

# NHS Acute Medical and Surgical Services (Working Time Directive) Bill

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Require the Secretary of State to conduct an assessment of the impact of the European Union Working Time Directive on NHS acute medical and surgical services; to require the Secretary of State to make provision to exempt NHS acute medical and surgical services from the European Union Working Time Directive in the light of that assessment if certain conditions are met; and for connected purposes.

**B**E 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 Departmental analysis**

- (1) The Secretary of State must conduct an analysis of the impact of the Working Time Regulations 1998 (S.I. 1998, No. 1833) on National Health Service (NHS) acute medical and surgical services, including—
  - (a) an evaluation of the attainment of key NHS performance indicators and relevant professional standards for both doctors in training and consultant appointments, and 5
  - (b) an assessment of whether current working patterns are optimal for both the training and service requirements of the NHS.
- (2) The analysis shall be conducted by such bodies as the Secretary of State considers appropriate and must take into account research into— 10
  - (a) the optimal ways of delivering acute medical and surgical services in the NHS; and
  - (b) the impact of technology in delivery of such services.
- (3) The Secretary of State must publish the analysis conducted under subsections (1) and (2) before the end of the period of three months beginning with the day on which this Act is passed. 15

**2 Independent commission**

- (1) There shall be an independent Commission (“the Commission”) to assess the analysis conducted by the Secretary of State under section 1 of this Act. 20

- (2) The Commission shall consist of a Chair and no more than 12 other members appointed by the Secretary of State.
- (3) The Secretary of State must appoint the Chair and members of the Commission within a period of three months beginning with the day on which the analysis conducted under section 1 is published. 5
- (4) The Commission must publish a report before the end of the period of six months beginning with the day on which its members are appointed.
- (5) The Secretary of State must by regulations made by statutory instrument make provision for the payment of salaries and expenses to members of the Commission, which shall be subject to annulment in pursuance of a resolution of either House of Parliament. 10
- (6) The Commission’s report under subsection (4) must evaluate working patterns and the attainment of key indicators and standards of those in NHS acute medical and surgical services and make specific recommendations on what changes, if any, should be made to the Working Time Regulations 1998. 15
- 3 Enactment**
- (1) If the Commission concludes that NHS acute medical and surgical services should be exempt from the Working Time Regulations 1998 the Secretary of State must make a draft of an order bringing this into effect.
- (2) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament. 20
- 4 Interpretation**
- In this Act “publish” includes publication on the internet.
- 5 Financial provisions** 25
- There shall be paid out of money provided by Parliament –*
- (a) *any expenditure incurred under or by virtue of this Act by the Secretary of State, a Minister of the Crown or by a government department, and*
- (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.* 30
- 6 Short title, commencement and extent**
- (1) This Act may be cited as the NHS Acute Medical and Surgical Services (Working Time Directive) Act 2011.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act extends to England and Wales, Scotland and Northern Ireland. 35

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## B I L L

To require the Secretary of State to conduct an assessment of the impact of the European Union Working Time Directive on NHS acute medical and surgical services; to require the Secretary of State to make provision to exempt NHS acute medical and surgical services from the European Union Working Time Directive in the light of that assessment if certain conditions are met; and for connected purposes.

*Ordered to be brought in by Charlotte Leslie,  
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John Hemming, Rebecca Harris,  
Nick de Bois, Damian Hinds,  
Stephen Phillips and Stephen Barclay.*

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*Ordered, by The House of Commons,  
to be Printed, 1 February 2011.*

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