licence to practise under that Act.
- 1.3. The Act also places a duty on the Welsh Ministers to carry out a review of the training arrangements which are maintained by the President of Welsh Tribunals under section 60(5)(a) of the Wales Act 2017 for medical members of the Mental Health Review Tribunal for Wales who do not hold licences to practise under the Medical Act 1983.
- 1.4. A further duty is placed on Welsh Ministers to publish a report of the review no later than 12 months after the day on which the Act comes into force.

2. Legislative Competence

Senedd Cymru ("the Senedd") has the legislative competence to make the provisions in the Mental Health Review Tribunal for Wales (Membership) Act ("the Act") pursuant to Part 4 of the Government of Wales Act 2006 ("GoWA 2006") as amended by the Wales Act 2017.

3. Purpose and intended effect of the legislation

- 3.1. A technical issue was identified regarding one aspect of the criteria for appointment as medical members of the Mental Health Review Tribunal for Wales.
- 3.2. The purpose of the Act is:
 - (a) to give effect to the policy intention that the qualifying criterion for medical members is they must be registered within the meaning of the Medical Act 1983 but are not required to hold a licence to practise under that Act, and
 - (b) to retrospectively validate any appointments of medical members who at the time of appointment did not meet the requirement to hold a licence to practise and to maintain the validity of those whose licence has lapsed during the term of their appointment as a medical member.
- 3.3. The Mental Health Act 1983 (as amended by the Mental Health Act 2007) established a Mental Health Review Tribunal for Wales. That tribunal's remit is to deal with applications and references by and in respect of patients under that Act. Schedule 2 of the Mental Health Act 1983 (as amended) makes provision about the constitution of the tribunal including the type of members and the appointment requirements for those members. Amongst the types of members that must be appointed are medical members. The requirements for medical members are that they are "registered medical practitioners" appointed by the Lord Chancellor.
- 3.4. The expression "registered medical practitioner" is not defined in the Mental Health Act 1983. It is defined in Schedule 1 to the Interpretation Act 1978 as meaning "a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practise under that Act". Section 5 of the Interpretation Act 1978 requires that definition to be applied in the Mental Health Act 1983 unless a contrary intention appears.
- 3.5. The position for the equivalent chamber of the First Tier tribunal in England is defined as a person "registered within the meaning of the Medical Act 1983 whether or not they hold a licence to practice under that Act".
- 3.6. It is the policy intention that the criteria for appointment of medical members for the Mental Health Review Tribunal for Wales should be defined as not requiring a licence to practise. It is therefore necessary to amend Schedule 2 to the Mental Health Act 1983 to reflect this policy.
- 3.7. The Mental Health Review Tribunal for Wales (Membership) Act 2026 also contains provision which retrospectively validates the appointment of those medical members who did not hold a licence to practise either at the time of their appointment or who subsequently allowed their licence to lapse during the term of their appointment as a medical member. This means that those

appointments will be treated as though they were valid from the date of their appointment, without interruption.

- 3.8. The Mental Health Review Tribunal for Wales (Membership) Act 2026 aims to ensure that adequate training arrangements are in place for medical members who do not hold a licence to practise. This is designed to ensure their professional knowledge is kept sufficiently up to date.
- 3.9. Section 60(5)(a) of the Wales Act 2017 provides that the President of Welsh Tribunals is responsible for the maintenance of appropriate arrangements for, among other matters, the training of members of the Welsh tribunals within the resources made available by the Welsh Ministers. The Mental Health Review Tribunal for Wales (Membership) Act 2026 places a duty on the Welsh Ministers to carry out a review of the training arrangements which are maintained by the President of Welsh Tribunals under section 60(5)(a) of the Wales Act 2017 for medical members of the Mental Health Review Tribunal for Wales who do not hold licences to practise under the Medical Act 1983.
- 3.10. The Mental Health Review Tribunal for Wales (Membership) Act 2026 then places a further duty on Welsh Ministers to publish a report of the review no later than 12 months after the day on which it comes into force.

