



# House of Commons

Tuesday 4 February 2020

## LEGISLATIVE GRAND COMMITTEE (ENGLAND)

*New Amendments handed in are marked thus ★*

☆ *Amendments which will comply with the required notice period at their next appearance*

### NHS FUNDING BILL

#### NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Jeremy Corbyn  
Jonathan Ashworth  
Justin Madders  
Mr Nicholas Brown

4

Clause 1, page 1, leave out lines 6 to 10 and insert—

<i>“Financial year</i>	<i>Amount</i>
<i>Ending with 31 March 2021</i>	<i>£130,700,000,000</i>
<i>Ending with 31 March 2022</i>	<i>£138,300,000,000</i>
<i>Ending with 31 March 2023</i>	<i>£146,400,000,000</i>
<i>Ending with 31 March 2024</i>	<i>£154,900,000,000”</i>

***Member’s explanatory statement***

*This amendment would increase the proposed allotments to NHS England by 4.1%.*

NHS Funding Bill, *continued*

Jeremy Corbyn  
Jonathan Ashworth  
Justin Madders  
Mr Nicholas Brown  
Barbara Keeley

2

Clause 1, page 1, line 10, at end insert—

“(1A) The amount spent on mental health services in each financial year set out in the table must be set out in a statement laid before the House of Commons by the Secretary of State no later than 30 June in each year.

(1B) The statement in subsection (1A) must be accompanied by a statement on the Secretary of State’s plans to achieve parity of esteem in mental health services.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to report annually on the amount actually spent on mental health services, and on the Secretary of State’s plans to achieve parity of esteem in mental health services.*

Preet Kaur Gill  
Wes Streeting  
Pat McFadden  
Rosie Duffield  
Sarah Jones  
Sarah Champion

Matt Western

1

Clause 1, page 1, line 14, at end insert—

“(2A) For each year in the table in subsection (1), the Secretary of State must specify the amount of the allotment that is for mental health services.”

***Member’s explanatory statement***

*This amendment requires the Secretary of State to specify the amount to be spent each year on mental health services.*

Jeremy Corbyn  
Jonathan Ashworth  
Justin Madders  
Mr Nicholas Brown

5

Clause 1, page 1, line 14, at end insert—

“(2A) For each year in the table in subsection (1), the Secretary of State must specify the amount of the allotment that is for training for staff to improve maternity safety and care for mothers and babies.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to specify the amount to be spent each year on improving maternity safety and care for mothers and babies.*

NHS Funding Bill, *continued*

Jeremy Corbyn  
Jonathan Ashworth  
Justin Madders  
Mr Nicholas Brown

3

Clause 1, page 1, line 18, at end insert “and that the sums set out in the table are not permitted to be augmented by or composed of any virements from NHS capital budgets.”

***Member’s explanatory statement***

*This amendment would stop the Secretary of State meeting the NHS England allotment for resource spending by using funds from NHS capital budgets.*

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Preet Kaur Gill  
Wes Streeting  
Pat McFadden  
Rosie Duffield  
Sarah Jones  
Sarah Champion

Matt Western

NC1

To move the following Clause—

**“Annual report on mental health spending**

The Secretary of State must lay before the House of Commons an annual statement of the outturn of NHS England spending on mental health services no later than six months after the end of each financial year, beginning with the year ending 31 March 2020 and up to and including the year ending 31 March 2024.”

***Member’s explanatory statement***

*This new clause requires the Secretary of State to report each year on the actual level of spending on mental health services.*

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Munira Wilson  
Sir Edward Davey  
Mr Alistair Carmichael  
Tim Farron  
Christine Jardine  
Jamie Stone

Layla Moran  
Sarah Olney

Wera Hobhouse  
Wendy Chamberlain

Daisy Cooper

NC2

To move the following Clause—

**“Annual Report on Child and Adolescent Mental Health Services spending**

- (1) The Secretary of State must lay before the House of Commons an annual statement of the outturn of NHS England spending on Child and Adolescent Mental Health Service (CAMHS) no later than six months after the end of each

**NHS Funding Bill, *continued***

financial year, beginning with the year ending 31 March 2020 and up to and including the year ending 31 March 2024.

