



SUPPLEMENT TO THE VOTES AND PROCEEDINGS

Wednesday 7 September 2011

REPORT STAGE PROCEEDINGS

HEALTH AND SOCIAL CARE (RE-COMMITTED) BILL, AS AMENDED

NEW CLAUSES, NEW SCHEDULES AND AMENDMENTS RELATING TO THE PROVISION OF INFORMATION, ADVICE OR COUNSELLING ABOUT TERMINATION OF PREGNANCY

Nadine Dorries
Stewart Jackson
Craig Whittaker
Mr Philip Hollobone
Mr Desmond Swayne
Charlie Elphicke

Withdrawn 1

Page 6, line 8 [*Clause 10*], at end insert—

‘(c) after paragraph (f) insert a new paragraph as follows—

“(g) independent information, advice and counselling services for women requesting termination of pregnancy to the extent that the clinical commissioning group considers they will choose to use them.”’.

Nadine Dorries
Stewart Jackson
Craig Whittaker
Mr Philip Hollobone
Mr Desmond Swayne
Charlie Elphicke

Not called 2

Page 6, line 8 [*Clause 10*], at end insert—

‘(2A) After subsection (1) insert a new subsection as follows—

“(1A) In this section, information, advice and counselling is independent where it is provided by either—

- (i) a private body that does not itself provide for the termination of pregnancies; or
 - (ii) a statutory body.”’.
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Health and Social Care (Re-Committed) Bill, *continued*

Mrs Mensch

Not selected **1232**Page 6, line 8 [*Clause 10*], at end insert—

‘(c) after paragraph (f) insert—

“(g) timely counselling services for women requesting termination of pregnancy, to include—

- (i) the option of counselling by a neutral organisation, with the NHS considered the preferred provider;
- (ii) the additional choice of referral to any British Association for Counselling and Psychotherapy registered service

to the extent that the clinical commissioning group considers they will choose to use them.”.

Mrs Mensch

Not selected **1233**Page 6, line 8 [*Clause 10*], at end insert—

‘(2A) After subsection (1) insert—

“(1A) In this section, an organisation is neutral where it is neither faith-based nor ideologically based and is not a private body which itself provides for the termination of pregnancies. Timely refers to a timeframe set by the commissioning authority, but which shall not unduly delay a woman’s decision.”.

Nadine Dorries

Negated on division **1221**Page 9, line 37 [*Clause 14*], at end insert—

‘() After paragraph 8 insert—

“Provision of independent information, advice and counselling services for women requesting a termination of pregnancy

8A (1) A local authority must make available to women requesting termination of pregnancy from any clinical commissioning group the option of receiving independent information, advice and counselling.

(2) In this paragraph, information, advice and counselling are independent where they are provided by either—

- (a) a private body that does not itself refer, provide or have any financial interest in providing for the termination of pregnancies; or
- (b) a statutory body.’.

Dr Julian Huppert

Not called **1252**Page 9, line 37 [*Clause 14*], at end insert—

‘() After paragraph 8 insert—

Health and Social Care (Re-Committed) Bill, continued*“Provision of advice relating to unplanned pregnancy*

- 8A The Secretary of State must ensure that all organisations offering information or advice in relation to unplanned pregnancy choices must follow current evidence-based guidance produced by a professional medical organisation specified by the Secretary of State.’.

Dr Julian Huppert
Andrew George

Not selected **1236**

Page **17**, line **11** [*Clause 20*], at end insert—

- ‘(5) In discharging its duty under subsection (1) the Board must ensure that all organisations offering information or advice in relation to unplanned pregnancy choices must follow current evidence-based guidance produced by a professional medical organisation specified by the Secretary of State.’.

Nadine Dorries

Not called **1180**

Page **226**, line **31** [*Clause 240*], at end insert—

- ‘(1) Regulations must require NICE to make recommendations with regard to the care of women seeking an induced termination of pregnancy, including the option of receiving independent information, advice and counselling about the procedure, its potential health implications and alternatives, including adoption.
- (2) The regulations must require health or social care bodies or any private body that provides for the termination of pregnancies to comply with the recommendations made by NICE under subsection (1).’.

REMAINING NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND REMAINING AMENDMENTS TO, PARTS 1, 2, AND 5 TO 12; REMAINING PROCEEDINGS ON CONSIDERATION

Complaints about exercise of public health functions by local authorities

Mr Secretary Lansley

Added **NC1**

To move the following Clause:—

‘In Part 3 of the National Health Service Act 2006 (local authorities and the NHS) after section 73B insert—

“73C Complaints about exercise of public health functions by local authorities

- (1) Regulations may make provision about the handling and consideration of complaints made under the regulations about —

Health and Social Care (Re-Committed) Bill, *continued*

- (a) the exercise by a local authority of any of its public health functions;
 - (b) the exercise by a local authority of its functions by virtue of section 6C;
 - (c) anything done by a local authority in pursuance of arrangements made under section 7A;
 - (d) the exercise by a local authority of any of its other functions—
 - (i) which relate to public health, and
 - (ii) for which its director of public health has responsibility;
 - (e) the provision of services by another person in pursuance of arrangements made by a local authority in the exercise of any function mentioned in paragraphs (a) to (d).
- (2) The regulations may provide for a complaint to be considered by one or more of the following—
- (a) the local authority in respect of whose functions the complaint is made;
 - (b) an independent panel established under the regulations;
 - (c) any other person or body.
- (3) The regulations may provide for a complaint or any matter raised by a complaint—
- (a) to be referred to a Local Commissioner under Part 3 of the Local Government Act 1974 for the Commissioner to consider whether to investigate the complaint or matter under that Part;
 - (b) to be referred to any other person or body for that person or body to consider whether to take any action otherwise than under the regulations.
- (4) Where the regulations make provision under subsection (3)(a) they may also provide for the complaint to be treated as satisfying sections 26A and 26B of the Act of 1974.
- (5) Section 115 of the Health and Social Care (Community Health and Standards) Act 2003 (health care and social services complaints regulations: supplementary) applies in relation to regulations under this section as it applies in relation to regulations under subsection (1) of section 113 of that Act.
- (6) In this section, “local authority” has the same meaning as in section 2B.”.

Other dissemination of information

Mr Secretary Lansley

Added NC7

To move the following Clause:—

- ‘(1) The Information Centre may disseminate (other than by way of publication), to any such persons and in such form and manner and at such times, as it considers appropriate any information—

Health and Social Care (Re-Committed) Bill, *continued*

- (a) which it collects pursuant to a direction under section 257 or a request under section 258, and
 - (b) which falls within subsection (2).
- (2) Information falls within this subsection if—
- (a) the information is required to be published under section 262;
 - (b) the information is in a form which identifies any relevant person to whom the information relates or enables the identity of such a relevant person to be ascertained and the Centre, after taking into account the public interest as well as the interests of the relevant person, considers that it is appropriate for the information to be disseminated;
 - (c) the Centre is prohibited from publishing the information only by virtue of it falling within section 262(2)(c) and the Centre considers it would be in the public interest for the information to be disseminated;
 - (d) the Centre is prohibited from publishing the information only by virtue of a direction given under section 262(2)(d) and that direction provides that the power in subsection (1) applies to the information.
- (3) A direction under section 262(2)(d) may require the Information Centre to disseminate information which the Centre is prohibited from publishing only by virtue of the direction.
- (4) A direction under section 257 may require, and a request under section 258 may request, the Information Centre to exercise—
- (a) the power conferred by subsection (1) in relation to information which it collects pursuant to the direction or request, or
 - (b) any other power it has to disseminate such information under or by virtue of any other provision of this or any other Act.
- (5) A direction under section 257 may require, and a request under section 258 may request, the Information Centre not to exercise the power conferred by subsection (1) in relation to information which it collects pursuant to the direction or request.
- (6) Nothing in this section prevents the Information Centre from disseminating information (otherwise than by publishing it) pursuant to the exercise of any function conferred by or under any other provision of this or any other Act.
- (7) A requirement imposed on, or a request made to, the Information Centre in accordance with this section to disseminate information may include a requirement or request about the persons to whom the information is to be disseminated and the form, manner and timing of dissemination.’.

Subsequent property transfer schemes

Mr Secretary Lansley

Added NC8

To move the following Clause:—

- ‘(1) This section applies in relation to any property, rights or liabilities which are transferred under a property transfer scheme under section 299(2) from a Primary Care Trust, a Strategic Health Authority or the Secretary of State to a Special Health Authority or a qualifying company.
- (2) The Secretary of State may make a scheme for the transfer of any such property, rights or liabilities from the Special Health Authority or the qualifying company to any body or other person mentioned in the second column of Schedule 23.

Health and Social Care (Re-Committed) Bill, *continued*

- (3) Subsections (1) to (4) and (6) of section 300 apply in relation to a scheme under subsection (2) as they apply in relation to a property transfer scheme under section 299(2).’

Commencement: consultation with Scottish Ministers

Mr Secretary Lansley

Added NC9

To move the following Clause:—

- ‘(1) The Secretary of State must consult the Scottish Ministers before making an order under section 304(4) relating to—
- (a) section 54 (radiation protection functions), so far as relating to the Scottish Ministers,
 - (b) section 56 (co-operation in relation to public health functions), so far as relating to the exercise of functions in relation to Scotland by a person to which the provision inserted by subsection (1) of that section applies,
 - (c) section 226(4) (requirement for persons advised etc. by the Professional Standards Authority for Health and Social Care to pay fee), so far as relating to the Scottish Ministers,
 - (d) section 227(1) (funding of the Professional Standards Authority for Health and Social Care), so far as relating to a body that regulates a profession in Scotland which does not fall within Section G2 of Part 2 of Schedule 5 to the Scotland Act 1998 (health professions),
 - (e) section 227(4) and (5) (power of the Professional Standards Authority for Health and Social Care to borrow), so far as relating to functions of the Professional Standards Authority for Health and Social Care which are exercisable in relation to—
 - (i) unregulated health professionals in Scotland, unregulated health care workers in Scotland or relevant students in Scotland,
 - (ii) a body that maintains a register of persons within sub-paragraph (i),
 - (iii) a profession in Scotland which does not fall within Section G2 of Part 2 of Schedule 5 to the Scotland Act 1998, or
 - (iv) a body that regulates a profession within sub-paragraph (iii),
 - (f) section 228(1) (power of the Professional Standards Authority for Health and Social Care to advise regulatory bodies etc.), so far as relating to a body that regulates a profession in Scotland which does not fall within Section G of Part 2 of Schedule 5 to the Scotland Act 1998 (architects, health professions and auditors),
 - (g) section 229(8) (requirement for the Professional Standards Authority for Health and Social Care to lay copy strategic reports before Parliament etc.), so far as relating to the Scottish Parliament,
 - (h) section 230 (appointments to regulatory bodies), so far as relating to—
 - (i) the exercise of the appointment functions under subsection (8)(f) of the provision inserted by that section, or
 - (ii) subsection (4) of that provision,
 - (i) section 231 (establishment of voluntary registers), so far as relating to the establishment and maintenance of relevant registers,

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- (j) section 232 (accreditation of voluntary registers), so far as relating to the functions of the Professional Standards Authority for Health and Social Care in relation to relevant registers,
 - (k) Part 2 or 3 of Schedule 16 (amendments relating to the Health and Care Professions Council or the Professional Standards Authority for Health and Social Care) and section 233(1) so far as relating to the Part in question, and
 - (l) paragraphs 1 to 4 of Schedule 22 (amendments of the National Health Service (Scotland) Act 1978 relating to the relationships between the health services) and section 296 so far as relating to those paragraphs.
- (2) In this section—
- “relevant registers” means—
- (a) registers of unregulated health professionals in Scotland,
 - (b) registers of unregulated health care workers in Scotland, or
 - (c) registers of relevant students in Scotland,
- “relevant students in Scotland” means persons participating in studies in Scotland for the purpose of becoming—
- (d) an unregulated health professional,
 - (e) an unregulated health care worker, or
 - (f) a member of a profession which does not fall within Section G2 of Part 2 of Schedule 5 to the Scotland Act 1998,
- “unregulated health professional” means a person who is or has been practising as an unregulated health professional (within the meaning of the provisions inserted by section 231) and “unregulated health professional in Scotland” means a person who is or has been practising as such in Scotland, and
- “unregulated health care worker” means a person who is or has been engaged in work as an unregulated health care worker (within the meaning of those provisions) and “unregulated health care worker in Scotland” means a person who is or has been engaged in such work in Scotland.’.

Requirements as to transparency

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Owen Smith

Not called **NC10**

To move the following Clause:—

- ‘(1) Regulations may impose requirements on the National Health Service Commissioning Board and clinical commissioning groups for the purpose of ensuring that they are open and transparent in their decisions in commissioning health services for the purpose of the NHS.
- (2) Regulations under this section may in particular impose requirements relating to—
 - (a) the imposition of minimum waiting times for patients,

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- (b) the imposition of clinical thresholds that a patient must reach before being eligible for treatment.
- (3) The regulations may provide for the requirements imposed, or such of them as are prescribed, not to apply in relation to arrangements of a prescribed description.’.

Financial duties on clinical commissioning groups: administrative costs

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Owen Smith

Not called **NC11**

To move the following Clause:—

‘After section 223K of the National Health Service Act 2006 insert—

“223L Financial duties on clinical commissioning groups: administrative costs

- (1) The Board must direct clinical commissioning groups to ensure that their expenditure on administrative costs does not exceed a prescribed percentage of their resource.
- (2) The Board must ensure that the total national limit on clinical commissioning groups expenditure on administrative costs in any year from April 2014 does not exceed 55 per cent. of the total spent on administrative costs by primary care trusts in the financial year 2009-10.”.

Secretary of State’s duty as to education and training

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Andrew George
Owen Smith

Not called **NC12**

To move the following Clause:—

‘After section 1F of the National Health Service Act 2006 insert—

“1G Secretary of State’s duty as to education and training

For the purposes of improving the quality of patient care, the Secretary of State has a duty to maintain a comprehensive, multi-professional education and training system for health professionals and to ensure the

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continued professional development of all staff delivering NHS services.”.

