



Northern Ireland
Assembly

Committee for Health

Minutes of Proceedings

24 March 2026

Meeting Location: Senate Chamber, Parliament Buildings

Present:

Phillip McGuigan MLA (Chairperson)

Danny Donnelly MLA (Deputy Chairperson)

Alan Chambers MLA

Diane Dodds MLA

Linda Dillon MLA

Nuala McAllister MLA

Colin McGrath MLA

Present by Video or Teleconference:

Alan Robinson MLA

Apologies:

Órlaithí Flynn MLA

In Attendance:

Keith McBride, Clerk

Roisin Donnelly, Senior Assistant Clerk

Michael Doran, Senior Assistant Clerk

Shannen Lofthouse, Assistant Clerk

Angela McParland, Assistant Clerk

Jonathan Lamont, Clerical Supervisor

Caroline Devlin, Clerical Officer

The meeting commenced at 9.31 am in closed session.

1. Consideration of Committee Amendment

The Bill Clerk, Liz Marsh joined the meeting at 9.31 am.

The Bill Clerk provided an update relating to the competence of a Committee proposed amendment to make explicit provision in Clause 1 to human rights and ECHR obligations.

The Chairperson thanked the Bill Clerk. The Chairperson confirmed that further to the advice from the Bill Clerk, the Committee would not consider this amendment.

The Committee agreed to move to public session at 9.35 am.

2. Apologies

As above.

3. Adult Protection Bill - Formal Clause by Clause Considerations

The Committee commenced its formal clause by clause consideration of the Adult Protection Bill.

DUP Members of the Committee outlined that they supported the Bill and the amendments proposed by the Department and the Committee, but they would be

reserving their position on the clauses of the Bill until further legal advice is received and the Muckamore Abbey Hospital Inquiry Report is published.

The Chair outlined that all Members were entitled to bring forward amendments at a later stage and that the Committee may also bring forward further amendments once further information is received.

Clause 1- Principles for performing functions under this Part

The Committee considered Clause 1 as drafted.

Agreed: The Committee agreed that it was content with Clause 1 as drafted.

Clause 2- Adult at risk

The Committee considered Clause 2 as drafted.

Agreed: The Committee agreed that it was content with Clause 2 as drafted.

Clause 3- Duty to make inquiries

The Committee considered a Department of Health proposed amendment to Clause 3 regarding independent advocates.

Clause 3, Page 2, Line 26

Leave out subsection (2)

Agreed: The Committee agreed that it was content with the amendment as drafted.

Agreed: The Committee agreed that it was content with Clause 3 as amended.

Clause 4- The duty to report and co-operate in inquiries

The Committee considered two Department of Health proposed amendments to Clause 4 to: remove named professions and replace with reference to governing legislation; and to include the Prison Service in the duty.

Amendment 1

Clause 4, Page 3, Line 1

Leave out paragraphs (g) and (h) and insert—

“(g) an individual who is—

(i) a fully registered medical practitioner within the meaning of the Medical Act 1983;

(ii) a registered dentist or registered dental care professional within the meaning of the Dentists Act 1984;

(iii) a fully registered osteopath within the meaning of the Osteopaths Act 1993;

(iv) a fully registered chiropractor within the meaning of the Chiropractors Act 1994;

(v) a registered dispensing optician or registered optometrist within the meaning of the Opticians Act 1989;

(vi) registered as a pharmaceutical chemist under the Pharmacy (Northern Ireland) Order 1976;

(vii) registered as in the register maintained under article 5 of the Nursing and Midwifery Order 2001 by virtue of qualifications in nursing or midwifery;

(viii) registered as a member of a relevant profession within the meaning of the Health Professions Order 2001;

(ix) registered in the register maintained under section 3 of the Health and Personal Social Services Act (Northern Ireland) 2001;

(x) registered in the register maintained under the Anaesthesia Associates and Physician Associates Order 2024.”

Amendment 2

Clause 4, Page 2, Line 37

At end insert—

“() the governor of a prison or young offenders centre,”

Agreed: The Committee agreed that it was content with the amendments as drafted.

Agreed: The Committee agreed that it was content with Clause 4 as amended.

Agreed: The Committee agreed to group Clauses 5 to 9 for the purpose of putting the question.

Clause 5- Visits by social worker

Clause 6- Interviews

Clause 7- Medical examinations

Clause 8- Examination of records

Clause 9- Applications for production orders: procedure

Agreed: The Committee agreed that it was content with Clauses 5 to 9 as drafted.

Clause 10- Assessment orders

The Committee considered a Department of Health proposed amendment to Clause 10 to confirm that this the clause does not apply to those under an assessment order in prison or young offenders centre.

Clause 10, Page 7, Line 2

At end insert- '(6) This section does not apply in the case of an adult who is detained in a prison or young offenders centre.'

