

Health and Care Bill

THIRD
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 25th February 2022, as follows –

Clause 1	Schedule 10
Schedule 1	Clause 69
Clauses 2 to 14	Schedule 11
Schedule 2	Clauses 70 to 74
Clauses 15 to 17	Schedule 12
Schedule 3	Clauses 75 to 98
Clauses 18 to 27	Schedule 13
Schedule 4	Clauses 99 to 112
Clause 28	Schedule 14
Schedule 5	Clauses 113 to 123
Clauses 29 to 40	Schedule 15
Schedule 6	Clauses 124 to 149
Clauses 41 to 43	Schedule 16
Schedule 7	Clauses 150 to 159
Clauses 44 to 61	Schedule 17
Schedule 8	Clause 160
Clauses 62 and 63	Schedule 18
Schedule 9	Clauses 161 to 170
Clauses 64 to 68	Title.

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

After Clause 80

BARONESS PITKEATHLEY
LORD YOUNG OF COOKHAM
BARONESS MEACHER
BARONESS HOLLINS

- 113** Insert the following new Clause –
“Carers and safe discharge from hospital
(1) This section applies where –

After Clause 80 - continued

- (a) a person (“the patient”) is a qualifying hospital patient at a hospital, and
 - (b) the responsible NHS body considers that it is unlikely to be safe to discharge the patient from hospital unless care provided by one or more carers is available to the patient.
- (2) It is the duty of the responsible NHS body to—
- (a) consult the patient about their preferences regarding their care following discharge from hospital, and
 - (b) take reasonable steps to identify and consult any carer or potential carer of the patient about to be discharged.
- (3) The NHS body must consult any carer or potential carer identified under subsection (2) to ascertain—
- (a) whether the carer is able, and is likely to continue to be able, to provide care for the patient needing care, and
 - (b) whether the carer is willing, and is likely to continue to be willing, to do so.
- (4) Having consulted the carer, the NHS body must cooperate with the local authority in relation to their duties under the Care Act 2014, the Health and Care Act 2006 and the Children Act 1989.
- (5) For the purposes of this section—
- (a) a “qualifying hospital patient” means a person being accommodated at—
 - (i) a health service hospital, or
 - (ii) an independent hospital in pursuance of arrangements made by an NHS body,
 who is receiving (or who has received or is expected to receive) care.
 - (b) a “carer” means any person, including any child under the age of 18, who provides or intends to provide care in respect of a patient to whom the NHS may provide services, but a person is not to be regarded as a carer if they provide or intend to provide care under or by virtue of a contract, or as voluntary work.”

Member’s explanatory statement

This provision retains the principle and duty on a hospital, whether it be an NHS hospital or an independent hospital, to ensure that a patient must be safe to discharge from hospital and mirrors carers’ rights which were established in the Community Care (Delayed Discharges, etc) Act 2003.

LORD HOWARTH OF NEWPORT
LORD CRISP
BARONESS GREENGROSS
THE LORD BISHOP OF LONDON

114 Insert the following new Clause—

“Creative health

- (1) Within six months of the passing of this Act the Secretary of State must establish a review to consider and report on social prescribing and other creative health interventions, including—

After Clause 80 - continued

- (a) the existing provision, quality and effectiveness of social prescribing and other creative health interventions,
 - (b) the evidence base and research requirements,
 - (c) the benefits in terms of preventing ill health and aiding recovery,
 - (d) the impact on health inequalities, social value and communities,
 - (e) barriers to innovation,
 - (f) sustainability,
 - (g) means to integrate creative health with other approaches to health care and social care, and
 - (h) the potential to extend and improve creative health provision, including –
 - (ii) the costs and benefits of doing so, and
 - (iii) the resources and actions needed to realise this potential.
- (2) The Secretary of State must appoint as Chair and members of the reviewing committee individuals who appear to the Secretary of State likely to have an informed and independent view of the relevant issues.
- (3) The review must consult –
- (a) creative health practitioners,
 - (b) people with lived experience of social prescribing and other creative health interventions,
 - (c) charities working in the field of creative health,
 - (d) the National Academy for Social Prescribing,
 - (e) the Office for Health Improvement and Disparities,
 - (f) Integrated Care Partnerships,
 - (g) Royal Colleges,
 - (h) NHS Providers,
 - (i) the NHS Confederation,
 - (j) Health Education England,
 - (k) the Local Government Association,
 - (l) social care providers,
 - (m) Research Councils,
 - (n) Academic Health Science Networks, and
 - (o) others that the Chair of the review considers appropriate.
- (4) The review must make recommendations to the Secretary of State on the topics described in subsection (1).
- (5) The report of the review must be published within 18 months of the passing of this Act.
- (6) Within three months of receiving the report the Secretary of State must lay before Parliament a statement specifying how he or she intends to implement the recommendations of the review, including timescales and budget.”

Clause 91

BARONESS THORNTON
LORD PATEL
BARONESS WALMSLEY

115 Leave out Clause 91

Member's explanatory statement

This amendment and the amendments to leave out Clauses 92 to 97 together remove Part 3 (Secretary of State's Powers to Transfer or Delegate Functions), which concerns powers over arms-length bodies, from the Bill.

Clause 92

LORD HUNT OF KINGS HEATH
LORD CLEMENT-JONES

116 Page 86, line 30, at end insert –

“(3A) Regulations under this section may not transfer a function as defined in Part 9 of the Health and Social Care Act 2012.”

Member's explanatory statement

Part 9, Chapter 2 of the Health and Social Care Act 2012 lays out the safe haven for patient data across health and social care, required for national statistics, for commissioning, regulatory and research purposes, and for patient care. The amendment seeks to keep these statutory protections in place and ensure that NHS England do not take on this responsibility because of a potential conflict of interest in their role.

BARONESS THORNTON
LORD PATEL
BARONESS WALMSLEY

117 Leave out Clause 92

Clause 93

BARONESS THORNTON
LORD PATEL
BARONESS WALMSLEY

118 Leave out Clause 93

Clause 94

BARONESS THORNTON
LORD PATEL
BARONESS WALMSLEY

119 Leave out Clause 94

Clause 95

BARONESS THORNTON
LORD PATEL
BARONESS WALMSLEY

120 Leave out Clause 95

Clause 96

BARONESS THORNTON
LORD PATEL
BARONESS WALMSLEY

121 Leave out Clause 96

Clause 97

BARONESS THORNTON
LORD PATEL
BARONESS WALMSLEY

122 Leave out Clause 97

Clause 98

LORD ETHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

122A Leave out Clause 98

Member's explanatory statement

This amendment, and other amendments in the name of Lord Etherton to Part 4, will remove the provisions concerning the Health Services Safety Investigations Body.

Schedule 13

LORD ETHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

122B Leave out Schedule 13

Member's explanatory statement

This amendment is consequential on the amendments removing Part 4 of the Bill.

Clause 99

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

122C Leave out Clause 99

Clause 100

LORD HUNT OF KINGS HEATH
LORD PATEL

123 Page 93, line 23, at end insert—

“(10) Where the Secretary of State directs the HSSIB to carry out an investigation under this section, the Secretary of State must take steps to ensure adequate funding and resources are made available to the HSSIB to permit such an investigation to be carried out.”

Member’s explanatory statement

This amendment seeks to ensure that the HSSIB has sufficient resources at its disposal to mount investigations directed by the Secretary of State.

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

123A Leave out Clause 100

Clause 101

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

123B Leave out Clause 101

Clause 102

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

123C Leave out Clause 102

Clause 103

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

123D Leave out Clause 103

Clause 104

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

123E Leave out Clause 104

Clause 105

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

123F Leave out Clause 105

Clause 106

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

123G Leave out Clause 106

Clause 107

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

123H Leave out Clause 107

Clause 108

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

123J Leave out Clause 108

Clause 109

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

123K Leave out Clause 109

Clause 110

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

123L Leave out Clause 110

Clause 111

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

123M Leave out Clause 111

Clause 112

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

123N Leave out Clause 112

Schedule 14

LORD HUNT OF KINGS HEATH
BARONESS WALMSLEY
LORD PATEL

124 Page 237, line 41, leave out paragraph 6

Member's explanatory statement

This amendment would remove the provision allowing coroners to require the disclosure of protected material.

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

124A Leave out Schedule 14

Member's explanatory statement

This amendment is consequential on the amendments removing Part 4 of the Bill.

Clause 113

LORD ETHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

124B Leave out Clause 113

Clause 114

LORD HUNT OF KINGS HEATH
BARONESS WALMSLEY
LORD PATEL

125 Page 101, line 34, leave out subsection (7)

Member's explanatory statement

This amendment, along with another amendment to Schedule 14, would remove the provision allowing coroners to require the disclosure of protected material.

LORD ETHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

125A Leave out Clause 114

Clause 115

LORD ETHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

125B Leave out Clause 115

Clause 116

LORD ETHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

125C Leave out Clause 116

Clause 117

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

125D Leave out Clause 117

Clause 118

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

125E Leave out Clause 118

Clause 119

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

125F Leave out Clause 119

Clause 120

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

125G Leave out Clause 120

Clause 121

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

125H Leave out Clause 121

Clause 122

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

125J Leave out Clause 122

Clause 123

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

125K Leave out Clause 123

Schedule 15

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

125L Leave out Schedule 15

Member's explanatory statement

This amendment is consequential on the amendments removing Part 4 of the Bill.

Clause 124

LORD EHERTON
LORD HUNT OF KINGS HEATH
LORD PATEL
BARONESS WALMSLEY

125M Leave out Clause 124

Schedule 16

LORD KAMALL

126 Page 242, line 11, after “(h)” insert –
“ (a) omit the “and” at the end of sub-paragraph (iv);”

Member's explanatory statement

This amendment is consequential on paragraph 5 of Schedule 16 to the Bill, which adds a new sub-paragraph (vi) to section 19A(6)(h) of the Criminal Procedure (Scotland) Act 1995.