Providers’ duty as to education and training

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Andrew George
Owen Smith

Not called NC13

To move the following Clause:—

‘For the purposes of improving the quality of patient care, all providers of services for the purposes of the health service have a duty to contribute towards the maintenance of a comprehensive, multi-professional education and training system for health professionals and to ensure the continued professional development of all their staff delivering health services.’.

Duties of clinical commissioning groups as to persons for whom they are responsible

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Andrew George
Owen Smith

Not called NC14

To move the following Clause:—

‘After section 3B of the National Health Service Act 2006 insert—

“3C Duties of clinical commissioning groups as to persons for whom they are responsible

- (1) A clinical commissioning group has responsibility for persons who usually reside in the clinical commissioning group’s area.
- (2) Regulations may provide that for the purposes of this section a clinical commissioning group also has responsibility (whether generally or in relation to a prescribed service or facility) for persons who—
 - (a) were provided with primary medical services by a person who is or was a member of the clinical commissioning group,
 - (b) have a prescribed connection with the clinical commissioning group’s area, or
 - (c) are provided with primary medical services by a member of the clinical commissioning group.

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- (3) The power conferred by section 3(1B)(b) must be exercised so as to provide that, in relation to the provision of services or facilities for emergency care, a clinical commissioning group has responsibility for every person present in its area.
- (4) Regulations may provide that section 3(1A) does not apply—
 - (a) in relation to persons of a prescribed description (which may include a description framed by reference to the primary medical services with which the persons are provided);
 - (b) in prescribed circumstances.
- (5) The duty in subsection (1) does not apply in relation to a service or facility if the Board has a duty to arrange for its provision.”.’.

Requirements on Board and clinical commissioning groups

John Healey
 Liz Kendall
 Emily Thornberry
 Derek Twigg
 Andrew George
 Owen Smith

Not selected **NC15**

To move the following Clause:—

- ‘(1) Regulations may impose requirements on the National Health Service Commissioning Board and clinical commissioning groups for the purpose of securing that, in commissioning health care services for the purposes of the NHS, they—
 - (a) adhere to good practice in relation to procurement;
 - (b) protect and promote the right of patients to make choices with respect to treatment; and
 - (c) promote collaboration and integration in the provision of health care services in the interests of people who use such services.
 - (2) Requirements imposed by regulations under this section apply to an arrangement for the provision of goods and services only if the value of the consideration attributable to the services is greater than that attributable to the goods.
 - (3) Regulations under this section may, in particular, impose requirements relating to—
 - (a) tendering for the provision of services; and
 - (b) the management of conflicts between the interests involved in commissioning services and the interests involved in providing them.
 - (4) The regulations may provide for the requirements imposed, or such of them as are prescribed, not to apply in relation to arrangements of a prescribed description.’.
-

Health and Social Care (Re-Committed) Bill, *continued**Distribution of health service functions*

Andrew George
Caroline Lucas
Greg Mulholland

Not called **NC16**

To move the following Clause:—

- ‘(1) The Secretary of State may direct the NHS Commissioning Board, or a clinical commissioning group, to exercise any of his functions relating to the health service which are specified in the directions.
- (2) The functions which may be specified in directions include functions under enactments relating to mental health and care homes.’.

Secretary of State’s directions to health service bodies

Andrew George
Caroline Lucas
Greg Mulholland

Not called **NC17**

To move the following Clause:—

- ‘(1) The Secretary of State may give directions to any of the bodies mentioned in subsection (2) about its exercise of any functions.
- (2) The bodies are—
 - (a) the NHS Commissioning Board; and
 - (b) clinical commissioning groups.
- (3) Nothing in provisions made by or under this or any other Act affects the generality of subsection (1).’.

Care Quality Commission: duty as regards stability of existing NHS services

Andrew George
Caroline Lucas
Greg Mulholland

Not called **NC18**

To move the following Clause:—

‘The Care Quality Commission, in exercising its functions, must have regard to the need to avoid existing NHS services, including but not restricted to, emergency care, intensive care, chronic and complex care, teaching, training and research or case-load, becoming viable or unstable due to an unplanned reduction in income or caseload.’.

Health and Social Care (Re-Committed) Bill, *continued*
Clinical commissioning group commissioning work: public function

Andrew George
 Caroline Lucas
 Greg Mulholland

Not called **NC20**

To move the following Clause:—

‘The Secretary of State must issue directions to clinical commissioning groups which will ensure that commissioning work is predominantly retained as a function by staff directly employed by the clinical commissioning group.’

Duty of candour

Dr John Pugh
 Greg Mulholland
 Andrew George

Not selected **NC21**

To move the following Clause:—

‘The Secretary of State following consultation shall bring forward by statutory instrument regulations establishing in law a duty of candour and requiring all commissioners and providers of NHS care and clinical services to observe it.’

Chief environmental health officer for England

Joan Walley

Not called **NC23**

To move the following Clause:—

- ‘(1) The Secretary of State shall appoint a Chief Environmental Health Officer for England.
 - (2) The Chief Environmental Health Officer for England shall give advice to and report to the Chief Medical Officer for England on all such aspects of environmental and public health as are relevant to the public health functions referred to in section 2A of the National Health Service 2006 Act and the duties referred to in section 2B of that Act.
 - (3) The Secretary of State shall report to Parliament annually on the work of the Chief Environmental Health Officer for England.’
-

Health and Social Care (Re-Committed) Bill, *continued*

Andrew George
Greg Mulholland
Caroline Lucas

Not called **1222**

Page **2**, line **2** [*Clause 1*], leave out ‘**promote**’ and insert ‘**provide or secure a**’.

Andrew George
Greg Mulholland
Caroline Lucas

Not called **1223**

Page **2**, line **3** [*Clause 1*], leave out from ‘**must**’ to ‘**improvement**’ in line 4 and insert ‘**provide or secure a comprehensive Health Service designed to promote**’.

Mr William Cash

Not called **1239**

Page **2**, line **4** [*Clause 1*], after ‘**improvement**’, insert ‘**and to ensure improvement**’.

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Andrew George
Owen Smith

Negated on division **1176**

Page **2**, line **7** [*Clause 1*], leave out subsection (2) and insert—
‘(2) The Secretary of State must for that purpose provide or secure the provision of services in accordance with this Act.’.

Andrew George
Greg Mulholland
Caroline Lucas

Not called **1224**

Page **2**, line **8** [*Clause 1*], leave out ‘**secure that services are provided**’ and insert ‘**provide or secure, either directly or indirectly, services**’.

Caroline Lucas
Andrew George

Not called **48**

Page **2** [*Clause 1*], Leave out lines 10 to 12 and insert—
‘(3) The services so provided must be free of charge.’.

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Andrew George
Owen Smith

Not called **1174**

Page **2**, line **10** [*Clause 1*], after ‘**services**’, insert ‘**so**’.

Health and Social Care (Re-Committed) Bill, *continued*

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Andrew George
Owen Smith

Not called **1175**

Page 2, line 10 [*Clause 1*], leave out ‘as part of the health service in England’.

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Owen Smith

Not called **1177**

Page 2, line 12 [*Clause 1*], at end insert—

‘(4) For the purposes of this Act “the health service in England” is defined as those services provided under section 3 of this Act.’

Mr William Cash

Not called **1240**

Page 2, line 17 [*Clause 2*], leave out ‘with a view to securing’ and insert ‘so as to ensure’.

Mr William Cash

Not called **1241**

Page 2, line 23 [*Clause 2*], leave out ‘with a view to securing’ and insert ‘so as to ensure’.

Dr John Pugh
Greg Mulholland
Andrew George

Not called **1212**

Page 2, line 33 [*Clause 2*], at end insert—

‘(5) In discharging the duty under subsection (1) the Secretary of State retains the power to create a new NHS trust or provider organisation.’

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Andrew George
Owen Smith

Not called **1169**

Page 2, line 38 [*Clause 3*], leave out from ‘State’ to end of line 40 and insert ‘, so far as is consistent with the interests of the health service, must exercise the functions conferred by this Act so as to secure—

- (a) that inequalities between the people of England with respect to the benefits that they can obtain from the Health service are reduced, and
 - (b) a continuous reduction of inequalities between the people of England with respect to the outcomes achieved for them.
- (2) The Secretary of State must publish and lay before Parliament an annual report detailing the progress which has been achieved in discharging this duty, and the

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means by which the Secretary of State intends to fulfil this function in the following year.’.

Andrew George
Greg Mulholland
Caroline Lucas

Not called **1183**

Page **2**, line **38** [*Clause 3*], leave out ‘have regard to the need to reduce’ and insert ‘act with a view to reducing’.

Andrew George
Greg Mulholland
Caroline Lucas

Not called **1197**

Page **3**, line **1**, leave out Clause 4.

Andrew George
Greg Mulholland
Caroline Lucas

Not called **1194**

Page **3**, line **16** [*Clause 5*], leave out ‘have regard to the need to’.

Joan Walley

Not called **1242**

Page **5**, line **32** [*Clause 9*], at end insert—

‘(h) promoting co-operation between each of the authority’s relevant partners.’.

Joan Walley

Not called **1243**

Page **5**, line **35** [*Clause 9*], at end insert—

‘(4A) For the purposes of this section each of the following is a relevant partner of a local authority—

- (a) where the authority is a county council for an area for which there is also a district council, the district council;
- (b) the police authority and the chief officer of police for a police area any part of which falls within the area of the local authority;
- (c) a local probation board for an area any part of which falls within the area of the local authority;
- (d) a youth offending team for an area any part of which falls within the area of the local authority;
- (e) a clinical commissioning group for an area any part of which falls within the area of the local authority.

(4B) The relevant partners of a local authority must co-operate with the local authority in the making of arrangements under this section.’.

Health and Social Care (Re-Committed) Bill, *continued*

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Owen Smith

Not called **5**

Page **5**, line **43**, leave out Clause 10.

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Owen Smith

Not called **1178**

Page **7**, line **15** [*Clause 11*], leave out from ‘Subsections’ to ‘apply’ and insert ‘(1), (3) and (4) of section 3C’.

Mr Secretary Lansley

Agreed to **49**

Page **9**, line **12** [*Clause 14*], leave out subsection (7).

Nick de Bois

Not called **1172**

Page **9**, line **35** [*Clause 14*], after ‘blood’, insert ‘, haematopoietic stem cells’.

Nick de Bois

Not called **1173**

Page **9**, line **37** [*Clause 14*], after ‘tissue’, insert ‘, haematopoietic stem cell’.

Mr Secretary Lansley

Agreed to **50**

Page **11**, line **24** [*Clause 15*], at end insert—

‘() Where regulations under subsection (1) require a local authority to exercise any of the public health functions of the Secretary of State, the regulations may also authorise or require the local authority to exercise any prescribed functions of the Secretary of State that are exercisable in connection with those functions (including the powers conferred by section 12).’.

Mr Secretary Lansley

Agreed to **51**

Page **11**, line **27** [*Clause 15*], at end insert—

‘() Any rights acquired, or liabilities (including liabilities in tort) incurred, in respect of the exercise by a local authority of any of its functions under regulations under

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subsection (1) are enforceable by or against the local authority (and no other person).’.

Mr Secretary Lansley

Agreed to **52**

Page **12**, line **6** [*Clause 16*], at end insert—

- ‘() The making of regulations under subsection (1) does not prevent the Secretary of State from exercising the specified EU health function.’.

Mr Secretary Lansley

Agreed to **53**

Page **12**, line **6** [*Clause 16*], at end insert—

- ‘() Any rights acquired, or liabilities (including liabilities in tort) incurred, in respect of the exercise by the Board or a clinical commissioning group of any of its functions under regulations under subsection (1) are enforceable by or against the Board or (as the case may be) the group (and no other person).’.
-

Mr Secretary Lansley

Agreed to **54**

Page **14**, line **37** [*Clause 19*], at end insert—

- ‘() Any rights acquired, or liabilities (including liabilities in tort) incurred, in respect of the exercise by a body mentioned in subsection (2) of any function exercisable by it by virtue of this section are enforceable by or against that body (and no other person).’.
-

Mr Secretary Lansley

Agreed to **55**

Page **16** [*Clause 20*], leave out lines 28 and 29.

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Andrew George
Owen Smith

Not called **42**

Page **16**, line **34** [*Clause 20*], at end insert—

‘13DA Duty of the Board as to commissioning of services

In carrying out its duties in respect of the commissioning of services the Board must in the exercise of its functions have regard to the interdependency of

Health and Social Care (Re-Committed) Bill, *continued*

services and the impact that the arrangements for the provision for one service may have on the financial and clinical sustainability of other services.’.

Andrew George
Greg Mulholland
Caroline Lucas

Page 17 [Clause 20], leave out lines 12 to 19.

Not called 1198

Andrew George
Greg Mulholland
Caroline Lucas

Page 17, line 21 [Clause 20], leave out ‘have regard to the need to reduce’ and insert ‘act with a view to’.

Not called 1184

Andrew George
Greg Mulholland
Caroline Lucas

Page 17, line 23 [Clause 20], leave out ‘reduce’ and insert ‘reducing’.

Not called 1185

Andrew George
Greg Mulholland
Caroline Lucas

Page 17, line 25 [Clause 20], leave out ‘reduce’ and insert ‘reducing’.

Not called 1186

Mr Secretary Lansley

Page 17 [Clause 20], leave out lines 27 and 28.

Agreed to 56

Mr Secretary Lansley

Page 17 [Clause 20], leave out lines 33 and 34.

Agreed to 57

Andrew George
Greg Mulholland
Caroline Lucas

Page 17, line 36 [Clause 20], leave out ‘act with a view to enabling’ and insert ‘have regard to the need to enable’.

Not called 1187

Mr Secretary Lansley

Page 17 [Clause 20], leave out lines 39 and 40.

Agreed to 58

Health and Social Care (Re-Committed) Bill, *continued*

Andrew George
Greg Mulholland
Caroline Lucas

Not called **1188**

Page **18**, line **4** [*Clause 20*], after ‘functions’, insert ‘have regard to the need to’.