4. Consultation

- 4.1. There was no formal consultation on the policy objectives or on the draft Bill. The Mental Health Review Tribunal for Wales (Membership) Bill was published on the day it was submitted to the Llywydd for determination and later introduced to the Senedd through emergency procedures to address the technical issue identified as quickly as possible. The Welsh Government's primary concern was to introduce legislation at pace to ensure that the Mental Health Review Tribunal for Wales could continue to function and meet its statutory duties.
- 4.2. In producing the Bill, the Welsh Government worked closely with key stakeholders including the President of Welsh Tribunals and the President of the Mental Health Review Tribunal for Wales.
- 4.3. The absence of plausible alternative approaches to securing the continued effective operation of the tribunal, the limited effect of the Bill and the urgency of addressing the issue all contributed to the decision not to undertake fuller consultation before bringing forward legislation.

5. Power to make subordinate legislation

The Mental Health Review Tribunal for Wales (Membership) Act 2026 contains no powers to make subordinate legislation or to issue determinations.

PART 2 – REGULATORY IMPACT ASSESSMENT

6. Regulatory Impact Assessment (RIA) summary

6.1. The Mental Health Review Tribunal for Wales (Membership) Act 2026 places a duty on Welsh Ministers to:

- carry out a review of the training arrangements which are maintained by the President of Welsh Tribunals under section 60(5)(a) of Section 60(5)(a) of the Wales Act 2017 for medical members of the Mental Health Review Tribunal for Wales who do not hold licences to practise under the Medical Act 1983; and,
- publish a report of the review no later than 12 months after the day on which the Bill comes into force.

6.2. These provisions will result in one-off administrative costs for the Welsh Government. The table below shows how these costs have been estimated. below.

Costs of Review of Training Provision to Medical Members of MHRTW without a Licence to Practise and Production of Report		
1x SEO working 3 days to gather information	$\frac{\pounds 80,795.49 \times 3}{365}$	<u>£664.00</u>
1x SEO working 2 days to write up the review and report/arrange for publishing	$\frac{\pounds 80,795 \times 2}{365}$	<u>£443.00</u>
1x G7 working 1 day to check and clear review and report	$\frac{\pounds 104,794.85 \times 1}{365}$	<u>£287.00</u>
1x SCS working 0.5 days to clear report	$\frac{\pounds 137,281.82 \times 0.5}{365}$	<u>£376.00</u>
1 x SEO translator working 1 day on report, website text etc	$\frac{\pounds 80,795.49 \times 1}{365}$	<u>£221.00</u>
		<u>£1,991.00</u>

6.3. There were no specific provisions in the Act which charge expenditure on the Welsh Consolidated Fund.

Table A

The following table presents a summary of the costs and benefits for the Act as a whole. The table has been designed to present the information required under Standing Order 26.6 (viii) and (ix).

Mental Health Review Tribunal for Wales (Membership) Act

Preferred option: Alternatives have been considered, but the Welsh Government's preferred course of action was to introduce legislation to the Senedd through emergency procedures to amend the qualifying criteria for medical membership of the Mental Health Review Tribunal for Wales ("the MHRTW"); and make connected retrospective provision about the validity of previous appointments to and membership of the tribunal. The only costs arising from this Act are the one-off administrative costs resulting from the duty for Welsh Ministers to conduct a review of training arrangements for medical members of the MHRTW who do not hold a licence to practise and the subsequent publication of a report on this review.

Stage: Introduction	Appraisal period: 2025/26 onward	Price base year: 2025/26 onward
Total Cost Total: £ 1,991 Present value: £1,940	Total Benefits Total: £ Nil Present value: £ Nil	Net Present Value (NPV): £-1,940

Administrative cost

Costs: The effect of the Act is to set qualification requirements for medical members that enable individuals who are registered medical practitioners within the meaning of the Medical Act 1983, but who do not hold a licence to practise under that Act to sit as medical members of the Mental Health Review Tribunal for Wales.

