

LORDS AMENDMENTS TO THE  
HEALTH AND CARE BILL

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*[The page and line references are to HL Bill 71, the bill as first printed for the Lords]*

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**After Clause 2**

**1** Insert the following new Clause—

**“Spending on mental health**

- (1) The National Health Service Act 2006 is amended as follows.
- (2) After section 12E insert—

**“12F Expected mental health spending**

- (1) The Secretary of State must, in respect of each financial year, publish and lay before Parliament a document—
  - (a) stating, by comparison with the previous financial year—
    - (i) whether the Secretary of State expects there to be an increase in the amount of expenditure incurred by NHS England and integrated care boards (taken together) in relation to mental health, and
    - (ii) whether the Secretary of State expects there to be an increase in the proportion of the expenditure incurred by NHS England and integrated care boards (taken together) that relates to mental health, and
  - (b) explaining why.
- (2) The Secretary of State must publish and lay the document before the financial year to which it relates.”
- (3) In section 13U (annual report), after subsection (2A) (inserted by section 29 of this Act) insert—

“(2B) The annual report must include—

  - (a) a statement of the amount of expenditure incurred by NHS England and integrated care boards during the year (taken together) in relation to mental health,

- (b) a calculation of the proportion of the expenditure incurred by NHS England and integrated care boards during the year (taken together) that relates to mental health, and
- (c) an explanation of the statement and calculation.””

#### Clause 4

- 2 Page 2, line 35, leave out from “objectives” to “, and” in line 38 and insert “specified by the Secretary of State under subsection (2)(a) for NHS England must include objectives relating to outcomes for cancer patients”
- 3 Page 2, line 39, after “relating” insert “specifically”
- 4 Page 2, leave out line 40

#### After Clause 4

- 5 Insert the following new Clause –

##### **“Duties as to reducing inequalities**

In section 13G of the National Health Service Act 2006 (NHS England’s duties in relation to the reduction of inequalities) –

- (a) in paragraph (a), for “patients” substitute “persons”;
- (b) in paragraph (b), after “services” insert “(including the outcomes described in section 13E(3))”.

- 6 Insert the following new Clause –

##### **“Duties in respect of research: business plan and annual report etc**

- (1) The National Health Service Act 2006 is amended as follows.
- (2) In section 13L (duty in respect of research), after “functions,” insert “facilitate or otherwise”.
- (3) In section 13T (business plan), in subsection (2)(a), after “13G” insert “, 13L”.
- (4) In section 13U (annual report), in subsection (2)(c) (as amended by section 69(4) of this Act), at the appropriate place insert –  
“section 13L;”.

#### Clause 5

- 7 Page 3, line 16, leave out “The reference in subsection (1)” and insert “In subsection (1) –
  - (a) the reference”
- 8 Page 3, line 19, at end insert –
  - “(b) the reference to effects of a decision in relation to the health and well-being of the people of England includes a reference to its effects in relation to inequalities between the people of England with respect to their health and well-being;
  - (c) the reference to effects of a decision in relation to the quality of services provided to individuals includes a reference to its effects in relation to inequalities between individuals with respect to the benefits that they can obtain from those services.”

**After Clause 5**

9 Insert the following new Clause—

**“NHS England: duties in relation to climate change etc**

After section 13NB of the National Health Service Act 2006 (inserted by section 5 of this Act) insert—

**“13NC Duties as to climate change etc**

- (1) NHS England must, in the exercise of its functions, have regard to the need to—
  - (a) contribute towards compliance with—
    - (i) section 1 of the Climate Change Act 2008 (UK net zero emissions target), and
    - (ii) section 5 of the Environment Act 2021 (environmental targets), and
  - (b) adapt to any current or predicted impacts of climate change identified in the most recent report under section 56 of the Climate Change Act 2008.
- (2) In discharging the duty under this section, NHS England must have regard to guidance published by it under section 13ND.

**13ND Guidance about discharge of duty under section 13NC etc**

NHS England may publish guidance about the discharge of—

- (a) the duty imposed on it by section 13NC;
- (b) the duty imposed on integrated care boards by section 14Z43A;
- (c) the duty imposed on NHS trusts by section 26B;
- (d) the duty imposed on NHS foundation trusts by section 63B.””

**After Clause 6**

10 Insert the following new Clause—

**“Information about inequalities**

- (1) The National Health Service Act 2006 is amended as follows.
- (2) After section 13S insert—

**“13SA Information about inequalities**

- (1) NHS England must publish a statement setting out—
  - (a) a description of the powers available to relevant NHS bodies to collect, analyse and publish information relating to—
    - (i) inequalities between persons with respect to their ability to access health services;
    - (ii) inequalities between persons with respect to the outcomes achieved for them by the provision of health services (including the outcomes described in section 13E(3)); and

- (b) the views of NHS England about how those powers should be exercised in connection with such information.
- (2) NHS England may from time to time publish a revised statement under subsection (1).
- (3) In this section “relevant NHS bodies” means –
  - (a) integrated care boards,
  - (b) NHS trusts established under section 25, and
  - (c) NHS foundation trusts.”
- (3) In Schedule 4 (NHS trusts: constitution etc), in paragraph 12, after sub-paragraph (1A) (inserted by Schedule 4 to this Act) insert –
  - “(1B) The annual report must, in particular, review the extent to which the NHS trust has exercised its functions consistently with NHS England’s views set out in the latest statement published under section 13SA(1) (views about how functions relating to inequalities information should be exercised).”
- (4) In Schedule 7 (constitution of public benefit corporations), in paragraph 26, after sub-paragraph (1A) (inserted by Schedule 4 to this Act) insert –
  - “(1B) The reports must, in particular, review the extent to which the public benefit corporation has exercised its functions consistently with NHS England’s views set out in the latest statement published under section 13SA(1) (views about how functions relating to inequalities information should be exercised).”

#### **Clause 14**

**11** Page 12, leave out lines 3 to 6 and insert –

- “(4) Each integrated care board must set out in its constitution –
  - (a) the arrangements for managing conflicts and potential conflicts of interest in such a way as to ensure that they do not, and do not appear to, affect the integrity of the board’s decision-making processes,
  - (b) the process by which any appointment of a member to the integrated care board or any appointment to any committee or sub-committee of the integrated care board that has a commissioning function must be made so as to avoid the appointment of anyone who would be perceived to have a conflict or potential conflict of interest, and
  - (c) the arrangements for ensuring that no member of any committee or sub-committee of the integrated care board who has a conflict or potential conflict of interest obtains access to information that might be perceived to favour the interest or potential interest.”

#### **Clause 16**

**12** Page 13, line 42, at end insert –

- “(ga) such other services or facilities for palliative care as the board considers are appropriate as part of the health service,”

## Clause 20

- 13 Page 16, line 33, leave out “patients” and insert “persons”
- 14 Page 16, line 36, at end insert “(including the outcomes described in section 14Z34(3))”
- 15 Page 17, line 16, at end insert “facilitate or otherwise”
- 16 Page 18, line 27, leave out “The reference in subsection (1)” and insert “In subsection (1) –  
 (a) the reference”
- 17 Page 18, line 30, at end insert –  
 “(b) the reference to effects of a decision in relation to the health and well-being of the people of England includes a reference to its effects in relation to inequalities between the people of England with respect to their health and well-being;  
 (c) the reference to effects of a decision in relation to the quality of services provided to individuals includes a reference to its effects in relation to inequalities between individuals with respect to the benefits that they can obtain from those services.”
- 18 Page 18, line 38, at end insert –  
**“14Z43A Duties as to climate change etc**  
 (1) Each integrated care board must, in the exercise of its functions, have regard to the need to –  
 (a) contribute towards compliance with –  
 (i) section 1 of the Climate Change Act 2008 (UK net zero emissions target), and  
 (ii) section 5 of the Environment Act 2021 (environmental targets), and  
 (b) adapt to any current or predicted impacts of climate change identified in the most recent report under section 56 of the Climate Change Act 2008.  
 (2) In discharging the duty under this section, integrated care boards must have regard to guidance published by NHS England under section 13ND.”
- 19 Page 20, line 18, at end insert –  
**“14Z47A Duty to keep experience of members under review etc**  
 An integrated care board must –  
 (a) keep under review the skills, knowledge and experience that it considers necessary for members of the board to possess (when taken together) in order for the board effectively to carry out its functions, and  
 (b) if it considers that the board as constituted lacks the necessary skills, knowledge and experience, take such steps as it considers necessary to address or mitigate that shortcoming.”
- 20 Page 21, line 12, at end insert –  
 “(za) describe the health services for which the integrated care board proposes to make arrangements in the exercise of its functions by virtue of this Act;”

- 21 Page 21, leave out lines 15 to 20 and insert –  
“(i) sections 14Z34 to 14Z44 (general duties of integrated care boards), and  
(ii) ”
- 22 Page 21, line 25, at end insert –  
“(ba) set out any steps that the integrated care board proposes to take to address the particular needs of children and young persons under the age of 25;”
- 23 Page 24, leave out lines 39 to 43 and insert “sections 14Z34 to 14Z44 and 14Z47A (general duties of integrated care boards),”
- 24 Page 25, line 2, after “plan),” insert –  
“(ba) review the extent to which the board has exercised its functions consistently with NHS England’s views set out in the latest statement published under section 13SA(1) (views about how functions relating to inequalities information should be exercised),”
- 25 Page 25, line 8, at end insert –  
“(3A) An annual report must include –  
(a) a statement of the amount of expenditure incurred by the integrated care board during the financial year in relation to mental health,  
(b) a calculation of the proportion of the expenditure incurred by the integrated care board during the financial year that relates to mental health, and  
(c) an explanation of the statement and calculation.”
- 26 Page 25, line 25, at end insert –  
“(ca) section 14Z40 (duty in respect of research),”

#### **Clause 29**

- 27 Page 39, line 34, leave out “also”

#### **Before Clause 35**

- 28 Insert the following new Clause –

##### **“Duties in respect of research**

In section 1E of the National Health Service Act 2006 (duty as to research), after “must” insert “facilitate or otherwise”.

#### **Clause 35**

- 29 Page 42, leave out lines 14 to 19 and insert –  
“(1) The Secretary of State must, at least once every two years, lay a report before Parliament describing the system in place for assessing and meeting the workforce needs of the health, social care and public health services in England.

- (2) This report must include –
  - (a) an independently verified assessment of health, social care and public health workforce numbers, current at the time of publication, and the projected workforce supply for the following five, ten and 20 years; and
  - (b) an independently verified assessment of future health, social care and public health workforce numbers based on the projected health and care needs of the population for the following five, ten and 20 years, taking account of the Office for Budget Responsibility long-term fiscal projections.
- (3) NHS England and Health Education England must assist in the preparation of a report under this section.
- (4) The organisations listed in subsection (3) must consult health and care employers, providers, trade unions, Royal Colleges, universities and any other persons deemed necessary for the preparation of this report, taking full account of workforce intelligence, evidence and plans provided by local organisations and partners of integrated care boards.”

#### **Clause 40**

30 Leave out Clause 40

#### **Clause 45**

31 Page 50, line 6, leave out “The reference in subsection (1)” and insert “In subsection (1)–

- (a) the reference”

32 Page 50, line 9, at end insert–

- “(b) the reference to effects of a decision in relation to the health and well-being of the people of England includes a reference to its effects in relation to inequalities between the people of England with respect to their health and well-being;
- (c) the reference to effects of a decision in relation to the quality of services provided to individuals includes a reference to its effects in relation to inequalities between individuals with respect to the benefits that they can obtain from those services.”

