MOTIONS TO BE MOVED
ON CONSIDERATION OF COMMONS AMENDMENTS

11A Lord Low of Dalston to move, as an amendment to the motion that this House do agree with the Commons in their Amendment 11, at end insert “, and do propose Amendment 11B in lieu of the words so left out of the Bill”.

Clause 48

11B* Insert the following new Clause—

“Provision of certain care and support services to be public function

(1) A person (“P”) who provides regulated social care for an individual under arrangements made with P by a public authority, or paid for by a public authority, is to be taken for the purposes of subsection (3)(b) of section 6 of the Human Rights Act 1998 (Acts of public authorities) to be exercising a function of a public nature in doing so.

(2) This section applies to persons providing services regulated by the Care Quality Commission.

(3) In this section “social care” has the same meaning as in the Health and Social Care Act 2008.”

45A Lord Owen to move, as an amendment to the motion that this House do agree with the Commons in their Amendment 45, leave out from “House” to end and insert “do disagree with the Commons in their Amendment 45 and do propose Amendment 45B in lieu thereof”.

HL Bill 93(a) 55/3
After Clause 118

45B★ Insert the following new Clause—

“Parliamentary control over the Health and Social Care Information Centre

(1) This section applies to—

(a) an information standard under section 250,
(b) guidance of the Secretary of State under section 253(1)(b),
(c) guidance of the Board under section 253(1)(c),
(d) a direction of the Secretary of State under section 254(1),
(e) a request of any person under section 255(1),
(f) a procedure of the Information Centre under section 257(1),
(g) exercise by the Information Centre of its power under section 259(1) and duty under section 259(8),
(h) exercise by the Information Centre of its duties and powers under section 260,
(i) exercise by the Information Centre of its powers under section 261(1), 261(4) and 261(5),
(j) dissemination of information by the Information Centre in reliance upon section 261(7),
(k) a requirement imposed on or a request made to the Information Centre to which section 262 applies,
(l) the code of practice on confidential information under section 263,
(m) the Information Register under section 264, and
(n) advice, guidance and requests under section 265.

(2) The matters to which this section applies by virtue of subsection (1) shall not take effect unless an order has been made by the Secretary of State in accordance with the super-affirmative resolution procedure under section 18 of the Legislative and Regulatory Reform Act 2006; and the provisions of Part 1 of that Act shall apply to such an order as if it was to be made and was made under that Part.

(3) Regulations under section 267, section 268, section 269, section 274 and paragraph 8A of Schedule 7 of the Care Act 2014 shall not take effect without an order as is referred to in subsection (2).

(4) Nothing in this section shall prevent the Information Centre from performing its functions to the extent that they are functions which were previously those of the Health and Social Care Information Centre under The Health and Social Care Information Centre (Establishment and Constitution) Order 2005.”
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13th March 2014

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