

EMERGENCY BILL STATEMENT BY THE WELSH GOVERNMENT

TITLE **Statement in support of treating the Mental Health Review Tribunal for Wales (Membership) Bill as an Emergency Bill**

DATE **6 January 2026**

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

This statement is made alongside tabling a motion to propose that the Mental Health Review Tribunal for Wales (Membership) Bill be treated as an Emergency Bill, in accordance with Standing Order 26.95A.

As I set out in a [written statement](#) yesterday, a technical issue has been identified in relation to the definition of “registered medical practitioner” in the Mental Health Act 1983. This means that medical members of the Mental Health Review Tribunal for Wales (MHRTW) must hold both General Medical Council (GMC) registration and a licence to practise.

In light of this, 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.

This Bill therefore amends the relevant legislation to change the eligibility requirements for medical members of the MHRTW. It allows any person fully registered with the GMC to serve as a medical member, regardless of whether they hold a current licence to practise. 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.

This is as urgent as the change to the eligibility requirements, as without such provision, existing medical members (without a licence to practise) will be unable to sit on the tribunal without going through a time-consuming re-appointment process, which means the tribunal will not be able to fulfil its statutory functions in a timely manner.

This would negate the emergency purpose of the Bill, which is to restore the operational capacity of the MHRTW as quickly as possible.

If passed, this provision will also provide immediate certainty to users of the tribunal as to the validity of past decisions.

Given the significant operational impact on the tribunal, we must pursue the fastest possible resolution to this eligibility issue. The consequence of failing to treat this Bill as an emergency Bill would be a delay of many months until alternative legislation could be passed.

There is no viable non-legislative route to securing sufficient medical members who meet the eligibility requirements to cover all cases. There is no cost associated with the change proposed by the Bill but there would be a significant cost associated with not taking action. The financial cost of not acting cannot reliably be estimated. The tribunal could not cope with a delay of months and the rights of this most vulnerable of groups would be unacceptably compromised.

The Welsh Government has 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 take many months.

A Senedd Bill pursued through emergency procedures is the only available route to resolve this issue in a timely manner and to protect the rights of some of the most vulnerable people in society.