Mr Secretary Lansley

Agreed to **59**

Page **18** [*Clause 20*], leave out lines 14 and 15.

Andrew George
Greg Mulholland
Caroline Lucas

Not called **1195**

Page **18**, line **17** [*Clause 20*], leave out ‘have regard to the need to’.

Mr Secretary Lansley

Agreed to **60**

Page **18** [*Clause 20*], leave out lines 42 to 44 and insert—

- ‘(3) The Board must encourage clinical commissioning groups to enter into arrangements with local authorities in pursuance of regulations under section 75 where it considers that this would secure—
- (a) that health services are provided in an integrated way and that this would have any of the effects mentioned in subsection (1)(a) to (c), or
 - (b) that the provision of health services is integrated with the provision of health-related services or social care services and that this would have any of the effects mentioned in subsection (2)(a) to (c).’

Mr Secretary Lansley

Agreed to **61**

Page **19** [*Clause 20*], leave out lines 1 and 2.

Mr Secretary Lansley

Agreed to **62**

Page **19** [*Clause 20*], leave out lines 19 and 20.

Andrew George
Caroline Lucas
Greg Mulholland

Not called **1203**

Page **19**, line **28** [*Clause 20*], at end insert—

‘130A Duty as regards stability of existing NHS services

The Board must not exercise its functions, in particular in respect of section 13I (Duty as to patient choice) or 13K (Duty to promote innovation) in a way which could lead to existing NHS services, including but not restricted to, emergency care, intensive care, chronic and complex care, teaching, training and research,

Health and Social Care (Re-Committed) Bill, *continued*

becoming unviable or unstable due to an unplanned reduction in income or case-load.’.

Mr Secretary Lansley

Page 19, line 32 [*Clause 20*], at end insert ‘in the exercise of its functions’.

Agreed to 63

Mr Secretary Lansley

Page 20 [*Clause 20*], leave out lines 3 and 4.

Agreed to 64

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Andrew George
Owen Smith

Page 22, line 12 [*Clause 20*], at end insert—

‘(1A) The Secretary of State must publish guidance to the Board, to which the Board must have regard, about the exercise of its powers under subsection (1).’.

Not called 46

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Owen Smith

Page 24, line 16 [*Clause 20*], at end insert—

Not called 1167

‘Duty to reduce bureaucracy

132ZA Duty to reduce bureaucracy

- (1) The Board must exercise its powers so as to reduce administrative costs in the NHS.
- (2) For that purpose the Board must exercise its duties under 14A and 14C to ensure that at no time there exist more clinical commissioning groups than there were primary care trusts on 1 April 2011.’.

Mr Secretary Lansley

Page 24, line 20 [*Clause 20*], at end insert—

Agreed to 65

Health and Social Care (Re-Committed) Bill, *continued*

“health services” means services provided as part of the health service and, in sections 13N and 13P, also includes services that are to be provided as part of the health service’.

Mr Secretary Lansley

Agreed to **66**

Page **24**, line **20** [*Clause 20*], at end insert—

- (2) Any reference (however expressed) in the following provisions of this Act to the functions of the Board includes a reference to the functions of the Secretary of State that are exercisable by the Board by virtue of arrangements under section 7A—
- (a) section 6E(7) and (10)(b),
 - (b) section 13A(2),
 - (c) section 13C(1),
 - (d) section 13D,
 - (e) section 13E(1),
 - (f) section 13F,
 - (g) section 13G(1),
 - (h) section 13H(1),
 - (i) section 13I(1),
 - (j) section 13J,
 - (k) section 13K(1),
 - (l) section 13L,
 - (m) section 13M(1) and (2),
 - (n) section 13N(2),
 - (o) section 13P(1),
 - (p) section 13S(1),
 - (q) section 13T(1) and (4),
 - (r) section 13V(2),
 - (s) section 13W(1),
 - (t) section 13Z1(1),
 - (u) section 13Z2(1),
 - (v) section 72(1),
 - (w) section 75(1)(a) and (2),
 - (x) section 82,
 - (y) section 223C(2)(a),
 - (z) in Schedule A1, paragraph 13.
- (3) Any reference (however expressed) in the following provisions of other Acts to the functions of the Board includes a reference to the functions of the Secretary of State that are exercisable by the Board by virtue of arrangements under section 7A—
- (a) sections 116 to 116B of the Local Government and Public Involvement in Health Act 2007 (joint strategic needs assessments etc.),
 - (b) section 200(6) of the Health and Social Care Act 2011 (participation of the Board in work of Health and Wellbeing Boards),
 - (c) section 202(4) of that Act (supply of information to Health and Wellbeing Boards),
 - (d) section 289(1) and (2) of that Act (duties to co-operate),
 - (e) section 290(2)(d) of that Act (breaches of duties to co-operate).

Health and Social Care (Re-Committed) Bill, *continued*

- (4) The Secretary of State may by order amend the list of provisions specified in subsection (2) or (3).”.

Mr Secretary Lansley

Agreed to **67**

Page **24**, line **38** [*Clause 21*], after ‘change,’, insert—
 ‘() a parliamentary general election takes place.’.

Mr Secretary Lansley

Agreed to **68**

Page **26**, line **13** [*Clause 21*], after ‘change,’, insert—
 ‘() a parliamentary general election takes place.’.

Andrew George
 Caroline Lucas
 Greg Mulholland

Not called **1206**

Page **26**, line **41** [*Clause 20*], at end insert—

‘223E1 Financial duties of the Board: needs-based allotments

- (1) The Board must make allotments to clinical commissioning groups based solely on the need of the population served by each commissioning group.
- (2) The Secretary of State may give directions as to how the needs set within subsection (1) are determined.’.

Dr John Pugh
 Caroline Lucas
 Greg Mulholland
 Andrew George

Not called **1218**

Page **27**, line **17** [*Clause 22*], at end insert ‘provided that the members of a clinical commissioning group cannot consist entirely or mainly of persons who are providers of primary medical services under section 83(2).’.

Andrew George
 Caroline Lucas
 Greg Mulholland

Not called **1211**

Page **27**, line **22** [*Clause 22*], at end insert—

- ‘(c) shall be co-terminus with the social services local authority, unless it is notified by the relevant health and wellbeing board, and the local authority, that they approve an area which is not co-terminus.’.

Health and Social Care (Re-Committed) Bill, *continued*

Mr Secretary Lansley

Agreed to 69Page 27, line 31 [*Clause* 22], leave out 'of services'.

Mr Secretary Lansley

Agreed to 70Page 32, line 3 [*Clause* 22], leave out 'and' and insert—

(') the function of determining the allowances payable under a pension scheme established under paragraph 10(4) of Schedule 1A, and'.

Mr Secretary Lansley

Agreed to 71Page 32 [*Clause* 22], leave out lines 13 and 14.John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Owen Smith*Not selected* 1168Page 32, line 3 [*Clause* 22], after 'it', insert 'having due regard to the NHS pay scales agreed following recommendations by the NHS Pay Review Body and the Doctors' and Dentists' Pay Review Body.'.

Mr Secretary Lansley

Agreed to 72Page 34 [*Clause* 23], leave out lines 14 and 15.John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Andrew George
Owen Smith*Not called* 43Page 34, line 20 [*Clause* 23], at end insert—**'14PA Duty of clinical commissioning groups as to commissioning of services**

In carrying out its duties in respect of the commissioning of services each clinical commissioning group must in the exercise of its functions have regard to the interdependency of services and the impact that the arrangements for the provision for one service may have on the financial and clinical sustainability of other services.'.

Health and Social Care (Re-Committed) Bill, *continued*

Andrew George
Greg Mulholland
Caroline Lucas

Not called **1189**

Page **35**, line **2** [*Clause* 23], leave out ‘have regard to the need to reduce’ and insert ‘act with a view to’.

Andrew George
Greg Mulholland
Caroline Lucas

Not called **1190**

Page **35**, line **3** [*Clause* 23], leave out ‘reduce’ and insert ‘reducing’.

Andrew George
Greg Mulholland
Caroline Lucas

Not called **1191**

Page **35**, line **5** [*Clause* 23], leave out ‘reduce’ and insert ‘reducing’.

Mr Secretary Lansley

Agreed to **73**

Page **35** [*Clause* 23], leave out lines 8 and 9.

Mr Secretary Lansley

Agreed to **74**

Page **35** [*Clause* 23], leave out line 19.

Andrew George
Greg Mulholland
Caroline Lucas

Not called **1192**

Page **35**, line **22** [*Clause* 23], leave out ‘act with a view to enabling’ and insert ‘have regard to the need to enable’.

Mr Secretary Lansley

Agreed to **75**

Page **35** [*Clause* 23], leave out line 24.

Andrew George
Greg Mulholland
Caroline Lucas

Not called **1193**

Page **35**, line **36** [*Clause* 23], after ‘functions’, insert ‘have regard to the need to’.

Mr Secretary Lansley

Agreed to **76**

Page **35** [*Clause* 23], leave out lines 39 and 40.

Health and Social Care (Re-Committed) Bill, continued

Andrew George
Greg Mulholland
Caroline Lucas

Not called 1196

Page 36, line 3 [*Clause* 20], leave out ‘have regard to the need to’.

Andrew George
Greg Mulholland
Caroline Lucas

Not called 1230

Page 36, line 7 [*Clause* 23], leave out from ‘consortium’ to ‘that’ in line 8 and insert ‘has a duty to secure’.

Andrew George
Greg Mulholland
Caroline Lucas

Not called 1231

Page 36, line 16 [*Clause* 23], leave out from ‘consortium’ to ‘that’ in line 17 and insert ‘has a duty to secure’.

Mr Secretary Lansley

Agreed to 77

Page 36 [*Clause* 23], leave out lines 28 and 29.

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Owen Smith

Not called 37

Page 36, line 36 [*Clause* 23], at end insert—

‘14YA Duty as to conflicts of interest

- (1) Each clinical commissioning group must exercise its functions so as to ensure that any conflicts of interest, and personal and prejudicial interests are dealt with.
- (2) The Secretary of State must issue guidance on how conflicts of interest and personal and prejudicial interests should be dealt with by clinical commissioning groups as part of their decision making.’

Andrew George
Caroline Lucas
Greg Mulholland

Not called 1204

Page 36, line 36 [*Clause* 23], at end insert—

‘14YA Duty as regards stability of existing NHS services

Each clinical commissioning group must not exercise its functions, in respect of section 14U (Duty as to patient choice) or 14W (Duty to promote innovation) in a way which could lead to existing NHS services, including but not restricted to, emergency care, intensive care, chronic and complex care, teaching, training and research, becoming unviable or unstable due to an unplanned reduction in income or case-load.’

Health and Social Care (Re-Committed) Bill, *continued*

Mr Secretary Lansley

Agreed to **78**

Page **36**, line **41** [*Clause* 23], after ‘consortium’, insert ‘in the exercise of its functions’.

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Owen Smith

Not called **41**

Page **36**, line **43** [*Clause* 23], leave out from second ‘are’ to end of line 44 and insert ‘fully consulted—’.

Mr Secretary Lansley
Agreed to **79**

Page **37** [*Clause* 23], leave out lines 21 and 22.

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Owen Smith

Not called **45**

Page **38**, line **22** [*Clause* 23], at end insert—

‘(1A) The Secretary of State must publish guidance to commissioning consortia about its exercise of powers under subsection (1), to which each commissioning consortia must have regard.’.

Caroline Lucas

Not called **1181**

Page **38**, line **26** [*Clause* 23], at end insert—

‘(3) For the avoidance of doubt it is hereby declared that nothing in this section authorises a clinical commissioning group—

- (a) to disregard any enactment or rule of law, including but not limited to section 1(3), or to override any person’s contractual or proprietary rights; or
- (b) to charge for anything the group does in the exercise of its powers under this section which relates to any accommodation, service or facility of a type to which section 3(1) applies; or
- (c) to charge for anything in relation to the exercise of its functions under section 3 or 3A.

(4) A clinical commissioning group shall exercise the powers specified in section 7(2)(f) only after consulting (to the extent that it appears to it to be practical) any person who appears to it to have an interest through its own previous research in the ideas or intellectual property in question as to whether it should exercise them and, if so, as to any financial arrangements.

Health and Social Care (Re-Committed) Bill, *continued*

- (5) A clinical commissioning group shall demonstrate in its annual report under section 14Z3 how the exercise of its power conferred by subsection (1) has not interfered to a significant extent with the performance by the group of its functions.
- (6) Income raised by a clinical commissioning group as a result of the exercise of powers under this section shall be specified in its annual accounts, referred to in its annual report under section 14Z13, and paid annually to the Secretary of State.’.
-

Andrew George
Caroline Lucas

Not called **1250**

Page **41**, line **38** [*Clause 23*], at end insert—

- ‘(6A) If the opinion of a Health and Wellbeing Board given to the clinical commissioning group under subsection (5) is that the Health and Wellbeing Board does not consider that the draft takes proper account of each joint health and wellbeing strategy referred to in that subsection, and if the clinical commissioning group does not so consider it, the group shall inform the Health and Wellbeing Board, whereupon it may report to the Secretary of State that it does not consider that such a plan takes proper account of any such strategy and the Secretary of State may require the clinical commissioning group to carry out such further consultation with the Health and Wellbeing Board as he considers appropriate, or may make a final decision on the plan and require the Commissioning Board or the clinical commissioning group to take such action, or desist from taking such action, as he may direct.’.
-

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Owen Smith

Not called **1171**

Page **42**, line **23** [*Clause 23*], at end insert—

- ‘(3) If in the Board’s opinion, having considered any opinion submitted to it by a Health and Wellbeing Board under 14Z12(1)(a), the plan published by the clinical commissioning group does not take proper account of each joint health and wellbeing strategy published by the Health and Wellbeing Board which relates to the period (or any part of the period) to which the plan relates, the Board must instruct the clinical commissioning group to revise its plans under 14Z10(1).’.

