Health Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Revised Marshalled List]

After Clause 56

BARONESS BENNETT OF MANOR CASTLE

After Clause 56, insert the following new Clause—

"Termination of the NHS Federated Data Platform contract

(1) The Secretary of State must take all necessary steps to ensure that the contract with Palantir Technologies UK Limited ("Palantir") for the provision of the NHS Federated Data Platform is not extended beyond its initial contractual term ending on 15 February 2027.

(2) The Secretary of State must ensure that the first available contractual right to terminate or decline to extend that contract is exercised.

(3) The Secretary of State must not enter into, or permit any relevant NHS body to enter into, a replacement agreement with Palantir Technologies UK Limited or an associated undertaking for the provision of substantially the same national NHS data infrastructure.

(4) Within three months of the day on which this Act is passed, the Secretary of State must publish a plan for the transfer of the functions of the Federated Data Platform to infrastructure under public control.

(5) The plan must include arrangements to ensure continuity of NHS services, the secure transfer of data and the termination of the access to NHS systems and data of Palantir and its subcontractors, subject only to access strictly necessary for a time-limited transition.

(6) The Secretary of State must report to Parliament every three months on progress in implementing the plan until the transfer is complete."

Member's explanatory statement
This amendment requires the Government to end the NHS Federated Data Platform contract with Palantir at the first available contractual opportunity, prevents substantially equivalent replacement arrangements, and requires a transition to publicly controlled infrastructure.

After Schedule 11

BARONESS DEECH

After Schedule 11, insert the following new Schedule—

"SCHEDULE

AMENDMENTS TO THE HUMAN FERTILISATION AND EMBRYOLOGY ACT 1990

Introduction

1 The Human Fertilisation and Embryology Act 1990 is amended in accordance with this Schedule.

Duties

2 For section 8ZA, substitute—

"8ZA Duties in relation to carrying out its functions

(1) In exercising its functions under this Act, the Authority must have regard to the need to protect the health, safety, welfare and interests of—

(a) persons receiving, or considering receiving, treatment services;

(b) persons providing gametes or embryos for use in activities governed by this Act;

(c) persons who may be born as a result of treatment services;

(d) any other persons whose health, safety, welfare or interests may be materially affected by activities governed by this Act.

(2) In discharging its functions, the Authority must have regard, in particular, to the need to—

(a) promote safe and evidence-based treatment;

(b) protect persons from avoidable harm arising from treatment services;

(c) ensure that persons receiving or considering treatment services are provided with accurate and comprehensible information about the nature, risks, benefits and limitations of those services;

(d) promote compliance with the requirements of this Act and any regulations or licence conditions made under it.

(3) The Authority must exercise its regulatory functions effectively, proportionately, efficiently and economically having regard to the—

(a) nature and seriousness of any actual or potential risk to persons referred to in subsection (1);
(b) likelihood of that risk materialising;
(c) steps reasonably available to prevent or mitigate that risk;
(d) need to avoid imposing unnecessary regulatory burdens on persons carrying on activities governed by this Act."

Enforcement

3 After section 19C, insert—

"19D Enforcement notices

(1) Where the Authority is satisfied that a person has failed, or is failing, as described in section 18(2) (revocation of licence), the Authority may give the person a written notice (an "enforcement notice") which requires the person to—
(a) take steps specified in the notice, or
(b) refrain from taking steps specified in the notice,
or both (see also section 19E).

(2) An enforcement notice specified under subsection (1) may only impose requirements which the Authority considers appropriate having regard to the failure (whether or not for the purpose of remedying the failure).

19E Enforcement notices: supplementary

(1) An enforcement notice must—
(a) state what the person has failed or is failing to do, and
(b) give the Authority's reasons for reaching that opinion.

(2) In deciding whether to provide an enforcement notice specified under section 19D(1), the Authority must consider whether the failure has caused, or is likely to cause, any person damage or distress.

