Health and Sport Committee

Remit and membership

Remit:

To consider and report on health policy, the NHS in Scotland, anti poverty measures, equalities, sport and other matters falling within the responsibility of the Cabinet Secretary for Health, Wellbeing and Cities Strategy apart from those covered by the remit of the Economy, Energy and Tourism Committee.

Membership:

Bob Doris (Deputy Convener)
Rhoda Grant
Colin Keir
Richard Lyle
Aileen McLeod
Duncan McNeil (Convener)
Nanette Milne
Gil Paterson
Dr Richard Simpson

Committee Clerking Team:

Clerk to the Committee
Eugene Windsor

Senior Assistant Clerk
Rodger Evans

Assistant Clerk
Myer Cohen

Committee Assistant
Bryan McConachie
The Committee reports to the Parliament as follows—

UK Bill and Legislative Consent Memorandum (LCM(S4) 26.1)

1. The Care Bill was introduced in the House of Lords on 9 May 2013. The latest version of the Bill can be found at: [http://services.parliament.uk/bills/2013-14/care.html](http://services.parliament.uk/bills/2013-14/care.html).

Content of the Care Bill

2. The purpose of the Bill is to make provision:
   - reforming the law in relation to care and support for adults;
   - the law relating to support for carers;
   - safeguarding adults from abuse or neglect;
   - care standards;
   - establish and make provision about Health Education England;
   - establish and make provision about the Health Research Authority and for connected purposes to regulate assessments of the ethics of health and social care research.

Legislative consent memorandum

3. A Legislative Consent Memorandum on the Care Bill was lodged in the Scottish Parliament by the Cabinet Secretary for Health and Wellbeing, Alex Neil MSP, on 12 November 2013. The following clauses of the Bill make provision which falls within the legislative competence of the Scottish Parliament or alters the executive competence of Scottish Ministers and therefore require the legislative consent of the Parliament:
   - Cross-border placement arrangements;
   - Provider failure arrangements; and,
• The establishment of the Health Research Authority.

4. With the exception of the above three provisions, the majority of the Bill deals with matters particular to England and Wales only. The legislative consent of the Scottish Parliament is required for all three of the above provisions.

5. The LCM states that:

“Whilst these areas are within devolved competence, all three deal with UK-wide provisions which could not be wholly legislated for by the Scottish Parliament. It is therefore considered, given these changes are required to also be made for England, Wales and Northern Ireland, that it is appropriate for the changes to be made for Scotland at the same time through the UK Bill.”

Committee consideration

6. At its meeting on 19 November 2013, the Parliamentary Bureau agreed to refer the Legislative Consent Memorandum (LCM) on the Care Bill to the Health and Sport Committee for consideration.

7. The Care Bill does not confer any powers on the Scottish Ministers to make subordinate legislation and therefore, the LCM does not engage the remit of the Delegated Powers and Law Reform Committee.

8. The Health and Sport Committee considered the LCM at its meeting on 17 December 2013.

RECOMMENDATION

9. The Committee recommends to the Parliament the legislative consent motion on the Care Bill (LCM(S4) 26.1) be approved by the Scottish Parliament.
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