Deddf Tribiwnlys Adolygu Iechyd Meddwl Cymru (Aelodaeth) 2026

2026 dsc 1

Nodiadau Esboniadol

Mental Health Review Tribunal for Wales (Membership) Act 2026

2026 asc 1

Explanatory Notes

£8.90

DEDDF TRIBIWNLYS ADOLYGU IECHYD MEDDWL CYMRU (AELODAETH) 2026

NODIADAU ESBONIADOL

CYFLWYNIAD

1. Mae'r Nodiadau Esboniadol hyn ar gyfer Deddf Tribiwnlys Adolygu Iechyd Meddwl Cymru (Aelodaeth) 2026 ("y Ddeddf"), a gyflwynwyd i Senedd Cymru ar 13 Ionawr 2026 ac a gafodd y Cydsyniad Brenhinol ar 21 Ionawr 2026. Fe'u lluniwyd gan Grŵp y Prif Weinidog Llywodraeth Cymru er mwyn cynorthwyo'r sawl sy'n darllen y Ddeddf. Dylid darllen y Nodiadau Esboniadol ar y cyd â'r Ddeddf ond nid ydynt yn rhan ohoni.

CRYNODEB A'R CEFNDIR POLISI

2. Mae'r Ddeddf yn mynd i'r afael â mater technegol sydd wedi ei nodi mewn perthynas â'r maen prawf penodi ar gyfer aelodau meddygol o Dribiwnlys Adolygu Iechyd Meddwl Cymru.

3. Mae'n ofynnol gan baragraff 1 o Atodlen 2 i Ddeddf Iechyd Meddwl 1983 i aelodau meddygol y tribiwnlys hwn fod yn "registered medical practitioners" ("ymarferwyr meddygol cofrestredig"). Nid yw'r ymadrodd hwn wedi ei ddiffinio yn Neddf Iechyd Meddwl 1983. Fodd bynnag, fe'i diffinnir yn Atodlen 1 i Ddeddf Dehongli 1978 i olygu "a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practise under that Act". Mae adran 5 o Ddeddf Dehongli 1978 yn ei gwneud yn ofynnol i'r diffiniad hwnnw gael ei gymhwyso yn Neddf Iechyd Meddwl 1983 onid ymddengys bwriad i'r gwrthwyneb.

4. Y bwriad polisi yw y dylai fod yn ofynnol i aelodau meddygol gael eu cofrestru o fewn ystyr Deddf Meddygaeth 1983 ond heb unrhyw ofyniad i ddal trwydded i ymarfer o dan y Ddeddf honno.

5. Felly, cyflwynodd Llywodraeth Cymru Fil Tribiwnlys Adolygu Iechyd Meddwl Cymru (Aelodaeth) i'r Senedd er mwyn galluogi personau sydd wedi eu cofrestru'n llawn o fewn ystyr "fully registered" yn Neddf Meddygaeth 1983 i gael eu penodi yn aelodau meddygol o Dribiwnlys Adolygu Iechyd Meddwl Cymru, pa un a yw'r personau hynny yn dal trwyddedau i ymarfer ai peidio.

6. Mae'r Ddeddf hefyd yn darparu, pan fo personau wedi eu penodi yn y gorffennol yn aelodau meddygol ond nad oeddent yn dal trwydded i ymarfer neu yr oeddent wedi caniatáu i'w trwydded ddarfod, bod y penodiadau hynny ac aelodaeth y personau hynny o'r tribiwnlys yn ddilys.

MENTAL HEALTH REVIEW TRIBUNAL FOR WALES (MEMBERSHIP) ACT 2026

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Mental Health Review Tribunal for Wales (Membership) Act 2026 ("the Act"), which was introduced into Senedd Cymru on 13 January 2026 and received Royal Assent on 21 January 2026. They have been prepared by the First Minister's Group of the Welsh Government to assist the reader of the Act. The Explanatory Notes should be read in conjunction with the Act but are not part of it.

SUMMARY AND POLICY BACKGROUND

2. The Act addresses a technical issue which has been identified with regard to the appointment criterion for medical members of the Mental Health Review Tribunal for Wales.

3. The medical members of this tribunal are required by paragraph 1 of Schedule 2 to the Mental Health Act 1983 to be "registered medical practitioners". This expression is not defined in the Mental Health Act 1983. However, it is defined in Schedule 1 to the Interpretation Act 1978 as meaning "a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practise under that Act". Section 5 of the Interpretation Act 1978 requires that definition to be applied in the Mental Health Act 1983 unless a contrary intention appears.