Clause 151

LORD SHARKEY
BARONESS BRINTON
BARONESS THORNTON

126A Page 117, line 40, leave out subsection (3) and insert –

- “(3) In section 1, omit “an EEA state or Switzerland” and insert “a relevant state or territory”.
- (4) In subsection 2(1)(b) omit “an EEA state or Switzerland” and insert “a relevant state or territory”.
- (5) In subsection 2(2) after (i) insert –

Clause 151 - continued

“(j) make provision to make payment (otherwise than under a healthcare agreement) in respect of healthcare provided in a relevant country or territory, but only when the Secretary of State considers that exceptional circumstances justify the payment and has laid before Parliament the reasons for such consideration and the details of the payments;”.

(5) Omit subsection 2(7).

(6) After section 2 insert –

“(2ZA) Regulations under section 2 may –

- (a) confer functions on a relevant public authority or a Scottish or Welsh health board (including discretions);
- (b) provide for the delegation of functions to a relevant public authority or a Scottish or Welsh health board.

(2ZB) The Secretary of State may give directions to a person about the exercise of any functions exercisable by the person under regulations made by virtue of section 1 (and may vary or revoke any such directions).”

LORD SHARKEY
BARONESS BRINTON

126B Page 117, line 41, leave out “For section 2 substitute” and insert “After section 2 insert”

126C Page 117, line 42, leave out from beginning of line 42 to the end of line 40 on page 118

126D Page 119, leave out lines 19 to 21

LORD SHARKEY
BARONESS BRINTON
BARONESS THORNTON

126E Page 119, leave out lines 42 to 46 and insert –

““healthcare agreement” means an agreement made between the government of the United Kingdom and either the government of a relevant country or territory or an international organisation, concerning either or both of the following –

- (a) healthcare provided in a relevant country or territory, payments in respect of which may be made by the government of the United Kingdom;
- (b) healthcare provided in the United Kingdom, payments in respect of which may be made by a relevant country or territory;”

LORD SHARKEY
BARONESS BRINTON

126F Page 119, line 46, at end insert –

“(5A) In section 3 at end insert –

““relevant country or territory” means a country or territory outside the United Kingdom, in respect of which there is a healthcare agreement;

Clause 151 - continued

“Scottish health board” means a Health Board established under section 2(1)(a) of the National Health Service (Scotland) Act 1978;

“Welsh health board” means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;

“relevant public authority” means a person who exercises functions of a public nature other than –

- (a) the Scottish Ministers,
- (b) a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998),
- (c) the Welsh Ministers,
- (d) a devolved Welsh authority as defined by section 157A of the Government of Wales Act 2006,
- (e) a Northern Ireland department, or
- (f) any other person whose functions –
 - (i) are exercisable only or mainly in or as regards Northern Ireland, and
 - (ii) relate only or mainly to transferred matters within the meaning of the Northern Ireland Act 1998.”

- 126G** Page 120, leave out line 8 and insert –
 “(c) omit subsections 7(3) to 7(5);”

Clause 155

BARONESS WHEELER
 BARONESS BRINTON
 BARONESS CAMPBELL OF SURBITON

- 127** Page 124, line 16, leave out subsection (2)

Member’s explanatory statement

This amendment is linked with the amendment in the name of Baroness Wheeler to leave out Clause 155.

LORD KAMALL

- 128** Page 124, leave out lines 19 to 29 and insert –
- “(a) in relation to eligible needs met by a local authority, to any amount the local authority charged the adult under section 14(1)(a) or 48(5) for meeting those needs;
 - (b) in relation to eligible needs met by a person other than a local authority, to what the cost of meeting those eligible needs would have been to the local authority that was the responsible local authority when the needs were met.”

Member’s explanatory statement

This amendment de-couples the costs that accrue towards the care cap from the costs specified in the budgets and simplifies the drafting for determining those costs that accrue.

- 129 Page 124, leave out lines 33 and 34 and insert “at any time after a local authority was required to carry out a needs assessment that resulted in the preparation of a personal budget or an independent personal budget for the adult”

Member’s explanatory statement

This amendment means that, where there is a delay in carrying out a needs assessment or a delay in preparing a budget, costs incurred by an adult after the local authority was required to carry out a needs assessment will accrue towards the care cap.

- 130 Page 125, line 1, after “Where” insert “, following a determination under section 13(1),”

Member’s explanatory statement

This amendment clarifies that a local authority is only required to prepare an independent personal budget when there has been an eligibility determination.

- 131 Page 125, leave out lines 6 to 8 and insert –

“(b) the adult has at any time either –

- (i) asked a local authority that was, at that time, the responsible local authority, to prepare an independent personal budget, or
- (ii) had needs met by a local authority as mentioned in section 24(1).”

Member’s explanatory statement

This amendment means that the responsible local authority will automatically be required to prepare an independent personal budget where an adult with eligible needs has a personal budget and then no longer has any needs met by a local authority.

- 132 Page 125, leave out lines 13 to 18 and insert –

- “(a) the current cost to the local authority of meeting those needs,
- (b) how much of that cost the adult will be required to pay under section 14(1)(a), and
- (c) the balance, if any, of the cost referred to in paragraph (a).”

Member’s explanatory statement

This amendment means that the personal budget will specify the cost the local authority is incurring in meeting needs, the cost the local authority is charging the adult under section 14(1)(a) for meeting those needs and the balance of the two costs.

- 133 Page 125, leave out lines 21 to 24 and insert –

- “(a) the current cost to the local authority of meeting those eligible needs,
- (b) how much of that cost the adult will be required to pay under section 14(1)(a), and”

Member’s explanatory statement

This amendment means that the personal budget will specify the cost the local authority is incurring in meeting eligible needs and the cost the local authority is charging the adult under section 14(1)(a) for meeting those eligible needs.

- 134 Page 125, line 27, after “adult” insert “has needs which a local authority is required or decides to meet as mentioned in section 24(1) and”

Member’s explanatory statement

This amendment clarifies that the personal budget is only required to specify costs in respect of eligible needs which are not being met by any local authority, if a local authority is meeting some of the adult’s needs.

- 135 Page 125, leave out lines 29 and 30 and insert –
“(a) what the current cost would be to the responsible local authority of meeting those eligible needs, and”

Member’s explanatory statement

This amendment means that, in relation to eligible needs that are not being met by a local authority, the personal budget must specify what it would currently cost the responsible local authority to meet those needs.

- 136 Page 125, leave out lines 33 to 37

Member’s explanatory statement

This amendment leaves out language that is no longer needed in light of the amendment to page 125, lines 13 to 18 and the amendment to page 125, lines 21 to 24 that both appear in the Minister’s name.

- 137 Page 125, line 41, leave out from beginning to “(but” in line 42 and insert “what the current cost would be to the responsible local authority of meeting the adult’s eligible needs”

Member’s explanatory statement

This amendment means that, in relation to eligible needs that are not being met by a local authority, the independent personal budget must specify what it would currently cost the responsible local authority to meet those needs.

- 138 Page 125, line 45, after “authority” insert “or at any time when the adult has needs which a local authority is required or decides to meet as mentioned in section 24(1)”

Member’s explanatory statement

This amendment clarifies that the independent personal budget does not need to specify costs in respect of eligible needs which are not being met by any local authority if a local authority is meeting some of the adult’s needs (those costs will be in the adult’s personal budget).

- 139 Page 125, line 46, leave out paragraph (b)

Member’s explanatory statement

This amendment leaves out language that is no longer needed in light of the amendment to page 125, line 41 that appears in the Minister’s name.

- 140 Page 126, line 8, leave out subsections (7) and (8) and insert –
“(7) In section 31 (adults with capacity to request direct payments), in subsection (1), for paragraph (a) substitute –

Clause 155 - continued

“(a) a personal budget for an adult specifies an amount under section 26(1)(c) in respect of any needs, and”.

(8) In section 32 (adults without capacity to request direct payments), in subsection (1), for paragraph (a) substitute—

“(a) a personal budget for an adult specifies an amount under section 26(1)(c) in respect of any needs, and”.

Member’s explanatory statement

This amendment is consequential on the amendment to page 125, lines 13 to 18 that appears in the Minister’s name.

BARONESS WHEELER
BARONESS BRINTON
LORD LANSLEY
LORD WARNER

141 Leave out Clause 155

Member’s explanatory statement

This amendment would remove Clause 155 (Cap on care costs for charging purposes) from the Bill.

After Clause 155

LORD LIPSEY

142 Insert the following new Clause—

“Prescribed amount for social care tariff income from capital

(1) In regulation 25(1) of the Care and Support (Charging and Assessment of Resources) Regulations 2014 (S.I. 2014/2672) for “£250” substitute “£500”.

(2) For the avoidance of doubt, this section prevents the Secretary of State from exercising the powers conferred by the Care Act 2014 to prescribe by regulations a different amount.”

Member’s explanatory statement

The amendment is intended to reduce the rate at which those on low income lose benefits if they have assets above the means test threshold.

BARONESS BULL
BARONESS CAMPBELL OF SURBITON
LORD WARNER
LORD LANSLEY

143 Insert the following new Clause—

“Social care cap for younger adults

In section 15 of the Care Act 2014 (cap on care costs), after subsection (4) insert—

“(4A) The Secretary of State must ensure that regulations made under subsection (4) specify a zero amount for adults—

After Clause 155 - continued

- (a) who are under the age of 40 when they first receive care and support to meet their eligible needs, or
- (b) who have eligible needs which first required care and support before they reached the age of 40.’”

Member’s explanatory statement

This new Clause would ensure that adults entering the care system under the age of 40, or who were under 40 when they first entered it, would have their care costs capped at zero, in line with the Dilnot report recommendation.

