

Health and Social Care Bill Report (7th Day) 13 March 2012

Amendment 300A

*Moved by **Baroness Thornton***

300A: Clause 302, page 271, line 35, at end insert-

"(A1) Part 3 of this Act shall come into force, by order, on a date to be determined by Parliament, which shall not be before April 2016.

(A2) Before bringing forward any order to bring Part 3 of this Act into force the **Secretary of State** shall consult the NHS Commissioning Board, the Independent Regulator of Foundation Trusts, the **Care Quality Commission**, patients or their representatives, and staff delivering NHS services or their representatives, and shall report to Parliament on the outcomes of the consultation.

(A3) Any such order must be laid in draft and approved by a resolution of each **House of Parliament**."

Lord Owen (Crossbench)

My Lords, the case has been made extremely well for accepting that one of the most vehement elements of criticism could be somewhat defused if this **amendment** was accepted by the Government. After all, some people have argued that the whole of Part 3 should be abolished. By accepting that the Government are going to go ahead but just asking that the relevant measures should be phased in seems to me a very rational and reasonable way of acknowledging that there is very deep-seated and justifiable criticism of this legislation.

Reference has been made to the primacy of the need to make the efficiency savings and the need to carry the people in the health service with regard to the provisions in the Bill. I do not want to weary the House by listing the royal colleges that are now opposed to this legislation but it is a staggering development. Nobody can deny the phenomenon that we are seeing; it is unprecedented. I would never have conceived it possible that there would be this degree of professional criticism of the Bill when I first started to look at it and realised that it was in my judgment a very bad Bill.

Indeed, it remains so in my judgment. However, I am not here to argue all these cases. This seems to me an important **amendment** which is geared to accepting that the Government will certainly resist the dropping of Part 3, but may be amenable to phasing it in. Indeed, the **Minister** might propose a different phasing-in period. It would seem to be a very wise course to deal with the essential elements-the efficiency savings-then bed in some of the other aspects that are new in the Bill and may well be accepted within a short period of time, and leave the element which causes the most deep-seated **opposition** until later. I hope that the **Minister** will listen to the argument, reflect it in his speech and be ready to make this important concession to his critics.

HL Deb, 13 March 2012, c252)