
Report Stage: Monday 15 November 2021

Health and Care Bill, As Amended (Amendment Paper)

This document lists all amendments tabled to the Health and Care Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

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

New Amendments: 3 to 9 and NC14

Caroline Nokes
Mr Kevan Jones
Sarah Champion
Caroline Lucas
Anne Marie Morris
Paula Barker
Sir Roger Gale

Margaret Ferrier

NC1

To move the following Clause—

“Licensing of aesthetic non-surgical cosmetic procedures

- (1) No person may carry on an activity to which this subsection applies—
 - (a) except under the authority of a licence for the purposes of this section, and
 - (b) other than in accordance with specified training.
- (2) Subsection (1) applies to an activity relating to the provision of aesthetic non-surgical procedures which is specified for the purposes of the subsection by regulations made by the Secretary of State.
- (3) A person commits an offence if that person contravenes subsection (1).
- (4) The Secretary of State may by regulations make provision about licences and conditions for the purposes of this section.
- (5) Before making regulations under this section, the Secretary of State must consult the representatives of any interests concerned which the Secretary of State considers appropriate.
- (6) Regulations may, in particular—
 - (a) require a licensing authority not to grant a licence unless satisfied as to a matter specified in the regulations; and
 - (b) require a licensing authority to have regard, in deciding whether to grant a licence, to a matter specified in the regulations.”

Member's explanatory statement

This new clause gives the Secretary of State the power to introduce a licensing regime for aesthetic non-surgical cosmetic procedures and makes it an offence for someone to practise without a licence. The list of treatments, detailed conditions and training requirements would be set out in regulations after consultation with relevant stakeholders.

Mary Kelly Foy

NC2

☆ To move the following Clause—

"Health warnings on cigarettes and cigarette papers

The Secretary of State may by regulations require tobacco manufacturers to print health warnings on individual cigarettes and cigarette rolling papers."

Member's explanatory statement

This new clause would give powers to the Secretary of State to require manufacturers to print health warnings on individual cigarettes.

Mary Kelly Foy

NC3

☆ To move the following Clause—

"Cigarette pack inserts

The Secretary of State may by regulations require tobacco manufacturers to display a health information message on a leaflet inserted in cigarette packaging."

Member's explanatory statement

This new clause would give powers to the Secretary of State to require manufacturers to insert leaflets containing health information and information about smoking cessation services inside cigarette packaging.

Mary Kelly Foy

NC4

☆ To move the following Clause—

"Packaging and labelling of nicotine products

The Secretary of State may by regulations make provision about the retail packaging and labelling of electronic cigarettes and other novel nicotine products including requirements for health warnings and prohibition of branding elements attractive to children."

Member's explanatory statement

This new clause would give powers to the Secretary of State to prohibit branding on e-cigarette packaging which is appealing to children.

Mary Kelly Foy

NC5

☆ To move the following Clause—

“Sale and distribution of nicotine products to children under the age of 18 years

- (1) The Secretary of State may by regulations prohibit the free distribution of nicotine products to those aged under 18 years, and prohibit the sale of all nicotine products to those under 18.
- (2) Regulations under subsection (1) must include an exception for medicines or medical devices indicated for the treatment of persons aged under 18.”

Member’s explanatory statement

This new clause would give powers to the Secretary of State to prohibit the free distribution or sale of any consumer nicotine product to anyone under 18, while allowing the sale or distribution of nicotine replacement therapy licensed for use by under 18s.

Mary Kelly Foy

NC6

☆ To move the following Clause—

“Flavoured tobacco products

The Secretary of State may by regulations remove the limitation of the prohibition of flavours in cigarettes or tobacco products to “characterising” flavours, and extend the flavour prohibition to all tobacco products as well as smoking accessories including filter papers, filters and other products designed to flavour tobacco products.”

Member’s explanatory statement

This new clause would give powers to the Secretary of State to prohibit any flavouring in any tobacco product or smoking accessory.