- (2) The annual statement from subsection (1) must report figures on—
  - (a) CAMHS expenditure per head,
  - (b) the percentage of the annual NHS England budget allotted to CAMHS, and
  - (c) the percentage of the annual mental health budget allotted to CAMHS.
- (3) The figures in subsection (2) must be broken down by standard regional units in England or by such territories as the Secretary of State considers appropriate.
- (4) Each statement under subsection (1) must include an assessment by the Secretary of State on whether expenditure on CAMHS has met the aims of the NHS Long Term Plan.”

***Member’s explanatory statement***

*This new clause would require the Secretary of State to report each year on the actual level of spending on CAMHS. It requires figures to be broken down by regional units and for the Secretary of State to include an assessment of whether expenditure on CAMHS is meeting the aims of the NHS Long Term Plan.*

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Jeremy Corbyn  
Jonathan Ashworth  
Justin Madders  
Mr Nicholas Brown

**NC3**

To move the following Clause—

**“Allocation of funding**

The Secretary of State must lay a report before the House of Commons no later than 31 July each year setting out how much in percentage and in cash terms in relation to the amounts set out at section 1(1) has been spent on mental health services in the most recent year ended on 31 March.”

***Member’s explanatory statement***

*This new clause would require the Secretary of State to report annually on the amount and proportion of NHS England spending devoted to mental health services.*

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NHS Funding Bill, *continued*

Jeremy Corbyn  
Jonathan Ashworth  
Justin Madders  
Mr Nicholas Brown

NC4

To move the following Clause—

**“Annual statement on performance**

The Secretary of State must make a statement to the House of Commons no later than 31 March each year setting out—

- (a) whether in the Secretary of State’s opinion the amount specified in section 1(1) for the following financial year is sufficient to meet the performance targets set out in the NHS constitution, and
- (b) if in the Secretary of State’s opinion the amount specified in section 1(1) for the following financial year is not sufficient to meet the performance targets set out in the NHS constitution, what steps Secretary of State is taking to ensure that those targets are met.”

***Member’s explanatory statement***

*This new clause would require the Secretary of State to report annually on whether the allotment to the health service specified in section 1(1) year is sufficient to meet the performance targets set out in the NHS Constitution and, if not, what steps Secretary of State is taking to ensure that those targets are met.*

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Jeremy Corbyn  
Jonathan Ashworth  
Justin Madders  
Mr Nicholas Brown

NC5

To move the following Clause—

**“Inflation**

- (1) The Secretary of State must make a statement to the House of Commons in the event that the annual rate of inflation as set out in the Consumer Prices Index is greater than 3.3% in any six months out of twelve after the date on which this Act is passed.
- (2) The statement under subsection (1) must specify whether, and by how much, the allotments to the health service in England set out will exceed the amount specified in the table in section 1(1).”

***Member’s explanatory statement***

*This new clause would require the Secretary of State to make a statement on the impact of inflation above a certain rate on the allotments to NHS England.*

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NHS Funding Bill, *continued*

Dr Philippa Whitford  
Ian Blackford  
Pete Wishart  
Patrick Grady

NC6

To move the following Clause—

**“Report on per capita health spending comparative data**

- (1) The Secretary of State must lay a report before the House of Commons during each year specified in the table in section 1(1) on the per capita spending on providing a comprehensive health service in—
  - (a) England,
  - (b) Northern Ireland,
  - (c) Scotland, and
  - (d) Wales.
- (2) Before the Treasury lays any estimate under section 1(3), the Secretary of State must lay a report before the House of Commons on what the allotment to NHS England would be if it matched per capita health spending in Scotland.”

***Member’s explanatory statement***

*This new clause would require the Secretary of State to report annually on per capita health spending in each part of the UK, and on what the amount of the allotment to NHS England would be if it matched per capita spending in Scotland.*

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Dr Philippa Whitford  
Ian Blackford  
Pete Wishart  
Patrick Grady

NC7

To move the following Clause—

**“Barnett consequentials**

- (1) The Treasury must lay before the House of Commons, within 6 months of the date on which this Act is passed, an assessment of the effect on the block grant to Scotland of the allotments specified in the table in section 1(1).
- (2) The Treasury must, within 10 days of laying an estimate mentioned in section 1(3), lay before the House of Commons an assessment of the effect on the block grant to Scotland of any difference between the amount specified in the table in section 1(1) and the relevant amount in the estimate for the Department of Health and Social Care.”