The Act introduced a duty for Welsh Ministers to conduct a review of training arrangements for medical members of the MHRTW who do not hold a licence to practise and subsequently to publish a report on this review within a year of the Act coming into force. This has financial implications for Welsh Government in terms of administrative costs between January 2026 and January 2027.

Transitional: £ 1,991	Recurrent: £Nil	Total: £1,991	PV: £1,940
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Cost-savings: There is potentially an administrative saving associated with this Act. If the amendments the Act makes are not made, of the 41 current medical members of the Mental Health Review Tribunal for Wales, many of the most active will be unable to sit at hearings, potentially resulting in the tribunal not being able to meet its statutory requirements. Additional recruitment exercises for medical members who have a licence to practice would need to be held in order to seek to replace those who are no longer able to sit. It is not possible to estimate these costs at this stage.

Transitional: £Nil	Recurrent: £Nil	Total: £Nil	PV: £Nil
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Net administrative cost: £1,991

Compliance costs

The effect of the Act is to set qualification requirements for medical members enabling individuals who are registered medical practitioners within the meaning of the Medical Act 1983, but who do not hold a licence to practise under that Act to sit as medical members of the Mental Health Review Tribunal for Wales.

The Act places a duty on Welsh Ministers to conduct a review of training arrangements for medical members of the MHRTW who do not hold a licence to practise and subsequently to publish a report on this review within a year of the Act coming into force. Compliance with these duties represents a cost in terms of the time of the Welsh Government officials who will conduct the review and produce the report.

Transitional: £ Nil	Recurrent: £ Nil	Total: £ Nil	PV: £ Nil
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Other costs

Other than those resulting from the duties placed on Welsh Ministers, as described above, there are no costs resulting from this Act.

Transitional: £ Nil	Recurrent: £ Nil	Total: £ Nil	PV: £ Nil
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Unquantified costs and disbenefits

As already set out above, there is potentially an unquantifiable cost associated with not introducing the Act. This would potentially mean that, of the 41 current medical members of the Mental Health Review Tribunal for Wales, many of the most active will be unable to sit at hearings, potentially resulting in the tribunal not being able to meet its statutory requirements.

Benefits

The benefit of the proposed course of action is all existing medical members of the tribunal will be able to sit in tribunal hearings, helping to ensure that the tribunal meets its statutory duties.

Total: £ Nil

PV: £ Nil

Key evidence, assumptions and uncertainties

As set out above, the effect of the Act will be to set qualification requirements for medical members that enable individuals who are registered medical practitioners within the meaning of the Medical Act 1983, but who do not hold a licence to practise under that Act to sit as medical members of the Mental Health Review Tribunal for Wales. It is essentially cost neutral.

7. Options

- 7.1. The Welsh Government has worked with the President of Welsh Tribunals and the President of the Mental Health Review Tribunal for Wales (“the MHRTW”) to explore all possible mitigations or alternatives to emergency legislation. This has included considering:
- whether any of the individual members without licences are able to secure one quickly through their own action;
 - whether the General Medical Council could take some action to quickly (potentially only temporarily) restore licences as a block to all those who previously had one;
 - what can be done to cross deploy members of the English equivalent tribunal; and
 - the recruitment of new medical members.
- 7.2. For medical members to obtain licences to practice, either through their own action or via action taken by the General Medical Council is not a practical solution as there is an ongoing Continuing Professional Development (CPD) requirement which most medical members will not currently meet (many are retired from regular practice).
- 7.3. Medical members sitting in the English equivalent Chamber of the First Tier Tribunal do not have to have a licence to practise. The Welsh Government understands that the tribunal does not hold information on how many of its medical members hold a licence and, as it currently also has issues with medical member availability to cover the cases it has listed, there is a risk that cross deployment could disrupt its operation.
- 7.4. While there is an ongoing recruitment process for new medical members of the MHRTW, this has no prospect of delivering the numbers of new members needed quickly enough to meet the current shortfall of medical members.
- 7.5. Finally, the Welsh Government has also considered whether UK legislation could be used to address the current situation. In principle action could be taken through UK primary legislation should a suitable Bill be available, or through UK secondary legislation. However, either route would necessarily take many months.
- 7.6. The Welsh Government therefore decided to introduce an emergency Bill into the Senedd to ensure that medical members of the MHRTW who do not hold a licence to practise can return to sit on the tribunal as quickly as possible.