#### **After Clause 45**

33 Insert the following new Clause–

#### **“NHS trusts: duties in relation to climate change**

After section 26A of the National Health Service Act 2006 (inserted by section 45 of this Act) insert–

#### **“26B Duties in relation to climate change etc**

- (1) An NHS trust established under section 25 must, in the exercise of its functions, have regard to the need to –
  - (a) contribute towards compliance with–
    - (i) section 1 of the Climate Change Act 2008 (UK net zero emissions target), and

- (ii) section 5 of the Environment Act 2021 (environmental targets), and
  - (b) adapt to any current or predicted impacts of climate change identified in the most recent report under section 56 of the Climate Change Act 2008.
- (2) In discharging the duty under this section, NHS trusts must have regard to guidance published by NHS England under section 13ND.””

#### Clause 54

- 34 Page 53, line 16, at end insert “in respect of a single financial year”
- 35 Page 53, line 20, leave out “period” and insert “financial year”
- 36 Page 53, line 22, at end insert –
- “(4A) An order under this section may be made at any time during or before the financial year to which it relates.”
- 37 Page 53, line 24, leave out “period” and insert “financial year”

#### Clause 59

- 38 Page 55, line 37, leave out “The reference in subsection (1)” and insert “In subsection (1)–
- (a) the reference”
- 39 Page 55, line 40, at end insert –
- “(b) the reference to effects of a decision in relation to the health and well-being of the people of England includes a reference to its effects in relation to inequalities between the people of England with respect to their health and well-being;
  - (c) the reference to effects of a decision in relation to the quality of services provided to individuals includes a reference to its effects in relation to inequalities between individuals with respect to the benefits that they can obtain from those services.”

#### After Clause 59

- 40 Insert the following new Clause –
- “NHS foundation trusts: duties in relation to climate change**
- After section 63A of the National Health Service Act 2006 (inserted by section 59 of this Act) insert –
- “63B Duties in relation to climate change etc**
- (1) An NHS foundation trust must, in the exercise of its functions, have regard to the need to –
    - (a) contribute towards compliance with –
      - (i) section 1 of the Climate Change Act 2008 (UK net zero emissions target), and
      - (ii) section 5 of the Environment Act 2021 (environmental targets), and

(b) adapt to any current or predicted impacts of climate change identified in the most recent report under section 56 of the Climate Change Act 2008.

(2) In discharging the duty under this section, NHS foundation trusts must have regard to guidance published by NHS England under section 13ND.””

#### Clause 67

41 Page 61, line 42, at end insert –

“(2AA) For the purposes of subsection (2)(da) (as read with subsection (2A)) –

- (a) a reference to the effects of decisions in relation to the health and well-being of the people of England includes a reference to the effects of the decisions in relation to inequalities between the people of England with respect to their health and well-being;
- (b) a reference to effects of decisions in relation to the quality of services provided to individuals includes a reference to the effects of the decisions in relation to inequalities between individuals with respect to the benefits that they can obtain from those services.”

#### Clause 70

42 Page 63, line 35, leave out “procurement by relevant authorities” and insert “processes to be followed and objectives to be pursued by relevant authorities in the procurement”

43 Page 63, line 40, at end insert –

“(1A) Regulations under subsection (1) must include provision specifying steps to be taken when following a competitive tendering process.”

44 Page 63, leave out from line 41 to line 1 on page 64

45 Page 64, line 2, leave out lines 2 to 6 and insert –

- “(3) Regulations under subsection (1) must, in relation to the procurement of all health care services to which they apply, make provision for the purposes of –
- (a) ensuring transparency;
  - (b) ensuring fairness;
  - (c) ensuring that compliance can be verified;
  - (d) managing conflicts of interest.”

46 Page 64, line 7, leave out lines 7 and 8 and insert –

“(4) NHS England must publish such guidance as it considers appropriate about compliance with the regulations.”

#### Clause 71

47 Page 64, line 31, at end insert –

- “(b) in section 272 (orders, regulations, rules and directions), in subsection (6), after paragraph (zzd), insert –
- “(zze) regulations under section 12ZB,”.”

**After Clause 71**

48 Insert the following new Clause –

**“Health service procurement and supply chains: genocide convention obligations**

- (1) The Secretary of State must by regulations make provision for the purposes of ensuring that procurement of all goods and services for the purposes of the health service in England is consistent with the United Kingdom’s obligations under the Convention on the Prevention and Punishment of the Crime of Genocide.
- (2) For the purposes of subsection (1), procurement is not consistent if a Minister of the Crown has assessed that there is a serious risk of genocide in the sourcing region.
- (3) A Minister of the Crown must make an assessment as to whether there is serious risk if the chair of a relevant select committee of either House of Parliament requests one, and must complete such assessment within two months.”

**After Clause 77**

49 Insert the following new Clause –

**“Meaning of “health” in NHS Act 2006**

In section 275(1) of the National Health Service Act 2006 (interpretation), at the appropriate place insert –

““health” includes mental health;”.

**Clause 79**

50 Page 69, line 42, at end insert “and the “and” before it.”

**After Clause 80**

51 Insert the following new Clause –

**“Carers and safe discharge from hospital**

- (1) This section applies where –
  - (a) a person (“the patient”) is a qualifying hospital patient at a hospital, and
  - (b) the responsible NHS body considers that it is unlikely to be safe to discharge the patient from hospital unless care provided by one or more carers is available to the patient.
- (2) It is the duty of the responsible NHS body to –
  - (a) consult the patient about their preferences regarding their care following discharge from hospital, and
  - (b) take reasonable steps to identify and consult any carer or potential carer of the patient about to be discharged.

- (3) The NHS body must consult any carer or potential carer identified under subsection (2) to ascertain—
  - (a) whether the carer is able, and is likely to continue to be able, to provide care for the patient needing care, and
  - (b) whether the carer is willing, and is likely to continue to be willing, to do so.
- (4) Having consulted the carer, the NHS body must cooperate with the local authority in relation to their duties under the Care Act 2014, the Health and Care Act 2006 and the Children Act 1989.
- (5) For the purposes of this section—
  - (a) a “qualifying hospital patient” means a person being accommodated at—
    - (i) a health service hospital, or
    - (ii) an independent hospital in pursuance of arrangements made by an NHS body,
 who is receiving (or who has received or is expected to receive) care.
  - (b) a “carer” means any person, including any child under the age of 18, who provides or intends to provide care in respect of a patient to whom the NHS may provide services, but a person is not to be regarded as a carer if they provide or intend to provide care under or by virtue of a contract, or as voluntary work.”

#### **Before Clause 81**

52 Insert the following new Clause—

#### **“Information about payments etc to persons in the health care sector**

- (1) The Secretary of State may by regulations require manufacturers or commercial suppliers of health care products, or connected persons, to—
  - (a) publish information about payments or other benefits provided by them to relevant persons, or
  - (b) provide such information to the Secretary of State.
- (2) The regulations may make further provision about when and how the information is to be published or provided.
- (3) The information may, in particular, include information about—
  - (a) a payment or other benefit,
  - (b) the person who provided it, or
  - (c) the person who received it.
- (4) The regulations may make provision permitting or requiring the further sharing, publication or use of the information.
- (5) The regulations may impose requirements on manufacturers or commercial suppliers of health care products, or connected persons, about the retention of information relating to payments or other benefits provided by them to relevant persons.

- (6) The regulations may –
  - (a) authorise the Secretary of State to designate as a “relevant scheme” any scheme under which information about payments or other benefits to relevant persons is collected or published by a person other than the Secretary of State, if the Secretary of State considers that the provision of information under the scheme would render compliance with some or all of the requirements imposed by the regulations unnecessary;
  - (b) create exceptions from requirements to publish or provide information imposed by virtue of subsection (1) where information is provided under a relevant scheme;
  - (c) if such exceptions are created –
    - (i) require a person who holds information mentioned in subsection (1) in connection with the operation of a relevant scheme to provide the information to the Secretary of State;
    - (ii) permit or require the Secretary of State to publish the information.
- (7) The regulations may impose requirements on a person mentioned in subsection (6)(c)(i) about the retention of information mentioned there.
- (8) The provision for exceptions that may be made by the regulations includes provision authorising the Secretary of State to grant an exception from a requirement imposed by the regulations in a particular case, on grounds specified in the regulations.
- (9) The regulations may provide that the disclosure of information under the regulations does not breach –
  - (a) an obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of the information (however imposed), other than a restriction imposed by the data protection legislation.
- (10) Provision made by the regulations may, in particular, be framed by reference to manufacturers or commercial suppliers with a specified connection to the United Kingdom or a part of it.
- (11) In this section –
  - (a) “connected person” in relation to a manufacturer or commercial supplier, means a person who has a connection, of a description specified in regulations made by the Secretary of State, with the manufacturer or commercial supplier;
  - (b) “relevant person” means –
    - (i) a person who provides health care in the United Kingdom or a part of it, whether or not under arrangements made by another person, or
    - (ii) another person who carries on activities connected with health care provided in the United Kingdom or a part of it and is of a description specified in regulations made by the Secretary of State.
- (12) In this section –
  - “commercial supplier”, in relation to a health care product, means a person who supplies the product otherwise than in the course of providing health care;

“data protection legislation” has the meaning given by section 3(9) of the Data Protection Act 2018;

“health care” means all forms of health care provided for individuals, whether relating to physical or mental health;

“health care product” means a medicine, medical device or other product which is supplied or prescribed in the course of the provision of health care;

“manufacturer”, in relation to a health care product, means a person who manufactures or assembles the product;

“payments or other benefits” includes any payment or other benefit –

- (a) wherever it is provided,
- (b) whether or not it is of a financial nature,
- (c) whether it is provided under a contract or otherwise, and
- (d) whether it is provided directly or through a third party.”

53 Insert the following new Clause –

**“Regulations under section (*Information about payments etc to persons in the health care sector*): enforcement**

- (1) Regulations under section (*Information about payments etc to persons in the health care sector*)(1) may make provision for the enforcement of requirements imposed by the regulations, including provision conferring on the Secretary of State the power to impose a financial penalty on a person who, without reasonable excuse –
  - (a) fails to comply with such a requirement, or
  - (b) provides information in response to such a requirement that is false or misleading to a material extent.
- (2) The amount of the financial penalty is to be specified in, or determined in accordance with, the regulations.
- (3) Regulations by virtue of subsection (1) must include provision –
  - (a) requiring the Secretary of State, before imposing a financial penalty on a person, to give the person written notice (a “notice of intent”) of the proposed financial penalty;
  - (b) ensuring that the person is given an opportunity to make representations about the proposed financial penalty;
  - (c) requiring the Secretary of State, after the period for making representations, to decide whether to impose the financial penalty;
  - (d) requiring the Secretary of State, if the Secretary of State decides to impose the financial penalty, to give the person notice in writing (a “final notice”) imposing the penalty;
  - (e) enabling a person on whom a financial penalty is imposed to appeal to a court or tribunal in accordance with the regulations;
  - (f) as to the powers of the court or tribunal on such an appeal.
- (4) The provision that may be made by the regulations by virtue of subsection (1) includes provision –
  - (a) enabling a notice of intent or final notice to be withdrawn or amended;
  - (b) requiring the Secretary of State to withdraw a final notice in circumstances specified in the regulations;

- (c) for a financial penalty to be increased by an amount specified in or determined in accordance with the regulations in the event of late payment;
- (d) as to how financial penalties are recoverable.”