4. The policy intention is that medical members should be required to be registered within the meaning of the Medical Act 1983 but with no requirement to hold a licence to practise under that Act.

5. The Welsh Government therefore introduced the Mental Health Review Tribunal for Wales (Membership) Bill to the Senedd to enable persons who are fully registered within the meaning of the Medical Act 1983 to be appointed as medical members of the Mental Health Review Tribunal for Wales, whether or not those persons hold licences to practise.

6. The Act also provides that where persons were appointed in the past as medical members but did not hold a licence to practice or allowed their licence to lapse, those appointments and those persons' membership of the tribunal are valid.

7. Mae adran 60(5)(a) o Ddeddf Cymru 2017 yn darparu bod Llywydd Tribiwnlysoedd Cymru yn gyfrifol am gynnal trefniadau priodol ar gyfer, ymhlith materion eraill, hyfforddi aelodau o dribiwnlysoedd Cymru o fewn yr adnoddau sy'n cael eu rhoi ar gael gan Weinidogion Cymru. Mae Deddf Tribiwnlys Adolygu Iechyd Meddwl Cymru (Aelodaeth) 2026 yn gosod dyletswydd ar Weinidogion Cymru i gynnal adolygiad o'r trefniadau hyfforddiant a gynhelir gan Lywydd Tribiwnlysoedd Cymru o dan adran 60(5)(a) o Ddeddf Cymru 2017 ar gyfer aelodau meddygol o Dribiwnlys Adolygu Iechyd Meddwl Cymru nad ydynt yn dal trwyddedau i ymarfer o dan Ddeddf Meddygaeth 1983.

8. Mae'r Ddeddf wedyn yn gosod dyletswydd bellach ar Weinidogion Cymru i gyhoeddi adroddiad o'r adolygiad heb fod yn hwyrach na 12 mis ar ôl y diwrnod y daw i rym (daeth y Ddeddf i rym ar 22 Ionawr 2026).

9. Y bwriad polisi yw sicrhau bod trefniadau hyfforddiant digonol ar waith fel y caiff gwybodaeth broffesiynol yr aelodau meddygol hyn, er nad oes ganddynt drwydded i ymarfer, ei chadw'n ddigon cyfredol.

10. Effaith y Ddeddf fydd newid y gofynion cymhwyso ar gyfer aelodau meddygol er mwyn galluogi unigolion sy'n bersonau sydd wedi eu cofrestru'n llawn o fewn ystyr "fully registered person" yn Neddf Meddygaeth 1983 ond nad ydynt yn dal trwydded i ymarfer gyfredol o dan y Ddeddf honno i eistedd fel aelodau meddygol o Dribiwnlys Adolygu Iechyd Meddwl Cymru. Drwy osod dyletswydd ar Weinidogion Cymru i adolygu'r hyfforddiant a drefnir gan Lywydd Tribiwnlysoedd Cymru ar gyfer aelodau meddygol heb drwydded i ymarfer ac i gyhoeddi adroddiad ar yr adolygiad hwnnw, ei nod yw sicrhau bod y ddarpariaeth yn ddigonol er mwyn cadw gwybodaeth broffesiynol aelodau meddygol nad ydynt yn ymarfer yn gyfredol.

TROSOLWG CYFFREDINOL O'R DDEDDF

11. Mae'r Ddeddf yn cynnwys pedair adran fer.

SYLWADAU AR YR ADRANNAU

Adran 1 - Aelodaeth Tribiwnlys Adolygu Iechyd Meddwl Cymru

12. Mae adran 1 yn diwygio Atodlen 2 i Ddeddf Iechyd Meddwl 1983, sy'n gwneud darpariaeth ynghylch Tribiwnlys Adolygu Iechyd Meddwl Cymru.

13. Mae paragraff 1(b) o Atodlen 2 i Ddeddf Iechyd Meddwl 1983 yn darparu bod rhaid i Dribiwnlys Adolygu Iechyd Meddwl Cymru gynnwys aelodau, y cyfeirir atynt fel "medical members", sy'n ymarferwyr meddygol cofrestredig.

14. Mae adran 1(3) o'r Ddeddf yn mewnosod diffiniad o'r term "registered medical practitioner" ym mharagraff 1 o Atodlen 2 i Ddeddf Iechyd Meddwl 1983. Diffinnir y term i olygu person sydd wedi ei gofrestru'n llawn o fewn ystyr "fully registered person" yn Neddf Meddygaeth 1983 (ni waeth a yw'r person hwnnw yn dal trwydded i ymarfer o dan y Ddeddf honno).