8. Costs and benefits

- 8.1. This legislation which was introduced to the Senedd through emergency processes, represents a swift solution to address a technical issue which, if not addressed, as set out in previous chapters of this explanatory memorandum, could impact on the ability of the Mental Health Review Tribunal for Wales (“the MHRTW”) to meet its statutory obligations.
- 8.2. The Act places a duty on Welsh Ministers to conduct a review of training arrangements made by the President of Welsh Tribunals for medical members of the MHRTW who do not hold a licence to practise and subsequently to publish a report on this review within a year of the Act coming into force. These duties represent a cost in terms of the time of the Welsh Government officials who will conduct the review and produce the report.
- 8.3. The amendments made at stage 3 aim to ensure that adequate training arrangements are in place for medical members of the MHRTW who do not hold a licence to practise.

9. Impact Assessments

- 9.1. The objective of the Bill at introduction was to set qualification requirements for medical members, enabling individuals who are registered medical practitioners within the meaning of the Medical Act 1983, but who do not hold a licence to practise under that Act to sit as medical members of the Mental Health Review Tribunal for Wales (“the MHRTW”).
- 9.2. Following amendment at stage 3, the Mental Health Review Tribunal for Wales (Membership) Act (“the Act”) now places a duty on Welsh Ministers to conduct a review of training arrangements made by the President of Welsh Tribunals for medical members of the MHRTW who do not hold a licence to practise and subsequently to publish a report on this review within a year of the Act coming into force.
- 9.3. We have considered the potential impact of the Act and set out our findings below. Apart from the cost implications resulting from Welsh Government officials producing and publishing this report (which are set out in the regulatory impact assessment included within this integrated impact assessment), we do not consider that changes to our initial findings are necessary.
- 9.4. It is important to recognise that the Act I was designed to prevent a situation whereby the MHRTW ceases to be able to meet its obligations. Significantly, we have not been able to identify any negative impact which might result from the Act.

Health

- 9.5. The aim of the Act is to avoid the adverse impact of the MHRTW not being able to meet its statutory duties, helping to ensure the tribunal continues to function. It should therefore be considered to have a beneficial impact on users of the tribunal and their families. This is also in line with the “Healthier Wales” Well Being Goal as set out in the Well-Being of Future generations (Wales) Act 2015 which aspires to a society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.

Impact on equalities

- 9.6. The Act will help ensure that the MHRTW continues to meet its statutory duties. This will clearly have a beneficial impact on users of the tribunal and their families who are frequently amongst the most vulnerable members of society.

Impact on children’s rights

- 9.7. Similarly, where children and young people or their families are users of the MHRTW, helping to ensure that the MHRTW continues to be able to meet its statutory duties is potentially of significant benefit to them.

Impact on the Welsh language

9.8. We have considered the potential impact of the Act on the Welsh Language and have concluded that it will be negligible.

Rural Proofing

9.9. The Act includes no provisions which might impact differently or disproportionately on individuals who live, work, socialise and do business in rural areas.

Impact on the environment, climate change and biodiversity

9.10. We have considered the potential impact of the Act on the environment, climate change and biodiversity and have concluded that it will be negligible.

Impact on the socio-economic duty

9.11. The overall aim of the socio-economic duty is to deliver better outcomes for those who experience socio-economic disadvantage. As is the case with other groups, the Act will potentially impact positively and help deliver better outcomes for those who experience socio-economic disadvantage where they or a member of their family are additionally users of the MHRTW.

Impact on the justice system

9.12. Standing order 26.6(xii) requires that Welsh Government set out the potential impact (if any) on the justice system in England and Wales of the provisions of a Bill in a justice impact assessment. The MHRTW is part of the devolved justice system and therefore, a justice impact assessment is not required.