54 Insert the following new Clause –

**“Regulations under section (*Information about payments etc to persons in the health care sector*): consent**

- “(1) Before making regulations under section (*Information about payments etc to persons in the health care sector*), the Secretary of State must –
- (a) obtain the consent of the Scottish Ministers in relation to any provision which –
    - (i) would be within the legislative competence of the Scottish Parliament, if contained in an Act of that Parliament, and
    - (ii) is not merely incidental to, or consequential on, provision which would be outside that legislative competence;
  - (b) obtain the consent of the Welsh Ministers in relation to any provision which –
    - (i) would be within the legislative competence of Senedd Cymru, if contained in an Act of the Senedd, and
    - (ii) is not merely incidental to, or consequential on, provision which would be outside that legislative competence;
  - (c) obtain the consent of the Department of Health in Northern Ireland in relation to any provision which –
    - (i) would be within the legislative competence of the Northern Ireland Assembly, if contained in an Act of that Assembly, and
    - (ii) is not merely incidental to, or consequential on, provision which would be outside that legislative competence.
- (2) Consent is not required under subsection (1)(c) in relation to any provision if –
- (a) a Bill for an Act of the Northern Ireland Assembly containing the provision would require the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998, and
  - (b) the provision does not affect, other than incidentally, a transferred matter (within the meaning of that Act).”

**Clause 87**

55 Page 80, line 40, at end insert –

- “(b) provide for powers or duties conferred on the Scottish Ministers to be treated for the purposes of section 2 of the National Health Service (Scotland) Act 1978 as functions relating to the health service (within the meaning of that Act).”

**Clause 88**

56 Page 83, line 10, at end insert –

- “Special Health Authority” means a Special Health Authority established under section 28 of the National Health Service Act 2006.”

**Clause 89**

57 Page 83, line 23, at end insert—

“(3A) Regulations under this section may not transfer a function as defined in Part 9 of the Health and Social Care Act 2012.”

**Clause 92**

58 Page 87, line 4, leave out paragraphs (c) to (e)

59 Page 87, line 9, at end insert “established under section 25 of the National Health Service Act 2006”

**Clause 94**

60 Page 88, line 2, leave out subsection (1) and insert—

“(1) Before making regulations under section 89 or 90, the Secretary of State must—

(a) obtain the consent of the Scottish Ministers in relation to any provision—

(i) which would be within the legislative competence of the Scottish Parliament, if contained in an Act of that Parliament, and is not merely incidental to, or consequential on, provision which would be outside that legislative competence, or

(ii) which modifies the functions of the Scottish Ministers;

(b) obtain the consent of the Welsh Ministers in relation to any provision—

(i) which would be within the legislative competence of Senedd Cymru, if contained in an Act of the Senedd, and is not merely incidental to, or consequential on, provision which would be outside that legislative competence, or

(ii) which modifies the functions of the Welsh Ministers;

(c) obtain the consent of a Northern Ireland department in relation to any provision—

(i) which would be within the legislative competence of the Northern Ireland Assembly, if contained in an Act of that Assembly, and is not merely incidental to, or consequential on, provision which would be outside that legislative competence, or

(ii) which modifies the functions of a Northern Ireland department.”

61 Page 88, line 26, leave out “Consultation is not required under subsection (1)(d)(i)” and insert “Consent is not required under subsection (1)(c)(i)”

62 Page 88, line 32, at end insert—

“(2A) Before making regulations under section 89 or 90, the Secretary of State must consult the following about a draft of the regulations—

(a) any body to which the regulations relate, and

(b) such other persons as the Secretary of State considers appropriate.”

63 Page 88, line 33, leave out “subsection (1)” and insert “this section”.

- 64 Page 88, line 37, after “whether” insert “consent is obtained or”.

**Clause 111**

- 65 Page 98, line 19, leave out from “provision” to the end of line 23 and insert “–
- (i) would be within the legislative competence of the Northern Ireland Assembly if contained in an Act of that Assembly, and
  - (ii) would not, if contained in a Bill for an Act of the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.”

- 66 Page 98, line 29, leave out subsection (7)

**After Clause 133**

- 67 Insert the following new Clause –

**“CHAPTER 2**

HYMENOPLASTY OFFENCES

*Hymenoplasty offences: England and Wales*

**Offence of carrying out hymenoplasty: England and Wales**

- (1) It is an offence under the law of England and Wales for a person to carry out hymenoplasty.
- (2) “Hymenoplasty” means the reconstruction of the hymen (with or without consent).
- (3) An offence is committed under subsection (1) only if the person –
  - (a) is in England and Wales, or
  - (b) is outside the United Kingdom, and is a United Kingdom national or habitually resident in England and Wales.
- (4) “United Kingdom national” means an individual who is –
  - (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
  - (b) a person who under the British Nationality Act 1981 is a British subject, or
  - (c) a British protected person within the meaning of that Act.”

- 68 Insert the following new Clause –

**“Offence of offering to carry out hymenoplasty: England and Wales**

- (1) It is an offence under the law of England and Wales –
  - (a) for a person in England and Wales to offer to carry out hymenoplasty in the United Kingdom or hymenoplasty that has a sufficient jurisdictional connection, or
  - (b) for a person anywhere to offer to carry out hymenoplasty if the person is a United Kingdom national or habitually resident in England and Wales.

- (2) Hymenoplasty has a sufficient jurisdictional connection for the purposes of subsection (1)(a) if it is carried out in relation to a person who is –
  - (a) a United Kingdom national, or
  - (b) habitually resident in the United Kingdom.
- (3) In this section –
 

“United Kingdom national” has the meaning given by section (*Offence of carrying out hymenoplasty: England and Wales*)(4);

“hymenoplasty” has the meaning given by section (*Offence of carrying out hymenoplasty: England and Wales*)(2).”

69

Insert the following new Clause –

**“Offence of aiding or abetting etc a person to carry out hymenoplasty: England and Wales**

- (1) It is an offence under the law of England and Wales for a person who is in England and Wales, or for a person who is outside England and Wales but who is a United Kingdom national or habitually resident in England and Wales, to aid, abet, counsel or procure the carrying out of hymenoplasty that has a sufficient jurisdictional connection.
- (2) Hymenoplasty has a sufficient jurisdictional connection for the purposes of subsection (1) if it is carried out in relation to a person who is –
  - (a) in the United Kingdom,
  - (b) a United Kingdom national, or
  - (c) habitually resident in the United Kingdom.
- (3) This section does not affect the application to an offence under section (*Offence of carrying out hymenoplasty: England and Wales*) of any rule of law relating to aiding, abetting, counselling or procuring.
- (4) In this section –
 

“United Kingdom national” has the meaning given by section (*Offence of carrying out hymenoplasty: England and Wales*)(4);

“hymenoplasty” has the meaning given by section (*Offence of carrying out hymenoplasty: England and Wales*)(2).”

70

Insert the following new Clause –

**“Hymenoplasty offences in England and Wales: penalties**

- (1) A person who commits an offence under section (*Offence of carrying out hymenoplasty: England and Wales*), (*Offence of offering to carry out hymenoplasty: England and Wales*) or (*Offence of aiding or abetting etc a person to carry out hymenoplasty: England and Wales*), is liable –
  - (a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).
- (2) In subsection (1)(a) “the maximum summary term for either-way offences” means –
  - (a) in relation to an offence committed before the time when paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 comes into force, 6 months;
  - (b) in relation to an offence committed after that time, 12 months.”

71 Insert the following new Clause –

*“Hymenoplasty offences: Scotland*

**Offence of carrying out hymenoplasty: Scotland**

- (1) It is an offence under the law of Scotland for a person to carry out hymenoplasty.
- (2) “Hymenoplasty” means the reconstruction of the hymen (with or without consent).
- (3) An offence is committed under subsection (1) only if the person –
  - (a) is in Scotland, or
  - (b) is outside the United Kingdom, and is a United Kingdom national or habitually resident in Scotland.
- (4) “United Kingdom national” means an individual who is –
  - (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
  - (b) a person who under the British Nationality Act 1981 is a British subject, or
  - (c) a British protected person within the meaning of that Act.”

72 Insert the following new Clause –

**“Offence of offering to carry out hymenoplasty: Scotland**

- (1) It is an offence under the law of Scotland –
  - (a) for a person in Scotland to offer to carry out hymenoplasty in the United Kingdom or hymenoplasty that has a sufficient jurisdictional connection, or
  - (b) for a person anywhere to offer to carry out hymenoplasty if the person is a United Kingdom national or habitually resident in Scotland.
- (2) Hymenoplasty has a sufficient jurisdictional connection for the purposes of subsection (1)(a) if it is carried out in relation to a person who is –
  - (a) a United Kingdom national, or
  - (b) habitually resident in the United Kingdom.
- (3) In this section –

“United Kingdom national” has the meaning given by section (*Offence of carrying out hymenoplasty: Scotland*)(4);

“hymenoplasty” has the meaning given by section (*Offence of carrying out hymenoplasty: Scotland*)(2).”

73 Insert the following new Clause –

**“Offence of aiding or abetting etc a person to carry out hymenoplasty: Scotland**

- (1) It is an offence under the law of Scotland for a person who is in Scotland, or for a person who is outside Scotland but who is a United Kingdom national or habitually resident in Scotland, to aid, abet, counsel, procure or incite the carrying out of hymenoplasty that has a sufficient jurisdictional connection.

- (2) Hymenoplasty has a sufficient jurisdictional connection for the purposes of subsection (1) if it is carried out in relation to a person who is—
  - (a) in the United Kingdom,
  - (b) a United Kingdom national, or
  - (c) habitually resident in the United Kingdom.
- (3) This section does not affect the application to an offence under section (*Offence of carrying out hymenoplasty: Scotland*) of any rule of law relating to aiding, abetting, counselling, procuring or inciting.
- (4) In this section—
 

“United Kingdom national” has the meaning given by section (*Offence of carrying out hymenoplasty: Scotland*)(4);

“hymenoplasty” has the meaning given by section (*Offence of carrying out hymenoplasty: Scotland*)(2).”

74 Insert the following new Clause—

**“Hymenoplasty offences in Scotland: penalties and supplementary**

- (1) A person who commits an offence under section (*Offence of carrying out hymenoplasty: Scotland*), (*Offence of offering to carry out hymenoplasty: Scotland*) or (*Offence of aiding or abetting etc a person to carry out hymenoplasty: Scotland*), is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).
- (2) Where a person outside Scotland commits an offence under section (*Offence of carrying out hymenoplasty: Scotland*), (*Offence of offering to carry out hymenoplasty: Scotland*) or (*Offence of aiding or abetting etc a person to carry out hymenoplasty: Scotland*) the person may be prosecuted, tried and punished for the offence—
  - (a) in a sheriff court district in which the person is apprehended or in custody, or
  - (b) in a sheriff court district determined by the Lord Advocate, as if the offence had been committed in that district.
- (3) Where subsection (2) applies, the offence is, for all purposes incidental to or consequential on the trial and punishment, deemed to have been committed in that district.
- (4) In this section “sheriff court district” is to be construed in accordance with section 307(1) of the Criminal Procedure (Scotland) Act 1995 (interpretation).”

75 Insert the following new Clause—

*“Hymenoplasty offences: Northern Ireland*

**Offence of carrying out hymenoplasty: Northern Ireland**

- (1) It is an offence under the law of Northern Ireland for a person to carry out hymenoplasty.
- (2) “Hymenoplasty” means the reconstruction of the hymen (with or without consent).

- (3) An offence is committed under subsection (1) only if the person—
  - (a) is in Northern Ireland, or
  - (b) is outside the United Kingdom, and is a United Kingdom national or habitually resident in Northern Ireland.
- (4) “United Kingdom national” means an individual who is—
  - (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
  - (b) a person who under the British Nationality Act 1981 is a British subject, or
  - (c) a British protected person within the meaning of that Act.”