7. Section 60(5)(a) of the Wales Act 2017 provides that the President of Welsh Tribunals is responsible for the maintenance of appropriate arrangements for, among other matters, the training of members of the Welsh tribunals within the resources made available by the Welsh Ministers. The Mental Health Review Tribunal for Wales (Membership) Act 2026 places a duty on the Welsh Ministers to carry out a review of the training arrangements which are maintained by the President of Welsh Tribunals under section 60(5)(a) of the Wales Act 2017 for medical members of the Mental Health Review Tribunal for Wales who do not hold licences to practise under the Medical Act 1983.

8. The Act then places a further duty on Welsh Ministers to publish a report of the review no later than 12 months after the day on which it comes into force (the Act came into force on 22 January 2026).

9. The policy intention is to ensure that adequate training arrangements are in place so that even though these medical members do not have a licence to practise, their professional knowledge is kept sufficiently up to date.

10. The effect of the Act will be to change the qualification requirements for medical members to enable individuals who are fully registered persons within the meaning of the Medical Act 1983 but who do not hold a current licence to practise under that Act to sit as medical members of the Mental Health Review Tribunal for Wales. By placing a duty on the Welsh Ministers to review the training arranged by the President of Welsh Tribunals for medical members without a licence to practise and to publish a report on that review, it aims to ensure that the provision is adequate to keep the professional knowledge of non-practising medical members up to date.

GENERAL OVERVIEW OF THE ACT

11. The Act comprises four short sections.

COMMENTARY ON SECTIONS

Section 1 - Membership of the Mental Health Review Tribunal for Wales

12. Section 1 amends Schedule 2 to the Mental Health Act 1983, which makes provision about the Mental Health Review Tribunal for Wales.

13. Paragraph 1(b) of Schedule 2 to the Mental Health Act 1983 provides that the Mental Health Review Tribunal for Wales must include members, referred to as "medical members", who are registered medical practitioners.

14. Section 1(3) of the Act inserts a definition of the term "registered medical practitioner" into paragraph 1 of Schedule 2 to the Mental Health Act 1983. The term is defined as meaning a fully registered person within the meaning of the Medical Act 1983 (regardless of whether that person holds a licence to practise under that Act).

15. Mae adran 1(3) o'r Ddeddf yn diwygio paragraff 1 o Atodlen 2 i Ddeddf Iechyd Meddwl 1983 ymhellach i ddarparu, os, cyn dwyn i rym y diffiniad newydd hwn o "registered medical practitioner", nad oedd person a benodwyd yn aelod meddygol yn dal trwydded i ymarfer o dan Ddeddf Meddygaeth 1983 (pa un ai ar yr adeg y'i penodwyd neu ar unrhyw adeg arall ers hynny), nad effeithir ar ddilysrwydd penodiad y person i Dribiwnlys Adolygu Iechyd Meddwl Cymru na'i aelodaeth o'r tribiwnlys hwnnw yn ystod y cyfnod hwnnw.

Adran 2 – Hyfforddiant ar gyfer aelodau meddygol nad ydynt yn ymarfer

16. Mae adran 2(1) o'r Ddeddf yn gosod dyletswydd ar Weinidogion Cymru i gynnal adolygiad o'r trefniadau hyfforddiant a gynhelir gan Lywydd Tribiwnlysoedd Cymru o dan adran 60(5)(a) o Ddeddf Cymru 2017 ar gyfer aelodau meddygol o Dribiwnlys Adolygu Iechyd Meddwl Cymru, nad ydynt yn dal trwyddedau i ymarfer o dan Ddeddf Meddygaeth 1983. Mae adran 60(5)(a) o Ddeddf Cymru 2017 yn gwneud Llywydd Tribiwnlysoedd Cymru yn gyfrifol am gynnal trefniadau priodol, o fewn yr adnoddau sy'n cael eu rhoi ar gael gan Weinidogion Cymru, ar gyfer nifer o faterion gan gynnwys hyfforddi aelodau o dribiwnlysoedd Cymru.

17. Mae adran 2(2) o'r Ddeddf yn gosod dyletswydd ar Weinidogion Cymru i gyhoeddi adroddiad o'r adolygiad y maent wedi ei gynnal o dan adran 2(1) o'r Ddeddf heb fod yn hwyrach na 12 mis ar ôl y diwrnod y daw'r Ddeddf i rym.

Adran 3 - Dod i rym

18. Mae adran 3 yn darparu y daw'r darpariaethau a nodir yn y Ddeddf i rym drannoeth y diwrnod y caiff y Cydsyniad Brenhinol. Cafwyd y Cydsyniad Brenhinol ar 21 Ionawr 2026.