BARONESS WHEELER
BARONESS BRINTON

144 Insert the following new Clause—

“Social care needs assessment: safe discharge from hospital

- (1) Before a patient is discharged from hospital—
 - (a) the hospital must inform the relevant local authority which must make arrangements to undertake a social care needs assessment as soon as practicable and no later than two weeks after the date of discharge, and
 - (b) the hospital must consult any carer who is to provide care to the patient to develop a plan for the health-related services to be provided to both the patient and carer with a view to ensuring safe discharge and continuing support in the care setting.
- (2) The hospital must provide the plan under subsection (1)(b) to the relevant local authority.
- (3) Each integrated care board must agree with all relevant local authorities the process to apply for social care needs assessment in hospital or after discharge, including reporting on any failures to complete required assessments within the required time and any remedies or penalties that would apply in such cases.
- (4) Each integrated care board must ensure that the additional costs borne by a local authority in caring for a patient whilst carrying out social care needs assessments after a patient has been discharged are met in full by the integrated care board.
- (5) The Secretary of State must publish an annual report on the effectiveness of assessment of social care needs after hospital discharge.”

Member’s explanatory statement

This amendment would create protections for carers and patients by ensuring there is proper assessment of social care needs. It includes requiring an assessment to be carried out either before a patient is discharged from hospital or within two weeks of discharge; and requiring ICBs to agree a process for the provision of assessments.

LORD LANSLEY
LORD WARNER
BARONESS WHEELER

144A Insert the following new Clause—

“Commencement of sections 15 and 16 of the Care Act 2014

The Secretary of State must make regulations under section 127(1) of the Care Act 2014 (commencement) to ensure that all provisions under sections 15 and 16 of that Act have come into force before 1 April 2023.”

LORD HUNT OF KINGS HEATH

144B Insert the following new Clause—

“Complaints about care services

- (1) The Care Quality Commission (CQC) must establish procedures for investigating complaints of conduct which breaches, or potentially breaches, the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (“the regulations”).
- (2) In establishing the procedures, CQC must take into account, by regular surveys, the views of—
 - (a) appropriate representative bodies,
 - (b) those representing users and their families, and
 - (c) such other persons or groups of persons as it considers appropriate.
- (3) Nothing in this section affects the requirement for registered persons to comply with regulation 16 of the regulations.
- (4) Complaints under this section include those made to CQC about regulated care services by users, their relatives or advocates, staff, or other relevant persons.
- (5) A user of a service, their relative or advocate may make a complaint directly to CQC.
- (6) CQC may, after due consideration, redirect a complaint to the registered person where it is satisfied that the conduct complained of does not constitute a breach of the regulations.
- (7) CQC must—
 - (a) regularly publish a written report which includes examples of breaches of the regulations, and
 - (b) provide guidance to registered persons and others to illustrate how such complaints can be resolved to the satisfaction of service users, their relatives or advocates, staff or another relevant person.
- (8) CQC must regularly review the procedures that it has established under this section.
- (9) Procedures established under this section must be made available by the registered person to any person who receives services, or to their relative or advocate.
- (10) CQC must publish information about procedures established under this section and take appropriate steps to make the procedures available to any person or group who may require such information.”

Member's explanatory statement

The amendment requires the Care Quality Commission to establish procedures for investigating complaints of conduct which breaches, or potentially breaches, the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.

Clause 156

BARONESS BENNETT OF MANOR CASTLE
LORD HOWARTH OF NEWPORT

145 Page 126, line 37, at end insert –

“(c) after subsection (2) insert –

“(3) No financial assistance provided under this section may be used for the purposes of –

- (a) repaying debt incurred outside of the business's normal day-to-day operations;
- (b) paying interest on debt incurred outside of the business's normal day-to-day operations;
- (c) making distributions to shareholders.”

Member's explanatory statement

This amendment ensures that financial assistance given by the Secretary of State is not distributed to shareholders or used to repay debt obligations incurred as “financial engineering” or leveraging.

After Clause 156

BARONESS BENNETT OF MANOR CASTLE
LORD HOWARTH OF NEWPORT

146 Insert the following new Clause –

“Review of financial regulation of companies providing social care

- (1) Within six months of the passing of this Act, the Secretary of State must carry out and publish a review of the financial regulation of companies providing social care with a view to ensuring it supports the effective provision of social care.
- (2) The review in subsection (1) must consider the impacts of regulation on –
 - (a) the quality of care provided;
 - (b) pay and conditions for care workers;
 - (c) costs to local authorities and other commissioning bodies;
 - (d) risks to the stability and viability of the social care sector.
- (3) The review must include analysis of the following options for the future of the financial regulation of the social care sector –
 - (a) requiring any company or group providing social care services to be registered in the United Kingdom;
 - (b) imposing restrictions on when companies can sell or transfer care home assets in the United Kingdom;
 - (c) requiring companies providing social care to meet certain financial criteria, such as specified debt-to-asset ratios.”

Member's explanatory statement

This amendment would require a review of the impacts of financial regulation on the social care sector.

BARONESS BENNETT OF MANOR CASTLE
BARONESS TYLER OF ENFIELD
LORD HOWARTH OF NEWPORT

147 Insert the following new Clause—

“Financial transparency of offshore corporate groups providing social care

- (1) Public commissioning bodies in England may not commission social care services from any company not domiciled in the United Kingdom which does not publish full annual accounts.
- (2) Where a company is part of a group, the accounts referred to in subsection (1) must provide a complete picture of all related companies within the group.”

Member's explanatory statement

This amendment would require corporate entities registered or with parent companies offshore or in tax havens that are providing social care services in England to publish full group accounts, as companies registered in the UK are already required to do.

After Clause 157

LORD YOUNG OF COOKHAM

147A Insert the following new Clause—

“Registration of social care workers

- (1) Section 60 of the Health Act 1999 is amended as follows.
- (2) In subsection (1), omit paragraphs (bc) and (bd).
- (3) After subsection (1) insert—
 - “(1A) Her Majesty must by Order in Council make provision—
 - (a) regulating social care workers in England who appear to Her to require regulation in pursuance of this section, and
 - (b) modifying the regulation of social care workers in England, so far as appears to Her to be necessary or expedient for the purpose of securing or improving their regulation or the services which they provide or to which they contribute.”
- (4) In subsection (2ZB), leave out “(1)(bc) and (bd)” and insert “(1A)”.”

Schedule 18

LORD MOYLAN

148 Page 254, line 34, after “State” insert “which may not include products containing more than 20% of their calorific value by way of protein and not more than 5 grams of sugar per 100 grams in their composition”

Member's explanatory statement

This amendment, along with others to Schedule 18, ensures that foods that can be advertised as "low sugar" and "high protein" under Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods are exempt from the restrictions on advertising proposed in that Schedule.

LORD BETHELL
BARONESS BOYCOTT
BARONESS WALMSLEY
LORD KREBS

149 Page 255, line 5, at end insert "but no later than 1 April 2023"

LORD MOYLAN

150 Page 255, line 36, after "State" insert "which may not include products containing more than 20% of their calorific value by way of protein and not more than 5 grams of sugar per 100 grams in their composition"

Member's explanatory statement

This amendment, along with others to Schedule 18, ensures that foods that can be advertised as "low sugar" and "high protein" under Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods are exempt from the restrictions on advertising proposed in that Schedule.

LORD BETHELL
BARONESS BOYCOTT
BARONESS WALMSLEY
LORD KREBS

151 Page 256, line 7, at end insert "but no later than 1 April 2023"

LORD BLACK OF BRENTWOOD
LORD CLEMENT-JONES

151A★ Page 256, line 23, after "for" insert ", market, sell or arrange for"

Member's explanatory statement

This amendment and other amendments to Schedule 18 hold both advertisers and online platforms responsible under statute for compliance with the online HFSS advertising restrictions in the Bill, enforced by a statutory regulator with meaningful sanctions for non-compliance. The concept of "market, sell or arrange" is one already adopted by Ofcom for its statutory regulation of online advertising on some Video Sharing Platforms (VSPs), so it is already well established.

LORD MOYLAN

152 Page 257, line 16, after "State" insert "which may not include products containing more than 20% of their calorific value by way of protein and not more than 5 grams of sugar per 100 grams in their composition"

Member's explanatory statement

This amendment, along with others to Schedule 18, ensures that foods that can be advertised as "low sugar" and "high protein" under Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods are exempt from the restrictions on advertising proposed in that Schedule.

LORD BETHELL
 BARONESS BOYCOTT
 BARONESS WALMSLEY
 LORD KREBS

153 Page 257, line 35, after “there” insert “but no later than 1 April 2023”

LORD BLACK OF BRENTWOOD
 LORD CLEMENT-JONES

153ZA★ Page 258, line 2, after “for” insert “, marketed, sold or arranged for”

Member’s explanatory statement

This amendment and other amendments to Schedule 18 hold both advertisers and online platforms responsible under statute for compliance with the online HFSS advertising restrictions in the Bill, enforced by a statutory regulator with meaningful sanctions for non-compliance. The concept of “market, sell or arrange” is one already adopted by Ofcom for its statutory regulation of online advertising on some Video Sharing Platforms (VSPs), so it is already well established.

153ZB★ Page 258, line 4, after “made” insert “or received”

Member’s explanatory statement

This amendment and other amendments to Schedule 18 hold both advertisers and online platforms responsible under statute for compliance with the online HFSS advertising restrictions in the Bill, enforced by a statutory regulator with meaningful sanctions for non-compliance. The concept of “market, sell or arrange” is one already adopted by Ofcom for its statutory regulation of online advertising on some Video Sharing Platforms (VSPs), so it is already well established.

153ZC★ Page 259, line 23, after “with” insert –
 “(i) in the case of a person purchasing advertising,”

Member’s explanatory statement

This amendment and other amendments to Schedule 18 hold both advertisers and online platforms responsible under statute for compliance with the online HFSS advertising restrictions in the Bill, enforced by a statutory regulator with meaningful sanctions for non-compliance. The concept of “market, sell or arrange” is one already adopted by Ofcom for its statutory regulation of online advertising on some Video Sharing Platforms (VSPs), so it is already well established.

LORD BLACK OF BRENTWOOD
 VISCOUNT COLVILLE OF CULROSS
 LORD CLEMENT-JONES

153ZD★ Page 259, line 24, after “products” insert “, or
 (ii) in the case of a person marketing, selling or arranging the publication of advertisements for less healthy food or drink products, the marketing, selling or arranging of online advertising.”