76 Insert the following new Clause—

**“Offence of offering to carry out hymenoplasty: Northern Ireland**

- (1) It is an offence under the law of Northern Ireland—
  - (a) for a person in Northern Ireland to offer to carry out hymenoplasty in the United Kingdom or hymenoplasty that has a sufficient jurisdictional connection, or
  - (b) for a person anywhere to offer to carry out hymenoplasty if the person is a United Kingdom national or habitually resident in Northern Ireland.
- (2) Hymenoplasty has a sufficient jurisdictional connection for the purposes of subsection (1)(a) if it is carried out in relation to a person who is—
  - (a) a United Kingdom national, or
  - (b) habitually resident in the United Kingdom.
- (3) In this section—
 

“United Kingdom national” has the meaning given by section (*Offence of carrying out hymenoplasty: Northern Ireland*)(4);

“hymenoplasty” has the meaning given by section (*Offence of carrying out hymenoplasty: Northern Ireland*)(2).”

77 Insert the following new Clause—

**“Offence of aiding or abetting etc a person to carry out hymenoplasty: Northern Ireland**

- (1) It is an offence under the law of Northern Ireland for a person who is in Northern Ireland, or for a person who is outside Northern Ireland but who is a United Kingdom national or habitually resident in Northern Ireland, to aid, abet, counsel or procure the carrying out of hymenoplasty that has a sufficient jurisdictional connection.
- (2) Hymenoplasty has a sufficient jurisdictional connection for the purposes of subsection (1) if it is carried out in relation to a person who is—
  - (a) in the United Kingdom,
  - (b) a United Kingdom national, or
  - (c) habitually resident in the United Kingdom.
- (3) This section does not affect the application to an offence under section (*Offence of carrying out hymenoplasty: Northern Ireland*) of any rule of law relating to aiding, abetting, counselling or procuring.

(4) In this section –

“United Kingdom national” has the meaning given by section (*Offence of carrying out hymenoplasty: Northern Ireland*)(4);

“hymenoplasty” has the meaning given by section (*Offence of carrying out hymenoplasty: Northern Ireland*)(2).”

78 Insert the following new Clause –

**“Hymenoplasty offences in Northern Ireland: penalties**

A person who commits an offence under section (*Offence of carrying out hymenoplasty: Northern Ireland*), (*Offence of offering to carry out hymenoplasty: Northern Ireland*) or (*Offence of aiding or abetting etc a person to carry out hymenoplasty: Northern Ireland*), is liable –

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).”

**Clause 136**

79 Page 112, line 10, leave out “an Act of” and insert “a Bill in”

**Clause 140**

80 Leave out Clause 140

**After Clause 140**

81 Insert the following new Clause –

**“Commencement of sections 15 and 16 of the Care Act 2014**

The Secretary of State must make regulations under section 127(1) of the Care Act 2014 (commencement) to ensure that all provisions under sections 15 and 16 of that Act have come into force before 1 April 2023.”

**After Clause 143**

82 Insert the following new Clause –

*“Human fertilisation and embryology*

**Storage of gametes and embryos**

Schedule (*Storage of gametes and embryos*) –

- (a) contains amendments to the Human Fertilisation and Embryology Act 1990 which make provision relating to the storage of gametes and embryos, and
- (b) makes transitional provision in relation to those amendments.”

**After Clause 148**

83 Insert the following new Clause –

**“Child safeguarding etc in health and care: policy about information sharing**

- (1) The Secretary of State must publish and lay before Parliament a report describing the government’s policy in relation to the sharing of information by or with public authorities in the exercise of relevant functions of those authorities, for purposes relating to –
  - (a) children’s health or social care, or
  - (b) the safeguarding or promotion of the welfare of children.
- (2) In this section, “relevant functions” means functions relating to children’s health or social care, so far as exercisable in relation to England.
- (3) The report must include an explanation of whether or to what extent it is the government’s policy that a consistent identifier should be used for each child, to facilitate the sharing of information.
- (4) The report must include a summary of the Secretary of State’s views about implementation of the policy referred to in subsection (1), including any views about steps that should be taken to overcome barriers to implementation.
- (5) The report must be published and laid before Parliament within one year beginning with the date on which this section comes into force.
- (6) In this section “child” means a person aged under 18.”

84 Insert the following new Clause –

**“Licensing of cosmetic procedures**

- (1) The Secretary of State may, for the purposes of reducing the risk of harm to the health or safety of members of the public, make regulations –
  - (a) prohibiting an individual in England from carrying out specified cosmetic procedures in the course of business, unless the person has a personal licence;
  - (b) prohibiting a person from using or permitting the use of premises in England for the carrying out of specified cosmetic procedures in the course of business, unless the person has a premises licence.
- (2) In this section –
 

“cosmetic procedure” means a procedure, other than a surgical or dental procedure, that is or may be carried out for cosmetic purposes; and the reference to a procedure includes –

  - (a) the injection of a substance;
  - (b) the application of a substance that is capable of penetrating into or through the epidermis;
  - (c) the insertion of needles into the skin;
  - (d) the placing of threads under the skin;
  - (e) the application of light, electricity, cold or heat;

“licensed premises” means premises in respect of which a premises licence is in force;

“local authority” means –

  - (a) a county council in England;
  - (b) a district council in England;

- (c) a London borough council;
- (d) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- (e) the Common Council of the City of London (in its capacity as a local authority), the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple;
- (f) the Council of the Isles of Scilly;

“personal licence” means a licence, granted by a specified local authority under the regulations, which authorises an individual to carry out a cosmetic procedure of a description specified in the licence;

“premises licence” means a licence, granted by a specified local authority under the regulations, which authorises premises to be used for the carrying out of a cosmetic procedure of a description specified in the licence;

“specified cosmetic procedure” means a cosmetic procedure of a description specified in the regulations;

“specified local authority” means a local authority of a description specified in the regulations.

- (3) The provision which may be made by regulations under this section by virtue of section 166(1)(a) includes –
  - (a) provision amending Schedule 5 to the Consumer Rights Act 2015 (investigatory powers);
  - (b) provision repealing, revoking or amending provision made by or under any local Act.
- (4) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (5) Schedule (*Licensing of cosmetic procedures*) makes further provision about regulations under this section (including provision for the imposition of fees, the creation of criminal offences and financial penalties).”

85

Insert the following new Clause –

**“Tobacco products statutory scheme: consultation**

- (1) The Secretary of State must, no later than six months after this Act is passed, consult and report on the desirability of making a scheme (referred to in this section and section (*Tobacco products statutory scheme: supplementary*) as a statutory scheme) for one or more of the following purposes –
  - (a) regulating, for the purposes of improving public health, 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;
  - (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) to be used for the purposes of reducing smoking prevalence and improving public health.

- (2) The consultation must ask for views on a draft statutory scheme (or alternative draft schemes), which may, in particular, make any provision mentioned in subsections (3) to (6).
- (3) The draft scheme or schemes 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 draft scheme or schemes 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 draft scheme or schemes 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 draft scheme or schemes 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 the manufacturer or importer 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.
- (7) The Secretary of State must lay the report before Parliament and a Minister of the Crown must arrange to make a statement to each House of Parliament setting out in detail any steps which will be taken to implement the findings of the report.”

86

Insert the following new Clause –

**“Tobacco products statutory scheme: supplementary**

- (1) The Secretary of State may make any provision he or she considers necessary or expedient for the purpose of enabling or facilitating –
  - (a) the introduction of a statutory scheme of the type mentioned in section (*Tobacco products statutory scheme: consultation*), 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 this provision;
  - (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, he or she may make any provision he or she considers necessary or expedient for transitional or transitory purposes which could be made by such a scheme.”

87

Insert the following new Clause—

**“Tobacco products statutory scheme: enforcement**

- (1) The provisions of this section apply if, following consultation under section (*Tobacco products statutory scheme: consultation*), legislation is enacted which enables the making of a statutory scheme.
- (2) Regulations may provide for a person who contravenes any provision of the scheme, including any regulations or directions made under the scheme, to be liable to pay a penalty to the Secretary of State.
- (3) 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.
- (4) Regulations may provide for any amount required to be paid to the Secretary of State by virtue of any provision in the scheme reflecting section (*Tobacco products statutory scheme: consultation*) (4) or (6)(b) to be increased by an amount not exceeding 50 per cent.
- (5) Regulations may provide for any amount payable to the Secretary of State by virtue of any provision in the scheme reflecting section (*Tobacco products statutory scheme: consultation*) (3), (4), (5) or (6)(b) (including such an amount as increased under subsection (4) of this section) to carry interest at a rate specified or referred to in the regulations.
- (6) 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 the scheme, section (*Tobacco products statutory scheme: consultation*), (*Tobacco products statutory scheme: supplementary*), and this section.
- (7) The provision which may be made by virtue of subsection (6) 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, 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, and
  - (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.
- (8) In subsections (6) and (7), “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 or her,
  - (b) limit, in respect of any specific manufacturer or importer, any price or profit,
  - (c) refuse to give his or her approval to a price increase made by a specific manufacturer or importer, or

- (d) require a specific manufacturer or importer to pay any amount (including an amount by way of penalty) to him or her, and in this subsection “specific” means specified in the decision.
- (9) A requirement or prohibition, or a limit, under section (*Tobacco products statutory scheme: consultation*), may only be enforced under this section and may not be relied on in any proceedings other than proceedings under this section.
- (10) Subsection (9) 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 products statutory scheme: consultation*) or this section.
- (11) The Secretary of State may by order increase (or further increase) either of the sums mentioned in subsection (3).”

88 Insert the following new Clause –

**“Tobacco products statutory scheme: controls: supplementary**

- (1) The provisions of this section apply if, following consultation under section (*Tobacco products statutory scheme: consultation*), legislation is enacted which enables the making of a statutory scheme.
- (2) Any power conferred on the Secretary of State by legislation enacted which enables the making of a statutory scheme, and by section (*Tobacco products statutory scheme: supplementary*) may be exercised by –
- (a) making regulations, or
  - (b) giving directions to a specific manufacturer or importer.
- (3) Regulations under subsection (2)(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.
- (4) In this section and sections (*Tobacco products statutory scheme: consultation*), (*Tobacco products statutory scheme: supplementary*) and (*Tobacco products statutory scheme: 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 United Kingdom 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.”

89 Insert the following new Clause –

**“Appropriate consent to transplantation activities when travelling abroad**

- (1) Section 32 of the Human Tissue Act 2004 (prohibition of commercial dealings in human material for transplantation) is amended in accordance with subsections (2) to (6).

- 
- (2) In subsection (1), after paragraph (e) insert –
- “(f) travels outside the United Kingdom to a country or part of a country where explicit consent is not required for the legal donation of controlled material which does not meet the criteria in subsection (1A)(a) to (c) and receives any controlled material, for the purpose of transplantation, without –
    - (i) the free, informed and specific consent of a living donor, or
    - (ii) the free, informed and specific consent of the donor’s next of kin, where the donor is unable to provide consent;
  - (g) travels outside the United Kingdom to a country or part of a country where explicit consent is required for the legal donation of controlled material and receives any controlled material for the purpose of transplantation where the material was obtained without –
    - (i) the free, informed and specific consent of a living donor, or
    - (ii) the free, informed and specific consent of the donor’s next of kin, where the donor is unable to provide consent;
  - (h) travels outside the United Kingdom to a country or part of a country and receives any controlled material for the purpose of transplantation for which, in exchange for the removal of controlled material –
    - (i) the living donor, or a third party, receives a financial gain or comparable advantage, or
    - (ii) where the controlled material comes from a deceased donor, a third party receives financial gain or comparable advantage.”
- (3) After subsection (1) insert –
- “(1A) The Secretary of State must publish an annual assessment of countries where, explicit consent is not required for the legal donation of controlled material, determining whether each of those countries –
    - (a) provides a formal, publicly funded scheme for opting out of deemed consent for donation of controlled material,
    - (b) provides an effective programme of public education to its population on the deemed consent system and the opt-out scheme which delivers a high level of public understanding of both, and
    - (c) is not considered to be committing Genocide by resolution of the House of Commons.
  - (1B) In paragraph (h) in subsection (1), the expression “financial gain or comparable advantage” does not include compensation for loss of earnings and any other justifiable expenses caused by the removal or by the related medical examinations, or compensation in case of damage which is not inherent to the removal of controlled material.