Andrew George
Greg Mulholland
Caroline Lucas

Not called **1202**

Page **42**, line **23** [*Clause 23*], at end insert—

Health and Social Care (Re-Committed) Bill, *continued*
‘14Z12A Power of Referral of Commissioning plans to the Secretary of State

- (1) If the Health and Well-being Board is of the opinion under section 14Z12(1) that a plan published by the CCG under section 14Z9(6) or 14Z10(2) and which is submitted to it in accordance with section 14Z9(6) and 14Z10(3) or 14Z11(4) or (8), does not take proper account of any relevant joint health and wellbeing strategy it may refer the matter to the Secretary of State for a decision.
- (2) Regulations under this section may provide for the mechanism by which such referrals are made.’.

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Owen Smith

Not called **38**

Page **43**, line **9** [*Clause 23*], at end insert—
‘(ab) section 14YA’.

Mr Secretary Lansley

Agreed to **80**

Page **47**, line **14** [*Clause 23*], at end insert—
“health services” means services provided as part of the health service and, in section 14Z, also includes services that are to be provided as part of the health service.’.

Mr Secretary Lansley

Agreed to **81**

Page **47**, line **14** [*Clause 23*], at end insert—
‘(2) Any reference (however expressed) in the following provisions of this Act to the functions of a clinical commissioning group includes a reference to the functions of the Secretary of State that are exercisable by the group by virtue of arrangements under section 7A—

- (a) section 6E(7) and (10)(b),
- (b) section 14C(2)(e),
- (c) section 14O,
- (d) section 14P,
- (e) section 14S(1),
- (f) section 14T(1),
- (g) section 14U(1),
- (h) section 14V(1),
- (i) section 14W(1),
- (j) section 14X,
- (k) section 14Y(1) and (2),
- (l) section 14Z(1),
- (m) section 14Z2(1),

Health and Social Care (Re-Committed) Bill, *continued*

- (n) section 14Z3(2),
 - (o) section 14Z4(1),
 - (p) section 14Z5(7),
 - (q) section 14Z9(1),
 - (r) section 14Z13(1),
 - (s) section 14Z14(2),
 - (t) sections 14Z15(1), 14Z17(1) and 14Z19(1) and (3),
 - (u) section 14Z21(1),
 - (v) section 72(1),
 - (w) section 75(1)(a) and (2),
 - (x) section 77(1)(b),
 - (y) section 82,
 - (z) section 89(1A)(d),
 - (aa) section 94(3A)(d),
 - (ab) section 223C(2)(b),
 - (ac) section 223H(1),
 - (ad) in Schedule 1A, paragraphs 3(1) and (3), 5, 11(6)(b) and 13(3).
- (3) Any reference (however expressed) in the following provisions of other Acts to the functions of a clinical commissioning group includes a reference to the functions of the Secretary of State that are exercisable by the group by virtue of arrangements under section 7A—
- (a) sections 116 to 116B of the Local Government and Public Involvement in Health Act 2007 (joint strategic needs assessments etc.),
 - (b) section 202(4) of the Health and Social Care Act 2011 (supply of information to Health and Wellbeing Boards),
 - (c) section 290(2)(d) of that Act (breaches of duties to co-operate).
 - (d) in Schedule 6 to that Act, paragraph 5(4).
- (4) The Secretary of State may by order amend the list of provisions specified in subsection (2) or (3).”.

Andrew George
Greg Mulholland
Caroline Lucas

Not called **1199**

Page **49**, line **35** [*Clause 24*], leave out from beginning to end of line 37 on page 50.

Dr John Pugh
Greg Mulholland
Andrew George

Not called **1213**

Page **50**, line **27** [*Clause 24*], at end insert ‘and must consult with local Health and Wellbeing Boards prior to any decision on this matter with a view to securing their agreement.’.

Health and Social Care (Re-Committed) Bill, *continued*

Mr Secretary Lansley

Agreed to **82**Page **50**, line **32** [*Clause* 24], leave out ‘or 12’.

Martin Horwood [R]

Not called **1255**Page **53**, line **5** [*Clause* 27], leave out ‘the Secretary of State’ and insert ‘Public Health England’.

Martin Horwood [R]

Not called **1256**Page **53**, line **6** [*Clause* 27], leave out ‘an’ and insert ‘a suitably qualified’.

Martin Horwood [R]

Not called **1257**Page **53**, line **20** [*Clause* 27], after ‘authority’, insert ‘, reporting to the Chief Executive of that authority,’.

Andrew George

Not called **1253**Page **53**, line **21** [*Clause* 27], at end insert ‘, and will be accountable to—

- (a) the local authority, and
- (b) the Secretary of State for Health.’.

Martin Horwood [R]

Not called **1258**Page **53**, line **21** [*Clause* 27], at end insert—

‘(2A) The individual so appointed is to be employed by Public Health England, which shall have responsibility for their professional qualification and development.’.

Martin Horwood [R]

Not called **1259**Page **53**, line **30** [*Clause* 27], after ‘authority’, insert ‘or Public Health England’.

Andrew George

Not called **1254**Page **53**, line **42** [*Clause* 27], leave out ‘consult’ and insert ‘obtain the agreement of’.

Martin Horwood [R]

Not called **1260**Page **53**, line **42** [*Clause* 27], leave out ‘the Secretary of State’ and insert ‘Public Health England’.

Health and Social Care (Re-Committed) Bill, *continued*

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Andrew George
Owen Smith

Negatived on division 7

Page 54, line 30 [*Clause* 29], at end insert—

- ‘(3) This section comes into force on a date to be specified by order by the Secretary of State.
- (4) The time specified in subsection (3) must be after such time as the Secretary of State is satisfied that the workforce education and training functions of strategic health authorities are being fulfilled by another body.’

Mr Secretary Lansley

Agreed to 83

Page 73, line 31 [*Clause* 42], at end insert—

- ‘(7A) Where the Board makes arrangements with another body or person under subsection (7) it may also arrange for that other body or person to exercise any functions that the Board has, by virtue of being a Category 1 responder, under Part 1 of the Civil Contingencies Act 2004.’

Mr Secretary Lansley

Agreed to 84

Page 74, line 8 [*Clause* 42], leave out from ‘made’ to end of line 9 and insert ‘by the Board or a clinical commissioning group under or by virtue of section 3, 3A, 3B, 4 or 7A or Schedule 1.’

Mr Secretary Lansley

Agreed to 85

Page 74, line 20 [*Clause* 43], after ‘person’, insert ‘, other than an NHS body,’.

Mr Secretary Lansley

Agreed to 86

Page 74, line 21 [*Clause* 43], leave out from ‘made’ to end of line 23 and insert ‘—

- (i) by the Secretary of State under section 12,
 - (ii) by the Board or a clinical commissioning group under section 3, 3A, 3B or 4 or Schedule 1,
 - (iii) by a local authority for the purpose of the exercise of its functions under or by virtue of section 2B or 6C(1) or Schedule 1, or
 - (iv) by the Board, a clinical commissioning group or a local authority by virtue of section 7A.’
-

Health and Social Care (Re-Committed) Bill, *continued*

Mr Secretary Lansley

Agreed to 221

Page 169, line 28 [*Clause 184*], leave out ‘or assistance’ and insert ‘, information or other assistance’.

Mr Secretary Lansley

Agreed to 222

Page 171, line 12 [*Clause 184*], after ‘(1)(b)’ insert ‘or (3)’.

Mr Secretary Lansley

Agreed to 223

Page 172, line 30 [*Clause 185*], at end insert—
() In section 229 (sections 221 to 228: interpretation and supplementary)—
(a) in the title and in subsection (1), for “221” substitute “220A”, and
(b) in subsection (2), after “228” insert “or Schedule 16A”.’.

Mr Secretary Lansley

Agreed to 224

Page 172, line 40 [*Clause 185*], at end insert—
() In Part 2 of Schedule 1 to the Freedom of Information Act 2000 (local government), after paragraph 35C insert—
“35D A Local Healthwatch organisation.”’.

Mr Secretary Lansley

Agreed to 225

Page 175, line 4 [*Clause 188*], at end insert ‘in relation to its area’.

Mr Secretary Lansley

Agreed to 226

Page 175, line 22 [*Clause 188*], after ‘services’ insert ‘in relation to its area’.

Mr Secretary Lansley

Agreed to 227

Page 176, line 4 [*Clause 188*], at end insert—
(9A) The Secretary of State may give directions to a local authority about the exercise of its functions under this section.
(9B) A direction under subsection (9A) may be varied or revoked.’.

Health and Social Care (Re-Committed) Bill, continued

Mr Secretary Lansley

Page **176**, line **42** [*Clause 189*], after second ‘organisation’ insert ‘—
(a) ’. *Agreed to 228*

Mr Secretary Lansley

Page **176**, line **44** [*Clause 189*], after ‘221(2)’ insert ‘, or
(b) for the purposes of subsection (1)(a) only, in the discharge of its duty under paragraph 6(5) of Schedule 16A.’. *Agreed to 229*

Mr Secretary Lansley

Page **176**, line **45** [*Clause 189*], leave out subsection (4) and insert—
(4) In the title to that section, for “local involvement networks” substitute “Local Healthwatch organisations”.’. *Agreed to 230*

Mr Secretary Lansley

Page **180**, line **16** [*Clause 193*], leave out ‘NHS providers’ and insert ‘health service providers’. *Agreed to 231*

Mr Secretary Lansley

Page **180**, line **18** [*Clause 193*], leave out ‘NHS provider’ and insert ‘health service provider’. *Agreed to 232*

Mr Secretary Lansley

Page **180**, line **21** [*Clause 193*], leave out ‘NHS provider’ and insert ‘health service provider’. *Agreed to 233*

Mr Secretary Lansley

Page **180**, line **22** [*Clause 193*], leave out ‘NHS provider’ and insert ‘health service provider’. *Agreed to 234*

Mr Secretary Lansley

Page **180**, line **25** [*Clause 193*], leave out ‘NHS providers’ and insert ‘health service providers’. *Agreed to 235*

Andrew George
Greg Mulholland
Caroline Lucas

Page **180**, line **28** [*Clause 193*], leave out from ‘State’ to end of line 29. *Not called 1200*

Health and Social Care (Re-Committed) Bill, *continued*

Andrew George
Greg Mulholland
Caroline Lucas

Not called **1201**

Page **180** [*Clause 193*], leave out lines 33 to 40.

Andrew George
Caroline Lucas

Not called **1246**

Page **180**, line **40** [*Clause 193*], at end insert—

‘(2ZAA) Regulations made under—

- (a) paragraph (a) of subsection (2ZA) may not make provision to refer any matter to the regulator or to the Board where the circumstances relate to any proposal for a substantial development of the health service in the area of the authority, or for a substantial variation in the provision of such service; and
- (b) subsection (2) must contain provision to refer any such matter to the Secretary of State.’.

Mr Secretary Lansley

Agreed to **236**

Page **181**, line **12** [*Clause 193*], at end insert—

‘() Any functions conferred on a local authority by regulations under this section are not to be the responsibility of an executive of the authority under executive arrangements (within the meaning of Part 1A of the Local Government Act 2000).’.

Mr Secretary Lansley

Agreed to **237**

Page **181**, line **18** [*Clause 193*], after ‘body’’, insert ‘, in relation to an authority to which this section applies,’.

Mr Secretary Lansley

Agreed to **238**

Page **181**, line **21** [*Clause 193*], leave out ‘NHS provider’ and insert ‘health service provider’, in relation to an authority to which this section applies,’.

Mr Secretary Lansley

Agreed to **239**

Page **181**, line **21** [*Clause 193*], leave out from ‘which’ to ‘is’ in line 23 and insert ‘—

- (a) provides services in pursuance of arrangements made—
 - (i) by the Board or a clinical commissioning group under section 3, 3A, 3B or 4 or Schedule 1,
 - (ii) by a local authority for the purpose of the exercise of its functions under or by virtue of section 2B or 6C(1) or Schedule 1, or
 - (iii) by the Board, a clinical commissioning group or a local authority by virtue of section 7A, and
- (b) ’.

Health and Social Care (Re-Committed) Bill, *continued*

Mr Secretary Lansley

Agreed to **240**Page **181** [*Clause 193*], leave out lines 27 to 31 and insert—

“(3A) In subsection (2)(f) “member”—

- (a) in relation to a clinical commissioning group, includes a person who is not a member of the group but is a member of a committee or sub-committee of it;
- (b) in relation to a relevant health service provider which is a body corporate, includes a person who is not a member of the body but is a director of it;
- (c) in relation to an NHS trust, means a director of the trust;
- (d) in relation to an NHS foundation trust, means a director or governor of the trust.

(3B) For the purposes of subsection (2)(f)—

- (a) a member of a body which is a member of a clinical commissioning group or relevant health service provider is to be treated as a member of the group or (as the case may be) relevant health service provider, and
- (b) an employee of a body which is a member of a clinical commissioning group or relevant health service provider is to be treated as an employee of the group or (as the case may be) relevant health service provider.”.

Andrew George
 Caroline Lucas
 Greg Mulholland

Not called **1210**Page **185**, line **29** [*Clause 197*], leave out from ‘(a)’ to ‘of’ and insert ‘a majority of councillors’.

Mr Secretary Lansley

Agreed to **241**Page **212**, line **21** [*Clause 226*], at end insert—

‘() In subsection (3) of that section, after “this section” insert “—

“health care profession” means a profession (whether or not regulated by or by virtue of any enactment) which is concerned (wholly or partly) with the physical or mental health of individuals; and”.’.

Mr Secretary Lansley

Agreed to **242**Page **212**, line **24** [*Clause 226*], at end insert—

‘() In section 27 of that Act (the Authority and regulatory bodies), in subsections (5) and (13), for “Secretary of State” substitute “Privy Council”.

() In subsection (7) of that section—

- (a) for “Secretary of State” substitute “Privy Council”, and
- (b) in paragraph (a), omit “he or”.’.