Member's explanatory statement

This amendment and other amendments to Schedule 18 hold both advertisers and online platforms responsible under statute for compliance with the online HFSS advertising restrictions in the Bill, enforced by a statutory regulator with meaningful sanctions for non-compliance. The concept of "market, sell or arrange" is one already adopted by Ofcom for its statutory regulation of online advertising on some Video Sharing Platforms (VSPs), so it is already well established.

After Schedule 18

LORD KAMALL
LORD LANSLEY
BARONESS MERRON

153A Insert the following new Schedule—

“LICENSING OF COSMETIC PROCEDURES

Introduction

1 This Schedule is about the provision that may be made by regulations under section (*Licensing of cosmetic procedures*).

Grant of licence

2 The regulations may —

- (a) require a local authority not to grant a licence unless satisfied as to a matter specified in the regulations;
- (b) require a local authority to have regard, in deciding whether to grant a licence, to a matter specified in the regulations.

3 The regulations may make provision requiring a local authority not to grant a premises licence unless the premises have been inspected in accordance with the regulations.

Licence conditions

4 (1) The regulations may make provision for the grant of a licence subject to conditions.

(2) Provision of the kind mentioned in sub-paragraph (1) may —

- (a) enable a local authority to attach conditions to a licence;
- (b) require a local authority to attach to a licence a condition specified in the regulations.

Duration of licence etc

5 (1) The regulations may make provision about the duration, renewal, variation, suspension or revocation of licences.

(2) The provision that may be made under sub-paragraph (1) includes provision conferring power on a court by which a person is convicted of an offence under the regulations to vary, suspend or revoke a licence.

Reviews and appeals

6 The regulations may make provision for —

- (a) the review of decisions under the regulations;
- (b) appeals against decisions under the regulations.

Offences

After Schedule 18 - continued

- 7 (1) The regulations may create offences in relation to—
- (a) the breach of a prohibition imposed by virtue of section (*Licensing of cosmetic procedures*)(1);
 - (b) the breach of a condition attached to a licence;
 - (c) the provision of false or misleading information to a local authority in connection with anything done under the regulations.
- (2) The regulations must provide for any such offence to be punishable on summary conviction with a fine or a fine not exceeding an amount specified, or determined in accordance with, the regulations.

Financial penalties

- 8 (1) The regulations may confer power on a local authority to impose a financial penalty in relation to—
- (a) the breach of a prohibition imposed by virtue of section (*Licensing of cosmetic procedures*)(1);
 - (b) the breach of a condition attached to a licence.
- (2) The amount of the financial penalty is to be specified in, or determined in accordance with, the regulations.
- (3) If the regulations confer power to impose a financial penalty in respect of conduct for which a criminal offence is created under the regulations, they must provide that a person is not liable to such a penalty in respect of conduct for which the person has been convicted of the offence.
- (4) If the regulations confer power to impose a financial penalty they must include provision—
- (a) requiring the local authority, before imposing a financial penalty on a person, to give the person written notice (a “notice of intent”) of the proposed financial penalty;
 - (b) ensuring that the person is given an opportunity to make representations about the proposed financial penalty;
 - (c) requiring the local authority, after the period for making representations, to decide whether to impose the financial penalty;
 - (d) requiring the local authority, if it decides to impose the financial penalty, to give the person notice in writing (a “final notice”) imposing the penalty;
 - (e) enabling a person on whom a financial penalty is imposed to appeal to a court or tribunal in accordance with the regulations;
 - (f) as to the powers of the court or tribunal on such an appeal.
- (5) The provision that may be made by the regulations by virtue of sub-paragraph (1) includes provision—
- (a) enabling a notice of intent or final notice to be withdrawn or amended;
 - (b) requiring the local authority to withdraw a final notice in circumstances specified in the regulations;
 - (c) for a financial penalty to be increased by an amount specified in or determined in accordance with the regulations in the event of late payment;

After Schedule 18 - continued

(d) as to how financial penalties are recoverable.

Enforcement

9 The regulations may confer on a local authority the function of enforcing the regulations in its area.

Fees

10 The regulations may include provision for fees in relation to the carrying out of functions of a local authority under or in connection with the regulations (including the cost of its enforcement functions under the regulations).

Guidance

11 The regulations may require a local authority, in carrying out functions under the regulations, to have regard to guidance published by the Secretary of State.

Interpretation

12 (1) In this Schedule—

“grant”, in relation to a licence, includes vary or renew;

“licence” means a personal licence or premises licence;

“personal licence” has the meaning given by section (*Licensing of cosmetic procedures*)(2);

“premises licence” has the meaning given by section (*Licensing of cosmetic procedures*)(2).

(2) Nothing in this Schedule is to be read as limiting the scope of the power to make regulations under section (*Licensing of cosmetic procedures*).”

Member’s explanatory statement

This new Schedule sets out some of the things that may be included in regulations establishing a licensing regime relating to non-surgical cosmetic procedures (including provision for the imposition of fees, the creation of offences and financial penalties).

Clause 161**LORD HUNT OF KINGS HEATH**

154 Page 131, line 29, at end insert—

“(ba) after subsection (5A) insert—

“(5AA) Regulations made under this section must specify that the board of an NHS Trust and NHS Foundation Trust must designate a director to take responsibility for the oversight of—

(a) the imposition of requirements under this section in connection with food or drink provided or made available to any person on hospital premises in England, and

(b) the implementation of nutritional standards specified under this section.”;

Member’s explanatory statement

The amendment is designed to ensure that NHS Trusts and Foundation Trusts appoint a director to oversee requirements under section 20 of the Health and Social Care Act 2008.

After Clause 161

LORD HUNT OF KINGS HEATH
 BARONESS BARKER
 BARONESS MERRON

155 Insert the following new Clause—

“Care food standards

- (1) Section 20 of the Health and Social Care Act 2008 (regulation of regulated activities) is amended as follows.
- (2) In subsection (3) after paragraph (da) insert—
 - “(db) impose requirements in connection with food or drink provided or made available to any person in a care home or care settings in England that are used in connection with the carrying on of a regulated activity;”.
- (3) After subsection (4B) insert—
 - “(4C) Regulations made under this section by virtue of subsection (3)(db) may in particular—
 - (a) specify nutritional standards, or other nutritional requirements, which are to be complied with;
 - (b) require that specified descriptions of food or drink are not to be provided or made available; and
 - (c) specify the mandatory training required for all catering staff working within those settings.”

Clause 163

BARONESS MCINTOSH OF PICKERING

156 Page 133, line 34, at end insert—

- “(10) The Secretary of State may not exercise the powers provided by virtue of—
- (a) this section to request a water undertaker to enter into arrangements to increase the fluoride content of the water, or
 - (b) section 164 to request modifications to old English fluoridation arrangements,
- until an impact assessment has been published setting out the impact on health and the environment, including a cost-benefit analysis.”

After Clause 164

LORD KAMALL

157 Insert the following new Clause—

“Child safeguarding etc in health and care: policy about information sharing

- (1) The Secretary of State must publish and lay before Parliament a report describing the government’s policy in relation to the sharing of information by or with public authorities in the exercise of relevant functions of those authorities, for purposes relating to—
 - (a) children’s health or social care, or
 - (b) the safeguarding or promotion of the welfare of children.

After Clause 164 - continued

- (2) In this section, “relevant functions” means functions relating to children’s health or social care, so far as exercisable in relation to England.
- (3) The report must include an explanation of whether or to what extent it is the government’s policy that a consistent identifier should be used for each child, to facilitate the sharing of information.
- (4) The report must include a summary of the Secretary of State’s views about implementation of the policy referred to in subsection (1), including any views about steps that should be taken to overcome barriers to implementation.
- (5) The report must be published and laid before Parliament within one year beginning with the date on which this section comes into force.
- (6) In this section “child” means a person aged under 18.”

Member’s explanatory statement

This amendment inserts a new clause requiring the Secretary of State to publish and lay before Parliament a report describing the government’s policy in relation to information-sharing by or with authorities with health and social care functions, for purposes relating to children’s health or social care or the safeguarding or promotion of the welfare of children.

LORD KAMALL
LORD LANSLEY
BARONESS MERRON

157A Insert the following new Clause—

“Licensing of cosmetic procedures

- (1) The Secretary of State may, for the purposes of reducing the risk of harm to the health or safety of members of the public, make regulations—
 - (a) prohibiting an individual in England from carrying out specified cosmetic procedures in the course of business, unless the person has a personal licence;
 - (b) prohibiting a person from using or permitting the use of premises in England for the carrying out of specified cosmetic procedures in the course of business, unless the person has a premises licence.
- (2) In this section—

“cosmetic procedure” means a procedure, other than a surgical or dental procedure, that is or may be carried out for cosmetic purposes; and the reference to a procedure includes—

 - (a) the injection of a substance;
 - (b) the application of a substance that is capable of penetrating into or through the epidermis;
 - (c) the insertion of needles into the skin;
 - (d) the placing of threads under the skin;
 - (e) the application of light, electricity, cold or heat;

“licensed premises” means premises in respect of which a premises licence is in force;

“local authority” means—

 - (a) a county council in England;
 - (b) a district council in England;

After Clause 164 - continued

- (c) a London borough council;
- (d) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- (e) the Common Council of the City of London (in its capacity as a local authority), the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple;
- (f) the Council of the Isles of Scilly;

“personal licence” means a licence, granted by a specified local authority under the regulations, which authorises an individual to carry out a cosmetic procedure of a description specified in the licence;

“premises licence” means a licence, granted by a specified local authority under the regulations, which authorises premises to be used for the carrying out of a cosmetic procedure of a description specified in the licence;

“specified cosmetic procedure” means a cosmetic procedure of a description specified in the regulations;

“specified local authority” means a local authority of a description specified in the regulations.

- (3) The provision which may be made by regulations under this section by virtue of section 166(1)(a) includes—
 - (a) provision amending Schedule 5 to the Consumer Rights Act 2015 (investigatory powers);
 - (b) provision repealing, revoking or amending provision made by or under any local Act.
- (4) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (5) Schedule (*Licensing of cosmetic procedures*) makes further provision about regulations under this section (including provision for the imposition of fees, the creation of criminal offences and financial penalties).”

