

STATEMENT BY THE RT HON LORD OWEN – 9 MARCH 2012

HEALTH AND SOCIAL CARE BILL - INFORMATION RIGHTS TRIBUNAL JUDGEMENT ON THE NHS TRANSITION RISK REGISTER

"Surely now Liberal Democrat Peers, with a long and proud history of supporting freedom of information, will not go along with any attempt by the Coalition Government to continue with the Third Reading of this Bill in the light of today's Information Rights Tribunal on the NHS Transition Risk Register. If the Government insist on appealing to the High Court then they must accept that the Bill is paused until that judgement has been made. If, as they should, the Government publishes the Bill's risk assessment now then the House of Lords will need time to satisfy itself – as I say in the motion which I have had on the Order Paper since before the Christmas recess – "in the light of any further examination of risk, and taking account of the views of the health professions, that the risks of not proceeding with the Bill are greater than the risks inherent in the Bill itself".

To go ahead with legislation, while appealing to the High Court, would be the third constitutional outrage associated with this legislation. The first was to legislate within months of the Prime Minister promising in the General Election that there would be no top-down reorganisation of the NHS. The second was to implement large parts of the legislation without Parliamentary authority. The attempt to railroad this legislation through both Houses of Parliament has raised very serious questions about the legitimacy of this Coalition Government. Now at the last moment Parliament has a chance to assert its democratic rights and the many Liberal Democrat Peers, who know in their heart of hearts that this legislative procedure is fundamentally wrong, have the opportunity to stand by their principles."

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