Mary Kelly Foy

NC7

☆ To move the following Clause—

“Tobacco supplies: statutory schemes

- (1) The Secretary of State may make a scheme (referred to in this section and section [Tobacco supplies: statutory schemes (supplementary)] as a statutory scheme) for one or more of the following purposes—
 - (a) regulating the prices which may be charged by any manufacturer or importer of tobacco products for the supply of any tobacco products,
 - (b) limiting the profits which may accrue to any manufacturer or importer in connection with the manufacture or supply of tobacco products, or

- (c) providing for any manufacturer or importer of tobacco products to pay to the Secretary of State an amount calculated by reference to sales or estimated sales of those 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) to (6).
- (3) The scheme may provide for any amount representing sums charged by any manufacturer or importer to whom the scheme applies, in excess of the limits determined under the scheme, for tobacco products covered by the scheme to be paid by that person to the Secretary of State within a specified period.
- (4) The scheme may provide for any amount representing the profits, in excess of the limits determined under the scheme, accruing to any manufacturer or importer to whom the scheme applies in connection with the manufacture or importation of tobacco products covered by the scheme to be paid by that person to the Secretary of State within a specified period.
- (5) The scheme may provide for any amount payable in accordance with the scheme by any manufacturer or importer to whom the scheme applies to be paid to the Secretary of State within a specified period.
- (6) The scheme may—
 - (a) prohibit any manufacturer or importer to whom the scheme applies from varying, without the approval of the Secretary of State, any price charged by him for the supply of any tobacco product covered by the scheme, and
 - (b) provide for any amount representing any variation in contravention of that prohibition in the sums charged by that person for that product to be paid to the Secretary of State within a specified period.”

Member’s explanatory statement

This new clause and NC8, NC9 and NC10 would enable the Secretary of State for Health and Social Care to regulate prices and profits of tobacco manufacturers and importers.

Mary Kelly Foy

NC8

☆ To move the following Clause—

“Tobacco supplies: statutory schemes (supplementary)

- (1) The Secretary of State may make any provision the Secretary of State considers necessary or expedient for the purpose of enabling or facilitating—
 - (a) the introduction of a statutory scheme under section [*Tobacco supplies: Statutory schemes*], or

- (b) the determination of the provision to be made in a proposed statutory scheme.
- (2) The provision may, in particular, require any person to whom such a scheme may apply to—
 - (a) record and keep information,
 - (b) provide information to the Secretary of State in electronic form.
- (3) The Secretary of State must—
 - (a) store electronically the information which is submitted in accordance with subsection (2);
 - (b) ensure that information submitted in accordance with this provision is made publicly available on a website, taking the need to protect trade secrets duly into account.
- (4) Where the Secretary of State is preparing to make or vary a statutory scheme, the Secretary of State may make any provision the Secretary of State considers necessary or expedient for transitional or transitory purposes which could be made by such a scheme.”

Member’s explanatory statement

This new clause and NC7, NC9 and NC10 would enable the Secretary of State for Health and Social Care to regulate prices and profits of tobacco manufacturers and importers.

Mary Kelly Foy

NC9

☆ To move the following Clause—

“Tobacco supplies: enforcement

- (1) Regulations may provide for a person who contravenes any provision of regulations or directions under section [*Tobacco supplies: statutory schemes*] to be liable to pay a penalty to the Secretary of State.
- (2) The penalty may be—
 - (a) a single penalty not exceeding £5 million,
 - (b) a daily penalty not exceeding £500,000 for every day on which the contravention occurs or continues.
- (3) Regulations may provide for any amount required to be paid to the Secretary of State by virtue of section [*Tobacco supplies: statutory schemes*] (4) or (6)(b) to be increased by an amount not exceeding 50 per cent.
- (4) Regulations may provide for any amount payable to the Secretary of State by virtue of provision made under section [*Tobacco supplies: statutory schemes*] (3), (4), (5) or (6)(b) (including such an amount as increased under subsection (3)) to carry interest at a rate specified or referred to in the regulations.
- (5) Provision may be made by regulations for conferring on manufacturers and importers a right of appeal against enforcement decisions taken in respect of them in pursuance of [*Tobacco supplies: statutory schemes*], [*Tobacco supplies: statutory schemes (supplementary)*] and this section.

- (6) The provision which may be made by virtue of subsection (5) 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.
- (7) In subsections (5) and (6), “enforcement decision” means a decision of the Secretary of State or any other person to—
- (a) require a specific manufacturer or importer to provide information to him,
 - (b) limit, in respect of any specific manufacturer or importer, any price or profit,
 - (c) refuse to give approval to a price increase made by a specific manufacturer or importer,
 - (d) require a specific manufacturer or importer to pay any amount (including an amount by way of penalty) to the Secretary of State,
- and in this subsection “specific” means specified in the decision.
- (8) A requirement or prohibition, or a limit, under section [*Tobacco supplies: statutory schemes*], may only be enforced under this section and may not be relied on in any proceedings other than proceedings under this section.
- (9) Subsection (8) does not apply to any action by the Secretary of State to recover as a debt any amount required to be paid to the Secretary of State under section [*Tobacco supplies: statutory schemes*] or this section.
- (10) The Secretary of State may by order increase (or further increase) either of the sums mentioned in subsection (2).”