Member’s explanatory statement

This new Clause confers power on the Secretary of State to establish a licensing regime in connection with non-surgical cosmetic procedures.

LORD CRISP
LORD FAULKNER OF WORCESTER
LORD RENNARD
LORD YOUNG OF COOKHAM

158

Insert the following new Clause—

“Tobacco products statutory scheme: consultation

- (1) The Secretary of State must, no later than six months after this Act is passed, consult and report on the desirability of making a scheme (referred to in this section and section (*Tobacco products statutory scheme: supplementary*) as a statutory scheme) for one or more of the following purposes—

After Clause 164 - continued

- (a) regulating, for the purposes of improving public health, the prices which may be charged by any manufacturer or importer of tobacco products for the supply of any tobacco products;
 - (b) limiting the profits which may accrue to any manufacturer or importer in connection with the manufacture or supply of tobacco products;
 - (c) providing for any manufacturer or importer of tobacco products to pay to the Secretary of State an amount calculated by reference to sales or estimated sales of those products (whether on the basis of net prices, average selling prices or otherwise) to be used for the purposes of reducing smoking prevalence and improving public health.
- (2) The consultation must ask for views on a draft statutory scheme (or alternative draft schemes), which may, in particular, make any provision mentioned in subsections (3) to (6).
- (3) The draft scheme or schemes may provide for any amount representing sums charged by any manufacturer or importer to whom the scheme applies, in excess of the limits determined under the scheme, for tobacco products covered by the scheme to be paid by that person to the Secretary of State within a specified period.
- (4) The draft scheme or schemes may provide for any amount representing the profits, in excess of the limits determined under the scheme, accruing to any manufacturer or importer to whom the scheme applies in connection with the manufacture or importation of tobacco products covered by the scheme to be paid by that person to the Secretary of State within a specified period.
- (5) The draft scheme or schemes may provide for any amount payable in accordance with the scheme by any manufacturer or importer to whom the scheme applies to be paid to the Secretary of State within a specified period.
- (6) The draft scheme or schemes may –
 - (a) prohibit any manufacturer or importer to whom the scheme applies from varying, without the approval of the Secretary of State, any price charged by the manufacturer or importer for the supply of any tobacco product covered by the scheme, and
 - (b) provide for any amount representing any variation in contravention of that prohibition in the sums charged by that person for that product to be paid to the Secretary of State within a specified period.
- (7) The Secretary of State must lay the report before Parliament and a Minister of the Crown must arrange to make a statement to each House of Parliament setting out in detail any steps which will be taken to implement the findings of the report.”

Member’s explanatory statement

This new Clause, along with others, would require the Secretary of State for Health and Social Care to carry out a consultation about a statutory scheme for the regulation of prices and profits of tobacco manufacturers and importers. Funds raised by the scheme would be used to pay for the cost of tobacco control measures to deliver the Government’s ultimatum for industry to make smoked tobacco obsolete by 2030 and for England to be smoke-free with smoking rates 5% or below.

159 Insert the following new Clause –

“Tobacco products statutory scheme: supplementary

- (1) The Secretary of State may make any provision he or she considers necessary or expedient for the purpose of enabling or facilitating –
 - (a) the introduction of a statutory scheme of the type mentioned in section (*Tobacco products statutory scheme: consultation*), or
 - (b) the determination of the provision to be made in a proposed statutory scheme.
- (2) The provision may, in particular, require any person to whom such a scheme may apply to –
 - (a) record and keep information;
 - (b) provide information to the Secretary of State in electronic form.
- (3) The Secretary of State must –
 - (a) store electronically the information which is submitted in accordance with this provision;
 - (b) ensure that information submitted in accordance with this provision is made publicly available on a website, taking the need to protect trade secrets duly into account.
- (4) Where the Secretary of State is preparing to make or vary a statutory scheme, he or she may make any provision he or she considers necessary or expedient for transitional or transitory purposes which could be made by such a scheme.”

160 Insert the following new Clause –

“Tobacco products statutory scheme: enforcement

- (1) The provisions of this section apply if, following consultation under section (*Tobacco products statutory scheme: consultation*), legislation is enacted which enables the making of a statutory scheme.
- (2) Regulations may provide for a person who contravenes any provision of the scheme, including any regulations or directions made under the scheme, to be liable to pay a penalty to the Secretary of State.
- (3) The penalty may be –
 - (a) a single penalty not exceeding £5 million;
 - (b) a daily penalty not exceeding £500,000 for every day on which the contravention occurs or continues.
- (4) Regulations may provide for any amount required to be paid to the Secretary of State by virtue of any provision in the scheme reflecting section (*Tobacco products statutory scheme: consultation*) (4) or (6)(b) to be increased by an amount not exceeding 50 per cent.
- (5) Regulations may provide for any amount payable to the Secretary of State by virtue of any provision in the scheme reflecting section (*Tobacco products statutory scheme: consultation*) (3), (4), (5) or (6)(b) (including such an amount as increased under subsection (4) of this section) to carry interest at a rate specified or referred to in the regulations.

After Clause 164 - continued

- (6) Provision may be made by regulations for conferring on manufacturers and importers a right of appeal against enforcement decisions taken in respect of them in pursuance of the scheme, section (*Tobacco products statutory scheme: consultation*), (*Tobacco products statutory scheme: supplementary*), and this section.
- (7) The provision which may be made by virtue of subsection (6) includes any provision which may be made by model provisions with respect to appeals under section 6 of the Deregulation and Contracting Out Act 1994, reading –
 - (a) the references in subsections (4) and (5) of that section to enforcement action as references to action taken to implement an enforcement decision, and
 - (b) in subsection (5) of that section, the references to interested persons as references to any persons and the reference to any decision to take enforcement action as a reference to any enforcement decision.
- (8) In subsections (6) and (7), “enforcement decision” means a decision of the Secretary of State or any other person to –
 - (a) require a specific manufacturer or importer to provide information to him or her,
 - (b) limit, in respect of any specific manufacturer or importer, any price or profit,
 - (c) refuse to give his or her approval to a price increase made by a specific manufacturer or importer, or
 - (d) require a specific manufacturer or importer to pay any amount (including an amount by way of penalty) to him or her,
 and in this subsection “specific” means specified in the decision.
- (9) A requirement or prohibition, or a limit, under section (*Tobacco products statutory scheme: consultation*), may only be enforced under this section and may not be relied on in any proceedings other than proceedings under this section.
- (10) Subsection (9) does not apply to any action by the Secretary of State to recover as a debt any amount required to be paid to the Secretary of State under section (*Tobacco products statutory scheme: consultation*) or this section.
- (11) The Secretary of State may by order increase (or further increase) either of the sums mentioned in subsection (3).”

161

Insert the following new Clause –

“Tobacco products statutory scheme: controls: supplementary

- (1) The provisions of this section apply if, following consultation under section (*Tobacco products statutory scheme: consultation*), legislation is enacted which enables the making of a statutory scheme.
- (2) Any power conferred on the Secretary of State by legislation enacted which enables the making of a statutory scheme, and by section (*Tobacco products statutory scheme: supplementary*) may be exercised by –
 - (a) making regulations, or
 - (b) giving directions to a specific manufacturer or importer.

After Clause 164 - continued

- (3) Regulations under subsection (2)(a) may confer power for the Secretary of State to give directions to a specific manufacturer or importer; and in this subsection “specific” means specified in the direction concerned.
- (4) In this section and sections (*Tobacco products statutory scheme: consultation*), (*Tobacco products statutory scheme: supplementary*) and (*Tobacco products statutory scheme: enforcement*) –
- “tobacco product” means a product that can be consumed and consists, even partly, of tobacco;
- “manufacturer” means any person who manufactures tobacco products;
- “importer” means any person who imports tobacco products into the United Kingdom with a view to the product being supplied for consumption in the United Kingdom or through the travel retail sector, and contravention of a provision includes a failure to comply with it.”

LORD HUNT OF KINGS HEATH
 LORD RIBEIRO
 BARONESS NORTHOVER
 LORD ALTON OF LIVERPOOL

162

Insert the following new Clause –

“Appropriate consent to transplantation activities when travelling abroad

- (1) Section 32 of the Human Tissue Act 2004 (prohibition of commercial dealings in human material for transplantation) is amended in accordance with subsections (2) to (6).
- (2) In subsection (1), after paragraph (e) insert –
- “(f) travels outside the United Kingdom to a country or part of a country where explicit consent is not required for the legal donation of controlled material which does not meet the criteria in subsection (1A)(a) to (c) and receives any controlled material, for the purpose of transplantation, without –
- (i) the free, informed and specific consent of a living donor, or
- (ii) the free, informed and specific consent of the donor’s next of kin, where the donor is unable to provide consent;
- (g) travels outside the United Kingdom to a country or part of a country where explicit consent is required for the legal donation of controlled material and receives any controlled material for the purpose of transplantation where the material was obtained without –
- (i) the free, informed and specific consent of a living donor, or
- (ii) the free, informed and specific consent of the donor’s next of kin, where the donor is unable to provide consent;
- (h) travels outside the United Kingdom to a country or part of a country and receives any controlled material for the purpose of transplantation for which, in exchange for the removal of controlled material –

