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TO

Make provision for palliative care for persons who are suffering from a terminal illness; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duty to provide palliative care

- (1) The appropriate authority must ensure the provision of palliative care to every person with a terminal illness to such extent as is necessary to meet all such persons' reasonable requirements.
- (2) The services so provided must be free of charge except in so far as the making and recovery of charges is expressly provided for by or under any enactment, whenever passed. 5

2 General power

The appropriate authority may—

- (a) provide such services as it considers appropriate for the purpose of discharging the duty imposed on it by section 1 of this Act; and 10
- (b) do any thing else which is calculated to facilitate, or is conducive or incidental to, the discharge of the duty.

3 Duties of health care commissioners and providers in England

- (1) In relation to England it is the duty of each Strategic Health Authority, Primary Care Trust, NHS Trust, NHS foundation trust and any other health care commissioner or provider, in accordance with regulations— 15
 - (a) to administer the arrangements made in pursuance of this Act for the provision of palliative care,

- (b) to perform such management and other functions relating to the provision of palliative care as may be prescribed,
 - (c) to facilitate research into all aspects of palliative care,
 - (d) to develop a strategy to improve the provision of palliative care (a “palliative care strategy”), and 5
 - (e) to report annually to the Secretary of State on the palliative care strategy and progress in its implementation and to publish such reports.
- (2) Regulations under this section shall be made by the Secretary of State by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament. 10

4 Duties of health care commissioners and providers in Wales

In relation to Wales it is the duty of each Local Health Board, Health Commission Wales, NHS Trust, and any other health care commissioner or provider, in accordance with regulations made by the National Assembly for Wales— 15

- (a) to administer the arrangements made in pursuance of this Act for the provision of palliative care,
- (b) to perform such management and other functions relating to the provision of palliative care as may be prescribed,
- (c) to facilitate research into all aspects of palliative care, 20
- (d) to develop a strategy to improve the provision of palliative care (a “palliative care strategy”), and
- (e) to report annually to the Secretary of State on the palliative care strategy and progress in its implementation and to publish such reports.

5 Regulations 25

- (1) The appropriate authority may by regulations make arrangements for the provision of palliative care in accordance with this Act.
- (2) Regulations under subsection (1) may, in particular, make provision for—
- (a) access to advice and care from a specialist in palliative care for persons with terminal illnesses, 30
 - (b) the commissioning of specialists in palliative care,
 - (c) appropriate palliative care services for any person with a terminal illness who expresses a choice to be cared for at home if reasonably practicable,
 - (d) hospice or hospital accommodation for persons suffering from terminal illnesses, 35
 - (e) training for all health and social care professionals who care for persons with terminal illnesses,
 - (f) the improvement of cooperation between the voluntary sector, the National Health Service and social services in the provision of palliative care and between different health and social care professionals working within the National Health Service, 40
 - (g) prompt provision of necessary resources, equipment, medication, staff and ancillary services for persons with terminal illnesses,

- (h) such guidance as is required by health and social care professionals for the provision of appropriate palliative care,
 - (i) the monitoring, reviewing and encouragement of improvement of palliative care by the Commission for Healthcare Audit and Inspection.
- (2) Regulations made by the Secretary of State under this section shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament. 5

6 Standards

The appropriate authority shall prepare and publish statements of standards in relation to the provision of palliative care, including specialist palliative care services, by and for NHS bodies in accordance with the provisions of section 46 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43). 10

7 Interpretation

In this Act— 15

“appropriate authority” means in relation to England the Secretary of State, and in relation to Wales the National Assembly for Wales;

“palliative care” means care given with the intention of improving the quality of life of persons with a terminal illness by—

- (a) treatment which controls and relieves pain, distress, discomfort or other symptoms caused by, related to or coincidental with terminal illness, and 20
- (b) psychological, social and spiritual help and support;

“specialist in palliative care” means a nursing practitioner or other health care professional whose skills and competencies have reached standards set by the relevant professional body, and includes specialists in palliative medicine; 25

“specialist in palliative medicine” means a medical practitioner who is on the relevant specialist register;

“terminal illness” means an illness, disease or condition which— 30

- (a) is inevitably progressive and fatal, and
- (b) the progress of which cannot be reversed by treatment.

8 Short title, commencement and extent

- (1) This Act may be cited as the Palliative Care Act 2007.
- (2) This Act shall come into force at the end of the period of two months beginning on the day on which it is passed. 35
- (3) This Act extends to England and Wales only.

Palliative Care Bill [HL]

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The Baroness Finlay of Llandaff

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