Data Protection/Privacy impact

9.13. The Act makes no provision for the collection, storage, protection, sharing or management of personal data and has no implications for the use or changes to the use of personal data.

10. Post implementation review

10.1. The Welsh Tribunals Unit will monitor the impact of the Act on the availability of individuals to serve as medical members of the Mental Health Review Tribunal for Wales. This will commence as soon as the provisions come into force.

11. Affordability Statement

11.1. The Act will result in a cost to Welsh Government in terms of the time of officials who need to produce and publish the report in accordance with the new duties placed on the Welsh Ministers. This is a one-off cost which can be accommodated within the budget allocations for 2025/26 and 2026/27. There are no affordability concerns.

Annex 1

Explanatory Notes

MENTAL HEALTH REVIEW TRIBUNAL FOR WALES (MEMBERSHIP) ACT 2026

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Mental Health Review Tribunal for Wales (Membership) Act 2026 (“the Act”), which was introduced into Senedd Cymru on 13 January 2026. They have been prepared by the First Minister’s Group of the Welsh Government to assist the reader of the Act. The Explanatory Notes should be read in conjunction with the Act but are not part of it.

SUMMARY AND POLICY BACKGROUND

2. The Act addresses a technical issue which has been identified with regard to the appointment criterion for medical members of the Mental Health Review Tribunal for Wales.
3. The medical members of this tribunal are required by paragraph 1 of Schedule 2 to the Mental Health Act 1983 to be “registered medical practitioners”. This expression is not defined in the Mental Health Act 1983. However, it is defined in Schedule 1 to the Interpretation Act 1978 as meaning “a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practise under that Act”. Section 5 of the Interpretation Act 1978 requires that definition to be applied in the Mental Health Act 1983 unless a contrary intention appears.
4. The policy intention is that medical members should be required to be registered within the meaning of the Medical Act 1983 but with no requirement to hold a licence to practise under that Act.
5. The Welsh Government therefore introduced the Mental Health Review Tribunal for Wales (Membership) Bill to the Senedd to enable persons who are fully registered within the meaning of the Medical Act 1983 to be appointed as medical members of the Mental Health Review Tribunal for Wales, whether or not those persons hold licences to practise.
6. The Act also provides that where persons were appointed in the past as medical members but did not hold a licence to practice or allowed their licence to lapse, those appointments and those persons’ membership of the tribunal are valid.

These notes refer to the Mental Health Review Tribunal for Wales (Membership) Act which was introduced into Senedd Cymru on 13 Jan 2026

7. Section 60(5)(a) of the Wales Act 2017 provides that the President of Welsh Tribunals is responsible for the maintenance of appropriate arrangements for, among other matters, the training of members of the Welsh tribunals within the resources made available by the Welsh Ministers. The Mental Health Review Tribunal for Wales (Membership) Act 2026 places a duty on the Welsh Ministers to carry out a review of the training arrangements which are maintained by the President of Welsh Tribunals under section 60(5)(a) of the Wales Act 2017 for medical members of the Mental Health Review Tribunal for Wales who do not hold licences to practise under the Medical Act 1983.
8. The Act then places a further duty on Welsh Ministers to publish a report of the review no later than 12 months after the day on which it comes into force (the Act came into force on 22 January 2026).
9. The policy intention is to ensure that adequate training arrangements are in place so that even though these medical members do not have a licence to practise, their professional knowledge is kept sufficiently up to date.
10. The effect of the Act will be to change the qualification requirements for medical members to enable individuals who are fully registered persons within the meaning of the Medical Act 1983 but who do not hold a current licence to practise under that Act to sit as medical members of the Mental Health Review Tribunal for Wales. By placing a duty on the Welsh Ministers to review the training arranged by the President of Welsh Tribunals for medical members without a licence to practise and to publish a report on that review, it aims to ensure that the provision is adequate to keep the professional knowledge of non-practising medical members up to date.