After Clause 164 - continued

- (i) the living donor, or a third party, receives a financial gain or comparable advantage, or
 - (ii) where the controlled material comes from a deceased donor, a third party receives financial gain or comparable advantage.”
- (3) After subsection (1) insert –
- “(1A) The Secretary of State must publish an annual assessment of countries where, explicit consent is not required for the legal donation of controlled material, determining whether each of those countries –
- (a) provides a formal, publicly funded scheme for opting out of deemed consent for donation of controlled material,
 - (b) provides an effective programme of public education to its population on the deemed consent system and the opt-out scheme which delivers a high level of public understanding of both, and
 - (c) is not considered to be committing Genocide by resolution of the House of Commons.
- (1B) In paragraph (h) in subsection (1), the expression “financial gain or comparable advantage” does not include compensation for loss of earnings and any other justifiable expenses caused by the removal or by the related medical examinations, or compensation in case of damage which is not inherent to the removal of controlled material.
- (1C) Subsection (1E) applies if –
- (a) an act which forms part of an offence under subsection (1) takes place outside the United Kingdom, but
 - (b) the person committing the act has a close connection with the United Kingdom.
- (1D) For the purposes of subsection (1C)(b), a person has a close connection with the United Kingdom if, and only if, the person was one of the following at the time the acts or omissions concerned were done or made –
- (a) a British citizen;
 - (b) a British overseas territories citizen;
 - (c) a British National (Overseas);
 - (d) a British Overseas citizen;
 - (e) a person who under the British Nationality Act 1981 was a British subject;
 - (f) a British protected person within the meaning of that Act;
 - (g) an individual ordinarily resident in the United Kingdom;
 - (h) a body incorporated under the law of any part of the United Kingdom;
 - (i) a Scottish partnership.
- (1E) Where this subsection applies, proceedings for the offence may be taken in any criminal court in England and Wales or Northern Ireland.”
- (4) In subsection (3), after “subsection (1)” insert “(a) to (e)”.
- (5) In subsection (4), after “subsection (1)” insert “(a) to (e)”.
- (6) After subsection (4) insert –

After Clause 164 - continued

- “(4A) A person guilty of an offence under subsection (1)(f) to (h) shall be liable—
- (a) on summary conviction—
 - (i) to imprisonment for a term not exceeding 12 months,
 - (ii) to a fine not exceeding the statutory maximum, or
 - (iii) to both;
 - (b) on conviction on indictment—
 - (i) to imprisonment for a term not exceeding 9 years,
 - (ii) to a fine, or
 - (iii) to both.”
- (7) In section 34 of the Human Tissue Act 2004 (information about transplant operations), after subsection (2) insert—
- “(2A) Regulations under subsection (1) must require specified persons to—
- (a) keep patient identifiable records for all instances of UK citizens who have received transplant procedures performed outside the United Kingdom; and
 - (b) report instances of transplant procedures performed on UK citizens outside the United Kingdom to NHS Blood and Transplant.
- (2B) Regulations under subsection (1) must require NHS Blood and Transplant to produce an annual report on instances of UK citizens receiving transplant procedures outside the United Kingdom.””

Member’s explanatory statement

The amendment is aimed at ensuring that in relation to organ tourism, there must be informed consent with no coercion or financial gain for the donation of organs. Thus prohibiting organ tourism which involves either forced organ harvesting or black market organ trafficking.

BARONESS FINLAY OF LLANDAFF
LORD SHIPLEY
LORD BROOKE OF ALVERTHORPE
BARONESS BOYCOTT

163 Insert the following new Clause—

“Alcohol labelling

- (1) The Secretary of State must, no later than one year after this Act is passed—
- (a) publish a report on alcohol labelling, assessing which elements should be mandatory on labels to improve consumer knowledge, and this should include, but not be limited to—
 - (i) warning about alcohol harms,
 - (ii) calorific and other nutritional information,
 - (b) lay the report before Parliament, and a Minister of the Crown must arrange to make a statement to each House of Parliament setting out any steps which will be taken to implement the findings of the report.”

Member’s explanatory statement

This amendment requires the Secretary of State to publish a report on alcohol labelling to improve consumer knowledge.

LORD HUNT OF KINGS HEATH

164 Insert the following new Clause—

“Vaccine damage payments

Within 6 months of the passing of this Act, the Secretary of State must establish an independent judge led review into the operation of the Vaccine Damage Payments Act 1979 and the adequacy of payments offered to persons seriously injured, or bereaved, consequent upon vaccination against any of the specified diseases to which the Act applies.”

Member’s explanatory statement

The Vaccine Damage Payment Act is now more than 40 years old and the aim of the amendment is to ensure that a judge led review takes place into the operation of the Act.

LORD HUNT OF KINGS HEATH

LORD CLEMENT-JONES

165 Insert the following new Clause—

“Secretary of State: Duty to promote and ensure the full integration of self care for minor ailments within the health system

- (1) The Secretary of State, in exercise of his or her functions, must promote self care for minor ailments and prepare a national self care strategy to integrate self care fully into the wider health system.
- (2) The national self care strategy referred to in subsection (1) must include measures to—
 - (a) improve inequalities in health literacy,
 - (b) enhance the understanding of primary and secondary age children on how to self care,
 - (c) introduce self care modules in healthcare professionals’ training curricula and continuing professional development,
 - (d) make best use of, and expand, the Community Pharmacist Consultation Service,
 - (e) improve access to effective self care treatments,
 - (f) enable community pharmacists to refer people directly to other healthcare professionals,
 - (g) ensure better support for Primary Care Networks (PCNs) to deliver self care,
 - (h) evaluate the use of technologies developed during the COVID-19 pandemic to promote greater self care, and
 - (i) accelerate efforts to enable community pharmacists to populate medical records.”

Member’s explanatory statement

This amendment would ensure that the Secretary of State promotes self care for minor ailments and publishes a national self care strategy to fully integrate it into the wider health system.

LORD MOYLAN
LORD ABERDARE
BARONESS FINLAY OF LLANDAFF
BARONESS HAYMAN OF ULLOCK

166 Insert the following new Clause—

“Guidance on Pancreatic Enzyme Replacement Therapy

- (1) The Secretary of State must, within six months of this Act being passed, publish national guidance making the appropriate prescription of Pancreatic Enzyme Replacement Therapy a priority within pancreatic cancer care in the NHS through the implementation of national targets.
- (2) The Secretary of State must, within a year of this Act being passed and every year thereafter, publish data on the prescription of Pancreatic Enzyme Replacement Therapy for pancreatic cancer patients.”

LORD MOYLAN
LORD ABERDARE
BARONESS HAYMAN OF ULLOCK
LORD PATEL

167 Insert the following new Clause—

“Report on pancreatic cancer services

- (1) The Secretary of State must, within six months of this Act being passed, lay before each House of Parliament a report on the interim findings of the audit of pancreatic cancer services commissioned by NHS England and NHS Improvement, including recommendations arising from those interim findings for urgent implementation in the treatment of pancreatic cancer patients.
- (2) Every six months thereafter until the audit referred to in subsection (1) is completed, the Secretary of State must lay before each House of Parliament an updated report on its interim findings and recommendations; and when the audit is completed, the Secretary of State must lay before each House of Parliament a report on its final findings and recommendations.”

LORD HUNT OF KINGS HEATH
BARONESS BRINTON
LORD KAKKAR
LORD PATEL

168 Insert the following new Clause—

“Review of the surgical consultant appointment process

- (1) Within six months of the passing of this Act, the Secretary of State must institute a review of the National Health Service (Appointment of Consultants) Regulations 1996 (S.I. 1996/701) and the extent to which the Royal College of Surgeons of Edinburgh, Royal College of Physicians of Edinburgh, Royal College of Physicians and Surgeons of Glasgow and Royal College of Emergency Medicine should be added to the list of colleges which may be involved in the appointment of NHS consultants.
- (2) Within 18 months of the passing of this Act, the Secretary of State must publish and lay before Parliament a report from the review.

After Clause 164 - continued

- (3) The review must consult with representatives of the medical profession and other relevant organisations.”

Member’s explanatory statement

This new Clause would require the Secretary of State to institute a review into the National Health Service (Appointment of Consultants) Regulations 1996 (S.I. 1996/701) and the extent to which the Royal College of Surgeons of Edinburgh, the Royal College of Physicians of Edinburgh, the Royal College of Physicians and Surgeons of Glasgow and the Royal College of Emergency Medicine should be added to the list of colleges who may be involved in the appointment of NHS consultants.

BARONESS FINLAY OF LLANDAFF
LORD BETHELL
BARONESS MASHAM OF ILTON
BARONESS BRINTON

169 Insert the following new Clause—

“Licensing of cosmetic procedures

- (1) This section applies to any activity relating to the provision of cosmetic procedures, as specified in regulations made by the Secretary of State, which breach the epidermis of the skin by—
- (a) any physical means,
 - (b) any chemical means, or
 - (c) any other means using any energy-based device including by laser beam, light, radiofrequency, ultrasound or temperature alteration.
- (2) A person may only carry out an activity in subsection (1)—
- (a) if—
 - (i) under the authority of a licence for the purposes of the activity, and with evidence of specified training, or
 - (ii) holding current valid registration with the General Medical Council, the General Dental Council or the Health Care Professions Council, and
 - (b) if the activity is conducted on premises licensed for the purpose of the activity.
- (3) A person who contravenes subsection (2) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) The Secretary of State may by regulations make provision about licences and conditions for the purposes of this section.
- (5) Before making regulations under this section, the Secretary of State must consult the representatives of any interests concerned which the Secretary of State considers appropriate.
- (6) Regulations may in particular—
- (a) require a licensing authority not to grant a licence unless satisfied as to a matter specified in the regulations, and
 - (b) require a licensing authority to have regard, in deciding whether to grant a licence, to a matter specified in the regulations.”

After Clause 164 - continued

LORD FORSYTH OF DRUMLEAN
 LORD BAKER OF DORKING
 BARONESS MEACHER
 LORD FALCONER OF THOROTON

170 Insert the following new Clause—

“Assisted dying

- (1) The Secretary of State must, within the period of 12 months beginning with the day on which this Act is passed, lay before Parliament a draft Bill to permit terminally ill, mentally competent adults legally to end their own lives with medical assistance.
- (2) In preparing the draft Bill and any accompanying documents and in making arrangements to lay them before Parliament, the Secretary of State must take account of the need—
 - (a) to respect that this is a matter of conscience, and
 - (b) to enable Parliament to consider the issue.”