Health and Social Care (Re-Committed) Bill, *continued*

Mr Secretary Lansley

Agreed to **243**Page **212**, line **30** [*Clause 226*], at end insert—

- (7A) In section 38 of that Act (regulations and orders), in subsection (2), omit “27”.
 - (7B) In subsection (3) of that section, for “the Secretary of State” substitute “the Privy Council”.
 - (7C) After subsection (3D) of that section (inserted by section 227(3)) insert—
 - “(3E) A statutory instrument containing regulations made by the Privy Council under section 27 is subject to annulment in pursuance of a resolution of either House of Parliament.”.
-

Mr Secretary Lansley

Agreed to **244**Page **214**, line **12** [*Clause 227*], leave out from ‘Parliament’ to end of line 17 and insert—

- (3B) Regulations made by the Privy Council under section 25A that include provision which would, if included in an Act of the Scottish Parliament, fall within the legislative competence of that Parliament shall be subject to the negative procedure in that Parliament (in addition to the statutory instrument containing the regulations being subject to annulment under subsection (3A)).
 - (3C) Sections 28 and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010 (negative procedure etc.) shall apply in relation to regulations of the description given in subsection (3B) as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) that is subject to the negative procedure, but as if references to a Scottish statutory instrument were references to a statutory instrument.
 - (3D) Section 32 of that Act (laying) shall apply in relation to the laying of a statutory instrument containing regulations of the description given in subsection (3B) before the Scottish Parliament as it applies in relation to the laying of a Scottish statutory instrument (within the meaning of Part 2 of that Act) before that Parliament.”.
-

Mr Secretary Lansley

Agreed to **245**Page **215**, line **43** [*Clause 229*], leave out ‘(3A) (inserted by section 227(3))’ and insert ‘(3E) (inserted by section 226(7C))’.

Mr Secretary Lansley

Agreed to **246**Page **216**, line **11** [*Clause 230*], leave out ‘its appointment power’ and insert ‘any

Health and Social Care (Re-Committed) Bill, *continued*

of its appointment functions’.

Mr Secretary Lansley

Page **216**, line **15** [*Clause 230*], leave out ‘its appointment power’ and insert ‘any of its appointment functions’.

Agreed to **247**

Mr Secretary Lansley

Page **216**, line **17** [*Clause 230*], leave out ‘power’ and insert ‘function’.

Agreed to **248**

Mr Secretary Lansley

Page **216**, line **20** [*Clause 230*], leave out ‘its appointment power’ and insert ‘any of its appointment functions’.

Agreed to **249**

Mr Secretary Lansley

Page **216**, line **22** [*Clause 230*], leave out ‘power’ and insert ‘function’.

Agreed to **250**

Mr Secretary Lansley

Page **216**, line **25** [*Clause 230*], leave out ‘power’ and insert ‘function’.

Agreed to **251**

Mr Secretary Lansley

Page **216**, line **27** [*Clause 230*], leave out ‘power’ and insert ‘function’.

Agreed to **252**

Mr Secretary Lansley

Page **216**, line **31** [*Clause 230*], leave out ‘power’ and insert ‘function’.

Agreed to **253**

Mr Secretary Lansley

Page **216**, line **35** [*Clause 230*], leave out subsection (8) and insert—

Agreed to **254**

‘(8) In this section, “appointment functions” means—

- (a) in relation to the General Medical Council, the function under paragraph 1A(2) of Schedule 1 to the Medical Act 1983 and such functions as the Privy Council from time to time has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (appointment of members and chair and determination of terms of office),
- (b) in relation to the General Dental Council, the function under paragraph 1A(2) of Schedule 1 to the Dentists Act 1984 and such functions as the Privy Council from time to time has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council),
- (c) in relation to the General Optical Council, the function under paragraph 1A(2) of Schedule 1 to the Opticians Act 1989 and such functions as the Privy Council from time to time has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council),
- (d) in relation to the General Osteopathic Council, the function under paragraph 1A(2) of the Schedule to the Osteopaths Act 1993 and such functions as the Privy Council from time to time has by virtue of

Health and Social Care (Re-Committed) Bill, *continued*

- paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council),
- (e) in relation to the General Chiropractic Council, the function under paragraph 1A(2) of Schedule 1 to the Chiropractors Act 1994 and such functions as the Privy Council has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council),
 - (f) in relation to the General Pharmaceutical Council, the function under paragraph 1(2) of Schedule 1 to the Pharmacy Order 2010 (S.I. 2010/231) and such functions as the Privy Council from time to time has by virtue of paragraph 2(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council),
 - (g) in relation to the Nursing and Midwifery Council, the function under paragraph 1A(2) of Schedule 1 to the Nursing and Midwifery Order 2001 (S.I. 2002/253) and such functions as the Privy Council from time to time has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council), and
 - (h) in relation to the Health and Care Professions Council, the function under paragraph 1(2) of Schedule 1 to the Health and Social Work Professions Order 2001 (S.I. 2002/254) and such functions as the Privy Council from time to time has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council).’.
-

Mr Secretary Lansley

Agreed to **255**

Page **217**, line **13** [*Clause 230*], leave out ‘power’ and insert ‘function’.

Mr Secretary Lansley

Agreed to **256**

Page **217**, line **14** [*Clause 230*], leave out ‘power’ and insert ‘function’.

Mr Secretary Lansley

Agreed to **257**

Page **223**, line **25** [*Clause 233*], after ‘25A’ insert ‘, 27’.

Mr Secretary Lansley

Agreed to **258**

Page **225**, line **2** [*Clause 237*], leave out ‘must be’ and insert ‘has no effect unless it is’.

Mr Secretary Lansley

Agreed to **259**

Page **225**, line **6** [*Clause 237*], leave out ‘generally or’ and insert ‘or to disseminate it’.

Health and Social Care (Re-Committed) Bill, *continued*

Mr Secretary Lansley

Agreed to **260**Page **225**, line **33** [*Clause 237*], leave out 'or 12'.

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Andrew George
Owen Smith

Not called **6**Page **227**, line **22** [*Clause 240*], leave out 'may' and insert 'must'.

Mr Secretary Lansley

Agreed to **261**Page **229**, line **18** [*Clause 244*], after 'guidance', insert 'to such persons and'.

Mr Secretary Lansley

Agreed to **262**Page **232**, line **38** [*Clause 253*], leave out 'to which the information standard relates'.

Mr Secretary Lansley

Agreed to **263**Page **232**, line **42** [*Clause 253*], leave out ', to which the information standard relates'.

Mr Secretary Lansley

Agreed to **264**Page **233**, line **21** [*Clause 253*], leave out 'or 12'.

Mr Secretary Lansley

Agreed to **265**Page **234**, line **30** [*Clause 257*], leave out ', analysis and publication or other

Health and Social Care (Re-Committed) Bill, *continued*

dissemination' and insert 'and analysis'.

Mr Secretary Lansley *Agreed to* **266**
 Page **235**, line **4** [*Clause* 257], leave out 'or 12'.

Mr Secretary Lansley *Agreed to* **267**
 Page **235**, line **11** [*Clause* 257], leave out subsection (7).

Mr Secretary Lansley *Agreed to* **268**
 Page **235**, line **17** [*Clause* 258], leave out ', analysis and publication or other dissemination' and insert 'and analysis'.

Mr Secretary Lansley *Agreed to* **269**
 Page **235**, line **24** [*Clause* 258], leave out subsection (3).

Mr Secretary Lansley *Agreed to* **270**
 Page **235**, line **43** [*Clause* 258], leave out 'the United Kingdom' and insert 'England'.

Mr Secretary Lansley *Agreed to* **271**
 Page **238**, line **19** [*Clause* 262], at end insert 'which is collected pursuant to the direction'.

Mr Secretary Lansley *Agreed to* **272**
 Page **238**, line **20** [*Clause* 262], leave out subsections (4) to (7).

Mr Secretary Lansley *Agreed to* **273**
 Page **238**, line **42** [*Clause* 262], leave out from '258' to end of line 44 and insert '
 the Centre—
 (a) must comply with the requirements (if any) specified in the direction or mandatory request as to the form, manner and timing of publication of the information, and
 (b) may publish the information in such other form and such other manner, and at such other times, as it considers appropriate.'.

Mr Secretary Lansley *Agreed to* **274**
 Page **238**, line **47** [*Clause* 262], leave out from 'Centre' to end of line 48 and insert

Health and Social Care (Re-Committed) Bill, *continued*

‘—

- (a) may act in accordance with such provision (if any) as may be included in the request as to the form, manner and timing of publication of the information, and
- (b) may publish the information in such other form and such other manner, and at such other times, as it considers appropriate.’.

 Mr Secretary Lansley

Agreed to 275

 Page 239, line 1 [*Clause 262*], leave out ‘intervals for’ and insert ‘timings of’.

Mr Secretary Lansley

Agreed to 276

 Page 239, line 7 [*Clause 262*], leave out ‘section’ and insert ‘Chapter’.

 Mr Secretary Lansley

Agreed to 277

 Page 243, line 28 [*Clause 274*], leave out paragraph (c) and insert—
 ‘(c) a Northern Ireland Minister;’.

Mr Secretary Lansley

Agreed to 278

 Page 243, line 35 [*Clause 274*], at end insert—
 “‘Northern Ireland Minister’ includes the First Minister, the deputy First Minister and a Northern Ireland Department;’.

Mr Secretary Lansley

Agreed to 279

 Page 243, line 40 [*Clause 274*], at end insert—
 “‘relevant person’ has the meaning given by section 262.’.

 Andrew George
 Greg Mulholland
 Caroline Lucas

Page 256, line 31, leave out Clause 299.

Not called 1237

Health and Social Care (Re-Committed) Bill, *continued*

Mr Secretary Lansley

Agreed to **280**

Page **257**, line **14** [*Clause 299*], leave out ‘section 300’ and insert ‘sections 300 and [*Subsequent property transfer schemes*]’.

Mr Secretary Lansley

Agreed to **281**

Page **257**, line **18** [*Clause 299*], at end insert ‘or the Board’.

Andrew George
Greg Mulholland
Caroline Lucas

Not called **1238**

Page **257**, line **29**, leave out Clause 300.

Mr Secretary Lansley

Agreed to **282**

Page **259**, line **39** [*Clause 302*], leave out from ‘section’ to end of line 40 and insert ‘[*Duration of transitional period*] (extension of transitional period during which licence conditions may be imposed on NHS foundation trusts)’.

Mr Secretary Lansley

Agreed to **283**

Page **260**, line **11** [*Clause 302*], leave out subsection (6) and insert—

- ‘(6) An order by the Privy Council under this Act that includes provision which would, if included in an Act of the Scottish Parliament, fall within the legislative competence of that Parliament is subject to the negative procedure in that Parliament (in addition to the statutory instrument containing the order being subject to annulment under subsection (3)).
- (6A) Sections 28 and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010 (negative procedure etc.) apply in relation to an order of the description given in subsection (6) as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) that is subject to the negative procedure, but as if references to a Scottish statutory instrument were references to a statutory instrument.
- (6B) Section 32 of that Act (laying) shall apply in relation to the laying of a statutory instrument containing an order of the description given in subsection (6) before the Scottish Parliament as it applies in relation to the laying of a Scottish statutory instrument (within the meaning of Part 2 of that Act) before that Parliament.’

Mr Secretary Lansley

Agreed to **284**

Page **260**, line **37** [*Clause 302*], leave out ‘or transitional’ and insert ‘, transitional or transitory’.

Health and Social Care (Re-Committed) Bill, *continued*

Mr Secretary Lansley

*Agreed to 285*Page 260, line 42 [*Clause 302*], at end insert—

‘(8A) If a draft of a statutory instrument containing an order under section [*Duration of transitional period*] would, but for this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.’

Mr Secretary Lansley

*Agreed to 286*Page 260, line 45 [*Clause 302*], leave out ‘must be given by regulations or’ and insert ‘—

- (a) must, in the case of a direction under any of the following provisions, be given by regulations or an instrument in writing—
- (i) section 66(2) (direction to Monitor to perform functions);
 - (ii) section 237(1) (direction to NICE to prepare quality standards);
 - (iii) section 248(1) (direction to NICE to perform functions);
 - (iv) section 252(8) (direction to Board to be transitional commissioner in relation to pre-commencement statements of quality standards);
 - (v) section 257(1) (direction to Information Centre to establish information systems);
 - (vi) section 258(6) or (7) (direction to Information Centre to comply, or not to comply, with request to establish information systems);
 - (vii) section 262(2)(d) (direction to Information Centre that information of specified description is not subject to duty to publish);
 - (viii) section 271(1) (direction to Information Centre to perform functions);
 - (ix) paragraph 4 of Schedule 6 (direction to Board to exercise functions of Secretary of State relating to Primary Care Trusts), and
- (b) must, in the case of any other direction, be given by’.
-

John Healey
Liz Kendall
Emily Thornberry
Dereke Twigg
Andrew George
Owen Smith

*Not called 47*Page 261, line 19 [*Clause 304*], at end insert—

‘(1A) Section 29 comes into force in accordance with sections 29(3) and (4).’

Mr Secretary Lansley

*Agreed to 287*Page 261, line 29 [*Clause 304*], leave out from beginning to ‘may’ in line 30 and insert ‘Transitory provision in an order under subsection (2) or (4)’.

Health and Social Care (Re-Committed) Bill, *continued*

Mr Secretary Lansley

Agreed to **288**Page **261**, line **43** [*Clause 305*], at end insert—

() section 42 insofar as it inserts section 252A(7A) of the National Health Service Act 2006;’.

Mr Secretary Lansley

Agreed to **289**Page **262**, line **16** [*Clause 305*], leave out subsection (4).

Mr Secretary Lansley

Agreed to **290**Page **262**, line **18** [*Clause 305*], leave out ‘The following provisions’ and insert ‘Sections 131 to 136 (health special administration)’.

Mr Secretary Lansley

Agreed to **291**Page **262**, line **19** [*Clause 305*], leave out paragraphs (a) and (b).Andrew George
Caroline Lucas*Not called* **1245**Page **269**, line **21** [*Schedule 2*], leave out from ‘consortium’ to end of line 24.Andrew George
Caroline Lucas*Not called* **1244**Page **269** [*Schedule 2*], leave out lines 25 to 29 and insert—

‘(3) The arrangement must include provision for the functions of the clinical commissioning group to be exercised by, and only by, its employees on its behalf.’.