Member’s explanatory statement

This new clause and NC7, NC8 and NC10 would enable the Secretary of State for Health and Social Care to regulate prices and profits of tobacco manufacturers and importers.

Mary Kelly Foy

NC10

☆ To move the following Clause—

“Tobacco supplies: controls: (supplementary)

- (1) Any power conferred on the Secretary of State by section [*Tobacco supplies: statutory schemes*] and [*Tobacco supplies: statutory schemes (supplementary)*] may be exercised by—
- (a) making regulations, or
 - (b) giving directions to a specific manufacturer or importer.

- (2) Regulations under subsection (1)(a) may confer power for the Secretary of State to give directions to a specific manufacturer or importer; and in this subsection “specific” means specified in the direction concerned.
- (3) In this section and section [*Tobacco supplies: statutory schemes*] and [*Tobacco supplies: statutory schemes (supplementary)*] and [*Tobacco supplies: enforcement*]—

“tobacco product” means a product that can be consumed and consists, even partly, of tobacco;

“manufacturer” means any person who manufactures tobacco products;

“importer” means any person who imports tobacco products into the UK with a view to the product being supplied for consumption in the United Kingdom or through the travel retail sector, and contravention of a provision includes a failure to comply with it.”

Member’s explanatory statement

This new clause and NC7, NC8 and NC9 would enable the Secretary of State for Health and Social Care to regulate prices and profits of tobacco manufacturers and importers.

Mary Kelly Foy

NC11

☆ To move the following Clause—

“Age of sale of tobacco

The Secretary of State must consult on raising the age of sale for tobacco from 18 to 21 within three months of the passage of this Act.”

Member’s explanatory statement

This new clause would require the Secretary of State to consult on raising the age of sale for tobacco products to 21.

Dawn Butler

NC12

☆ To move the following Clause—

“Protection of the title of “nurse”

- (1) A person may not practise or carry on business under any name, style or title containing the word “nurse” unless that person is registered with the Nursing and Midwifery Council and entered in sub part 1 or 2 of the register as a Registered Nurse or in the specialist community public health nursing part of the register.
- (2) Subsection (1) does not prevent any use of the designation “veterinary nurse”, “dental nurse” (for which see section 36K of the Dentists Act 1984) or “nursery nurse”.
- (3) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level four on the standard scale.”

Peter Dowd

NC13

☆ To move the following Clause—

“National self-care strategy

- (1) The Secretary of State must prepare a National Self-Care Strategy to fully integrate self-care for minor ailments into the wider health system.
- (2) The National Self-Care Strategy must have regard to the need to—
 - (a) address inequalities in health literacy;
 - (b) enhance the understanding of primary and secondary age children on how to self-care;
 - (c) introduce self-care modules in healthcare professionals’ training curricula and continuing professional development;
 - (d) make best use of, and expand, the Community Pharmacist Consultation Service;
 - (e) improve access to effective self-care treatments;
 - (f) enable community pharmacists to refer people directly to other healthcare professionals;
 - (g) ensure better support for primary care networks to deliver self-care;
 - (h) evaluate the use of technologies that have been developed during the COVID-19 pandemic to promote greater self-care; and
 - (i) accelerate efforts to enable community pharmacists to populate medical records.”

Member’s explanatory statement

The new clause would ensure that the Secretary of State for Health and Social Care publishes a national self-care strategy to integrate self-care for minor ailments into the health system.

Richard Fuller

NC14

★ To move the following Clause—

“Implementation of Restrictions on advertising of less healthy food and drink online

The regulator shall put in place a mechanism for the delivery of the requirements under Part 2 of Schedule 16 which shall require that advertisers—

- (a) apply media targeting filters, based on robust audience measurement data, to ensure the avoidance of children’s media or editorial content of particular appeal to children;
- (b) use audience targeting tools and, where available, proprietary audience or other first-party data to further exclude children; and
- (c) use campaign evaluation tools to assess audience impacts and use any learning to continually improve future targeting approaches.”

Member's explanatory statement

This new clause would require the regulator to put in place a three-step "filtering" process for restricting online advertising by managing the targeting of an online advertising campaign for foods that are high in fat, salt or sugar, as developed by the Committee of Advertising Practice of the Advertising Standards Authority.