LORD HUNT OF KINGS HEATH
 BARONESS MCINTOSH OF PICKERING

171 Insert the following new Clause—

“National Institute for Health and Care Excellence

- (1) The Health and Social Care Act 2012 is amended as follows.
- (2) In section 237 (Advice, guidance, information and recommendations), after subsection (7) insert the following—
 - “(7A) The regulations must require NICE to issue recommendations on the use of medicines as close to the date of licensing as possible, including the date of medicines licensed under the Project Orbis scheme.
 - (7B) The regulations must allow NICE to determine independently the procedures by which it gives advice, guidance, information or recommendations, including the discount rate it applies in its procedures.
 - (7C) The regulations must provide for NICE to take account of a medicines manufacturer’s membership of the Voluntary Scheme for Branded Medicines Pricing and Access (VPAS) or the existence of a statutory scheme when making recommendations about a medicine.””

Member’s explanatory statement

This new Clause: (1) ensures that NICE structures its work programme so that guidance is issued as close to licensing as possible, including for medicines licensed under ‘Project Orbis’; (2) clarifies that NICE is free to determine its own methods, including the discount rate it applies when developing its recommendations, independently; and (3) ensures that controls on spending on medicines that exist under VPAS / statutory schemes apply to NICE.

BARONESS FINLAY OF LLANDAFF
 BARONESS BRINTON
 BARONESS STOWELL OF BEESTON
 BARONESS MASHAM OF ILTON

172 Insert the following new Clause—

“Dispute resolution in children’s palliative care

- (1) This section applies where there is a difference of opinion between a parent of a child with a life-limiting illness and a doctor responsible for the child’s treatment about—
 - (a) the nature (or extent) of specialist palliative care that should be made available for the child, or
 - (b) the extent to which palliative care provided to the child should be accompanied by one or more disease-modifying treatments.
- (2) Where the authorities responsible for a health service hospital become aware of the difference of opinion they must take all reasonable steps—
 - (a) to ensure that the views of the parent, and of anyone else concerned with the welfare of the child, are listened to and taken into account;
 - (b) to make available to the parent any medical data relating to the child reasonably required to obtain evidence to inform the parent’s proposals for the child’s treatment (including obtaining an additional medical opinion);
 - (c) to allow the provider of an alternative treatment that is being advocated by the parent to provide evidence, in person or remotely, to the mediation process and subsequently to the court;
 - (d) to demonstrate the reasons that significant harm would be likely to be caused by the proposed treatment; and
 - (e) where the two parties are unable to resolve their difference of opinion, to allow for a mediation process, acceptable to both parties, between the parent and the senior doctor with overall clinical responsibility.
- (3) Nothing in subsection (2) requires, or may be relied upon so as to require, the provision of any specific treatment by a doctor or institution, and in particular nothing in subsection (2)—
 - (a) requires the provision of resources for any particular course of treatment; or
 - (b) requires a doctor to provide treatment that the doctor considers likely to be futile or harmful, or otherwise not in the best interests of the child.
- (4) In this section—

“child” means an individual under the age of 18;

“health service hospital” has the meaning given by section 275 of the National Health Service Act 2006 (interpretation);

“parent” means a person with parental responsibility for a child within the meaning of the Children Act 1989.
- (5) Nothing in this section affects—
 - (a) the principle of the best interests of the child,
 - (b) the law about the appropriate clinical practice to be followed as to—
 - (i) having regard to the child’s own views, where they can be expressed; and

After Clause 164 - continued

- (ii) having regard to the views of anyone interested in the welfare of the child, whether or not a person concerned with the welfare of the child within the meaning of this section.”

Member’s explanatory statement

This amendment aims to ensure that disputes between parents and doctors will be able to engage effective mediation.

LORD HUNT OF KINGS HEATH
LORD ALTON OF LIVERPOOL
BARONESS NORTHOVER
LORD RIBEIRO

173 Insert the following new Clause—

“Regulation of the public display of cadavers

In paragraph 5 of Schedule 1 to the Human Tissue Act 2004 (purposes requiring consent), after “Public display” insert “when at least one hundred years have elapsed since the date of the person’s death.””

Member’s explanatory statement

This amendment would ensure that cadavers would no longer be used for public display unless it is the body of a person where at least one hundred years have elapsed since the date of the person’s death.

BARONESS CHAKRABARTI
BARONESS BRINTON
BARONESS LAWRENCE OF CLARENDON
LORD RUSSELL OF LIVERPOOL

174 Insert the following new Clause—

“Global health emergency international cooperation

In the event of the World Health Organisation declaring a public health emergency of international concern (“PHEIC”), the Secretary of State must within three months—

- (a) initiate or otherwise support and implement proposals temporarily to waive elements of the Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS”) at the World Trade Organisation to assist wider global manufacturing of and access to health technologies;
- (b) waive such UK-registered patents, industrial designs, other intellectual property rights, and protections concerning undisclosed information relating to—
 - (i) vaccines,
 - (ii) medicines,
 - (iii) diagnostics and their associated technologies, and
 - (iv) materials,
 as necessary for combatting the emergency internationally; and
- (c) issue relevant emergency compulsory directions to enable the domestic manufacturing of generic and biosimilar products.”

Member's explanatory statement

In the event of a public health emergency of international concern, this new Clause requires the Secretary of State to support domestic and international knowledge-sharing, to combat the emergency.

175 [Withdrawn]

BARONESS HOLLINS
BARONESS BULL
BARONESS MERRON
LORD TOUHIG

176 Insert the following new Clause—

“Mandatory training on learning disability and autism

- (1) In regulation 18(2) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (S.I. 2014/2936), for sub-paragraph (a) substitute—
 - “(a) receive—
 - (i) such appropriate support, training, professional development, supervision and appraisal as is necessary to enable them to carry out the duties they are employed to perform, and
 - (ii) in particular, specialist training in person on learning disability and autism, appropriate to their role, as set out in the code of practice issued by the Secretary of State under section (*Mandatory training on learning disability and autism*) of the Health and Care Act 2022,”.
- (2) With regard to specialist training on learning disability and autism, the Secretary of State must prepare and publish a code of practice (“the code”) containing guidance addressing—
 - (a) the content of mandatory training and its co-production,
 - (b) the appropriate levels of training required across staff roles,
 - (c) the co-delivery of training,
 - (d) the accreditation of training,
 - (e) the procurement of training,
 - (f) the monitoring and evaluation of the impact of training, and
 - (g) the implementation of mandating of training across regulated health and social care providers.
- (3) The Secretary of State must seek the participation of and consult such persons and bodies as they consider appropriate—
 - (a) in preparing the code, and
 - (b) in revising it.
- (4) The Secretary of State may not issue the code or any revision unless a draft has been laid before and approved by a resolution of each House of Parliament.
- (5) The Secretary of State must review the code every three years and lay the findings before Parliament.
- (6) In this section—

“appropriate to their role” has the meaning given by the code;

After Clause 164 - continued

“autism” means a spectrum of disorders which start in childhood, the clinical manifestations of which include atypical social communication and social interaction and restricted, repetitive patterns of behaviour;

“in person” means training delivered by people in the personal presence of the trainee and not by electronic or digital communication;

“learning disability” means a disability which includes a significantly reduced ability to understand new or complex information or to learn new skills, with a reduced ability to cope independently, which started before adulthood, with a lasting effect on development.”

BARONESS HODGSON OF ABINGER

177 Insert the following new Clause—

“Named GPs for over-65s

- (1) Within 12 months of the passing of this Act, the Secretary of State must ensure that every patient over the age of 65 is assigned a general practitioner responsible for the patient's healthcare who is identified by name—
 - (a) to see the patient when requested by the patient or by the patient's family or, where the general practitioner is unavailable, to maintain overall responsibility for care and communication,
 - (b) to communicate with the patient or the patient's family where appropriate and requested,
 - (c) to be responsible for the patient's overall care, and
 - (d) to ensure that the patient's health care needs are met.
- (2) Where the patient requests, the role of the identified practitioner may be delegated to another identified general practitioner in the practice (or to two identified practitioners in the case of a job-share).”

Member's explanatory statement

This amendment is to ensure that named GPs see and have some knowledge of each patient that they are responsible for and will communicate with them and the family.

LORD HUNT OF KINGS HEATH

178 Insert the following new Clause—

“Access to new medicines in England

- (1) The Secretary of State must, within the period of 12 months beginning with the day on which this Act is passed, lay before Parliament a review of access to medicines in England with a view to ensuring that processes meet the aims of the Life Sciences Vision, and taking into consideration the following matters—
 - (a) the capacity of NICE to deliver the expected appraisals within its work programme until 2025, and reasons for any delays to NICE appraisals since 2020;
 - (b) the effectiveness of the introduction of Project Orbis and the Innovative Licensing and Access Pathway in improving rapid access to cancer medicines;

After Clause 164 - continued

- (c) the development of an integrated access and reimbursement pathway for medicines granted Marketing Authorisation under Project Orbis or the Innovative Licensing and Access Pathway, to address delays between marketing authorisation and NICE decision;
 - (d) how the removal of the end-of-life criteria and introduction of the severity modifier to the NICE Health Technology Assessment process will impact on access to cancer medicines, and medicines exiting the Cancer Drugs Fund.
- (2) NICE must ensure that any medicines exiting the Cancer Drugs Fund are re-appraised using the same Health Technology Assessment process as in the original appraisal.”

Member’s explanatory statement

This new Clause aims to ensure that: (1) current policies of the Government, NHS England and NICE are delivering access to medicines in line with the Government’s Life Sciences Vision; (2) progress is monitored on an ongoing basis; (3) the appraisal criteria for medicines exiting the Cancer Drugs Fund is consistent with the original Health Technology appraisal.