Andrew George
Caroline Lucas*Not called* **1249**Page **269** [*Schedule 2*], leave out line 29.Caroline Lucas
Andrew George*Not called* **1234**Page **269**, line **29** [*Schedule 2*], at end insert—

‘(4) Nothing in paragraph (3) shall authorise the inclusion of any provision for any of such functions to be exercised by—

(a) any of the clinical commissioning group’s members who hold or benefit from contracts to provide primary medical services under section 83(2);
or

Health and Social Care (Re-Committed) Bill, *continued*

- (b) individuals who have been employees of such members; or
- (c) by a governing body, committee or sub-committee which consists entirely or mainly of such members.’.

Mr Secretary Lansley

Agreed to **292**

Page **270** [*Schedule 2*], leave out lines 21 to 23.

Mr Secretary Lansley

Agreed to **293**

Page **270**, line **30** [*Schedule 2*], at end insert—

- ‘() In this paragraph, references to the functions of the governing body of a clinical commissioning group include references to the functions of the clinical commissioning group which are exercisable by the governing body under arrangements specified in the constitution by virtue of paragraph 3(3).’.

Mr Secretary Lansley

Agreed to **294**

Page **271**, line **18** [*Schedule 2*], leave out from ‘employees’ to ‘under’ in line 19 and insert ‘remuneration and travelling or other allowances in accordance with determinations made by its governing body’.

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Owen Smith

Not selected **34**

Page **271**, line **21** [*Schedule 2*], after ‘determine’, insert ‘having due regard to agreements made by the NHS Staff Council’.

Mr Secretary Lansley

Agreed to **295**

Page **272**, line **13** [*Schedule 2*], leave out from ‘pay’ to end of line 14 and insert ‘remuneration and travelling or other allowances to the accountable officer in accordance with determinations made by its governing body under section 14L(3)(a)’.

Mr Secretary Lansley

Agreed to **296**

Page **272**, line **14** [*Schedule 2*], at end insert—

- ‘(5A) A clinical commissioning group may, for or in respect of its accountable officer, make arrangements for providing pensions, allowances or gratuities.
- (5B) The arrangements that may be made under sub-paragraph (5A) include arrangements for the provision of pensions, allowances or gratuities by way of

Health and Social Care (Re-Committed) Bill, *continued*

compensation to or in respect of the accountable officer where the officer suffers loss of office or loss or diminution of emoluments.

- (5C) Where a clinical commissioning group has, by virtue of paragraph 10(4), established a pension scheme, the arrangements that may be made under sub-paragraph (5A) include arrangements for the accountable officer to be a member of the scheme.’.

Mr Secretary Lansley

Agreed to **297**

Page **272**, line **26** [*Schedule 2*], at end insert—

‘Remuneration etc for members of governing bodies

- (1) A clinical commissioning group may pay members of its governing body such remuneration and travelling or other allowances as it considers appropriate.
- (2) A clinical commissioning group may, for or in respect of such members of its governing body as it may determine, make arrangements for providing pensions, allowances or gratuities.
- (3) Such arrangements may include the establishment and administration, by the clinical commissioning group or otherwise, of one or more pension schemes.
- (4) The arrangements that may be made under sub-paragraph (2) include arrangements for the provision of pensions, allowances or gratuities by way of compensation to or in respect of any members of the governing body who suffer loss or diminution of emoluments.
- (5) Where a clinical commissioning group has, by virtue of paragraph 10(4), established a pension scheme, the arrangements that may be made under sub-paragraph (2) include arrangements for members of the governing body to be members of the scheme.
- (6) Sub-paragraph (2) does not apply to members of the governing body who are—
 - (a) members or employees of the clinical commissioning group, or
 - (b) members or employees of a body that is a member of the clinical commissioning group.’.

Mr Secretary Lansley

Agreed to **298**

Page **272**, line **26** [*Schedule 2*], at end insert—

‘Additional powers in respect of payment of allowances

A clinical commissioning group may pay such travel or other allowances as it considers appropriate to any of the following—

- (a) members of the clinical commissioning group who are individuals;
 - (b) individuals authorised to act on behalf of a member of the clinical commissioning group in dealings between the member and the group;
 - (c) members of any committee or sub-committee of the clinical commissioning group or its governing body.’.
-

Health and Social Care (Re-Committed) Bill, *continued*

Mr Secretary Lansley

Agreed to **299**Page **274** [*Schedule 2*], leave out lines 14 to 16.

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Owen Smith*Not called* **1170**Page **278** [*Schedule 4*], leave out lines 35 and 36 and insert—

- ‘(a) omit “Strategic Health Authorities” and insert after “(a)” — “the National Health Service Commissioning Board”, and
 - (b) omit “Primary Care Trusts” and insert after “(b)” — “Clinical Commissioning Groups”.’.
-

Mr Secretary Lansley

Agreed to **300**Page **279**, line **33** [*Schedule 4*], after ‘(4)’ insert ‘—

- () after paragraph (a) insert—
 - “(aa) the Board,
 - (ab) a clinical commissioning group,
 - (ac) a local authority,”.’.

Mr Secretary Lansley

Agreed to **301**Page **279**, line **35** [*Schedule 4*], at end insert—

‘() After subsection (4) insert—

- “(4A) In subsection (4), “local authority” has the same meaning as in section 2B.”’.
-

Mr Secretary Lansley

Agreed to **302**Page **280**, line **37** [*Schedule 4*], leave out ‘or a commissioning consortium’ and insert ‘, a clinical commissioning group or a local authority’.

Mr Secretary Lansley

Agreed to **303**Page **280**, line **41** [*Schedule 4*], after ‘State’, insert ‘or a local authority’.

Health and Social Care (Re-Committed) Bill, *continued*

Mr Secretary Lansley

Agreed to **304**Page **281**, line **7** [*Schedule 4*], at end insert—

‘() After subsection (6) insert—

“(7) In this section and sections 12B to 12D, “local authority” has the same meaning as in section 2B.”’.

Mr Secretary Lansley

Agreed to **305**Page **281**, line **10** [*Schedule 4*], leave out ‘or a commissioning consortium’ and insert ‘, a clinical commissioning group or a local authority’.Andrew George
Caroline Lucas*Not called* **1247**Page **281**, line **10** [*Schedule 4*], at end insert—

‘(2A) Regulations made under this section must specify that—

- (a) direct payments can not be made in respect of the whole or part of a course of private health care or in respect of insurance premiums which have the purpose of providing healthcare, and
- (b) direct payments can only be made in respect of services which NICE has specified are services that can be provided by the health service, having particular regard to safety, efficacy and cost-effectiveness.’

Mr Secretary Lansley

Agreed to **306**Page **281**, line **13** [*Schedule 4*], leave out ‘or a commissioning consortium’ and insert ‘, a clinical commissioning group or a local authority’.

Mr Secretary Lansley

Agreed to **307**Page **281**, line **15** [*Schedule 4*], leave out ‘or the commissioning consortium’ and insert ‘, clinical commissioning group or local authority’.

Mr Secretary Lansley

Agreed to **308**Page **281**, line **18** [*Schedule 4*], leave out ‘or’ and insert ‘or a local authority or as’.

Mr Secretary Lansley

Agreed to **309**Page **281**, line **22** [*Schedule 4*], leave out ‘or a commissioning consortium’ and insert ‘, a clinical commissioning group or a local authority’.Andrew George
Caroline Lucas*Not called* **1248**Page **281**, line **23** [*Schedule 4*], at end insert—

‘11A In section 12C (Direct payments pilot schemes) omit subsection (8).’.

Mr Secretary Lansley

Agreed to **310**Page **281**, line **29** [*Schedule 4*], leave out ‘or a commissioning consortium’ and

Health and Social Care (Re-Committed) Bill, *continued*

insert ‘, a clinical commissioning group or a local authority’.

Mr Secretary Lansley

Agreed to **311**

Page **281**, line **31** [*Schedule 4*], leave out ‘or a commissioning consortium’ and insert ‘, a clinical commissioning group or a local authority’.

Mr Secretary Lansley

Agreed to **312**

Page **281**, line **35** [*Schedule 4*], at end insert—
 ‘ In section 29 (exercise of Special Health Authority functions), in subsection (2)(a)—
 (a) omit “, section 14”, and
 (b) omit “, section 19”.’.

Mr Secretary Lansley

Agreed to **313**

Page **282**, line **14** [*Schedule 4*], at end insert —
 ‘() after paragraph (h) (and before the “and” immediately following it) insert—
 “(ha) a company formed under section 223 and wholly or partly owned by the Secretary of State or the Board,” and’.

Mr Secretary Lansley

Agreed to **314**

Page **282**, line **15** [*Schedule 4*], leave out from ‘(i)’ to end of line 16 and insert ‘—
 (i) for “paragraphs (a) to (h)”, in the first place where it occurs, substitute “paragraphs (za) to (ha)”, and
 (ii) for “paragraphs (a) to (h)”, in the second place where it occurs, substitute “paragraphs (za) to (h)”.’.

Mr Secretary Lansley

Agreed to **315**

Page **282**, line **17** [*Schedule 4*], after ‘(2A)’, insert ‘—
 () after paragraph (a) insert—
 “(ab) in relation to a company within paragraph (ha) of subsection (2), means the company’s activities in providing facilities or services to any person or body;”, and’.

Mr Secretary Lansley

Agreed to **316**

Page **282**, line **32** [*Schedule 4*], leave out ‘In Schedule 4,’ and insert—
 ‘(1) Schedule 4 (NHS trusts) is amended as follows.
 (2) In paragraph (5)(1)(f), omit “Primary Care Trusts,”.
 (3) In paragraph 6—
 (a) in sub-paragraph (1) —

Health and Social Care (Re-Committed) Bill, *continued*

- (i) omit “Strategic Health Authority,” and
- (ii) omit “, Primary Care Trust”, and
- (b) in sub-paragraph (2) —
 - (i) omit “Strategic Health Authority,” and
 - (ii) omit “, Primary Care Trust”.
- (4) In paragraph 7(3), omit “Strategic Health Authority,”.
- (5) In paragraph 8—
 - (a) in sub-paragraph (1), omit “, Primary Care Trust” (in each place where it occurs), and
 - (b) in sub-paragraph (4), omit “, Primary Care Trust”,
 - (c) in sub-paragraph (5), omit “, Primary Care Trust” (in each place where it occurs),
 - (d) in sub-paragraph (6)(b), omit “, Primary Care Trust”, and
 - (e) in sub-paragraph (9)(b), omit “, Primary Care Trust”.
- (6) In paragraph 9—
 - (a) in sub-paragraph (1)—
 - (i) omit “a Strategic Health Authority,”, and
 - (ii) omit “a Primary Care Trust,”,
 - (b) in sub-paragraph (3)—
 - (i) omit “Strategic Health Authority,”, and
 - (ii) omit “Primary Care Trust,”,
 - (c) in sub-paragraph (6)—
 - (i) omit “a Strategic Health Authority,”, and
 - (ii) omit “, a Primary Care Trust,”,
 - (d) in sub-paragraph (7)—
 - (i) in paragraph (a), omit “Strategic Health Authority,”,
 - (ii) in that paragraph omit “or belong to a Primary Care Trust”, and
 - (iii) in the words following paragraph (b)—
 - (a) omit “Strategic Health Authority,”, and
 - (b) omit “Primary Care Trust,”.

Mr Secretary Lansley

Agreed to 317

Page 282, line 32 [*Schedule 4*], at end insert—

- ‘() In paragraph 18—
 - (a) omit “Strategic Health Authority,” and
 - (b) omit “Primary Care Trust,”.
- () In paragraph 29, in sub-paragraph (3) omit “Strategic Health Authority,”.
- () In paragraph 30, in sub-paragraph (1)—
 - (a) omit “Strategic Health Authority,” and
 - (b) omit “Primary Care Trust,”.

Health and Social Care (Re-Committed) Bill, *continued*

Mr Secretary Lansley

Agreed to **318**Page **283**, line **34** [*Schedule 4*], at end insert '(including by virtue of section 7A)'.

Mr Secretary Lansley

Agreed to **319**Page **284**, line **37** [*Schedule 4*], at end insert—
'() The reference in subsection (9) to arrangements made by the Board or (as the case may be) a clinical commissioning group include references to arrangements so made by virtue of section 7A.'"

Mr Secretary Lansley

Agreed to **320**Page **296**, line **16** [*Schedule 4*], after '(4A)(a)' insert '—
(a) '.

Mr Secretary Lansley

Agreed to **321**Page **296**, line **16** [*Schedule 4*], after 'Board'" insert ', and
(b) for "to persons who provide" substitute "for providing".'

Mr Secretary Lansley

Agreed to **322**Page **302**, line **21** [*Schedule 4*], leave out paragraph (c) and insert—
'(c) for paragraph (d) substitute —
 “(d) in any other case—
 (i) where the hospital is vested in the Secretary of State, the Special Health Authority exercising functions of the Secretary of State in respect of it or, where there is no such Special Health Authority, the Secretary of State,
 (ii) where the Welsh Ministers have functions in respect of the hospital, the Special Health Authority or Local Health Board exercising those functions.'"

Mr Secretary Lansley

Agreed to **323**Page **303**, line **42** [*Schedule 4*], at end insert 'or

Health and Social Care (Re-Committed) Bill, *continued*

- (iii) pursuant to arrangements made in the exercise (by any person) of the public health functions of the Secretary of State or a local authority.”.
-

Mr Secretary Lansley

Agreed to 324

Page 305, line 32 [*Schedule 4*], at end insert—

- ‘ In section 271 (territorial limit of exercise of functions), in the words in brackets in subsection (3)(a), after “directions to” insert “certain”.’.

