

PARLIAMENTARY BUREAU

LEGISLATIVE CONSENT MEMORANDUM - HEALTH AND CARE BILL (UK LEGISLATION)

Introduction

1. Under Rule 9B.3.5, the Parliamentary Bureau is required to refer any legislative consent memorandum (LCM) that has been lodged with the Parliament to the committee within whose remit the subject matter of the relevant provision falls.

Health and Care Bill

2. The Health and Care Bill was introduced in the House of Commons on 6 July 2021.

3. This supplementary LCM was lodged by Humza Yousaf MSP, Cabinet Secretary for Health and Social Care, on 10 December 2021. It augments the original LCM lodged on 31 August 2021.

4. The UK Government describes the principal purpose of the Bill as to give effect to the policies that were set out as part of the NHS's recommendations for legislative reform following the Long Term Plan and in the White Paper 'Integration and Innovation: Working together to improve Health and Social Care for all' published in February 2021 (paragraph 1 of the Explanatory Notes). As health is devolved, the majority of the provisions in the Bill apply to England and Wales only.

5. The LCM indicates that the Scottish Government does now intend to lodge a motion seeking the Scottish Parliament's consent to the UK Parliament legislating on devolved matters in this Bill.

Designation of lead committee

6. The Bill makes a range of provision relating to health and care. As such, it falls within the remit of the Cabinet Secretary for Health and Social Care. The remit of the Health, Social Care and Sport Committee includes "*to consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care*". The remit of the Health, Social Care and Sport Committee is therefore engaged.

7. No other committee remit appears to be engaged.

8. The LCM will also be considered by the Delegated Powers and Law Reform Committee in regard to any provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.

Recommendation

9. The Bureau is invited to agree to refer, under Rule 9B.3.5, the LCM on the Health and Care Bill to the Health, Social Care and Sport Committee to consider and report on it.

Parliamentary Business Team
15 December 2021