(3) An enforcement notice may specify the time or times at which, or period or periods within which, a requirement imposed by the notice must be complied with, subject to the restrictions in subsections (5) to (7).

(4) An enforcement notice must provide information about the—
(a) consequences of failure to comply with it, and
(b) rights under sections 21 (appeal on a point of law).

(5) An enforcement notice must not specify a time for compliance with a requirement in the notice which falls before the end of the period within which an appeal can be brought against the notice.

(6) If an appeal is brought against an enforcement notice, a requirement in the notice need not be complied with pending the determination or withdrawal of the appeal.

(7) If an enforcement notice—

(a) states that, in the Authority's opinion, it is necessary for a requirement to be complied with urgently, and

(b) gives the Authority's reasons for reaching that opinion,

subsections (5) and (6) do not apply but the notice must not require the requirement to be complied with before the end of the period of 24 hours beginning when the notice is given.

(8) In this section, "specified" means specified in an enforcement notice.

19F Enforcement notices: cancellation and variation

(1) The Authority may cancel or vary an enforcement notice by giving written notice to the person to whom it was given.

(2) A person to whom an enforcement notice is given may apply in writing to the Authority for the cancellation or variation of the notice.

(3) An application under subsection (2) may be made only—

(a) after the end of the period within which an appeal can be brought against the notice, and

(b) on the ground that, by reason of a change of circumstances, one or more of the provisions of that notice need not be complied with in order to remedy the failure identified in the notice."

"Penalties

19G Penalty notices

(1) If the Authority is satisfied that a person has—

(a) failed or is failing as described in section 19D(1) (enforcement notices), or

(b) failed to comply with an enforcement notice,

the Authority may, by written notice (a "penalty notice"), require the person to pay the Authority an amount in sterling specified in the notice.

(2) When deciding whether to give a penalty notice to a person and determining the amount of the penalty, the Authority must have regard to the following, so far as relevant to the extent that the notice concerns another matter, matters listed in subsection (3).

(3) Matters which the Authority must have regard to in issuing a penalty notice include—

(a) the nature, gravity and duration of the failure;

(b) the intentional or negligent character of the failure;

(c) any action taken by the person to mitigate the damage or distress suffered by persons;

(d) any relevant previous failures by the person;

(e) the degree of co-operation with the Authority, in order to remedy the failure and mitigate the possible adverse effects of the failure;

(f) the categories of the failure in regards to licensable activities;

(g) the manner in which the infringement became known to the Authority, including whether, and if so to what extent, the person notified the Authority of the failure;

(h) the extent to which the person has complied with previous enforcement notices or penalty notices;

(i) adherence to approved codes of conduct or certification mechanisms;

(j) any other aggravating or mitigating factor applicable to the case, including financial benefits gained, or losses avoided, as a result of the failure (whether directly or indirectly);

(k) whether the penalty would be effective, proportionate and dissuasive.

(4) Schedule 4AZA makes further provision about penalty notices, including provision requiring the Authority to give a notice of intent to impose a penalty and provision about payment, variation, cancellation and enforcement.

(5) The Secretary of State may by regulations—

(a) confer power on the Authority to give a penalty notice in respect of other failures to comply with the requirements of licensable activities, and

(b) provide for the maximum penalty that may be imposed in relation to such failures to be either the standard maximum amount or the higher maximum amount.

(6) Regulations under this section may—

(a) make provision about the giving of penalty notices in respect of the failure, and

(b) amend this section and section 19H (maximum amount of penalty).

(7) In this section, "higher maximum amount" and "standard maximum amount" have the same meaning as in section 19H.

19H Maximum amount of penalty

(1) In relation to a failure to comply with an enforcement notice, the maximum amount of the penalty that may be imposed by a penalty notice is the higher maximum amount.

(2) In relation to an infringement of a provision of this Act where subsection (1) does not apply the maximum amount of the penalty that may be imposed by a penalty notice is the standard maximum amount.