Mr Secretary Lansley

Agreed to 325

Page 305, line 32 [*Schedule 4*], at end insert—

- ‘ After section 271 insert—

“271A Services to be treated as services of the Crown for certain purposes

- (1) Services to which this section applies are to be treated as services of the Crown for the purposes of—
 - (a) Schedule 1 to the Registered Designs Act 1949 (provisions as to the use of registered designs for the services of the Crown etc.), and
 - (b) sections 55 to 59 of the Patents Act 1977 (use of patented inventions for the services of the Crown).
- (2) This section applies to services provided in pursuance of—
 - (a) the functions of the Board or a clinical commissioning group under section 3, 3A, 3B or 4 or Schedule 1, or
 - (b) the public health functions of a local authority.”.

Mr Secretary Lansley

Agreed to 326

Page 305, line 34 [*Schedule 4*], after ‘(3)’, insert ‘—

- (a) omit paragraph (b), and’.

Mr Secretary Lansley

Agreed to 327

Page 305, line 40 [*Schedule 4*], after ‘(4)(c)(ii)’, insert ‘—

- (a) after “8,” insert “13Z1,” and’.
-

Mr Secretary Lansley

Agreed to 328

Page 306, line 21 [*Schedule 4*], at end insert—

Health and Social Care (Re-Committed) Bill, *continued*

- (0) Until the commencement of section 29, the definition of “NHS body” in section 275 of the National Health Service Act 2006 has effect as if it included a reference to a Strategic Health Authority.’.

Mr Secretary Lansley

Page 310, line 5 [*Schedule 5*], at end insert ‘the Secretary of State,’. *Agreed to 329*

Mr Secretary Lansley

Page 310, line 15 [*Schedule 5*], after ‘(2)’, insert ‘(as substituted by the National Health Service Reorganisation Act 1973)’.

Mr Secretary Lansley

Page 310, line 45 [*Schedule 5*], at end insert—
‘Local Government Act 1974 (c. 7)

In section 26 of the Local Government Act 1974 (matters subject to investigation by Local Commissioner), in subsection (1), after paragraph (c) insert—

- “(d) an alleged or apparent failure in a service provided by the authority in pursuance of arrangements under section 7A of the National Health Service Act 2006;
 (e) an alleged or apparent failure to provide a service in pursuance of such arrangements.”.

Mr Secretary Lansley

Page 312, line 37 [*Schedule 5*], at end insert—
 ‘() after “the National Health Service (Wales) Act 2006,” (in the second place where it occurs) insert “the Secretary of State where the Secretary is responsible for the administration of the hospital or”,’.

Mr Secretary Lansley

Page 313, line 11 [*Schedule 5*], leave out from ‘(2)(aa)’ to end of line 13 and insert
 (a) omit “under section 92 of the National Health Service Act 2006 or”,
 (b) after “section 100” insert “of the National Health Service Act 2006 or an agreement under section 107”,

Health and Social Care (Re-Committed) Bill, *continued*

- (c) omit “under section 50 of the National Health Service (Wales) Act 2006 or”, and
- (d) after “section 57” insert “of the National Health Service (Wales) Act 2006 or an agreement under section 64”.’.
-

Mr Secretary Lansley *Agreed to* 334
 Page 315, line 3 [*Schedule* 5], after ‘insert “’, insert ‘the Secretary of State,’.

Mr Secretary Lansley *Agreed to* 335
 Page 315, line 11 [*Schedule* 5], after ‘by’, insert ‘the Secretary of State,’.

Mr Secretary Lansley *Agreed to* 336
 Page 315, line 18 [*Schedule* 5], after ‘by’, insert ‘the Secretary of State,’.

Mr Secretary Lansley *Agreed to* 337
 Page 315, line 32 [*Schedule* 5], after ‘insert “’, insert ‘the Secretary of State,’.

Mr Secretary Lansley *Agreed to* 338
 Page 315, line 47 [*Schedule* 5], after ‘by’, insert ‘the Secretary of State,’.

Mr Secretary Lansley *Agreed to* 339
 Page 316, line 6 [*Schedule* 5], after ‘by’, insert ‘the Secretary of State,’.

Mr Secretary Lansley *Agreed to* 340
 Page 316, line 16 [*Schedule* 5], after ‘by’, insert ‘the Secretary of State,’.

Mr Secretary Lansley *Agreed to* 341
 Page 316, line 20 [*Schedule* 5], after ‘to’, insert ‘the Secretary of State,’.

Mr Secretary Lansley *Agreed to* 342
 Page 316, line 29 [*Schedule* 5], at end insert—
 ‘() After subsection (7) insert—

“(7A) References in this Act to a hospital or accommodation made available or provided pursuant to arrangements made by the Secretary of State under the National Health Service Act 2006 are references to a hospital or accommodation made available or provided pursuant to

Health and Social Care (Re-Committed) Bill, *continued*

arrangements so made in the exercise of the public health functions of the Secretary of State (within the meaning of that Act).

- (7B) References in this Act to arrangements made by the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 include references to arrangements so made by virtue of section 7A of that Act.”.

Mr Secretary Lansley

Agreed to **343**

Page **316**, line **40** [*Schedule 5*], after ‘services’, insert ‘(including services that may be provided pursuant to such arrangements by virtue of section 7A of that Act)’.

Mr Secretary Lansley

Agreed to **344**

Page **317**, line **31** [*Schedule 5*], leave out from ‘substitute’ to end of line 33 and insert “‘by any person in pursuance of arrangements made by the National Health Service Commissioning Board or by a clinical commissioning group under the National Health Service Act 2006 (including by virtue of section 7A of that Act)’.”.

Mr Secretary Lansley

Agreed to **345**

Page **318**, line **22** [*Schedule 5*], at end insert—

- ‘
The Health Service Commissioners Act 1993 is amended as follows.
In section 2 (health service bodies subject to investigation), in subsection (1)—
 (a) omit paragraph (a),
 (b) omit paragraph (da), and
 (c) after paragraph (db) insert—
 “(dc) the National Health Service Commissioning Board,
 (dd) clinical commissioning groups.”.
- In section 2A (health service providers subject to investigation), in subsection (1)(a) for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”.
- (1) Section 14 (reports etc. by the Commissioner) is amended as follows.
(2) In subsection (1)—
 (a) at the end of paragraph (c) insert “and”, and
 (b) omit paragraph (e) and the preceding “and”.
(3) In subsection (2A)—
 (a) at the end of paragraph (d) insert “and”, and
 (b) omit paragraph (f) and the preceding “and”.
(4) In subsection (2C)—
 (a) at the end of paragraph (d) insert “and”, and
 (b) omit paragraph (f) and the preceding “and”.
(5) Omit subsection (2E)(e).
(6) In subsection (2G)—

Health and Social Care (Re-Committed) Bill, *continued*

- (a) at the end of paragraph (c) insert “and”, and
- (b) omit paragraph (e) and the preceding “and”.’.

Mr Secretary Lansley

Agreed to **346**

Page **318**, line **23** [*Schedule 5*], leave out ‘of the Health Service Commissioners Act 1993’.

Mr Secretary Lansley

Agreed to **347**

Page **322**, line **36** [*Schedule 5*], at end insert—
‘Regulation of Investigatory Powers Act 2000 (c. 23)

In section 4 of the Regulation of Investigatory Powers Act 2000 (power to provide for lawful interception) in subsection (5) for “section 8 of the National Health Service Act 2006” substitute “section 4(3A)(a) of the National Health Service Act 2006”.’.

Caroline Lucas

Not called **1182**

Page **323**, line **5** [*Schedule 5*], at end insert—
 ‘(d) in sub-paragraph (a) of paragraph 43A, after “made under” insert “section 83(2)”’.

Mr Secretary Lansley

Agreed to **348**

Page **323**, line **29** [*Schedule 5*], after ‘2006’, insert ‘(including by virtue of section 7A of that Act)’.

Mr Secretary Lansley

Agreed to **349**

Page **325**, line **16** [*Schedule 5*], at end insert—
 ‘
 In section 113 (complaints about health care), in subsection (1), after paragraph (c) insert—
 “(d) anything done by the National Health Service Commissioning Board or a clinical commissioning group in pursuance of arrangements made under section 7A of the National Health Service Act 2006.”’.

Health and Social Care (Re-Committed) Bill, *continued*

Mr Secretary Lansley

Agreed to 350

Page 326, line 17 [*Schedule 5*], at end insert—

“() the Secretary of State, in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006.’

Mr Secretary Lansley

Agreed to 351

Page 327, line 18 [*Schedule 5*], at end insert—‘*Civil Contingencies Act 2004 (c. 36)*

- (1) Schedule 1 to the Civil Contingencies Act 2004 (lists of Category 1 and 2 responders) is amended as follows.
- (2) In Part 1 (which contains the general list of Category 1 responders)—
 - (a) after the cross-heading “Health” insert—
 - “4A The National Health Service Commissioning Board.”, and
 - (b) omit paragraph 7.
- (3) In Part 3 (which contains the general list of Category 2 responders)—
 - (a) after the cross-heading “Health” insert—
 - “29ZA A clinical commissioning group established under section 14D of the National Health Service Act 2006.”, and
 - (b) omit paragraph 29A.’.

Mr Secretary Lansley

Agreed to 352

Page 327, line 45 [*Schedule 5*], leave out ‘and’ and insert—

‘() after that paragraph insert—

“(aa) in relation to England, if the hospital falls within paragraph (a)(i) or (ii) and no Special Health Authority has responsibility for its administration, the Secretary of State;”,’.

Mr Secretary Lansley

Agreed to 353

Page 331, line 9 [*Schedule 5*], after ‘networks)’ insert ‘—

- (a) for “services-provider”, in each place it appears, substitute “responsible person”,
- (b) in subsection (2), before paragraph (a) insert—
 - “(za) the National Health Service Commissioning Board;
 - (zb) a clinical commissioning group;”,
- (c) ’.

Health and Social Care (Re-Committed) Bill, *continued*

Mr Secretary Lansley

Agreed to 354

Page 331, line 9 [*Schedule 5*], at end insert ‘, and
() in the title, for “services-providers” substitute “responsible persons”.

Mr Secretary Lansley

Agreed to 355

Page 333, line 24 [*Schedule 5*], leave out ‘or 12’.

Mr Secretary Lansley

Agreed to 356

Page 335, line 45 [*Schedule 5*], at end insert—
‘ In section 36 (disclosure of information by Her Majesty’s Revenue and
Customs), in subsection (3) after paragraph (a) insert—
“(aa) the National Health Service Commissioning Board;”.’.

Mr Secretary Lansley

Agreed to 357

Page 336, line 36 [*Schedule 6*], at end insert—

‘Modification of requirements as to consultation

- (1) If, at any time before the commencement of section 6, the Secretary of State consults a Special Health Authority as to the making of regulations under section 3B of the 2006 Act (as inserted by section 12), the consultation is to be treated for the purposes of subsection (4)(b) of section 3B as consultation with the Board.
- (2) If, at any time before the commencement of section 6, the Secretary of State consults a Special Health Authority about the objectives or requirements to be included in the first mandate published under section 13A of the 2006 Act (as inserted by section 20), the consultation is to be treated for the purposes of subsection (8)(a) of section 13A as consultation with the Board.’.

Mr Secretary Lansley

Agreed to 358

Page 336, line 37 [*Schedule 6*], at end insert—

- ‘1A (1) This paragraph applies if section 18 is commenced before section 29(1).
- (2) Until section 29(1) is commenced, section 7(1) of the 2006 Act has effect as if after “Special Health Authority” there were inserted “or Strategic Health Authority”.
 - (3) Sub-paragraph (4) applies in relation to any direction given under section 7(1) of the 2006 Act to a Strategic Health Authority which has effect immediately before section 18 is commenced.
 - (4) Until section 29(1) is commenced, the direction continues to have effect as if given to the Strategic Health Authority under section 7(1) of the 2006 Act (as it has effect by virtue of sub-paragraph (2)).

Health and Social Care (Re-Committed) Bill, *continued*

- (5) Sub-paragraph (6) applies in relation to any direction given under section 7(2) of the 2006 Act to a Special Health Authority in respect of the functions of a Strategic Health Authority which has effect immediately before section 18 is commenced.
- (6) Until section 29(1) is commenced, the direction continues to have effect as if given to the Special Health Authority in respect of the functions of the Strategic Health Authority under section 7(1) of the 2006 Act.
- (7) Any reference in this paragraph to section 7(1) of the 2006 Act is a reference to that provision as amended by section 18.’.

Mr Secretary Lansley

Agreed to **359**

Page **337**, line **24** [*Schedule 6*], at end insert—

‘ Any reference in paragraphs 1A to 3 to the commencement of section 18 is to its commencement by virtue of an order under section 304(4) (and not to its commencement for limited purposes by virtue of section 304(1)(d)).’.

Mr Secretary Lansley

Agreed to **360**

Page **337**, line **28** [*Schedule 6*], after “Trusts”, insert “or Strategic Health Authorities’.

Mr Secretary Lansley

Agreed to **361**

Page **339**, line **14** [*Schedule 6*], at end insert—

- (o) Any reference (however expressed) in the following provisions of Chapter A2 of Part 2 of the National Health Service Act 2006 to the functions of a clinical commissioning group includes a reference to the functions of a Primary Care Trust that are exercisable by the group by virtue of sub-paragraph (1)—
 - (a) section 14O(1),
 - (b) section 14P,
 - (c) section 14Q(1),
 - (d) section 14S(1),
 - (e) section 14T(1),
 - (f) section 14U(1),
 - (g) section 14V(1),
 - (h) section 14W(1),
 - (i) section 14X,
 - (j) section 14Y(1) and (2),
 - (k) section 14Z1(7).
 - (l) section 14Z2(1),
 - (m) section 14Z3(2),
 - (n) section 14Z5(7) insofar as it defines “commissioning functions” in section 14Z6,
 - (o) sections 14Z15(1), 14Z17(1) and 14Z19(1) and (3),

Health and Social Care (Re-Committed) Bill, *continued*

(p) in Schedule 1A, paragraphs 3(1) and (3), 5 and 11(6)(b).’.

Mr Secretary Lansley

Agreed to **362**

Page **339**, line **14** [*Schedule 6*], at end insert—

‘(o) Arrangements made under sub-paragraph (1) do not affect the liability of the Primary Care Trust for the exercise of any of its functions.’.

