

Lord Owen tables motion on NHS Transitional Risk Register

Lord Owen has tabled the following motion, which will be moved as an amendment to Earl Howe's motion at Third Reading of the Health and Social Care Bill on Monday, 19 March.

Lord Owen to move, as an amendment to the motion that the Bill be now read a third time, to leave out from "that" to the end and insert "the bill be not read a third time until either the House has had an opportunity to consider the detailed reasons for the first-tier tribunal decision that the transitional risk register be disclosed and the Government's response thereto, or until the last practical opportunity which would allow the Bill to receive Royal Assent before prorogation."

This is not intended to be a blocking motion, but Lord Owen does feel that the House of Lords should be prepared to propose a delay of a few weeks in order to respect the Freedom of Information Act and the two decisions over disclosure that have been taken.

He does not think the Bill should be passed until the House of Lords have had at the very least a broad-based and informed debate on the decision of the First Tier Tribunal that the NHS Transitional Risk Register should be disclosed. Since Prorogation will take place after the Easter Recess it would still be possible both for the Tribunal to publish their detailed assessment and for the Government to give their reply before the debate on Third Reading, and for the Bill to reach the Statute Book in this session of Parliament.

The detailed judgement of the First-tier Tribunal is still awaited following the hearings on 5 and 6 March and the judgement that the NHS Transitional Risk Register should be disclosed.

An editorial in the *Independent* on 14 March said "In the past we have argued that publication of these worst case scenarios could destabilise rather than inform debate. But now the Government has lost that argument, it must publish the Register swiftly. If, instead, it chooses to mount a further appeal to the High Court, it should, as David Owen, a former Labour Health Minister has suggested, delay the Third Reading of the Bill. For the Risk Register to be eventually published, but too late to inform public debate on the plans; would rightly outrage critics of the Bill."