

International Trade and Investment (NHS Protection) Bill

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Require the National Health Service to be exempted from the provisions of international trade and investment agreements; 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 assess the impact of an international trade or investment treaty on the National Health Service

Not less than three months before Her Majesty's Government expects or proposes to sign an international treaty or agreement which contains provisions relating to international trade or investment ("a treaty") the Secretary of State has a duty to make an assessment on the following matters— 5

- (a) the extent to which the terms, or proposed terms, of the treaty impact on the funding, operation and development of the National Health Service;
- (b) whether the application of any dispute resolution arrangements would be binding on the National Health Service; and 10
- (c) the effect of any binding dispute resolution arrangements provided by or under the treaty on the funding, operation and development of the National Health Service.

2 Duty to ensure exemption for the National Health Service 15

- (1) This section applies where the assessment made by the Secretary of State in exercise of the duty under section 1 is that the treaty or the dispute resolution arrangements provided for by or under the treaty—
 - (a) applies in respect of the National Health Service, and
 - (b) may significantly and adversely affect the funding, operation or development of the National Health Service. 20
- (2) Her Majesty's Government has a duty to secure an exemption from the treaty in respect of the National Health Service, to ensure that the treaty does not significantly and adversely affect the funding, operation or development of the National Health Service. 25

- (3) Her Majesty's Government must not sign or ratify the treaty without an exemption, to ensure that the treaty does not significantly and adversely affect the funding, operation or development of the National Health Service.

3 Duty to report on the impact of an international trade or investment treaty on the National Health Service

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Not less than two months before Her Majesty's Government expects or proposes to sign a treaty the Secretary of State shall lay before each House of Parliament a report setting out—

- (a) the assessment he or she has made under the duty at section 1; and
 (b) the exemptions, if any, that have been made in respect of the National Health Service.

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4 Interpretation

In this Act National Health Service means the health services—

- in England provided under the National Health Service Act 2006;
 in Scotland provided under the National Health Service (Scotland) Act 1978;
 in Wales provided under the National Health Service (Wales) Act 2006;
 and
 in Northern Ireland provided under the Health and Social Care (Reform) Act (Northern-Ireland) 2009.

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5 Short title, commencement and extent

- (1) This Act may be cited as the International Trade and Investment (NHS Protection) Act 2017.
- (2) This Act shall come into force at the end of a period of three months beginning with the day on which this Act is passed.
- (3) This Act extends to England and Wales, Scotland and Northern Ireland.

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Presented by Mr Peter Lilley.

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to be Printed, 29 June 2016.*

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