Mr Secretary Lansley

Agreed to **363**

Page **339**, line **14** [*Schedule 6*], at end insert—

‘Power to make payments to the Board during initial period

- (1) The Secretary of State may make payments to the Board of such amounts as the Secretary of State considers appropriate towards meeting the expenditure of the Board which is attributable to the performance by it of its functions during the initial period.
- (2) Payments under sub-paragraph (1) may be made at such times and on such terms and conditions as the Secretary of State considers appropriate.’.

Mr Secretary Lansley

Agreed to **364**

Page **339**, line **14** [*Schedule 6*], at end insert—

‘Support for clinical commissioning groups during initial period

- (1) A Primary Care Trust may provide assistance or support to a clinical commissioning group during the initial period.
- (2) The assistance that may be provided includes—
 - (a) financial assistance, and
 - (b) making the services of the Trust’s employees or any other resources of the Trust available to the group.
- (3) Assistance or support provided under this paragraph may be provided on such terms and conditions, including terms as to payment, as the Trust considers appropriate.
- (4) The Primary Care Trust may, in particular, impose restrictions on the use of any financial or other assistance or support provided under this paragraph.
- (5) A clinical commissioning group must comply with any restrictions imposed under sub-paragraph (4).’.

Mr Secretary Lansley

Agreed to **365**

Page **341**, line **8** [*Schedule 7*], at end insert—

‘Civil Contingencies Act 2004 (c. 36)

In Schedule 1 to the Civil Contingencies Act 2004, in Part 1 (list of Category 1 responders) for paragraph 9 substitute—

Health and Social Care (Re-Committed) Bill, *continued*

- “9 The Secretary of State, in so far as the functions of the Secretary of State include responding to emergencies by virtue of —
- (a) the Secretary of State’s functions under section 2A of the National Health Service Act 2006,
 - (b) the Secretary of State’s functions under section 54 of the Health and Social Care Act 2011 in so far as it applies in relation to Wales or Scotland, or
 - (c) arrangements made by the Welsh Ministers or Scottish Ministers under which the Secretary of State exercises on their behalf functions in relation to protecting the public in Wales or Scotland from disease or other dangers to health.”.
-

Mr Secretary Lansley

Agreed to 373

Page 378, line 21 [*Schedule 15*], at end insert—

- ‘(5) The regulations may impose duties on a responsible person as respects responding to requests for information made by a person who has power to appoint a member of an LHW when discharging the duty imposed by virtue of sub-paragraph (3).
 - (6) In sub-paragraph (5), “responsible person” means a responsible person for the purposes of section 224(1).’.
-

Mr Secretary Lansley

Agreed to 374

Page 381, line 25 [*Schedule 16*], at end insert—

- ‘ Omit section 70 (abolition of the Central Council for Education and Training in Social Work).’.

Mr Secretary Lansley

Agreed to 375

Page 381, line 28 [*Schedule 16*], at end insert—

- ‘ In section 114 (schemes for the transfer of staff), in subsection (1), omit “, 70”.
 - In section 118 (orders and regulations), in subsection (4), omit the words from “; and” to the end.
 - In section 121 (interpretation), in the table in subsection (13), omit the entry for “CCETSW”.
 - In section 122 (commencement), omit “section 70(2) to (5) and”.
 - In section 123 (extent), omit subsection (3).’.
-

Mr Secretary Lansley

Agreed to 376

Page 384, line 41 [*Schedule 16*], at end insert—

Health and Social Care (Re-Committed) Bill, *continued*

‘ In section 171(4) (provisions which Welsh Ministers have power to commence), before paragraph (a) insert—

“(za) sections 124 and 125 and Schedule 9 (regulation of social care workers: Wales) and section 126 (education and training of approved mental health professionals: Wales),’.

Mr Secretary Lansley

Agreed to **377**

Page **386**, line **39** [*Schedule 16*], leave out paragraph 53.

Mr Secretary Lansley

Agreed to **378**

Page **388**, line **7** [*Schedule 16*], at end insert—

‘ Omit section 26(12) of that Act.’.

Mr Secretary Lansley

Agreed to **379**

Page **388**, line **33** [*Schedule 16*], leave out paragraph (e).

Mr Secretary Lansley

Agreed to **380**

Page **397**, line **5** [*Schedule 18*], at beginning insert—

‘(1) The Employment Rights Act 1996 is amended as follows.

(2) In section 50 (right to time off for public duties) in subsection (8), after paragraph (ab) insert—

“(ac) the National Institute for Health and Care Excellence,”.’.

Mr Secretary Lansley

Agreed to **381**

Page **397**, line **5** [*Schedule 18*], leave out ‘of the Employment Rights Act 1996’.

Mr Secretary Lansley

Agreed to **382**

Page **397**, line **7** [*Schedule 18*], at end insert—

‘*Data Protection Act 1998 (c. 29)*

In section 69 of the Data Protection Act 1998 (meaning of “health professional”) in subsection (3), after paragraph (fa) insert—

“(fb) the National Institute for Health and Care Excellence,”.’.

Health and Social Care (Re-Committed) Bill, continued

Mr Secretary Lansley

Agreed to 383

Page 404, line 5 [Schedule 20], at end insert—

'Access to Health Records Act 1990 (c. 23)

In section 11 of the Access to Health Records Act 1990 (interpretation) in the definition of “health service body”, at the end insert—

“(f) the Health and Social Care Information Centre;”.

Mr Secretary Lansley

Agreed to 384

Page 404, line 7 [Schedule 20], at beginning insert—

“(1) The Employment Rights Act 1996 is amended as follows.

(2) In section 50 (right to time off for public duties) in subsection (8), after paragraph (ac) (inserted by Schedule 18) insert—

“(ad) the Health and Social Care Information Centre;”.

Mr Secretary Lansley

Agreed to 385

Page 404, line 7 [Schedule 20], leave out ‘of the Employment Rights Act 1996’.

Mr Secretary Lansley

Agreed to 386

Page 404, line 9 [Schedule 20], at end insert—

'Data Protection Act 1998 (c. 29)

In section 69 of the Data Protection Act 1998 (meaning of “health professional”) in subsection (3), after paragraph (fb) (inserted by Schedule 18) insert—

“(fc) the Health and Social Care Information Centre;”.

Mr Secretary Lansley

Agreed to 387

Page 409, line 2 [Schedule 22], leave out ‘the Secretary of State or a body’ and insert ‘a person’.

Mr Secretary Lansley

Agreed to 388

Page 409, line 3 [Schedule 22], after ‘(jb),’, insert ‘(m),’.

Mr Secretary Lansley

Agreed to 389

Page 409, line 14 [Schedule 22], leave out ‘the Welsh Ministers are, or a body’ and insert ‘a person’.

Mr Secretary Lansley

Agreed to 390

Page 409, line 15 [Schedule 22], leave out ‘or (k) is,’ and insert ‘(k) or (ma) is’.

Health and Social Care (Re-Committed) Bill, *continued*

Mr Secretary Lansley

Agreed to **391**Page **409**, line **28** [*Schedule 22*], after ‘jointly.’, insert—

- ‘(15) Subsection (16) applies (and subsections (12) and (14) do not apply) where a cross-border Special Health Authority is a party or prospective party to an arrangement or proposed arrangement which—
- (a) falls within subsection (1); and
 - (b) also falls within the definition of NHS contract in section 9 of the National Health Service Act 2006 and the definition of NHS contract in section 7 of the National Health Service (Wales) Act 2006.
- (16) Subsections (4) to (9) shall apply in relation to that arrangement or proposed arrangement (except in so far as it relates to reserved matters within the meaning of the Scotland Act 1998) with the substitution for references to the Secretary of State—
- (a) where the cross-border Special Health Authority is exercising functions in relation to England only, of references to the Secretary of State and the Scottish Ministers acting jointly;
 - (b) where the Authority is exercising functions in relation to Wales only, of references to the Welsh Ministers and the Scottish Ministers acting jointly; and
 - (c) where the Authority is exercising functions in relation to England and Wales, of references to the Secretary of State and the Welsh Ministers acting concurrently with each other and jointly with the Scottish Ministers.
- (17) In subsections (15) and (16), “cross-border Special Health Authority” means a Special Health Authority which is established under the National Health Service Act 2006 and the National Health Service (Wales) Act 2006 by virtue of—
- (a) paragraph 1(2) of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006, or
 - (b) the power under section 28 of the National Health Service Act 2006 and the power under section 22 of the National Health Service (Wales) Act 2006 being exercised together.’

Mr Secretary Lansley

Agreed to **392**Page **410**, line **26** [*Schedule 22*], after second ‘arrangement’, insert ‘(except in so far as it relates to reserved matters within the meaning of the Scotland Act 1998)’.

Mr Secretary Lansley

Agreed to **393**Page **410**, line **28** [*Schedule 22*], after ‘jointly.’, insert—

- ‘(3) Subsection (4) applies (and subsection (2) does not apply) where a cross-border Special Health authority is a party or prospective party to an arrangement or proposed arrangement which—
- (a) falls within the definition of NHS contract in section 9(1), and

Health and Social Care (Re-Committed) Bill, *continued*

- (b) also falls within the definition of NHS contract in section 17A of the National Health Service (Scotland) Act 1978 and the definition of NHS contract in section 7(1) of the National Health Service (Wales) Act 2006.
- (4) Subsections (5) to (13) of section 9 apply in relation to that arrangement or proposed arrangement (except in so far as it relates to reserved matters within the meaning of the Scotland Act 1998) with the substitution for references to the Secretary of State—
- (a) where the cross-border Special Health Authority is exercising functions in relation to England only, of references to the Secretary of State and the Scottish Ministers acting jointly; and
- (b) where the Authority is exercising functions in relation to England and Wales, of references to the Secretary of State and the Welsh Ministers acting concurrently with each other and jointly with the Scottish Ministers.
- (5) In subsections (3) and (4), “cross-border Special Health Authority” means a Special Health Authority which is established under the National Health Service Act 2006 and the National Health Service (Wales) Act 2006 by virtue of—
- (a) paragraph 1(2) of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006, or
- (b) the power under section 28 of the National Health Service Act 2006 and the power under section 22 of the National Health Service (Wales) Act 2006 being exercised together.’.

Mr Secretary Lansley

Agreed to **394**

Page **410**, line **32** [*Schedule 22*], at end insert—

- ‘() Until the commencement of section 29 of this Act, subsection (1) of section 66 of the National Health Service Act 2006 has effect as if it included a reference to Strategic Health Authorities.’.

Mr Secretary Lansley

Agreed to **395**

Page **411**, line **6** [*Schedule 22*], at end insert—

- ‘() Until the commencement of section 29 of this Act, subsection (1) of section 68 of the National Health Service Act 2006 has effect as if it included a reference to Strategic Health Authorities.’.

Mr Secretary Lansley

Agreed to **396**

Page **411**, line **40** [*Schedule 22*], after ‘Ministers’, insert ‘—

- (a) in so far as the arrangement or proposed arrangement relates to reserved matters within the meaning of the Scotland Act 1998, of references to the Welsh Ministers and the Secretary of State acting jointly, and
- (b) for all other purposes.’.

Health and Social Care (Re-Committed) Bill, *continued*

Mr Secretary Lansley

Agreed to **397**Page **411**, line **41** [*Schedule 22*], after ‘jointly.’, insert—

- (3) Subsection (4) applies (and subsection (2) does not apply) where a cross-border Special Health Authority is a party or prospective party to an arrangement or proposed arrangement which—
 - (a) falls within the definition of NHS contract in section 7(1), and
 - (b) also falls within the definition of NHS contract in section 17A of the National Health Service (Scotland) Act 1978 and the definition of NHS contract in section 9(1) of the National Health Service Act 2006.
- (4) Subsections (5) to (13) of section 7 apply in relation to the arrangement or proposed arrangement (except in so far as it relates to reserved matters within the meaning of the Scotland Act 1998) with the substitution for references to the Welsh Ministers—
 - (a) where the cross-border Special Health Authority is exercising functions in relation to Wales only, of references to the Welsh Ministers and the Scottish Ministers acting jointly, and
 - (b) where the Authority is exercising functions in relation to England and Wales, of references to the Welsh Ministers and the Secretary of State acting concurrently with each other and jointly with the Scottish Ministers.
- (5) In subsections (3) and (4), “cross-border Special Health Authority” means a Special Health Authority which is established under the National Health Service Act 2006 and the National Health Service (Wales) Act 2006 by virtue of—
 - (a) paragraph 1(2) of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006, or
 - (b) the power under section 28 of the National Health Service Act 2006 and the power under section 22 of the National Health Service (Wales) Act 2006 being exercised together.’

Mr Secretary Lansley

Agreed to **398**Page **413**, line **7** [*Schedule 22*], leave out from ‘services),’ to end of line 10 and insert ‘omit subsection (4)’.

Mr Secretary Lansley

Agreed to **399**Page **413**, line **16** [*Schedule 22*], leave out from ‘services),’ to end of line 19 and insert ‘omit subsection (4)’.

Mr Secretary Lansley

Agreed to **400**Page **416**, line **42** [*Schedule 22*], at end insert—

Health and Social Care (Re-Committed) Bill, *continued*

‘() omit sub-paragraph (i)’.

Mr Secretary Lansley

Page 416, line 44 [*Schedule 22*], leave out ‘after sub-paragraph (i)’ and insert ‘before sub-paragraph (j)’. *Agreed to 401*

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Andrew George
Owen Smith

Page 417 [*Schedule 23*], leave out lines 18 to 21.

Not called 31

John Healey
Liz Kendall
Emily Thornberry
Derek Twigg
Andrew George
Owen Smith

Page 418, line 34 [*Schedule 23*], leave out lines 5 to 8.

Not called 32

Mr Secretary Lansley

Page 418, line 41 [*Schedule 23*], column 2, at end insert—

Agreed to 402

‘A Special Health Authority
A qualifying company’.

Bill read the third time on division, and passed.