***Member’s explanatory statement***

*This new clause would require the Treasury to report on the Barnett consequentials for the block grant to Scotland of the amounts specified in this Bill and of any higher amounts later presented in the Estimates for DHSC spending on the health service in England.*

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NHS Funding Bill, *continued*

Bob Blackman  
Alex Cunningham  
Caroline Lucas  
Mary Kelly Foy  
Hywel Williams

NC8

To move the following Clause—

**“Health funding: tobacco**

- (1) The Secretary of State may, after consultation with persons whom the Secretary of State thinks appropriate, make a scheme (referred to in this section as a statutory scheme) for the following purposes—
  - (a) funding the provision of measures to reduce smoking prevalence in England and Wales in the financial years mentioned in section 1(1),
  - (b) providing for any producer of a tobacco product to pay to the Secretary of State an amount calculated by reference to sales or estimated sales of those tobacco products (whether on the basis of net prices, average selling prices or otherwise).
- (2) A statutory scheme may, in particular, make any provision mentioned in subsections (3) and (4).
- (3) The scheme may provide for any amount representing the volume of sales of tobacco products or a specified class of tobacco products in excess of any limits determined under the scheme by a producer of tobacco products or a specified class of tobacco products to be paid by that producer to the Secretary of State within a specified period.
- (4) The scheme may provide for any amount payable in accordance with the scheme by any producer of a tobacco product to whom the scheme applies to be paid to the Secretary of State within a specified period.
- (5) The Secretary of State may, after consultation with persons whom the Secretary of State considers appropriate, make any provision he considers necessary or expedient for the purpose of enabling or facilitating—
  - (a) the introduction of a statutory scheme under subsection (1), or
  - (b) the determination of the provision to be made in a proposed statutory scheme.
- (6) Where the Secretary of State is preparing to make or vary a statutory scheme, he may make any provision he considers necessary or expedient for transitional or transitory purposes which could be made by such a scheme.
- (7) Regulations may require any producer of a tobacco product to—
  - (a) record and keep information which the Secretary of State may require for the purpose enabling or facilitating the exercise by the Secretary of State of any powers under subsection (1) or (5), and
  - (b) provide that information to the Secretary of State,
- (8) Regulations may provide for a person who contravenes any provision of a statutory scheme to be liable to pay a penalty to the Secretary of State.
- (9) The penalty may be—
  - (a) a single penalty not exceeding £100,000, or
  - (b) a daily penalty not exceeding £10,000 for every day on which the contravention occurs or continues.
- (10) Regulations may provide for any amount payable to the Secretary of State by virtue of a statutory scheme to carry interest at a rate specified or referred to in the regulations.

**NHS Funding Bill, *continued***

- (11) Provision may be made by regulations for conferring on producers of tobacco products a right of appeal against enforcement decisions taken in respect of them in pursuance of this section, and
- (12) The provision which may be made by virtue of subsection (11) includes any provision which may be made by model provisions with respect to appeals under section 6 of the Deregulation and Contracting Out Act 1994 (c. 40), reading—
  - (a) the references in subsections (4) and (5) of that section to enforcement action as references to action taken to implement an enforcement decision,
  - (b) in subsection (5) of that section, the references to interested persons as references to any persons and the reference to any decision to take enforcement action as a reference to any enforcement decision.
- (13) In subsections (11) and (12), “enforcement decision” means a decision of the Secretary of State or any other person to require a producer to pay any amount (including an amount by way of penalty) to him.
- (14) Before making any regulations under this section the Secretary of State must consult such persons as appear to the Secretary of State appropriate to represent producers.
- (15) The Secretary of State may by order increase (or further increase) either of the sums mentioned in subsection (9).
- (16) Any power conferred on the Secretary of State by this section may be exercised by—
  - (a) making regulations, or
  - (b) giving directions to a specific producer of a tobacco product.
- (17) Regulations under subsection (16)(a) may confer power for the Secretary of State to give directions to a specific producer; and in this subsection “specific” means specified in the direction concerned.
- (18) Regulations under this section may make—
  - (a) different provision for different purposes;
  - (b) provision generally or for specific cases;
  - (c) provision subject to exceptions;
  - (d) incidental, supplementary, transitional, transitory or saving provision.
- (19) Regulations and orders under this section are to be made by statutory instrument.
- (20) A statutory instrument that contains an order under subsection (15) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (21) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (22) For the purposes of this section a person produces a tobacco product if, in the course of a business and with a view to the product being supplied for consumption in the United Kingdom or through the travel retail sector, the person—
  - (a) manufactures the product,
  - (b) puts a name, trademark or other distinguishing mark on it by which the person is held out to be its manufacturer or originator, or
  - (c) imports it into the United Kingdom.