- (1C) Subsection (1E) applies if—
- (a) an act which forms part of an offence under subsection (1) takes place outside the United Kingdom, but
  - (b) the person committing the act has a close connection with the United Kingdom.
- (1D) For the purposes of subsection (1C)(b), a person has a close connection with the United Kingdom if, and only if, the person was one of the following at the time the acts or omissions concerned were done or made—
- (a) a British citizen;
  - (b) a British overseas territories citizen;
  - (c) a British National (Overseas);
  - (d) a British Overseas citizen;
  - (e) a person who under the British Nationality Act 1981 was a British subject;
  - (f) a British protected person within the meaning of that Act;
  - (g) an individual ordinarily resident in the United Kingdom;
  - (h) a body incorporated under the law of any part of the United Kingdom;
  - (i) a Scottish partnership.
- (1E) Where this subsection applies, proceedings for the offence may be taken in any criminal court in England and Wales or Northern Ireland.”
- (4) In subsection (3), after “subsection (1)” insert “(a) to (e)”.
- (5) In subsection (4), after “subsection (1)” insert “(a) to (e)”.
- (6) After subsection (4) insert—
- “(4A) A person guilty of an offence under subsection (1)(f) to (h) shall be liable—
- (a) on summary conviction—
    - (i) to imprisonment for a term not exceeding 12 months,
    - (ii) to a fine not exceeding the statutory maximum, or
    - (iii) to both;
  - (b) on conviction on indictment—
    - (i) to imprisonment for a term not exceeding 9 years,
    - (ii) to a fine, or
    - (iii) to both.”

(7) In section 34 of the Human Tissue Act 2004 (information about transplant operations), after subsection (2) insert—

“(2A) Regulations under subsection (1) must require specified persons to—

    - (a) keep patient identifiable records for all instances of UK citizens who have received transplant procedures performed outside the United Kingdom; and
    - (b) report instances of transplant procedures performed on UK citizens outside the United Kingdom to NHS Blood and Transplant.

- (2B) Regulations under subsection (1) must require NHS Blood and Transplant to produce an annual report on instances of UK citizens receiving transplant procedures outside the United Kingdom.””

90

Insert the following new Clause –

**“Dispute resolution in children’s palliative care**

- (1) This section applies where there is a difference of opinion between a parent of a child with a life-limiting illness and a doctor responsible for the child’s treatment about –
- (a) the nature (or extent) of specialist palliative care that should be made available for the child, or
  - (b) the extent to which palliative care provided to the child should be accompanied by one or more disease-modifying treatments.
- (2) Where the authorities responsible for a health service hospital become aware of the difference of opinion they must take all reasonable steps –
- (a) to ensure that the views of the parent, and of anyone else concerned with the welfare of the child, are listened to and taken into account;
  - (b) to make available to the parent any medical data relating to the child reasonably required to obtain evidence to inform the parent’s proposals for the child’s treatment (including obtaining an additional medical opinion);
  - (c) to allow the provider of an alternative treatment that is being advocated by the parent to provide evidence, in person or remotely, to the mediation process and subsequently to the court;
  - (d) to demonstrate the reasons that significant harm would be likely to be caused by the proposed treatment; and
  - (e) where the two parties are unable to resolve their difference of opinion, to allow for a mediation process, acceptable to both parties, between the parent and the senior doctor with overall clinical responsibility.
- (3) Nothing in subsection (2) requires, or may be relied upon so as to require, the provision of any specific treatment by a doctor or institution, and in particular nothing in subsection (2) –
- (a) requires the provision of resources for any particular course of treatment; or
  - (b) requires a doctor to provide treatment that the doctor considers likely to be futile or harmful, or otherwise not in the best interests of the child.
- (4) In this section –
- “child” means an individual under the age of 18;
- “health service hospital” has the meaning given by section 275 of the National Health Service Act 2006 (interpretation);
- “parent” means a person with parental responsibility for a child within the meaning of the Children Act 1989.
- (5) Nothing in this section affects –
- (a) the principle of the best interests of the child,
  - (b) the law about the appropriate clinical practice to be followed as to –
    - (i) having regard to the child’s own views, where they can be expressed; and

- (ii) having regard to the views of anyone interested in the welfare of the child, whether or not a person concerned with the welfare of the child within the meaning of this section.”

91 Insert the following new Clause—

**“Mandatory training on learning disability and autism**

- (1) In regulation 18(2) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (S.I. 2014/2936), for sub-paragraph (a) substitute—
  - “(a) receive—
    - (i) such appropriate support, training, professional development, supervision and appraisal as is necessary to enable them to carry out the duties they are employed to perform, and
    - (ii) in particular, training on learning disability and autism, appropriate to their role, as set out in the code of practice issued by the Secretary of State under section (*Mandatory training on learning disability and autism*) of the Health and Care Act 2022,”.
- (2) With regard to training on learning disability and autism, the Secretary of State must prepare and publish a code of practice (“the code”) containing guidance addressing—
  - (a) the content of mandatory training and its co-production,
  - (b) the appropriate levels of training required across staff roles,
  - (c) the co-delivery of training,
  - (d) the in-person delivery of training,
  - (e) the accreditation of training,
  - (f) the procurement of training,
  - (g) the monitoring and evaluation of the impact of training, and
  - (h) the implementation of mandating of training across regulated health and social care providers.
- (3) The Secretary of State must seek the participation of and consult such persons and bodies as they consider appropriate—
  - (a) in preparing the code, and
  - (b) in revising it.
- (4) The Secretary of State may not issue the code or any revision unless a draft has been laid before and approved by a resolution of each House of Parliament.
- (5) The Secretary of State must review the code every three years and lay the findings before Parliament.
- (6) In this section—
  - “appropriate to their role” has the meaning given by the code;
  - “autism” means a spectrum of disorders which start in childhood, the clinical manifestations of which include atypical social communication and social interaction and restricted, repetitive patterns of behaviour;
  - “in person” means training delivered live, by people, in the presence of the trainee;

“learning disability” means a disability which includes a significantly reduced ability to understand new or complex information or to learn new skills, with a reduced ability to cope independently, which started before adulthood, with a lasting effect on development.”

92 Insert the following new Clause—

**“Permitted locations for abortion treatment**

- (1) The Abortion Act 1967 is amended as follows.
- (2) In subsection 1(3) after the first “section” insert “, or section 1A of this Act”.
- (3) After section 1 insert—

**“1A Approved places**

- (1) The home of a registered medical practitioner is approved as a class of place for treatment for the termination of pregnancy for the purposes only of prescribing the medicines known as Mifepristone and Misoprostol to be used in treatment carried out in the manner specified in subsection (3).
- (2) The home of a pregnant woman who is undergoing treatment for the purposes of termination of her pregnancy is approved as a class of place where the treatment for termination of pregnancy may be carried out where that treatment is carried out in the manner specified in subsection (3).
- (3) The treatment must be carried out in the following manner—
  - (a) the pregnant woman has—
    - (i) attended an approved place,
    - (ii) had a consultation with an approved place via video link, telephone conference or other electronic means, or
    - (iii) had a consultation with a registered medical practitioner, nurse or midwife via video link, telephone conference or other electronic means; and
  - (b) the pregnant woman is prescribed Mifepristone and Misoprostol to be taken for the purposes of the termination of her pregnancy and the gestation of the pregnancy has not exceeded nine weeks and six days at the time the Mifepristone is taken.
- (4) Nothing in this section should be taken to affect any approval otherwise made by the Secretary of State under subsections 1(3) or 1(3A) of this Act.
- (5) For the purposes of this section—
 

“approved place” means a hospital in England or Wales, as authorised under section 1(3) of this Act, or a place in England or Wales approved under that section;

“home” means, in the case of a pregnant woman, the place in England or Wales where a pregnant woman has her permanent address or usually resides or, in the case of a registered medical practitioner, where a registered medical practitioner has their permanent address or usually resides.””

### Clause 150

- 93 Page 128, line 13, at end insert –  
 “(1A) A power to make regulations under section (*Information about payments etc to persons in the health care sector*), 89 or 90 includes power to make different provision for England, Wales, Scotland or Northern Ireland.”
- 94 Page 128, line 18, at end insert –  
 “(aa) regulations under section (*Information about payments etc to persons in the health care sector*);”
- 95 Page 128, line 20, at end insert –  
 “(ca) regulations under section 136;”
- 96 Page 128, line 20, at end insert –  
 “(ca) regulations under section (*Licensing of cosmetic procedures*);”

### Clause 152

- 97 Page 128, line 37, at end insert –  
 “(aa) in Part 2, sections (*Information about payments etc to persons in the health care sector*), (*Regulations under section (Information about payments etc to persons in the health care sector): enforcement*) and (*Regulations under section (Information about payments etc to persons in the health care sector): consent*) (information about payments etc to persons in the health care sector);”
- 98 Page 128, line 40, at end insert –  
 “(ca) in Part 5, section (*Storage of gametes and embryos*) and Part 2 of Schedule (*Storage of gametes and embryos*) (storage of gametes and embryos);”
- 99 Page 129, line 1, leave out subsections (3) and (4) and insert –  
 “(3) The following extend to Scotland only –  
 (a) sections 126 to 129 (offences relating to virginity testing);  
 (b) sections (*Offence of carrying out hymenoplasty: Scotland*), (*Offence of offering to carry out hymenoplasty: Scotland*), (*Offence of aiding or abetting etc a person to carry out hymenoplasty: Scotland*) and (*Hymenoplasty offences in Scotland: penalties*) (offences relating to hymenoplasty).
- (4) The following extend to Northern Ireland only –  
 (a) sections 130 to 133 (offences relating to virginity testing);  
 (b) sections (*Offence of carrying out hymenoplasty: Northern Ireland*), (*Offence of offering to carry out hymenoplasty: Northern Ireland*), (*Offence of aiding or abetting etc a person to carry out hymenoplasty: Northern Ireland*) and (*Hymenoplasty offences in Northern Ireland: penalties*) (offences relating to hymenoplasty).”

### Clause 153

- 100 Page 129, line 8, at end insert –  
 “(2A) Section (*Storage of gametes and embryos*) and Schedule (*Storage of gametes and embryos*) (storage of gametes and embryos) come into force on 1 July 2022.”

101 Page 129, line 10, leave out “on 1 January 2023” and insert “at the end of the period of two months beginning with the day on which this Act is passed”

102 Page 129, line 10, at end insert –

“(3A) Section (*Child safeguarding etc in health and care: policy about information sharing*) comes into force at the end of the period of three months beginning with the day on which this Act is passed.”

103 Page 129, line 11, leave out “(3)” and insert “(3A)”

#### Schedule 1

104 Page 131, line 29, at end insert –

“the Armed Forces Act 2006, section 343AA (as inserted by section 8(3) of the Armed Forces Act 2021);”

#### Schedule 2

105 Page 137, line 30, at end insert –

“(d) at least one member with expertise and knowledge of mental health in the integrated care board’s area.”