Adran 4 – Enw byr

19. Mae adran 4 yn nodi enw byr y Ddeddf Deddf fel Tribiwnlys Adolygu Iechyd Meddwl Cymru (Aelodaeth) 2026.

COFNOD Y TRAFODION YN SENEDD CYMRU

20. Mae'r tabl a ganlyn yn nodi'r dyddiadau ar gyfer pob cyfnod o hynt y Ddeddf drwy'r Senedd. Gellir cael Cofnod y Trafodion a rhagor o wybodaeth am hynt y Ddeddf hon ar wefan y Senedd ar:
Deddf Tribiwnlys Adolygu Iechyd Meddwl Cymru (Aelodaeth) 2026

Cyfnod	**Dyddiad**
Cyflwynwyd	13 Ionawr 2026
Cyfnod 1 - Dadl	13 Ionawr 2026
Cyfnod 2 Pwyllgor Craffu – ystyried y gwelliannau	14 Ionawr 2026
Cyfnod 3 Cyfarfod Llawn – ystyried y gwelliannau	14 Ionawr 2026
Cyfnod 4 Cymeradwywyd gan y Senedd	14 Ionawr 2026
Y Cydsyniad Brenhinol	21 Ionawr 2026

© Hawlfraint y Goron 2026

Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd y Brenin ar gyfer Cymru.

15. Section 1(3) of the Act further amends paragraph 1 of Schedule 2 to the Mental Health Act 1983 to provide that if, before the coming into force of this new definition of "registered medical practitioner", a person who was appointed as a medical member did not hold a licence to practise under the Medical Act 1983 (whether at the time of appointment or at any other time since), the validity of the person's appointment to the Mental Health Review Tribunal for Wales and their membership of that tribunal during that period is not affected.

Section 2 – Training for non-practising medical members

16. Section 2(1) of the Act places a duty on the Welsh Ministers to carry out a review of the training arrangements which are maintained by the President of Welsh Tribunals under section 60(5)(a) of the Wales Act 2017 for medical members of the Mental Health Review Tribunal for Wales, who do not hold licences to practise under the Medical Act 1983. Section 60(5)(a) of Wales Act 2017 makes the President of Welsh Tribunals responsible for maintaining appropriate arrangements, within the resources made available by the Welsh Ministers, for a number of matters including the training of members of the Welsh tribunals.

17. Section 2(2) of the Act places a duty on the Welsh Ministers to publish a report of the review they have carried out under section 2(1) of the Act no later than 12 months after the day on which the Act comes into force.

Section 3 - Coming into force

18. Section 3 provides that the provisions set out in the Act come into force on the day after the day on which it receives Royal Assent. Royal Assent was received on 21 January 2026.

Section 4 - Short title

19. Section 4 sets out the Act may be referred to as the Mental Health Review Tribunal for Wales (Membership) Act 2026.

RECORD OF PROCEEDINGS IN SENEDD CYMRU

20. The following table sets out the dates for each stage of the Act's passage through the Senedd. The Record of Proceedings and further information on the passage of this Act can be found on the Senedd website at:
Mental Health Review Tribunal for Wales (Membership) Act 2026

Stage	Date
Introduced	13 January 2026
Stage 1 - Debate	13 January 2026
Stage 2 - Scrutiny Committee – consideration of amendments	14 January 2026
Stage 3 - Plenary - consideration of amendments	14 January 2026
Stage 4 - Approved by the Senedd	14 January 2026
Royal Assent	21 January 2026

© Crown copyright 2026

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer for Wales.

williams lea | tso
An RRD Company

Cyhoeddwyd gan TSO (Y Llyfrfa), rhan o Williams Lea,
ac ar gael o:

Arlein
www.tsoshop.co.uk

Post, Ffôn ac E-bost
TSO
Blwch Post 29, Norwich, NR3 1GN
Archebionf ffôn/ Ymholiadau cyffredinol 0333 202 5070
E-bost: customer.services@tso.co.uk
Ffôn Testun: 0333 202 5077

Published by TSO (The Stationery Office), part of Williams Lea,
and available from:

Online
www.tsoshop.co.uk

Mail, Telephone & E-mail
TSO
PO Box 29, Norwich, NR3 1GN
Telephone orders/General enquiries: 0333 202 5070
E-mail: customer.services@tso.co.uk
Textphone: 0333 202 5077

ISBN 978-0-348-11986-2

9 780348 119862