**NHS Funding Bill, *continued***

- (23) In this section, “tobacco product” means a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked or chewed.”

***Member’s explanatory statement***

*This new clause introduces provisions which enable the Secretary of State to set up a statutory scheme that would require producers of tobacco products to pay a levy to the Secretary of State based on sales of those products. The levy would be utilised for funding measures to reduce smoking prevalence in England and Wales.*

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Anne Marie Morris  
Dr Philippa Whitford  
Sir Charles Walker

NC9

To move the following Clause—

**“Annual parity of esteem report: spending on mental health and mental illness**

Within six weeks of the end of each financial year specified in the table, the Secretary of State must lay before each House of Parliament a report on the ways in which the allotment made to NHS England for that financial year contributed to the promotion in England of a comprehensive health service designed to secure improvement—

- (a) in the mental health of the people of England, and
- (b) in the prevention, diagnosis and treatment of mental illness.”

***Member’s explanatory statement***

*This new clause would require the Secretary of State for Health and Social Care to make an annual statement on how the funding received by mental health services that year from the overall annual allotment has contributed to the improvement of mental health and the prevention, diagnosis and treatment of mental illness.*

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Jeremy Corbyn  
Jonathan Ashworth  
Justin Madders  
Mr Nicholas Brown

NC10

To move the following Clause—

**“NHS and trade agreements**

- (1) The Secretary of State must lay a report before each House of Parliament on any negotiations towards an international trade treaty which could affect the cost of service delivery by NHS England.

**NHS Funding Bill, *continued***

- (2) Any report under subsection (1) must include an assessment of the potential effect of that treaty on the adequacy of the sums in the table in section 1 of this Act to deliver the intended outcomes in the provision of health services.”

***Member’s explanatory statement***

*This new clause would require the Secretary of State to publish an assessment of the impact of international trade agreements on health spending and outcomes in England.*

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Jeremy Corbyn  
Jonathan Ashworth  
Justin Madders  
Mr Nicholas Brown

NC11

To move the following Clause—

**“Annual review of adequacy of allotment to NHS England**

The Secretary of State must lay before each House of Parliament within 14 days of the Treasury laying the annual main estimate for the Department of Health and Social Care an assessment of the extent to which changes in the costs of pharmaceutical treatments, medical devices and service delivery since the date on which this Act is passed have affected the health outcomes in England achieved as a result of the amounts in the table in section 1 of this Act allotted to NHS England.”

***Member’s explanatory statement***

*This new clause would require the Secretary of State to publish an annual assessment of the impact of changes in the costs of pharmaceutical treatments, medical devices and service delivery on the expected outcomes from the allotted amounts under this Act.*

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ORDER OF THE HOUSE [27 JANUARY 2020]

That the following provisions shall apply to the NHS Funding Bill:

*Committal*

1. The Bill shall be committed to the Legislative Grand Committee (England).

*Proceedings in Legislative Grand Committee, on Consideration and up to and including Third Reading*

2. Proceedings in the Legislative Grand Committee (England) on the Bill, proceedings on Consideration and any proceedings in legislative grand committee on a consent motion shall (so far as not previously concluded) be brought to a conclusion three hours after the commencement of proceedings in the Legislative Grand Committee (England) on the Bill.
3. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion four hours after the commencement of proceedings in the Legislative Grand Committee (England) on the Bill.

**NHS Funding Bill, *continued***

4. Standing Order No. 83B (Programming committees) shall not apply to proceedings in the Legislative Grand Committee (England) on the Bill or to proceedings on Consideration and up to and including Third Reading.

*Other proceedings*

5. Any other proceedings on the Bill may be programmed.
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