#### Schedule 4

106 Page 165, line 29, at end insert –

“*Armed Forces Act 2006*

82A (1) Section 343AA of the Armed Forces Act 2006 (due regard to principles: England) (as inserted by section 8(3) of the Armed Forces Act 2021) is amended as follows.

(2) In subsection (3), for paragraph (h) substitute –

“(h) an integrated care board;”.

(3) In subsection (8) –

(a) omit the definition of “clinical commissioning group”;

(b) at the appropriate place insert –

““integrated care board” means a body established under section 14Z25 of the National Health Service Act 2006;”.

107 Page 185, line 14, at end insert –

“*Police, Crime, Sentencing and Courts Act 2022*

239 The Police, Crime, Sentencing and Courts Act 2022 is amended as follows.

240 (1) Section 25 (relevant review partners) is amended as follows.

(2) In subsection (2)(c) for “a clinical commissioning group” substitute “an integrated care board”.

(3) In subsection (3)(c) for “clinical commissioning group” substitute “integrated care board”.

- 241 In section 36 (interpretation), in subsection (1) –
- (a) omit the definition of “clinical commissioning group”;
  - (b) at the appropriate place insert –
 

““integrated care board” means a body established under section 14Z25 of the National Health Service Act 2006;”;
  - (c) in the definition of “review partner”, for paragraph (c) substitute –
 

“(c) an integrated care board, or”.
- 242 In Schedule 1 (specified authorities and local government areas), in the table headed “Health and social care” –
- (a) for “A clinical commissioning group established under section 14D” substitute “An integrated care board established under section 14Z25”;
  - (b) for “the group’s” substitute “the board’s”.

#### Schedule 6

- 108 Leave out Schedule 6

#### Schedule 14

- 109 Page 229, line 41, leave out paragraph 6

#### Schedule 16

- 110 Page 233, line 2, leave out “(123 or 124” and insert “123, 124, (*Offence of carrying out hymenoplasty: England and Wales*), (*Offence of offering to carry out hymenoplasty: England and Wales*) or (*Offence of aiding or abetting etc a person to carry out hymenoplasty: England and Wales*)”
- 111 Page 233, line 3, after “virginity testing” insert “and hymenoplasty”
- 112 Page 233, line 11, leave out “or 132” and insert “, 132, (*Offence of carrying out hymenoplasty: Northern Ireland*), (*Offence of offering to carry out hymenoplasty: Northern Ireland*) or (*Offence of aiding or abetting etc a person to carry out hymenoplasty: Northern Ireland*)”
- 113 Page 233, line 13, after “virginity testing” insert “and hymenoplasty”
- 114 Page 233, line 23, at end insert –
- “(d) section (*Offence of carrying out hymenoplasty: England and Wales*) (carrying out hymenoplasty);
  - (e) section (*Offence of offering to carry out hymenoplasty: England and Wales*) (offering to carry out hymenoplasty);
  - (f) section (*Offence of aiding or abetting etc a person to carry out hymenoplasty: England and Wales*) (aiding or abetting etc a person to carry out hymenoplasty).”
- 115 Page 233, line 30, at end insert –
- “(d) section (*Offence of carrying out hymenoplasty: Scotland*) (carrying out hymenoplasty);
  - (e) section (*Offence of offering to carry out hymenoplasty: Scotland*) (offering to carry out hymenoplasty);

- (f) section (*Offence of aiding or abetting etc a person to carry out hymenoplasty: Scotland*) (aiding or abetting etc a person to carry out hymenoplasty).”
- 116** Page 233, line 37, at end insert –
- “(d) section (*Offence of carrying out hymenoplasty: Northern Ireland*) (carrying out hymenoplasty);
- (e) section (*Offence of offering to carry out hymenoplasty: Northern Ireland*) (offering to carry out hymenoplasty);
- (f) section (*Offence of aiding or abetting etc a person to carry out hymenoplasty: Northern Ireland*) (aiding or abetting etc a person to carry out hymenoplasty).”
- 117** Page 233, line 37, at end insert –
- “*Criminal Procedure (Scotland) Act 1995*
- 3A The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- 3B In section 19A (samples etc. from persons convicted of sexual or violent offences), in the definition of “relevant violent offence” in subsection (6), in paragraph (h) –
- (a) omit the “and” at the end of sub-paragraph (iv);
- (b) after sub-paragraph (v) insert –
- “(vi) section 126, 127, 128, (*Offence of carrying out hymenoplasty: Scotland*), (*Offence of offering to carry out hymenoplasty: Scotland*) or (*Offence of aiding or abetting etc a person to carry out hymenoplasty: Scotland*) of the Health and Care Act 2022 (offences relating to virginity testing and hymenoplasty).”
- 3C In section 271BZA (child witnesses in certain solemn cases: special measures), in subsection (2), after paragraph (f) insert –
- “(fa) an offence under section 126, 127, 128, (*Offence of carrying out hymenoplasty: Scotland*), (*Offence of offering to carry out hymenoplasty: Scotland*) or (*Offence of aiding or abetting etc a person to carry out hymenoplasty: Scotland*) of the Health and Care Act 2022 (offences relating to virginity testing and hymenoplasty);”.
- 118** Page 233, line 42, leave out “or 124” and insert “, 124, (*Offence of carrying out hymenoplasty: England and Wales*), (*Offence of offering to carry out hymenoplasty: England and Wales*) or (*Offence of aiding or abetting etc a person to carry out hymenoplasty: England and Wales*)”
- 119** Page 233, line 43, after “virginity testing” insert “and hymenoplasty”

120 Page 234, line 2, at end insert—

*“Protection of Vulnerable Groups (Scotland) Act 2007 (asp 2007)*

4A Pending the commencement of its repeal by section 81(2)(d) of the Disclosure (Scotland) Act 2020, paragraph 2 of Schedule 1 to the Protection of Vulnerable Groups (Scotland) Act 2007 (relevant offences) has effect as if it included a reference to an individual who commits an offence under section 126, 127, 128, (*Offence of carrying out hymenoplasty: Scotland*), (*Offence of offering to carry out hymenoplasty: Scotland*) or (*Offence of aiding or abetting etc a person to carry out hymenoplasty: Scotland*) of this Act (offences relating to virginity testing and hymenoplasty).”

121 Page 234, line 12, at end insert—

- “(d) section (*Offence of carrying out hymenoplasty: England and Wales*) (carrying out hymenoplasty);
- (e) section (*Offence of offering to carry out hymenoplasty: England and Wales*) (offering to carry out hymenoplasty);
- (f) section (*Offence of aiding or abetting etc a person to carry out hymenoplasty: England and Wales*) (aiding or abetting etc a person to carry out hymenoplasty).”

#### After Schedule 16

122 Insert the following new Schedule—

#### “STORAGE OF GAMETES AND EMBRYOS

##### PART 1

#### AMENDMENTS TO HUMAN FERTILISATION AND EMBRYOLOGY ACT 1990

##### *Introductory*

1 The Human Fertilisation and Embryology Act 1990 is amended as follows.

##### *Maximum storage periods*

2 (1) Section 14 (conditions of storage licences) is amended as follows.

(2) In subsection (1), for paragraph (c) substitute—

“(c) that the requirements of subsection (3) (maximum storage periods) are met.”

(3) For subsections (3) to (5) substitute—

“(3) The requirements referred to in subsection (1)(c) are as follows—

- (a) gametes must not be kept in storage for longer than such period not exceeding 55 years beginning with the day on which they are first placed in storage as the licence may specify;
- (b) an embryo must not be kept in storage for treatment purposes for longer than such period not exceeding 55 years beginning with the day on which it is first so kept as the licence may specify;

- (c) an embryo that is kept in storage for the research or training purpose but not for treatment purposes must not be so kept for longer than such period not exceeding 10 years beginning with the day on which consent was given under Schedule 3 to the storage of the embryo for that purpose as the licence may specify;
  - (d) a human admixed embryo must not be kept in storage for longer than such period not exceeding 10 years beginning with the day on which it is first placed in storage as the licence may specify.
- (4) Where under Schedule 3 consent is given to the storage of an embryo for the training or research purpose by different persons on different days, the reference in subsection (3)(c) to the day on which consent was given is to be taken as a reference to the last of those days.
- (5) For the purposes of this section—
- (a) “treatment purposes” are purposes referred to in paragraph 2(1)(a) or (b) of Schedule 3;
  - (b) the “training purpose” is the purpose referred to in paragraph 2(1)(ba) of that Schedule;
  - (c) the “research purpose” is the purpose referred to in paragraph 2(1)(c) of that Schedule.”
- 3 In section 47 (index), omit the entry for the “Statutory storage period”.
- 4 In Schedule 3 (consents), in paragraph 2(2)(a), for “statutory storage period” substitute “period for which, by virtue of section 14(3), the gametes, embryo or human admixed embryo may be stored under the licence”.

#### *Disposal of material*

- 5 In section 14 (conditions of storage licences), in subsection (1), after paragraph (c) insert—
- “(ca) that any gametes, embryos or human admixed embryos that have been kept in storage pursuant to the licence must, once they may no longer lawfully be so kept, be removed from storage and disposed of, and”.
- 6 In section 17 (the person responsible), in subsection (1)(c), for “allowed to perish” substitute “removed from storage”.

#### *Consent to storage*

- 7 (1) Schedule 3 (consents) is amended as follows.
- (2) In paragraph 1—
- (a) in sub-paragraph (1), before the first “and” insert “any renewal of consent,”;
  - (b) in sub-paragraph (2), before the first “and” insert “any renewal of consent by a person unable to sign,”;
  - (c) in sub-paragraph (3)—
    - (i) the words from ““effective consent” to the end become paragraph (a);

(ii) after that paragraph insert—

“(b) references to renewal of consent are to renewal of consent to the storage of any gametes or embryo under paragraph 11A or 11C.”

(3) In paragraph 3, in sub-paragraph (1), after “gives” insert “or renews”.

(4) After paragraph 11 insert—

*“Renewal of consent to storage of gametes*

11A (1) This paragraph applies where—

- (a) the gametes of a person (“P”) are in storage,
- (b) P’s consent to the storage of the gametes is required under paragraph 8(1),
- (c) there is effective consent from P to the storage of the gametes, and
- (d) the gametes are being kept for use for the purposes of providing treatment services to—
  - (i) P, or
  - (ii) P and another person together.

(2) The person keeping the gametes in storage (“K”) must, in each consent period, request P to renew consent to storage of the gametes within the renewal period.

For the meaning of “consent period” and “renewal period”, see paragraph 11B.

(3) A request under sub-paragraph (2) must be given in writing before the start of the renewal period.

(4) The duty in sub-paragraph (2) ceases to apply if K is notified that P has died.

(5) The duty in sub-paragraph (2) does not apply in relation to any consent period if—

- (a) K has at any time been informed in writing that P has been certified as lacking capacity to renew consent to storage of the gametes, and
- (b) K has not subsequently been informed in writing, before the start of the renewal period which relates to that consent period, that P has been certified as having capacity to renew consent to storage of the gametes.

(6) P renews consent by informing K in writing that P consents to the storage of the gametes.

(7) If P’s consent is not renewed under sub-paragraph (6) before the end of the consent period, K must, as soon as possible after the end of that period, give a notice to P stating that if P does not renew consent before the end of the renewal period, the gametes will be removed from storage and disposed of.