(3) The "higher maximum amount" is—

(a) in the case of an undertaking, £17,500,000 or 4% of the undertaking's total annual worldwide turnover in the preceding financial year, whichever is higher, or

(b) in any other case, £17,500,000.

(4) The "standard maximum amount" is—

(a) in the case of an undertaking, £8,700,000 or 2% of the undertaking's total annual worldwide turnover in the preceding financial year, whichever is higher, or

(b) in any other case, £8,700,000.

(5) The Secretary of State may by regulations—

(a) provide that a person of a description specified in the regulations is or is not an undertaking, and

(b) make provision about how an undertaking's turnover is to be determined.

(6) The Secretary of State may by regulations provide that a period is or is not a financial year."

4 Before section 20 insert—

"Appeals etc"

5 In section 20 (right to reconsideration of licensing decisions), in subsections (1), (2) and (4), for "require" substitute "request".

6 For section 21, substitute—

"21 Rights of appeal

(1) A person aggrieved by a decision on reconsideration in pursuance of a notice under section 20 (right to reconsideration of licensing decisions) may appeal to the court.

(2) A person who is given any of the following notices may appeal to the court—

(a) an enforcement notice;

(b) a penalty notice;

(c) a penalty variation notice.

21A Determination of appeals

(1) Subsections (2) to (4) apply where a person appeals to the court under section 21(1) or (2).

(2) The court may review any determination of fact on which the notice or decision against which the appeal is brought was based.

(3) If the court considers—

(a) that the notice or decision against which the appeal is brought is not in accordance with the law, or

(b) to the extent that the notice or decision involved an exercise of discretion by the Authority, that the Authority ought to have exercised the discretion differently,

the court must allow the appeal or substitute another notice or decision which the Authority could have given or made.

(4) Otherwise, the court must dismiss the appeal.

21B Applications in respect of urgent notices

(1) This section applies where an enforcement notice given to a person contains an urgency statement.

(2) The person may apply to the court for either or both of the following—

(a) the disapplication of the urgency statement in relation to some or all of the requirements of the notice;

(b) a change to the time at which, or the period within which, a requirement of the notice must be complied with.

(3) On an application under subsection (2), the court may do any of the following—

(a) direct that the notice is to have effect as if it did not contain the urgency statement;

(b) direct that the inclusion of the urgency statement is not to have effect in relation to a requirement of the notice;

(c) vary the notice by changing the time at which, or the period within which, a requirement of the notice must be complied with;

(d) vary the notice by making other changes required to give effect to a direction under paragraph (a) or (b) or in consequence of a variation under paragraph (c).

(4) The decision of the court on an application under this section is final.

(5) In this section, "urgency statement" means a statement under section 19E(7)(a).

21C Jurisdiction

(1) The jurisdiction conferred on a court by section 21 (rights of appeal) is exercisable—

(a) in England and Wales, by the High Court or the county court,

(b) in Scotland, by the Court of Session or the sheriff,

(c) in Northern Ireland, by the High Court or a county court,

subject to subsection (2).

(2) The jurisdiction conferred on a court by section 21B (applications in respect of urgent notices) is exercisable only by the High Court or, in Scotland, the Court of Session."

7 In section 45(4A) (regulations), insert at the appropriate place— "sections 19G (penalty notices) and 19H (maximum amount of penalty);".

8 After Schedule 3A insert—

"SCHEDULE 3AZA Section 19G

PENALTIES

Meaning of "penalty"

1 In this Schedule, "penalty" means a penalty imposed by a penalty notice.

Notice of intent to impose penalty

2 Before giving a person a penalty notice, the Authority must, by written notice (a "notice of intent") inform the person that the Authority intends to give a penalty notice.

Contents of notice of intent

3 (1) A notice of intent must contain the following information—

(a) the name and address of the person to whom the Authority proposes to give a penalty notice;

(b) the reasons why the Authority proposes to give a penalty notice (see sub-paragraph (2));

(c) an indication of the amount of the penalty the Authority proposes to impose, including any aggravating or mitigating factors that the Authority proposes to take into account.