LORD MOYNIHAN
 BARONESS MORRIS OF YARDLEY
 BARONESS GREY-THOMPSON
 LORD ADDINGTON

179

Insert the following new Clause—

“Office for Health Promotion

- (1) The Office for Health Improvement and Disparities is to be re-established on a statutory footing, as the Office for Health Promotion (“the Office”).
- (2) The Office is an independent advisory board to the Department for Health and Social Care.
- (3) As part of its duties, the Office must publish a National Plan for Sport, Health and Wellbeing.
- (4) The aim of the National Plan for Sport, Health and Wellbeing is to—
 - (a) tackle preventable factors causing death and ill health in the UK;
 - (b) demonstrate ways in which sports can help to strengthen social ties;
 - (c) direct funding for sport;
 - (d) include measures to promote physical access to the countryside;
 - (e) identify ways in which schools and colleges are to be encouraged to develop closer links with local sports clubs;
 - (f) include a fully costed National Facilities Plan and specific efforts to tackle discrimination and ensure there is a safe environment for all participants;
 - (g) instil a life-long habit of sport and physical activity throughout the education system;
 - (h) include a comprehensive approach to welfare, care and safeguarding including reports on enforcement of welfare, care and safeguarding standards in sports governing bodies;

After Clause 164 - continued

- (i) lead national efforts to improve people’s health by tackling obesity, improving mental health and promoting physical activity;
- (j) establish a Physical Activity Observatory to act as a centre for independent research and analysis of physical activity data to input into the design of the National Plan for Sport, Health and Wellbeing;
- (k) promote, encourage and raise awareness of the benefits of participation in sport for health, longevity, fitness, social interaction and wellbeing, and the other health benefits of exercise for all individuals, with the aim of preventing the onset of avoidable physical and mental illness and protecting people's health; and
- (l) promote clean athletes and the integrity of sport.”

BARONESS CUMBERLEGE
LORD HUNT OF KINGS HEATH

180 Insert the following new Clause—

“Schemes for those affected by treatment

- (1) Within 6 months of the passing of this Act, the Secretary of State must make proposals to establish separate schemes to meet the cost of providing additional care and support to those who have experienced avoidable harm and are eligible to claim in respect of—
 - (a) hormone pregnancy tests (HPTs),
 - (b) sodium valproate, or
 - (c) pelvic mesh.
- (2) The Secretary of State may by regulations provide for the establishment and administration of the schemes.”

Member’s explanatory statement

The amendment would mandate the Secretary of State to establish schemes to meet the cost of providing additional care and support to those who have experienced avoidable harm and are eligible to claim in respect of hormone pregnancy tests (HPTs), sodium valproate and pelvic mesh as identified in ‘First Do No Harm’, the report of the Independent Medicines and Medical Devices Safety Review.

BARONESS GREENGROSS
BARONESS BENNETT OF MANOR CASTLE
BARONESS FINLAY OF LLANDAFF

181 Insert the following new Clause—

“Hospital rehabilitation accommodation

- (1) The Secretary of State must ensure that each hospital has sufficient accommodation to allow a bed for any patient who is rehabilitating and no longer needs to be in hospital but cannot be discharged back to their own home.
- (2) As part of the duty under subsection (1), the Secretary of State must ensure hospitals use any spare land owned by the NHS to build any new accommodation required.”

After Clause 164 - continued

BARONESS GREENGROSS

182 Insert the following new Clause—

“Social care cap

- (1) The Secretary of State must pay or reimburse any expenditure incurred by any individual for social care services exceeding the maximum for social care contributions in that individual’s lifetime in accordance with this section.
- (2) The maximum for social care contributions in any individual’s lifetime for 2023 is £51,000.
- (3) The maximum for social care contributions in any individual’s lifetime for each subsequent year is to be set by regulations made by the Secretary of State in accordance with subsection (4).
- (4) The regulations must provide that the maximum changes from the previous year by a proportion that is 1.5% above the rate of inflation based on the consumer price index.
- (5) The regulations may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member’s explanatory statement

The 2011 Dilnot report recommended that the contribution cap be set at £35,000 at that time. Care cost inflation runs at 1.5% above CPI, so to replicate the 2011 recommendation adjusting for this the cap would now be set at £51,000.

BARONESS SUGG
BARONESS BARKER
BARONESS THORNTON
BARONESS WATKINS OF TAVISTOCK

183 Insert the following new Clause—

“Permitted locations for abortion treatment

- (1) The Abortion Act 1967 is amended as follows.
- (2) In subsection 1(3) after the first “section” insert “, or section 1A of this Act”.
- (3) After section 1 insert—

“1A Approved places

- (1) The home of a registered medical practitioner is approved as a class of place for treatment for the termination of pregnancy for the purposes only of prescribing the medicines known as Mifepristone and Misoprostol to be used in treatment carried out in the manner specified in subsection (3).
- (2) The home of a pregnant woman who is undergoing treatment for the purposes of termination of her pregnancy is approved as a class of place where the treatment for termination of pregnancy may be carried out where that treatment is carried out in the manner specified in subsection (3).
- (3) The treatment must be carried out in the following manner—
 - (a) the pregnant woman has—

After Clause 164 - continued

- (i) attended an approved place,
 - (ii) had a consultation with an approved place via video link, telephone conference or other electronic means, or
 - (iii) had a consultation with a registered medical practitioner, nurse or midwife via video link, telephone conference or other electronic means; and
- (b) the pregnant woman is prescribed Mifepristone and Misoprostol to be taken for the purposes of the termination of her pregnancy and the gestation of the pregnancy has not exceeded nine weeks and six days at the time the Mifepristone is taken.
- (4) Nothing in this section should be taken to affect any approval otherwise made by the Secretary of State under subsections 1(3) or 1(3A) of this Act.
- (5) For the purposes of this section –
 “approved place” means a hospital in England or Wales, as authorised under section 1(3) of this Act, or a place in England or Wales approved under that section;
 “home” means, in the case of a pregnant woman, the place in England or Wales where a pregnant woman has her permanent address or usually resides or, in the case of a registered medical practitioner, where a registered medical practitioner has their permanent address or usually resides.”

BARONESS TYLER OF ENFIELD
 BARONESS WALMSLEY
 BARONESS HOLLINS

184 Insert the following new Clause –

“Report on NHS mental health standards

- (1) Within 12 months of the date on which this Act is passed, the Secretary of State must lay a report before Parliament outlining the Government’s plans to improve NHS mental health standards.
- (2) The report under subsection (1) must make reference to (but is not limited to) the introduction of –
 - (a) a maximum waiting time standard for an initial assessment by mental health services, and
 - (b) a maximum waiting time standard for commencement of treatment.
- (3) The report must also take into account any recent consultations undertaken by the Government or the NHS on mental health standards.”

Member’s explanatory statement

This new Clause would require the Secretary of State to report on mental health standards (including reference to maximum waiting times) taking into account consultations like the Mental health clinically-led review of standards published by the NHS on 22nd February 2022.

BARONESS CUMBERLEGE
BARONESS BRINTON
BARONESS NEUBERGER
BARONESS FINLAY OF LLANDAFF

184ZA Insert the following new Clause—

“Medical practitioners’ financial and non-pecuniary interests

- (1) Any organisation that—
 - (a) employs a medical practitioner registered on the register held by the General Medical Council,
 - (b) contracts with or commissions a medical practitioner to provide medical services, or
 - (c) provides practice rights to a medical practitioner registered on the register held by the General Medical Council,must comply with subsection (2).
- (2) An organisation as specified in subsection (1) must—
 - (a) hold a record of the financial and non-pecuniary interests of all the medical practitioners it employs and medical practitioners to whom it provides practice rights,
 - (b) ensure that all such records are reviewed annually and updated as necessary so that they are accurate and complete, and
 - (c) arrange to publish all such records.
- (3) The General Medical Council must take such steps as are reasonable to assure itself that an accurate record of each doctor’s financial and non-pecuniary interests is provided by each doctor during the doctor’s annual appraisal for recording by the organisations specified in subsection (1).”

Member’s explanatory statement

This amendment requires any organisation that employs, contracts, commissions or provides practice rights to a medical practitioner to maintain and publish a record of the medical practitioner’s financial and non-pecuniary interests.

BARONESS GREENGROSS
LORD HOWARTH OF NEWPORT

184ZB Insert the following new Clause—

“Social prescribing

The Secretary of State must seek to ensure that health professionals are aware of any benefits of practising social prescribing of music and the arts for dementia, in particular for patients at the onset of symptoms so as to preserve their brain health and resilience in the community.”

After Clause 164 - continued

BARONESS NICHOLSON OF WINTERBOURNE
LORD BLENCATHRA

184ZBA Insert the following new Clause –

“Same-sex accommodation

- (1) NHS England must, as soon as reasonably practicable and within one month of this Act being passed, revoke Annex B to its NHS guidance on “Delivering Same-Sex Accommodation” published in September 2019 (relating to same-sex accommodation for trans people and gender variant children).
- (2) Where NHS England issues revised guidance on the same subject, it must ensure that it takes account of the exceptions provided under paragraphs 26 to 28 of Schedule 3 to the Equality Act 2010 (which allow for separate services for the sexes and single-sex services).”

Clause 166

LORD SHARKEY
BARONESS BRINTON

184ZC Page 135, line 41, at end insert –

“(da) regulations under section 151;”

LORD KAMALL
BARONESS MERRON

184A Page 135, line 41, at end insert –

“(da) regulations under section (*Licensing of cosmetic procedures*);”

Member’s explanatory statement

This amendment ensures that regulations under the new Clause about licensing of non-surgical cosmetic procedures are subject to the affirmative procedure.

Clause 169

LORD KAMALL

185 Page 137, line 3, at end insert –

“(4A) Section (*Child safeguarding etc in health and care: policy about information sharing*) comes into force at the end of the period of three months beginning with the day on which this Act is passed.”

Member’s explanatory statement

This amendment provides for commencement, three months after Royal Assent, of a new clause concerning government policy in relation to information-sharing by or with authorities with health and social care functions, for purposes relating to children’s health or social care or the safeguarding or promotion of the welfare of children.

186 Page 137, line 4, leave out “(4)” and insert “(4A)”

Member's explanatory statement

This amendment is consequential on an amendment providing for commencement of a new Clause.

187 Page 137, line 7, at end insert—

“(6A) In relation to section 155 (cap on care costs for charging purposes), different days may be appointed under subsection (5) for different areas.”

Member's explanatory statement

This amendment allows the care cap amendments to be brought into force at different times in different areas (which is consistent with the provision made by the Care Act 2014 for the commencement of the sections to which the amendments relate).

Health and Care Bill

THIRD
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

3 March 2022