GENERAL OVERVIEW OF THE ACT

11. The Act comprises four short sections.

COMMENTARY ON SECTIONS

Section 1 - Membership of the Mental Health Review Tribunal for Wales

12. Section 1 amends Schedule 2 to the Mental Health Act 1983, which makes provision about the Mental Health Review Tribunal for Wales.
13. Paragraph 1(b) of Schedule 2 to the Mental Health Act 1983 provides that the Mental Health Review Tribunal for Wales must include members, referred to as “medical members”, who are registered medical practitioners.
14. Section 1(3) of the Act inserts a definition of the term “registered medical practitioner” into paragraph 1 of Schedule 2 to the Mental Health Act 1983. The term is defined as meaning a fully registered person within the meaning of the Medical Act 1983 (regardless of whether that person holds a licence to practise under that Act).
15. Section 1(3) of the Act further amends paragraph 1 of Schedule 2 to the Mental Health Act 1983 to provide that if, before the coming into force of this new definition of “registered medical practitioner”, a person who was appointed as a medical member did not hold a licence to practise under the Medical Act 1983 (whether at the time of appointment or at any other time since), the validity of the person’s appointment to

These notes refer to the Mental Health Review Tribunal for Wales (Membership) Act which was introduced into Senedd Cymru on 13 Jan 2026

the Mental Health Review Tribunal for Wales and their membership of that tribunal during that period is not affected.

Section 2 - Training for non-practising medical members

16. Section 2(1) of the Act places a duty on the Welsh Ministers to carry out a review of the training arrangements which are maintained by the President of Welsh Tribunals under section 60(5)(a) of the Wales Act 2017 for medical members of the Mental Health Review Tribunal for Wales, who do not hold licences to practise under the Medical Act 1983. Section 60(5)(a) of Wales Act 2017 makes the President of Welsh Tribunals responsible for maintaining appropriate arrangements, within the resources made available by the Welsh Ministers, for a number of matters including the training of members of the Welsh tribunals.
17. Section 2(2) of the Act places a duty on the Welsh Ministers to publish a report of the review they have carried out under section 2(1) of the Act no later than 12 months after the day on which the Act comes into force.

Section 3 - Coming into force

18. Section 3 provides that the provisions set out in the Act come into force on the day after the day on which it receives Royal Assent. Royal Assent was received on 21 January 2026.

Section 4 - Short title

19. Section 4 makes provision for the title of the new Act in both English and Welsh.

RECORD OF PROCEEDINGS IN SENEDD CYMRU

20. The following table sets out the dates for each stage of the Act's passage through the Senedd. The Record of Proceedings and further information on the passage of this Act can be found on the Senedd website at:

<https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=46988>

Stage	Date
Introduced	13 January 2026
Stage 1 - Debate	13 January 2026
Stage 2 - Scrutiny Committee - consideration of amendments	14 January 2026
Stage 3 - Plenary - consideration of amendments	14 January 2026
Stage 4 - Approved by the Senedd	14 January 2026
Royal Assent	21 January 2026

Annex 2

Index of Standing Order requirements

Table

Standing order		Section	pages/ paragraphs
26.6(i)	Statement the provisions of the Act would be within the legislative competence of the Senedd	Member's declaration which was included in the explanatory memorandum which accompanied the Bill as introduced .	
26.6(ii)	Set out the policy objectives of the Act	Chapter 3 - Purpose and intended effect of the legislation	4
26.6(iii)	Set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the Act was adopted	Part 2 – Regulatory Impact Assessment and Options	8 and 12
26.6(iv)	Set out the consultation, if any, which was undertaken on: <ul style="list-style-type: none"> (a) the policy objectives of the Act and the ways of meeting them; (b) the detail of the Act, and (c) a draft Bill, either in full or in part (and if in part, which parts) 	Chapter 4 – Consultation	6

Standing order		Section	pages/ paragraphs
26.6(v)	Set out a summary of the outcome of that consultation, including how and why any draft Bill has been amended	Chapter 4 – Consultation	6
26.6(vi)	If the bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision	Chapter 4 – Consultation	6
26.6(vii)	Summarise objectively what each of the provisions of the Act is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Act	Annex 1 – Explanatory Notes	17
26.6(viii)	Set out the best estimates of: <ul style="list-style-type: none"> (a) the gross administrative, compliance and other costs to which the provisions of the Act would give rise; (b) the administrative savings arising from the Act; (c) net administrative costs of the Act's provisions; (d) the timescales over which such costs and savings would be expected to arise; and (e) on whom the costs would fall 	Part 2 – Regulatory Impact Assessment	8