(2) The information required under sub-paragraph (1)(b) includes—

(a) a description of the circumstances of the failure, and

(b) the nature, gravity and duration of the failure.

(3) A notice of intent must also—

(a) state that the person may make written representations about the Authority's intention to give a penalty notice, and

(b) specify the period within which such representations may be made.

(4) The period specified for making written representations must be a period of not less than 21 days beginning when the notice of intent is given.

(5) If the Authority considers that it is appropriate for the person to have an opportunity to make oral representations about the Authority's intention to give a penalty notice, the notice of intent must also—

(a) state that the person may make such representations, and

(b) specify the arrangements for making such representations and the time at which, or the period within which, they may be made.

Giving a penalty notice

4 (1) This paragraph applies where the Authority gives a notice of intent to a person.

(2) Within the period of six months beginning when the notice is given, or as soon as reasonably practicable thereafter, the Authority must give to the person—

(a) a penalty notice, or

(b) written notice that the Authority has decided not to give a penalty notice to the person.

(3) The Authority may not give a penalty notice to the person before a time, or before the end of a period, specified in the notice of intent for making oral or written representations.

(4) When deciding whether to give a penalty notice to the person and determining the amount of the penalty, the Authority must consider any oral or written representations made by the person in accordance with the notice of intent.

Contents of a penalty notice

5 (1) A penalty notice must contain the following information—

(a) the name and address of the person to whom it is addressed;

(b) details of the notice of intent given to the person;

(c) whether the Authority received oral or written representations in accordance with the notice of intent;

(d) the reasons why the Authority proposes to impose the penalty (see sub-paragraph (2));

(e) the reasons for the amount of the penalty, including any aggravating or mitigating factors that the Authority has taken into account;

(f) details of how the penalty is to be paid;

(g) details of the rights of appeal under section 21;

(h) details of the Authority's enforcement powers under this Schedule.

(2) The information required under sub-paragraph (1)(d) includes—

(a) a description of the circumstances of the failure, and

(b) the nature, gravity and duration of the failure.

Period for payment of penalty

6 (1) A penalty must be paid to the Authority within the period specified in the penalty notice.

(2) The period specified must be a period of not less than 28 days beginning when the penalty notice is given.

Variation of penalty

7 (1) The Authority may vary a penalty notice by giving written notice (a "penalty variation notice") to the person to whom it was given.

(2) A penalty variation notice must specify—

(a) the penalty notice concerned, and

(b) how it is varied.

(3) A penalty variation notice may not—

(a) reduce the period for payment of the penalty;

(b) increase the amount of the penalty;

(c) otherwise vary the penalty notice to the detriment of the person to whom it was given.

(4) If—

(a) a penalty variation notice reduces the amount of the penalty, and

(b) when that notice is given, an amount has already been paid that exceeds the amount of the reduced penalty,

the Authority must repay the excess.

Cancellation of penalty

8 (1) The Authority may cancel a penalty notice by giving written notice to the person to whom it was given.

(2) If a penalty notice is cancelled, the Authority—

(a) may not take any further action under section 19G or this Schedule in relation to the failure to which that notice relates, and

(b) must repay any amount that has been paid in accordance with that notice.

Enforcement of payment

9 (1) The Authority must not take action to recover a penalty unless—

(a) the period specified in accordance with paragraph 6 has ended,

(b) any appeals against the penalty notice have been decided or otherwise ended,

(c) if the penalty notice has been varied, any appeals against the penalty variation notice have been decided or otherwise ended, and

(d) the period for the person to whom the penalty notice was given to appeal against the penalty, and any variation of it, has ended.

(2) In England and Wales, a penalty is recoverable—

(a) if the county court so orders, as if it were payable under an order of that court;

(b) if the High Court so orders, as if it were payable under an order of that court.