Agreed: The Committee agreed that it was content with the amendment as drafted.

Agreed: The Committee agreed that it was content with Clause 10 as amended.

Clause 11- Removal orders

The Committee considered a Department of Health proposed amendment to Clause 11 to clarify that this Clause does not apply to an adult detained in a prison or young offenders centre.

Clause 11, Line 7, Page 34

At end insert- '(7) This section does not apply in the case of an adult who is detained in a prison or young offenders centre.'

Agreed: The Committee agreed that it was content with the amendment as drafted.

Agreed: The Committee agreed that it was content with Clause 11 as amended.

Agreed: The Committee agreed to group Clauses 12 to 17 for the purpose of putting the question.

Clause 12- Banning orders

Clause 13- Temporary banning orders

Clause 14- Right to apply for banning order

Clause 15- Variation or revocation of banning order

Clause 16- Offence: failure to comply with banning order or temporary banning orders

Clause 17- Consent of affected adult

Agreed: The Committee agreed that it was content with Clauses 12 to 17 as drafted.

Clause 18- Visits: supplementary

The Committee considered a Department of Health proposed amendment to Clause 18 to provide for the offer of an independent advocate.

Clause 18, Page 11, Line 24

At end insert– '(1A) While visiting any premises to exercise a function under this Part in relation to an adult, a social worker must make the offer referred to in section 26(1) (assignment of independent advocate) unless an independent advocate has already been assigned to the adult.'

Agreed: The Committee agreed that it was content with the amendment as drafted.

Agreed: The Committee agreed that it was content with Clause 18 as amended.

Agreed: The Committee agreed to group Clauses 19 to 21 for the purpose of putting the question.

Clause 19- Warrants for entry: visits under section 5 or 11(5)

Clause 20- Applications: procedure

Clause 21- Legal aid: production orders and protection orders

Agreed: The Committee agreed that it was content with Clauses 19 to 21 as drafted.

Clause 22- Guidance

The Committee considered two Department of Health amendments and two Committee amendments to Clause 22 to: strengthen consultation on the guidance; clarify the timeframe for review; and prevent any delay in publication.

Department Amendment 1

Clause 22, Page 13, Line 29

Leave out 'from time to time' and insert 'at intervals not exceeding 4 years'

Department Amendment 2

Clause 22, Page 13, Line 35

At end insert– '() the bodies responsible for the regulation of social workers and of health professionals; and'

Committee Amendment 1

Clause 22, Page 13, Line 35

At end insert- '(ba) the Adult Protection Board for Northern Ireland,'

Committee Amendment 2

Clause 22, Page 13, Line 37

At end insert- '(3A) The requirement under subsection (3)(ba) shall not prevent the Department from preparing or reviewing guidance at any time before the Adult Protection Board for Northern Ireland is established under section 30.'

Agreed: The Committee agreed that it was content with the amendments as drafted.

Agreed: The Committee agreed that it was content with Clause 22 as amended.

Agreed: The Committee agreed to group Clauses 23 to 25 for the purpose of putting the question.

Clause 23- Obstruction

Clause 24- Offences by bodies corporate, etc

Clause 25- Appeals

Agreed: The Committee agreed that it was content with Clauses 23 to 25 as drafted.

Clause 26- Independent advocates

The Committee considered three Department of Health proposed amendments to Clause 26 to address concerns raised by the Committee regarding Independent Advocates.

Amendment 1

Clause 26, Page 15, Line 36

Leave out subsections (1) to (5) and insert–

‘(1) An HSC trust must offer to assign an independent advocate to represent and provide support to an adult in relation to the exercise, or proposed exercise, by a trust of any functions under this Part in relation to the adult.

(2) An HSC trust must make arrangements to secure that sufficient numbers of persons are available for assignment under subsection (1); and such arrangements may include provision for payments to be made to, or in relation to, persons carrying out functions by virtue of the arrangements.

(3) In this Part references to an independent advocate are to a person who has been assigned to act as such under subsection (1).

(4) Regulations may make provision about independent advocates and in particular may make provision –

(a) about the arrangements that may be made by an HSC trust under subsection (2) and the process for the assignment under subsection (1) of persons made available under those arrangements;

(b) about the functions of independent advocates;

(c) for the purpose of ensuring the independence of advocates;

(d) ensuring that a person may be assigned as an independent advocate under subsection (1) only if the person meets prescribed conditions;

(e) for the assignment of a person under subsection (1) to be subject to prescribed conditions.’

