



HOUSE OF LORDS

Select Committee on the Constitution

House of Lords
London
SW1A 0PW

Tel: 020 7219 1228
constitution@parliament.uk
www.parliament.uk/lords

Baroness Merron
Department of Health and Social Care
39 Victoria Street
London, SW1H 0EU
By email

4 December 2024

Dear Baroness Merron,

Mental Health Bill [HL]

I write on behalf of the Constitution Committee to express our views about the Mental Health Bill.

Firstly, we commend the Government on the approach taken with regards to the preparation and pre-legislative scrutiny of this Bill. There was an expert review of the area, the publication of a White Paper, and full pre-legislative scrutiny by a Joint Committee, leading to further changes to the draft Bill over a two-year period and concluding with additional consideration by the present Government. These various stages conform to a number of recommendations for good practice contained in our 2017 report on *The Legislative Process: Preparing Legislation for Parliament*, and we hope that such good practice will continue.¹

Secondly, Clause 51 is a Henry VIII power which permits the Secretary of State to make consequential amendments to amend, repeal or revoke any provision made by or under primary legislation before this Act is passed “or later in the same session of Parliament as this Act”.² We would welcome clarification as to why this provision is necessary, given that the Government, and indeed Parliament, is in a position to ensure that future draft legislation is compatible with this Bill. We are concerned that provisions to amend Acts passed later in the same Parliamentary session are becoming increasingly common in Government bills, and have previously raised concerns about such provisions with other ministers. We intend to write to the Government further about this matter.

Yours sincerely,

Baroness Drake CBE
Chair of the Constitution Committee

¹ Constitution Committee, [The Legislative Process: Preparing Legislation for Parliament](#) (4th Report, Session 2017-19, HL Paper 27)

² [Mental Health Bill \[HL\]](#), clause 51 [Bill 47 (2024-25)]