(3) In Scotland, a penalty may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

(4) In Northern Ireland, a penalty is recoverable—

(a) if a county court so orders, as if it were payable under an order of that court;

(b) if the High Court so orders, as if it were payable under an order of that court."

9 (1) Schedule 3B is amended in accordance with this paragraph.

(2) In paragraph 2, after sub-paragraph (1) insert—

"(1A) If requested to do so by the Secretary of State, the Authority must arrange for a duly authorised person to inspect any of the premises mentioned in sub-paragraph (3).

(1B) The Authority may arrange for a duly authorised person to inspect any of the premises referred to in sub-paragraph (3) in circumstances where it is not required to do so by sub-paragraph (1) or (1A)."

(3) After paragraph 2 insert—

"Considerations relating to inspection frequency

2A (1) In determining the frequency, timing and scope of inspections, the Authority must have regard to the risks associated with the activities authorised by the licence.

(2) The matters to which the Authority must have regard include—

(a) the nature and seriousness of any incident or suspected breach of a licence condition;

(b) complaints or concerns received from patients, donors, persons born as a result of treatment, or staff;

(c) the history of compliance by the licence holder;

(d) the adequacy of action taken in response to previous inspection findings;

(e) the risks to the health, safety or welfare of persons receiving or providing treatment, and to the security and integrity of gametes and embryos.

(3) The Authority must maintain and periodically review a database for assessing the risks referred to in this paragraph.

(4) The Secretary of State may by regulations make further provision about the contents and information standards of the database."

(4) After paragraph 8 insert—

"Action following an inspection"

(5) In paragraph 9 for sub-paragraph (5), substitute—

"(5) The Authority must give a copy of the report or information to—

(a) the person requesting it, unless the Authority considers that it would be inappropriate to do so in the particular circumstances of the case, and

(b) the Secretary of State.

(6) The Authority must include in its annual report information about the exercise of its inspection and enforcement functions.

(7) The Secretary of State may by regulations make further provision about the contents of reports under this paragraph."

(6) After paragraph 9 insert—

"9A (1) Where an inspection identifies a material deficiency in the operation of licensed activities, the Authority must determine what further action is necessary and proportionate.

(2) The Authority may require the licence holder to submit and implement a corrective action plan within a specified period.

(3) A corrective action plan must specify—

(a) he deficiency to be addressed;

(b) the steps to be taken to address it;

(c) the person responsible for each step;

(d) the date by which each step to be complied.

(e) any other condition as may be specified in regulations made by the Secretary of State.

(4) A corrective action plan must be sent to the Authority by such period as the Authority may specify.

(5) After receiving the corrective action plan, the Authority must within 28 days consider whether a further inspection is necessary under paragraph 2 to determine whether the deficiency has been remedied.

9B The Secretary of State may by regulations make provision for the contents of an inspection report."

10 In section 7 (reports to the Secretary of State), after subsection (2), insert—

"(2A) A report prepared under this section must include information about—

(a) inspections carried out by the Authority,

(b) a corrective action plan in place under paragraph 9A of Schedule 3B, and

(c) the improvements made to remedy any deficiencies in relation to such corrective action plan."

Complaints

11 After section 8D, insert—

"8DA Complaints relating to licensed activities

(1) The Authority must establish and maintain procedures for receiving, assessing and investigating complaints relating to activities governed by this Act.

(2) The Authority must investigate a complaint where it has reasonable grounds to suspect—

(a) a serious breach of a requirement imposed by or under this Act;

(b) a material failure to comply with a licence condition;

(c) conduct presenting a significant risk to the health, safety or welfare of a person;

(d) a systemic failure affecting patients, donors or other persons materially affected by activities governed by this Act.

(3) The Authority must, as soon as reasonably practicable after receiving a complaint, determine whether any of the circumstances in subsection (2) apply.

(4) Where the Authority decides not to investigate a complaint, it must give the complainant a statement of reasons for that decision.

