



Northern Ireland
Assembly

Committee for Health

Report on the Legislative Consent Memorandum on the Mental Health Bill

Ordered by the Committee for Health to be published on 26 June 2025.

Report: NIA 108/22-27 Committee for Health.

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Powers and Membership

Powers

1. The Committee for Health is a statutory departmental committee established in accordance with paragraphs 8 and 9 of Strand One of the Belfast Agreement and under Assembly Standing Order No 48. The Committee has a scrutiny, policy development and consultation role with respect to the Department of Health and has a role in the initiation of legislation.
2. The Committee has power to:
 - consider and advise on departmental budgets and Annual Plans in the context of the overall budget allocation;
 - approve relevant secondary legislation and take the Committee Stage of relevant primary legislation;
 - call for persons and papers;
 - initiate inquiries and make reports; and
 - consider and advise on matters brought to the Committee by the Health Minister.

Membership

The Committee has 9 members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is:

- Philip McGuigan MLA (Chairperson)
- Danny Donnelly MLA (Deputy Chairperson)
- Alan Chambers MLA
- Linda Dillon MLA
- Diane Dodds MLA
- Órlaithí Flynn MLA

- Nuala McAllister MLA
- Colin McGrath MLA
- Alan Robinson MLA

Introduction

1. The Mental Health Bill (“the Bill”) was introduced in the UK Parliament by the Department of Health and Social Care on 6 November 2024. A copy of the Bill as introduced and accompanying explanatory notes are included at Appendix 1.
2. The Bill completed its House of Lords stages and is progressing through the House of Commons, with Public Bill Committee sittings scheduled for 10-26 June 2025.
3. The Mental Health Bill looks to modernise the Mental Health Act 1983 (England & Wales). It will:
 - Enhance patient autonomy, rights and transparency;
 - Tightens the detention criteria in the 1983 Act and provides for more frequent reviews;
 - Limits the period that people with autism or a learning disability can be detained; and
 - Removes prisons and police stations as “places of safety”.
4. In Northern Ireland, the Mental Health (Northern Ireland) Order 1986 is the legislation that governs mental health and therefore the Mental Health Bill does not apply to Northern Ireland.
5. However, on 3 June 2025, an amendment was tabled in response to the High Court judgement in *Sammut v Next Steps Mental Healthcare Ltd* [2024], which exposed unequal application of the Human Rights Act 1998 to private providers delivering publicly funded mental health services.
6. This amendment engages the Human Rights Act, which is a reserved matter, but it does affect devolved health and social care services in Northern Ireland and therefore the amendment falls within the competence of the NI Assembly and a Legislative Consent Motion would be required to include Northern Ireland in this part of the Bill.

The Amendment

7. The Amendment seeks to designate private providers delivering publicly funded mental health services as “public authorities” under section 6(3)(b) of the HRA when delivering specific services, therefore ensuring compliance with the European Convention on Human Rights.
8. The amendment applies to:
 - i. Medical treatment or assessments for mental disorders for informal hospital patients, when arranged by public authorities; and
 - ii. After-care services under section 117 of the Mental Health Act 1983.
9. The Department have advised that those impacted by this amendment include mental health patients, private health and care providers commissioned now or in the future and the Department of Health and Trusts who are responsible for arranging and paying for services.
10. The Department outlined that in Northern Ireland, mental health patients receiving publicly funded services from private providers currently lack consistent Human Rights Act protections, which in turn limits their ability to challenge human rights breaches. This amendment will seek to ensure equitable human rights protections across the UK.

Committee Consideration

11. The Committee was briefed by officials on the amendment to the Mental Health Bill at its meeting on 19 June 2025. The Hansard of the briefing can be found at Appendix 3 and a copy of all the Department’s papers are included at Appendix 2.
12. At the briefing officials confirmed that Legislative Consent is required this amendment and that the date for the motion would be in September. Officials advised that the final reporting stage in Westminster would not be moved until

after the Assembly had an opportunity to consider the Legislative Consent Motion. Officials advised that the LCM would ensure consistency across the UK in relation to protections for mental health patients.

13. Officials confirmed that this amendment is in only relation to private providers providing mental health inpatient services paid for by public money. They confirmed that at present there are no private mental health providers in Northern Ireland who receive mental health patients as inpatients and therefore this amendment will future proof protections.
14. Officials provided further information on the processes that would be put in place to ensure compliance if there were to be a private provider of these services in the future.

Conclusion

15. At its meeting on 19 June 2025, the Committee agreed to support the Minister's Legislative Consent Motion asking the Assembly to endorse the principle of Northern Ireland's inclusion in the Mental Health Bill.

Links to Appendices

Appendix 1: Bill Papers

[Mental Health Bill as introduced](#)

Appendix 2: Memoranda and Papers from the Department for Health

[Papers from Department of Health](#)

Appendix 3: Minutes of Evidence

[19 June 2025 – Department of Health](#)

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