Standing order		Section	pages/ paragraphs
26.6(ix)	Any environmental and social benefits and dis-benefits arising from the Act that cannot be quantified financially	Part 2 – Regulatory Impact Assessment	8
26.6(x)	<p>Where the Act contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:</p> <p>(a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;</p> <p>(b) why it is considered appropriate to delegate the power; and</p> <p>(c) the Senedd procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure);</p>	Chapter 5 - Power to make subordinate legislation	7
26.6(xi)	Where the Act contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate	The requirement of Standing Order 26.6(xi) does not apply to this Act	

Standing order		Section	pages/ paragraphs
26.6(xii)	Set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Act (a “justice impact assessment”), in accordance with section 110A of the Government of Wales Act 2006.	Part 2 – Impact Assessments	14 and 15
26.6B	Where provisions of the Act are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Act relates to the existing legal framework.	The requirement in Standing Order 26.6B for a Table of Derivations is not applicable to this Act as the Act is a standalone piece of legislation and does not derive from existing primary legislation for the purposes of amendment or consolidation.	
26.6C	Where the Act proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Act and setting out clearly how that wording is amended by the Act	Annex 3 – Schedule of Amendments	24

Annex 3

Schedule of amendments

The Mental Health Review Tribunal for Wales (Membership) Act 2026

AMENDMENTS TO BE MADE BY THE
MENTAL HEALTH REVIEW TRIBUNAL FOR WALES (MEMBERSHIP) ACT
2026

This document is intended to show how paragraph 1 of Schedule 2 to the Mental Health Act 1983 as it applied in relation to Wales on 5 January 2026 would look as amended by the Mental Health Review Tribunal for Wales (Membership) Act 2026.

Material to be added by the Mental Health Review Tribunal for Wales (Membership) Act is underlined, e.g. added material looks like this. A reference to the relevant amending provision of the Act is provided in the right-hand column on each page.

The full text of paragraph 1 of Schedule 2 to the Mental Health Act 1983 is included to aid understanding of the proposed amendments.

Warning

This text has been prepared by officials of the First Minister's Group of the Welsh Government. Although efforts have been taken to ensure that it is accurate, it should not be relied on as a definitive text of the Act.

It has been produced solely to help people understand the effect of the Mental Health Review Tribunal for Wales (Membership) Act. It is not intended for use in any other context.

Please note: this document has been prepared solely to assist people in understanding the Mental Health Review Tribunal for Wales (Membership) Act. It should not be relied on for any other purpose.

Schedule 2 to the Mental Health Act 1983

*Amending
section of the
Mental Health
Review
Tribunal for
Wales
(Membership)
Act*

Paragraph 1

(1) The Mental Health Review Tribunal for Wales shall consist of — Section 1

(a) a number of persons (referred to in this Schedule as “the legal members”) appointed by the Lord Chancellor and having such legal experience as the Lord Chancellor considers suitable;

(b) a number of persons (referred to in this Schedule as “the medical members”) being registered medical practitioners appointed by the Lord Chancellor; and

(c) a number of persons appointed by the Lord Chancellor and having such experience in administration, such knowledge of social services or such other qualifications or experience as the Lord Chancellor considers suitable.

(2) In sub-paragraph (1)(b), “registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 (whether or not that person holds a licence to practise under that Act).

(3) If, before the coming into force of sub-paragraph (2), a person appointed as a medical member under this paragraph did not hold a licence to practise under the Medical Act 1983 (whether at the time of appointment or at any other time), that fact does not affect the validity of—

(a) the person’s appointment to the Mental Health Review Tribunal for Wales, or

(b) the person’s membership of that tribunal during that period.