(5) Where the Authority investigates a complaint, it must—

(a) conduct the investigation as soon as reasonably practicable;

(b) keep the complainant reasonably informed of the progress of the investigation;

(c) notify the complainant of the outcome;

(d) give reasons for its findings and any regulatory action taken, subject to any lawful restriction on disclosure.

(6) The Authority may decline to investigate, or may suspend an investigation, where it considers that doing so is necessary and proportionate having regard to—

(a) the availability of a more appropriate procedure for determining the matter;

(b) ongoing civil or criminal proceedings;

(c) the vexatious or excessive use of the complaints procedure.

(7) The Authority must give a statement of reasons for a decision under subsection (6)."

Reporting in relation to licensable activities

12 (1) Section 17 (the person responsible) is amended in accordance with this paragraph.

(2) In subsection (1)(g), at end insert "; and of any prescribed near miss which indicates a material risk to the health, safety or welfare of a person or to the security or integrity of gametes or embryos."

(3) After subsection (2) insert—

"(2A) In subsection (1)(g) "prescribed" means prescribed in regulations made by the Secretary of State.""

13 After section 31B, insert—

"31C Reporting and investigation of serious adverse events

(1) The Authority must issue a code of practice establishing requirements governing the notification, recording and investigation of serious adverse events, serious adverse reactions and prescribed near misses arising in connection with licensable activities.

(2) The requirements must include provision about—

(a) the circumstances in which an incident or near miss must be notified to the Authority;

(b) the period within which notification must be given;

(c) the information to be included in a notification;

(d) the investigation and analysis of the causes of an incident or near miss;

(e) the identification and implementation of measures to prevent recurrence;

(f) the preservation of relevant records and electronic audit trails.

(3) The Authority must monitor notifications received under this section for the purpose of identifying recurring incidents, systemic failures and emerging risks.

(4) The Authority must publish information about significant trends identified under subsection (3), subject to the protection of personal data and confidential information.

(5) Requirements under this section must be proportionate to the seriousness and nature of the incident or near miss.

(6) The Authority may revise or revoke a code issued under this section.

(7) The Authority must send a copy of the code to the Secretary of State.

(8) The Secretary of State must lay a copy of the code before each House of Parliament."

14 In section 12 (general conditions), in subsection (1), after paragraph (g), insert—

"(h) that the responsible person will comply with any requirements of a code of practice issued under section 31C."

Continuity plans

15 In Schedule 2, after paragraph 4, insert—

"Continuity plans

4A (1) The Authority must ensure that the conditions of a licence authorising the storage of gametes or embryos require the licence holder to maintain a continuity plan.

(2) A continuity plan must make provision for the safe and lawful management, transfer or disposal of gametes and embryos where—

(a) the licence expires or is revoked;

(b) the licence holder ceases to carry on the licensed activities;

(c) the licence holder becomes unable to carry on those activities safely;

(d) the Authority determines that urgent arrangements are necessary to protect persons or stored gametes or embryos.

(3) A continuity plan must also include provision for—

(a) the identification of an appropriately licensed facility to which storage activities may be transferred;

(b) the preservation and transfer of records, consent documentation and information necessary to maintain traceability;

(c) the notification of affected persons, so far as reasonably practicable;

(d) the maintenance of appropriate storage conditions pending transfer or other lawful disposition;

(e) the allocation of responsibility for implementing the plan.

(4) The Authority must assess the adequacy of a continuity plan when considering an application for a licence or its renewal and may require the plan to be revised.

(5) The Authority may require a licence holder to implement a continuity plan, in whole or in part, where it considers that this is necessary to protect the health, safety or welfare of persons or to secure the safe and lawful management of stored gametes or embryos.

(6) The Secretary of State may by regulations make further provision in relation to the contents or requirements of continuity plans.""

Member's explanatory statement

This new Schedule amends the Human Fertilisation and Embryology Act 1990 to make provision about the Human Fertilisation and Embryology Authority.