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- (8) P's consent to the storage of the gametes is to be taken as having been withdrawn at the end of a renewal period that relates to a consent period if—
- (a) K has complied with the requirements of sub-paragraphs (2) and (7) in relation to that consent period, and
  - (b) P's consent is not renewed under sub-paragraph (6) before the end of the renewal period.
- But this is subject to sub-paragraphs (9) and (10).
- (9) If, in a case referred to in sub-paragraph (8)(a) and (b), P dies before the end of the renewal period—
- (a) P's consent is not to be taken as withdrawn under sub-paragraph (8), but
  - (b) if at the end of the period of 10 years beginning with the day on which P died there is still effective consent from P to the storage, P's consent is to be taken as withdrawn at that time.
- (10) If, in a case referred to in sub-paragraph (8)(a) and (b), before the end of the renewal period P is certified as lacking capacity to renew consent—
- (a) P's consent is not to be taken as withdrawn under sub-paragraph (8), but
  - (b) if at the end of the period of 10 years beginning with the day on which P was so certified there is still effective consent from P to the storage, P's consent is to be taken as withdrawn at that time.
- (11) But P's consent is not to be taken as withdrawn under sub-paragraph (10)(b) if, before the time it would be taken to be withdrawn under that sub-paragraph—
- (a) P is certified as having capacity to renew consent to storage of the gametes, and
  - (b) P renews consent to storage of the gametes by informing K in writing that P consents to their storage.
- (12) In a case where P renews consent under sub-paragraph (11)(b), this paragraph applies subsequently as if references to a consent period were to—
- (a) the period of 10 years beginning with the day on which P so renewed consent, and
  - (b) each successive period of 10 years.
- 11B (1) For the purposes of paragraph 11A, each of the following is a "consent period"—
- (a) the period of 10 years beginning with the relevant day, and
  - (b) each successive period of 10 years.
- (2) In sub-paragraph (1)(a) "relevant day" means—
- (a) the day on which the gametes are first placed in storage, or
  - (b) in a case where sub-paragraph (3) or (5) applies, the day on which P gives consent to the storage of the gametes.

- (3) This sub-paragraph applies where the gametes are taken from or provided by P before P attains the age of 18 years and, at the time the gametes are first stored –
- (a) P has not attained the age of 16 years and is not competent to deal with the issue of consent to storage of the gametes, or
  - (b) P has attained that age but, although not lacking capacity to consent to the storage of the gametes, is not competent to deal with the issue of consent to their storage.
- (4) In relation to Scotland, sub-paragraph (3) is to be read as if, for paragraphs (a) and (b), there were substituted “P does not have capacity (within the meaning of section 2(4) of the Age of Legal Capacity (Scotland) Act 1991) to consent to storage of the gametes”.
- (5) This sub-paragraph applies where the gametes are taken from or provided by P after P attains the age of 16 years and, at the time the gametes are first stored, P lacks capacity to consent to their storage.
- (6) In paragraph 11A “the renewal period”, in relation to a consent period, means the period which –
- (a) begins 12 months before the end of the consent period, and
  - (b) ends 6 months after the end of the consent period.
- (7) In paragraph 11A “certified” means certified in writing by a registered medical practitioner.
- (8) In paragraph 11A and this paragraph, in relation to Scotland, references to a person lacking or having capacity to consent or renew consent are to be read as references to the person being or not being incapable (within the meaning of section 1(6) of the Adults with Incapacity (Scotland) Act 2000) of consenting or renewing consent.

*Renewal of consent to storage of embryos*

- 11C (1) This paragraph applies where –
- (a) an embryo, the creation of which was brought about *in vitro*, is in storage,
  - (b) the embryo is being kept for use for the purposes of providing treatment services to –
    - (i) a person (“P”) whose gametes or human cells were used to bring about the creation of the embryo, or
    - (ii) P and another person together,
  - (c) P’s consent to the storage of the embryo is required under paragraph 8(2), and
  - (d) there is effective consent from P to the storage of the embryo.

- 
- (2) The person keeping the embryo in storage (“K”) must, in each consent period, request P to renew consent to storage of the embryo within the renewal period.  
For the meaning of “consent period” and “renewal period”, see paragraph 11D.
- (3) A request under sub-paragraph (2) must be given in writing before the start of the renewal period.
- (4) The duty in sub-paragraph (2) ceases to apply if—
- (a) K is notified that P has died, or
  - (b) K is notified under paragraph 4A(1)(c) of the withdrawal of a person’s consent to storage of the embryo.
- (5) The duty in sub-paragraph (2) does not apply in relation to any consent period if—
- (a) K has at any time been informed in writing that P has been certified as lacking capacity to renew consent to storage of the embryo, and
  - (b) K has not subsequently been informed in writing, before the start of the renewal period which relates to that consent period, that P has been certified as having capacity to renew consent to storage of the embryo.
- (6) P renews consent by informing K in writing that P consents to the storage of the embryo.
- (7) If P’s consent is not renewed under sub-paragraph (6) before the end of the consent period, K must, as soon as possible after the end of that period, give a notice to P stating that if P does not renew consent before the end of the renewal period, the embryo will be removed from storage and disposed of.
- (8) P’s consent to the storage of the embryo is to be taken as having been withdrawn at the end of a renewal period that relates to a consent period if—
- (a) K has complied with the requirements of sub-paragraphs (2) and (7) in relation to that consent period, and
  - (b) P’s consent is not renewed under sub-paragraph (6) before the end of the renewal period.
- But this is subject to sub-paragraphs (9) and (10).
- (9) If, in a case referred to in sub-paragraph (8)(a) and (b), P dies before the end of the renewal period—
- (a) P’s consent is not to be taken as withdrawn under sub-paragraph (8), but
  - (b) if at the end of the period of 10 years beginning with the day on which P died there is still effective consent from P to the storage, P’s consent is to be taken as withdrawn at that time.

- (10) If, in a case referred to in sub-paragraph (8)(a) and (b), before the end of the renewal period P is certified as lacking capacity to renew consent –
- (a) P’s consent is not to be taken as withdrawn under sub-paragraph (8), but
  - (b) if at the end of the period of 10 years beginning with the day on which P was so certified there is still effective consent from P to the storage, P’s consent is to be taken as withdrawn at that time.
- (11) But P’s consent is not to be taken as withdrawn under sub-paragraph (10)(b) if, before the time it would be taken to be withdrawn under that sub-paragraph –
- (a) P is certified as having capacity to renew consent to storage of the embryo, and
  - (b) P renews consent to storage of the embryo by informing K in writing that P consents to its storage.
- (12) In a case where P has renewed consent under sub-paragraph (11)(b), this paragraph applies subsequently as if references to the consent period were to –
- (a) the period of 10 years beginning with the day on which P so renewed consent, and
  - (b) each successive period of 10 years.
- (13) Where P’s consent is taken as withdrawn under this paragraph, K must, as soon as possible, take all reasonable steps to give notice of the withdrawal to each person whose gametes or human cells were used to bring about its creation.
- (14) Storage of the embryo remains lawful until –
- (a) the end of the period of 6 months beginning with the day on which P’s consent is taken as withdrawn under this paragraph, or
  - (b) if, before the end of that period, K receives a notice from each person notified under sub-paragraph (13) stating that the person consents to the disposal of the embryo, the time at which the last of those notices was received.
- 11D (1) For the purposes of paragraph 11C, each of the following is a “consent period” –
- (a) the period of 10 years beginning with the day on which the embryo is first placed in storage, and
  - (b) each successive period of 10 years.
- (2) In paragraph 11C “the renewal period”, in relation to a consent period, means the period which –
- (a) begins 12 months before the end of the consent period, and
  - (b) ends 6 months after the end of the consent period.
- (3) In paragraph 11C “certified” means certified in writing by a registered medical practitioner.

- (4) In paragraph 11C, in relation to Scotland, references to a person lacking or having capacity to renew consent are to be read as references to the person being or not being incapable (within the meaning of section 1(6) of the Adults with Incapacity (Scotland) Act 2000) of renewing consent.”

## PART 2

### TRANSITIONAL PROVISION

#### *Interpretation*

- 8 (1) In this Part of this Schedule—  
 “the commencement day” means 1 July 2022;  
 “the transitional period” means the period beginning with the commencement day and ending with 30 June 2024.
- (2) In this Part of this Schedule—  
 “the 1990 Act” means the Human Fertilisation and Embryology Act 1990;  
 “the 2009 Regulations” means the Human Fertilisation and Embryology (Statutory Storage Period for Embryos and Gametes) Regulations 2009 (S.I. 2009/1582);  
 “the 2020 Regulations” means the Human Fertilisation and Embryology (Statutory Storage Period for Embryos and Gametes) (Coronavirus) Regulations 2020 (S.I. 2020/566).
- (3) In this Part of this Schedule—  
 “gamete storage licence” means a licence under Schedule 2 to the 1990 Act that authorises the storage of gametes;  
 “embryo storage licence” means a licence under Schedule 2 to the 1990 Act that authorises the storage of embryos;  
 “storage licence” means a licence under Schedule 2 to the 1990 Act that authorises the storage of gametes, embryos or human admixed embryos;  
 “pre-commencement”, in relation to a storage licence, or a storage licence of any description, means granted before the commencement day and “post-commencement” means granted on or after that day.
- (4) In this Part of this Schedule—  
 “statutory storage period” has the same meaning as in the 1990 Act immediately before the commencement day;  
 references to gametes, embryos and human admixed embryos have the same meaning as in that Act;  
 “the training purpose”, “the research purpose” and “treatment purposes” have the same meanings as in section 14(3)(c) of that Act.

*Application of Part 1 to material already in storage*

- 9 (1) The amendments in paragraphs 2 to 6 of this Schedule have effect in relation to pre-commencement storage licences under which gametes, embryos or human admixed embryos are kept in storage on or after the commencement day (as well as having effect in relation to post-commencement storage licences).  
This is subject to sub-paragraphs (2) and (3).
- (2) In the case of a pre-commencement embryo storage licence, the condition imposed by section 14(3)(c) of the 1990 Act (as substituted by paragraph 2 of this Schedule) does not apply in relation to an embryo which, on the commencement day, is kept in storage for the training or research purpose but not for treatment purposes.
- (3) In the case of any pre-commencement storage licence, the condition imposed by section 14(1)(ca) of the 1990 Act (as substituted by paragraph 5 of this Schedule) applies only in relation to times on or after the commencement day.
- 10 The amendments made by paragraph 7 of this Schedule have effect in relation to the storage of gametes and embryos under a pre-commencement gamete or embryo storage licence, where the gametes or embryos are kept in storage on or after the commencement day (as well as having effect in relation to the storage of gametes and embryos under a post-commencement gamete or embryo storage licence).

*Date of first storage*

- 11 (1) This paragraph applies if the person storing gametes or an embryo under a pre-commencement gamete or embryo storage licence –
- (a) has, before the end of the transitional period, taken all reasonable steps to establish the date on which the gametes were or embryo was first placed in storage, but
  - (b) is unable to establish that date.
- (2) The person may give a notice to each person whose consent to the storage is required under Schedule 3 to the 1990 Act specifying a date on which the gametes are or embryo is to be regarded as having been first placed in storage.
- (3) Where notice is given under sub-paragraph (2), the gametes are or embryo is to be regarded, for all purposes of the 1990 Act and this Part of this Schedule, as having been first placed in storage on the date specified in the notice.

*Storage periods specified in pre-commencement storage licences*

- 12 (1) For the purposes of section 14(3)(a) of the 1990 Act (as substituted by paragraph 2 of this Schedule), a pre-commencement gamete storage licence under which, on and after the commencement day, gametes are kept in storage is to be regarded as specifying the period of 55 years beginning with the day on which the gametes were first placed in storage.

- (2) For the purposes of section 14(3)(b) of the 1990 Act (as substituted by paragraph 2 of this Schedule), a pre-commencement embryo storage licence under which, on and after the commencement day, an embryo is kept in storage for treatment purposes is to be regarded as specifying for those purposes the period of 55 years beginning with the day on which the embryo was first so kept.