Amendment 2

Clause 26, Page 16, Line 12

Leave out ‘(5)(a)’ and insert ‘(4)(e)’

Amendment 3

Clause 26, Page 16, Line 16

At end insert–

‘(6) Nothing in this section or regulations under subsection (4) authorises or requires an HSC trust to delay the exercise, or proposed exercise, by the trust of any function under this Part pending the assignment of an independent advocate for an adult where the trust is of the opinion that such a delay might place the adult at risk, or increased risk, of harm.’

Agreed: The Committee agreed that it was content with the amendments as drafted.

Agreed: The Committee agreed that it was content with Clause 26 as amended.

Agreed: The Committee agreed to group Clauses 27 to 29 for the purpose of putting the question.

Clause 27- Exercise of functions of social worker, health professional and HSC trust

Clause 28- Involvement by HSC trust of relevant persons

Clause 29- Interpretation of this Part

Agreed: The Committee agreed that it was content with Clauses 27 to 29 as drafted.

Clause 30- Establishment of the Board

The Committee considered a Department of Health proposed amendment to Clause 30.

The Committee considered a Committee proposed amendment to disqualify representatives of the persons or bodies listed in sections 30 (3)(a) to (e) being appointed as the Chair of the Adult Protection Board in order to strengthen independence.

Department Amendment 1

Clause 30, Page 18, Line 33

Leave out paragraph (c)

Committee Amendment 1

Clause 30, Page 18, Line 37

At end insert-

'(3A) A person is disqualified from being the Chair of the Board if that person is representative of any of the persons or bodies specified in subsection (3)(a) to (e)

Agreed: The Committee agreed that it was content with the amendments as drafted.

Agreed: The Committee agreed that it was content with Clause 30 as amended.

Clause 31- Objective of the Board

The Committee considered Clause 31 as drafted.

Agreed: The Committee agreed that it was content with Clause 31 as drafted.

Clause 32- Functions of the Board

The Committee considered a Department of Health proposed amendment to Clause 32 to specify the Adult Protection Boards responsibility for arranging adult protection learning reviews.

Clause 32, Page 20, Line 6

Leave out from 'undertake' to end of line 7 and insert 'arrange, in accordance with section 32A and regulations under that section, for the carrying out of adult protection learning reviews'

Agreed: The Committee agreed that it was content with the amendment as drafted.

Agreed: The Committee agreed that it was content with Clause 32 as amended.

New Clause 32A- Adult protection learning reviews

The Committee considered a Department of Health proposed amendment to insert a new Clause to provide for the arrangements for Adult Protection Learning Reviews.

New Clause

After clause 32 insert—

Adult protection learning reviews

(1) This section applies where it appears to the Board —

(a) that an adult known or suspected to be an adult at risk has suffered serious harm; and

(b) that a review of the case of that adult ought to be carried out under this section

with a view to identifying—

(i) any opportunities for learning in relation to the practices or procedures of bodies or persons exercising functions or engaged in activities relating to the protection of adults at risk;

(ii) any improvements that should be made in relation to those practices or procedures.

(2) Where this section applies the Board may arrange for the conduct of an adult protection learning review.

(3) Regulations may make provision about an adult protection learning review; and in particular the regulations may include provision—

(a) for the review to be led by an independent person appointed in the prescribed manner;

(b) for the conduct and procedures of the review;

(c) for a report on the review to be made to the Board;

(d) for the adult concerned and other prescribed persons to have the opportunity to contribute to the review;

(e) for securing that an independent advocate is available to be assigned to represent and provide support to the adult concerned in relation to a review.

(4) Regulations under subsection (3)(b) must provide for the review to be conducted in an effective, timely and proportionate manner with a view to identifying the matters referred to in subsection (1)(b) and for that purpose may confer supervisory functions on the Board.

(5) Regulations under subsection (3)(e) may—

(a) include provision for payments to be made to, or in relation to, an independent advocate,

(b) make provision of any kind which could be made by regulations under section

26(4)(b), (5) and (6) in relation to an independent advocate under section 26.

(6) The Board must publish the report of an adult protection learning review; but the Board —

(a) must exclude from the report any matter which would lead to the identification of the adult concerned;

(b) may exclude from the report such other matter as the Board considers appropriate.

(7) In this section "the adult concerned", in relation to a review, means the adult whose case is being reviewed.

Agreed: The Committee agreed that it was content with the proposed new Clause 32A as drafted.

Agreed: That the Committee recommends to the Assembly that the proposed new Clause 32A be added to the Bill.

Clause 33- Directions to the Board

The Committee considered Clause 33 as drafted.

Agreed: The Committee agreed it would not take a position on Clause 33 until it receives further legal advice.

Clause 34- Annual report

The Committee considered a Department of Health proposed amendment to Clause 34 to reference adult protection learning reviews.

Clause 34, Page 20, Line 40

At end insert- '(2A) The report must include details of the adult protection learning reviews conducted in the year under clause 32A.'