After Clause 78

BARONESS FINLAY OF LLANDAFF

After Clause 78, insert the following new Clause—

"Reusing medication in care homes and hospices

(1) If a resident in a care home or hospice has been prescribed medication and that resident no longer needs that medication, the medication can be reused for the symptom control or treatment of another patient, providing that—

(a) the medicine is suitable for reuse;

(b) the medicine is in an unopened pack or blister that has not been tampered with;

(c) the medicine is in date;

(d) the medicine has been stored appropriately, including refrigeration if required;

(e) the medicine is a licensed medicine that has been prescribed by a registered healthcare professional with prescribing rights;

(f) the medicine is being administered on the advice of the prescriber with a valid written prescription;

(g) the medicine has been stored in a locked cupboard;

(h) consent has been given by the patient for whom the medicine was originally prescribed, or the next of kin if the patient has died;

(i) the patient to whom the medication is now to be given is informed that a returned medicine is being used.

(2) When the medicine is a controlled drug, it must be entered as a reused medication in the controlled drugs register.

(3) All such medication must be entered in a "reused medication register", recording the—

(a) date;

(b) name of the original owner;

(c) details of the medicine;

(d) generic name of the medicine;

(e) strength of the medicine;

(f) formulation of the medicine;

(g) expiry date of the medicine;

(h) quantity of the medicine.

(4) When a controlled drug is reused, the controlled drug reused register must be updated to record the—

(a) date;

(b) patient's name;

(c) dose and quantity of the medicine;

(d) reason for reusing.

(5) All records must be available for all inspecting bodies.

(6) Any clinical adverse effects must be recorded using the yellow card scheme, via national reporting and learning systems, and to the Integrated Commissioning Board."

After Clause 84

BARONESS DEECH

After Clause 84, insert the following new Clause—

"Amendments to the Human Fertilisation and Embryology Act 1990

Schedule (*Amendments to the Human Fertilisation and Embryology Act 1990*) amends the Human Fertilisation and Embryology Act 1990 to make provision about the Human Fertilisation and Embryology Authority."

Member's explanatory statement
This amendment is consequential to others in the name of Baroness Deech.

BARONESS PIDGEON

After Clause 84, insert the following new Clause—

"NHS-funded in vitro fertilisation

(1) Within six months of the day on which this Act is passed, the Secretary of State must by regulations make arrangements for the standardised provision of NHS-funded in vitro fertilisation (IVF).

(2) Provision under this section must, in accordance with any existing NICE guidelines, set requirements for all integrated care boards in England relating to NHS-funded IVF.

(3) Requirements under subsection (2) must include—
(a) standardisation of the minimum number of rounds of IVF available to one individual, and
(b) standardisation of the maximum and minimum age at which an individual can access IVF."

Member's explanatory statement
This new clause would require the Secretary of State to make regulations standardising NHS-funded IVF provision across all integrated care boards in England, in accordance with existing NICE guidelines, including the number of rounds available to an individual and the age limits for access.

Clause 87

BARONESS DEECH

Clause 87, page 65, line 11, at the end insert—

"(ga) section (*Amendments to the Human Fertilisation and Embryology Act 1990*) (Amendments to the Human Fertilisation and Embryology Act 1990) and Schedule (*Amendments to the Human Fertilisation and Embryology Act 1990*) (Amendments to the Human Fertilisation and Embryology Act 1990);"

Member's explanatory statement
This amendment is consequential to others in the name of Baroness Deech.

Clause 88

BARONESS DEECH

Clause 88, page 65, line 25, at the end insert—

"(c) section (*Amendments to the Human Fertilisation and Embryology Act 1990*) (Amendments to the Human Fertilisation and Embryology Act 1990) and Schedule (*Amendments to the Human Fertilisation and Embryology Act 1990*) (Amendments to the Human Fertilisation and Embryology Act 1990)."

Member's explanatory statement
This amendment is consequential to others in the name of Baroness Deech.

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[Supplementary to the Revised Marshalled List]

29 October 2026

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