*Storage after expiry of pre-commencement consent*

- 13 (1) If a pre-commencement consent to the storage of gametes or an embryo expires at any time in the transitional period, the storage of the gametes or embryo for the remainder of that period is not unlawful merely because of that fact.
- (2) In sub-paragraph (1)–
- (a) “pre-commencement consent” means consent given under Schedule 3 to the 1990 Act before the commencement day;
- (b) the reference to expiry of consent does not include withdrawal.

*Storage with no effective consent prior to commencement*

- 14 (1) This paragraph applies in relation to the storage of gametes or an embryo under a pre-commencement gamete or embryo storage licence where, immediately before the commencement day, there is no effective consent to the storage by a relevant person.
- (2) The person keeping the gametes or embryo in storage must request the relevant person to give consent to the storage under Schedule 3 to the 1990 Act.
- (3) A request under sub-paragraph (2) must be given before 1 July 2023 in writing.
- (4) The storage of the gametes or embryo at any time before the end of the transitional period is not unlawful merely because there is no effective consent to the storage by the relevant person.
- (5) In this paragraph–
- “effective consent” means consent under Schedule 3 to the 1990 Act which has not been withdrawn;
- “relevant person” means a person whose consent is required under Schedule 3 to the 1990 Act to storage of the gametes or embryo.

*Time for first renewal of consent*

- 15 (1) This paragraph applies in relation to the storage of gametes under a pre-commencement gamete storage licence where the statutory storage period applicable immediately before the commencement day was provided for by–
- (a) regulation 4, 4A, 7 or 8 of the 2009 Regulations, or
- (b) regulation 4 of the 2020 Regulations.
- (2) For the purposes of paragraph 11A of Schedule 3 to the 1990 Act (as inserted by paragraph 7 of this Schedule), paragraph 11B(1)(a) of that Schedule has effect as if the reference to the period of 10 years beginning with the relevant day were a reference to the period which–
- (a) begins with the relevant day, and

- (b) ends at the end of the statutory storage period referred to in sub-paragraph (1).
- 16 (1) This paragraph applies in relation to the storage of an embryo under a pre-commencement embryo storage licence where the statutory storage period applicable immediately before the commencement day was provided for by –
- (a) regulation 3, 3A, 5 or 6 of the 2009 Regulations, or
  - (b) regulation 3 of the 2020 Regulations.
- (2) For the purposes of paragraph 11C of Schedule 3 to the 1990 Act (as inserted by paragraph 7 of this Schedule), paragraph 11D(1)(a) of that Schedule has effect as if the reference to the period of 10 years beginning with the day on which the embryo was first placed in storage were a reference to the period which –
- (a) begins with the day on which the embryo was first so placed, and
  - (b) ends at the end of the statutory storage period referred to in sub-paragraph (1).

*Renewals falling due in the transitional period*

- 17 (1) This paragraph applies in relation to the storage of gametes under a pre-commencement gamete storage licence in a case where –
- (a) paragraph 11A of Schedule 3 to the 1990 Act applies in relation to the storage, and
  - (b) for the purposes of that paragraph, the first consent period (see paragraph 11B(1)(a) of that Schedule) ends in the transitional period.
- (2) Where this paragraph applies, paragraph 11A of Schedule 3 to the 1990 Act has effect in relation to that first consent period as if –
- (a) for sub-paragraphs (2) and (3) there were substituted –
    - “(2) The person keeping the gametes in storage (“K”) must request P to renew consent to storage of the gametes before 1 July 2024.
    - (3) A request under sub-paragraph (2) must –
      - (a) be given in writing before 1 July 2023;
      - (b) state that if P does not renew consent before 1 July 2024, the gametes will be removed from storage and disposed of.”;
  - (b) in sub-paragraph (5)(b), for “the start of the renewal period which relates to that consent period” there were substituted “1 July 2023”;
  - (c) sub-paragraph (7) were omitted;
  - (d) for sub-paragraph (8) there were substituted –
    - “(8) P’s consent to the storage of the gametes is to be taken as having been withdrawn at the beginning of 1 July 2024 if –
      - (a) K has complied with sub-paragraph (2), and
      - (b) P’s consent is not renewed under sub-paragraph (6) before 1 July 2024.
 But this is subject to sub-paragraphs (9) and (10).”;

- (e) in sub-paragraphs (9) and (10), references to the end of the renewal period were to 1 July 2024.
- 18 (1) This paragraph applies in relation to the storage of an embryo under a pre-commencement embryo storage licence in a case where –
- (a) paragraph 11C of Schedule 3 to the 1990 Act applies in relation to the storage, and
  - (b) for the purposes of that paragraph, the first consent period (see paragraph 11D(1)(a) of that Schedule) ends in the transitional period.
- (2) Where this paragraph applies, paragraph 11C of Schedule 3 to the 1990 Act has effect in relation to that first consent period as if –
- (a) for sub-paragraphs (2) and (3) there were substituted –
    - “(2) The person keeping the embryo in storage (“K”) must request P to renew consent to storage of the embryo before 1 July 2024.
    - (3) A request under sub-paragraph (2) must –
      - (a) be given in writing before 1 July 2023;
      - (b) state that if P does not renew consent before 1 July 2024, the embryo will be removed from storage and disposed of.”;
  - (b) in sub-paragraph (5)(b), for “the start of the renewal period which relates to that consent period” there were substituted “1 July 2023”;
  - (c) sub-paragraph (7) were omitted;
  - (d) for sub-paragraph (8) there were substituted –
    - “(8) P’s consent to the storage of the embryo is to be taken as having been withdrawn at the beginning of 1 July 2024 if –
      - (a) K has complied with sub-paragraph (2), and
      - (b) P’s consent is not renewed under sub-paragraph (6) before 1 July 2024.
 But this is subject to sub-paragraphs (9) and (10).”;
  - (e) in sub-paragraphs (9) and (10), references to the end of the renewal period were to 1 July 2024.”

### Schedule 17

- 123** Page 234, line 23, at end insert –
- “(1A) OFCOM must ensure that the prohibition provided for by the first standards set by virtue of subsection (1) takes effect from the beginning of 1 January 2023.”
- 124** Page 235, line 18, at end insert –
- “(4A) The Secretary of State may, before the date specified in subsection (1A), amend that subsection so as to substitute a later date for the date that is for the time being specified there.”
- 125** Page 235, line 30, leave out from beginning to “include” in line 31 and insert “From the beginning of 1 January 2023, on-demand programme services must not, between 5.30 am and 9.00 pm,”

- 126 Page 236, line 16, at end insert –  
“(5A) The Secretary of State may, before the date specified in subsection (1), amend that subsection so as to substitute a later date for the date that is for the time being specified there.”
- 127 Page 236, line 32, at beginning insert “From the beginning of 1 January 2023,”
- 128 Page 237, line 38, at end insert –  
“(6A) The Secretary of State may, before the date specified in subsection (1) –  
(a) amend that subsection so as to substitute a later date for the date that is for the time being specified there, and  
(b) make corresponding amendments to the references to that date in subsections (10) and (11).”

### **After Schedule 17**

- 129 Insert the following new Schedule –

#### “LICENSING OF COSMETIC PROCEDURES

##### *Introduction*

- 1 This Schedule is about the provision that may be made by regulations under section (*Licensing of cosmetic procedures*).

##### *Grant of licence*

- 2 The regulations may –  
(a) require a local authority not to grant a licence unless satisfied as to a matter specified in the regulations;  
(b) require a local authority to have regard, in deciding whether to grant a licence, to a matter specified in the regulations.
- 3 The regulations may make provision requiring a local authority not to grant a premises licence unless the premises have been inspected in accordance with the regulations.

##### *Licence conditions*

- 4 (1) The regulations may make provision for the grant of a licence subject to conditions.  
(2) Provision of the kind mentioned in sub-paragraph (1) may –  
(a) enable a local authority to attach conditions to a licence;  
(b) require a local authority to attach to a licence a condition specified in the regulations.

##### *Duration of licence etc*

- 5 (1) The regulations may make provision about the duration, renewal, variation, suspension or revocation of licences.

- (2) The provision that may be made under sub-paragraph (1) includes provision conferring power on a court by which a person is convicted of an offence under the regulations to vary, suspend or revoke a licence.

#### *Reviews and appeals*

- 6 The regulations may make provision for—
  - (a) the review of decisions under the regulations;
  - (b) appeals against decisions under the regulations.

#### *Offences*

- 7 (1) The regulations may create offences in relation to—
  - (a) the breach of a prohibition imposed by virtue of section (*Licensing of cosmetic procedures*)(1);
  - (b) the breach of a condition attached to a licence;
  - (c) the provision of false or misleading information to a local authority in connection with anything done under the regulations.
- (2) The regulations must provide for any such offence to be punishable on summary conviction with a fine or a fine not exceeding an amount specified, or determined in accordance with, the regulations.

#### *Financial penalties*

- 8 (1) The regulations may confer power on a local authority to impose a financial penalty in relation to—
  - (a) the breach of a prohibition imposed by virtue of section (*Licensing of cosmetic procedures*)(1);
  - (b) the breach of a condition attached to a licence.
- (2) The amount of the financial penalty is to be specified in, or determined in accordance with, the regulations.
- (3) If the regulations confer power to impose a financial penalty in respect of conduct for which a criminal offence is created under the regulations, they must provide that a person is not liable to such a penalty in respect of conduct for which the person has been convicted of the offence.
- (4) If the regulations confer power to impose a financial penalty they must include provision—
  - (a) requiring the local authority, before imposing a financial penalty on a person, to give the person written notice (a “notice of intent”) of the proposed financial penalty;
  - (b) ensuring that the person is given an opportunity to make representations about the proposed financial penalty;
  - (c) requiring the local authority, after the period for making representations, to decide whether to impose the financial penalty;
  - (d) requiring the local authority, if it decides to impose the financial penalty, to give the person notice in writing (a “final notice”) imposing the penalty;
  - (e) enabling a person on whom a financial penalty is imposed to appeal to a court or tribunal in accordance with the regulations;

- (f) as to the powers of the court or tribunal on such an appeal.
- (5) The provision that may be made by the regulations by virtue of subparagraph (1) includes provision—
  - (a) enabling a notice of intent or final notice to be withdrawn or amended;
  - (b) requiring the local authority to withdraw a final notice in circumstances specified in the regulations;
  - (c) for a financial penalty to be increased by an amount specified in or determined in accordance with the regulations in the event of late payment;
  - (d) as to how financial penalties are recoverable.

#### *Enforcement*

- 9 The regulations may confer on a local authority the function of enforcing the regulations in its area.

#### *Fees*

- 10 The regulations may include provision for fees in relation to the carrying out of functions of a local authority under or in connection with the regulations (including the cost of its enforcement functions under the regulations).

#### *Guidance*

- 11 The regulations may require a local authority, in carrying out functions under the regulations, to have regard to guidance published by the Secretary of State.

#### *Interpretation*

- 12 (1) In this Schedule—
  - “grant”, in relation to a licence, includes vary or renew;
  - “licence” means a personal licence or premises licence;
  - “personal licence” has the meaning given by section (*Licensing of cosmetic procedures*)(2);
  - “premises licence” has the meaning given by section (*Licensing of cosmetic procedures*)(2).
- (2) Nothing in this Schedule is to be read as limiting the scope of the power to make regulations under section (*Licensing of cosmetic procedures*).”



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LORDS AMENDMENTS TO THE  
**Health and Care Bill**

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*Ordered, by The House of Commons,  
to be Printed, 24th March 2022.*

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