Agreed: The Committee agreed that it was content with the amendment as drafted.

Agreed: The Committee agreed that it was content with Clause 34 as amended.

Agreed: The Committee agreed to group Clauses 35 to 42 for the purpose of putting the question.

Clause 35- Committees and sub-committees of the Board

Clause 36- Supply of information requested by Board

Clause 37- Consequential amendments

Clause 38- Ill-treatment or neglect: care worker offence

Clause 39- Ill-treatment or neglect: care provider offence

Clause 40- Care provider offence: penalties

Clause 41- Care provider offence: application to unincorporated associations

Clause 42- Care provider offence: liability for ancillary and other offences

Agreed: The Committee agreed that it was content with Clauses 35 to 42 as drafted.

Clause 43- Establishments to which this Part applies

Clause 44- Regulation of CCTV systems in establishments to which this Part

Clause 45- Contraventions of regulations under section 44

Clause 46- Enforcement powers of RQIA

Clause 47- Restrictions of disclosure of information under section 46

Agreed: The Committee agreed it would not to take a position on Clauses 43-47 until after the publication of the Muckamore Abbey Hospital Inquiry Report.

New Clause 47A- Vulnerable Adults; Regulated Activity

The Committee considered a Department of Health proposed amendment to insert a new Clause 47A.

New Clause

After clause 47 insert—

PART 4A

Vulnerable Adults; Regulated Activity

47A. In Part 2 of Schedule 2 to the Safeguarding Vulnerable Adults (Northern Ireland) Order

2007 (regulated activity relating to vulnerable adults) in paragraph 7(6) at the end add—

“(c) an inspector appointed under Article 102 of the Education and Libraries (Northern Ireland) Order 1986.”

Agreed: The Committee agreed that it was content with the proposed new Clause 47A.

Agreed: That the Committee recommends to the Assembly that the proposed new Clause 47A be added to the Bill.

Clause 48- Regulations and orders

The Committee considered Clause 48 as drafted.

Agreed: The Committee agreed that it was content with Clause 48 as drafted.

New Clause 48A- Procedures for Regulations under section 44

The Committee considered its proposed amendment to insert a new Clause 48A to enhance the level of Assembly control in respect of any draft regulations laid under Clause 44.

New Clause

After Clause 48 insert-

‘Procedure for regulations under section 44

48A.-(1) Before laying the first draft regulations under section 44 the Department must

consult-

(a) the Commissioner for Older People for Northern Ireland;

(b) the Police Service of Northern Ireland;

(c) the Northern Ireland Human Rights Commission;

(d) the Committee for Health of the Northern Ireland Assembly; and

(e) such organisations as appear to the Department to be representative of interests

substantially affected by the proposals.

(2) The Department must, at the same time as it lays the draft regulations before the

Assembly, lay an explanatory document giving details of-
(i) any consultation undertaken under subsection (1);
(ii) any representations received as a result of the consultation; and
(iii) any substantive changes made to the draft regulations following the consultation.”

Agreed: The Committee agreed that it was content with the proposed new Clause 48A.

Agreed: That the Committee recommends to the Assembly that the proposed new Clause 48A be added to the Bill.

Clause 49- Interpretation

The Committee considered Clause 49 as drafted.

Agreed: The Committee agreed that it was content with Clause 49 as drafted.

Clause 50- Commencement

The Committee considered its proposed amendment to Clause 50 to provide that section 26 be commenced at the same time as, or before, sections 5 to 8 come into operation.

Clause 50, Page 21, Line 17

At end insert- '(2A) the Department may not appoint a day for the coming into operation of any sections 5 to 8 that falls before the day on which section 26 comes into operation'

Agreed: The Committee agreed that it was content with the amendment as drafted.

Agreed: The Committee agreed that it was content with Clause 50 as amended.

Clause 51- Short title

The Committee considered Clause 51 as drafted.

Agreed: The Committee agreed that it was content with Clause 51 as drafted.

The Chairperson advised that the formal clause by clause scrutiny of the Adult Protection Bill had concluded.

The clause by clause consideration of the Bill was reported by Hansard.

The Committee agreed to move to closed session at 10.00 am.

Alan Chambers MLA joined the meeting at 10.03 am.

4. Adult Protection Bill - Consideration of Draft Report

The Committee discussed the content it wished to see reflected in its draft report on the Adult Protection Bill.

The Clerk advised that a draft report would be circulated to Members for formal consideration and agreement at the meeting on 26 March 2026.

5. Date, Time and Place of the next meeting

The next meeting of the Committee was scheduled to take place on Thursday, 26 March at 2.00 pm in Room 29.

The meeting was adjourned at 10.26 pm.

Phillip McGuigan MLA

Chairperson, Committee for Health

26 March 2026