Peter Dowd

1

☆ Clause 20, page 29, line 45, at end insert—

"(c) fully integrate the promotion of everyday wellbeing, self-care for minor ailments and the management of long-term conditions into local health systems."

Member's explanatory statement

This amendment would ensure that everyday wellbeing, self-care for minor ailment and management of long term conditions are integrated and promoted into local health systems.

Peter Dowd

2

☆ Clause 20, page 30, line 3, after "services" insert "including services provided by pharmacists for minor ailments"

Member's explanatory statement

This amendment would ensure that integrated care partnerships include in a strategy its views on how health-related services, including provision for self-treatable conditions, are integrated into health and social care services in that area.

Richard Burgon

9

★ Clause 69, page 64, line 1, at end insert—

"(3A) The regulations must provide that—

- (a) there is a presumption—
 - (i) in favour of contracts being awarded to NHS trusts and NHS foundation trusts, and
 - (ii) that integrated care provider contracts will not be awarded to a body other than to an NHS trust or an NHS foundation trust, except for under the provisions of paragraph (b);
- (b) if an NHS trust or an NHS foundation trust does not consider that it is able, or does not wish, to provide certain services under a contract, it must publish its reasons;

- (c) if paragraph (b) applies, the integrated care board must consult the public if it proposes to award any contract for those services to any body other than an NHS trust or NHS foundation trust;
- (d) a consultation under paragraph (c) must—
 - (i) set out the responses of the integrated care provider to the reasons given by the NHS trust or NHS foundation trust under paragraph (b),
 - (ii) specify the proposed parties to and the full terms and conditions of the proposed contract, and
 - (iii) specify that the terms and conditions for staff under the proposed contract must be at least equivalent to NHS terms and conditions.”

Member’s explanatory statement

This amendment would make NHS trusts and foundation trusts the default providers of NHS services.

Richard Fuller

3

- ★ Schedule 16, page 222, line 8, at end insert—

“(3) A brand may continue to advertise, or provide sponsorship, if the advertisement or sponsorship does not include an identifiable less healthy food and drink product.”

Member’s explanatory statement

This amendment makes an explicit exemption from the advertising restrictions on television programme services between 5.30 am and 9.00 pm for brand advertising and sponsorship, where there is no identifiable less healthy food and drink product.

Richard Fuller

6

- ★ Schedule 16, page 222, line 38, after “unless”, insert “a public consultation has been carried out on the proposed change to the relevant guidance, and”.

Member’s explanatory statement

This amendment requires a public consultation to take place before any change can be made to the Nutrient Profiling Technical Guidance under which a food or drink product may be identified as “less healthy” and its advertising restricted on television programme services between 5.30 am and 9.00 pm.

Richard Fuller

4

- ★ Schedule 16, page 223, line 4, at end insert—

“(3) A brand may continue to advertise, and provide sponsorship as a brand, if the advertisement or sponsorship does not include an identifiable less healthy food and drink product.”

Member’s explanatory statement

This amendment makes explicit exemptions from the advertising restrictions on on-demand programme services for brand advertising and sponsorship, where there is no identifiable less healthy food and drink product.

Richard Fuller

7

- ★ Schedule 16, page 223, line 36, after “unless”, insert “a public consultation has been carried out on the proposed change to the relevant guidance, and”.

Member’s explanatory statement

This amendment requires a public consultation to take place before any change can be made to the Nutrient Profiling Technical Guidance under which a food or drink product may be identified as “less healthy” and its advertising restricted on on-demand programme services.

Richard Fuller

5

- ★ Schedule 16, page 224, line 26, at end insert—

“(4) A brand may continue to advertise, and provide sponsorship as a brand, if the advertisement does not include an identifiable less healthy food and drink product.”

Member’s explanatory statement

This amendment makes an explicit exemption from the restrictions on online advertising for brand advertising and sponsorship, where there is no identifiable less healthy food and drink product.

Richard Fuller

8

- ★ Schedule 16, page 225, line 24, after “unless”, insert “a public consultation has been carried out on the proposed change to the relevant guidance, and”.

Member’s explanatory statement

This amendment requires a public consultation to take place before any change can be made to the Nutrient Profiling Technical Guidance under which a food or drink product may be identified as “less healthy” and its advertising restricted online.

Order of the House

[14 July 2021]

That the following provisions shall apply to the Health and Care Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 2 November 2021.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to conclusion at the moment of interruption on that day.
6. Standing Order No.83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

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