



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **Draft of Mental Health Review Tribunal for Wales (Membership) Bill**

**DATE**            **5 January 2026**

**BY**                **Julie James MS, Counsel General and Minister for Delivery**

I am today publishing a draft Bill which, if passed by the Senedd, will ensure the Mental Health Review Tribunal for Wales (MHRTW) can continue to carry out its statutory duties.

The MHRTW plays a vital role in safeguarding the rights of individuals detained under the Mental Health Act 1983. Its panels must include a legal member, a lay member, and a medical member. Medical members are appointed by the Lord Chancellor on the advice of the Judicial Appointments Commission.

A technical issue has been identified in relation to the definition of “registered medical practitioner” in the Mental Health Act 1983, which requires an individual appointed to the Mental Health Review Tribunal for Wales to hold both General Medical Council (GMC) registration and a licence to practise.

Following the identification of this issue, the President of MHRTW has decided to stop members without a current licence to practise from sitting on cases. This puts the tribunal’s ability to meet its statutory timeframes for hearings at considerable risk.

The President of Welsh Tribunals has advised there are now just 19 medical members of the MHRTW who are available to sit on cases. While the President of the MHRTW has requested those members make themselves available as much as possible, the clear advice of the judiciary is that there are not enough medical members to cover the volume of cases listed in the coming weeks.

Members without current licences, who are often retired from practice, have sat on a disproportionately high number of the tribunal’s cases. All medical members of the MHRTW

are GMC registered.

The Welsh Ministers' view, as a matter of policy, is that a current licence to practise should not be a requirement to sit as a medical member of the MHRTW.

The Bill therefore seeks to give effect to the policy intention that the qualifying criterion for medical members of the tribunal is to be registered within the meaning of the Medical Act 1983, but that they are not required to hold a licence to practise under that Act. This will align the tribunal's eligibility requirements with those in England.

The legislation will also provide that persons who were previously appointed as medical members, but who did not hold a licence to practise (whether at the time of appointment or at any other time), were validly appointed and were valid members of the tribunal at all times.

The First Minister has today written to the Llywydd with a draft of the proposed Bill, requesting her to expedite the process of determination to allow the Senedd to begin consideration of this matter on its return on 13 January. I will table motions to suspend Standing Orders to allow the Senedd to consider motions to introduce an Emergency Bill. The motions will provide for all stages of the Senedd's consideration to be completed by the end of 14 January.

To support Members of the Senedd in scrutinising the Bill, notwithstanding this timetable, I am today publishing the draft Bill alongside its submission to the Llywydd for determination, as has been the practice for other Year 5 Bills. The draft Bill can be found at the following link: [Mental Health Review Tribunal for Wales \(Membership\) Bill | GOV.WALES](#)

This statement is being issued during recess to keep Members informed. Should Members wish me to make a further statement or to answer questions on this when the Senedd returns I would be happy to do so.