

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fifth Delegated Legislation Committee

DRAFT MENTAL HEALTH (NORTHERN IRELAND)
(AMENDMENT) ORDER 2018

Tuesday 27 November 2018

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The Committee consisted of the following Members:

Chair: Ms KAREN BUCK

Ali, Rushanara (*Bethnal Green and Bow*) (Lab)

† Allan, Lucy (*Telford*) (Con)

Coaker, Vernon (*Gedling*) (Lab)

† Dakin, Nic (*Scunthorpe*) (Lab)

† Hoare, Simon (*North Dorset*) (Con)

† Johnson, Gareth (*Dartford*) (Con)

Lammy, Mr David (*Tottenham*) (Lab)

† Lefroy, Jeremy (*Stafford*) (Con)

† Little Pengelly, Emma (*Belfast South*) (DUP)

† O'Brien, Neil (*Harborough*) (Con)

† Pawsey, Mark (*Rugby*) (Con)

† Penrose, John (*Minister of State, Northern Ireland Office*)

Pound, Stephen (*Ealing North*) (Lab)

† Snell, Gareth (*Stoke-on-Trent Central*) (Lab/Co-op)

Streeting, Wes (*Ilford North*) (Lab)

† Tracey, Craig (*North Warwickshire*) (Con)

† Warman, Matt (*Boston and Skegness*) (Con)

Jack Dent, *Committee Clerk*

† **attended the Committee**

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Tuesday 27 November 2018

[Ms KAREN BUCK *in the Chair*]

Draft Mental Health (Northern Ireland) (Amendment) Order 2018

8.55 am

The Minister of State, Northern Ireland Office (John Penrose): I beg to move,

That the Committee has considered the draft Mental Health (Northern Ireland) (Amendment) Order 2018.

It is good to have you in charge of our proceedings this morning, Ms Buck. It is early on a Tuesday and we are considering a relatively straightforward and technical change to mental health regulations, so I am not planning to go into excruciating detail about everything, but I am very happy to answer any questions that Committee members may have.

Suffice it to say that we are here simply because, through an unintended consequence of a recent change in court procedure rules, people who are currently detained under the Mental Health Act 1983 because they present a danger either to themselves or potentially to members of the public could, contrary to the Act's intention, be let out at a moment when they still do so. Clearly that is not something that anybody here would want, nor is it an intended consequence of the changes to court procedures that have allowed it, so it is a loophole that we wish to close as fast as we can. I will happily go into detail about anything that hon. Members may wish to ask about how and why this has happened. A lot of detail is already given in the explanatory memorandum, but I am happy to fill in any gaps.

Let me add two brief points to reassure Committee members before I do something unusual for a politician and stop talking and sit down. First, the draft order has been discussed by and is supported by all five of the major parties in Northern Ireland, and I am given

to understand—I am sure the Labour spokesperson will correct me if I am wrong—that the Opposition do not oppose it, so I hope there is cross-party consensus for the measure. Secondly, let me reassure hon. Members that it is not some sort of creeping attempt at reinstalling direct rule over Northern Ireland from Westminster. Instead, it is a necessary and, I hope, proportionate response to a very specific and narrow, but important, technical problem that has arisen unintentionally.

The draft order does not involve any change in policy and makes no substantive alteration to the original settled will of any democratic decisions; it merely reinstates something that has accidentally been eroded. It relates to a matter that everybody here would want the Northern Ireland Assembly to decide on if it were sitting, but because of the risk to the safety of sufferers or of people who might come into contact with them if they are let out at the wrong moment, we feel that such a step is necessary. We do not want anyone to take it as establishing a precedent in the wrong direction against the principles of devolution of power to Northern Ireland.

8.58 am

Nic Dakin (Scunthorpe) (Lab): It is good to serve under your chairmanship, Ms Buck. I am pleased that the Minister has reinforced the fact that the draft order is necessary but that it in no way gets in the way of what everyone in this House desires: to see devolution in Northern Ireland get back on track as soon as possible. As he has said, the draft order makes a straightforward, technical and necessary change to the mental health regulations. The Opposition agree wholeheartedly with the approach taken, which plugs an inadvertent gap. We fully support the Minister and are very pleased to hear that consultation with Northern Ireland parties confirms that he has their support as well.

John Penrose: I am delighted to have cross-party support, so I hope that the Committee can dispatch this business very quickly.

Question put and agreed to.

8.59 am

Committee rose.