
NATIONAL HEALTH AND CARE SERVICE BILL 2016

Explanatory Memorandum

1. This Bill is promoted by Minister Quayle M.H.K. on behalf of the Department of Health and Social Care.
2. *Clauses 1-3* deal with the short title and commencement of the resulting Act, as well as the interpretation of certain terms used in it. Of particular importance is the definition of “care”.
3. *Clause 4* provides that a Scheme or Schemes established under the resulting Act and the care provided under those Schemes are to be collectively referred to and cited as the Isle of Man National Health and Care Service (“NHCS”).
4. *Clause 5* requires the Department to publish a Charter in respect of the NHCS.
5. *Clause 6* stipulates that the Charter must set out the Department’s general commitments in respect of the NHCS and requires the Department to have regard to the Charter in the provision of care.
6. *Clause 7* requires the Department to review and, if appropriate, revise the Charter at least once every 5 years. Also, *clause 7* authorises the Department to amend the Charter at any time.
7. *Clause 8* requires the Department to ensure that care is provided to individuals to the extent and in the manner set out in one or more Schemes made by the Department. Such Schemes, which are public documents within the meaning of section 3(1) of the *Interpretation Act 1976*, must be laid before Tynwald. Tynwald will thereby be given the opportunity to resolve that the Scheme be annulled. Tynwald can do so at the sitting at which the Scheme is laid before it or at the subsequent sitting. Once annulled, the Scheme ceases to have effect. It follows that, in accordance with the *Interpretation Act 1976*, the Schemes come into operation upon being made and will continue to be in operation unless and until Tynwald annuls them, should it choose to do so.
8. *Clause 9* set out standards to which care provided under Schemes must conform.
9. *Clause 10* stipulates what the Department must determine when making a Scheme.
10. *Clause 11* permits the Department to charge for care provided under Schemes and for the use of its facilities. The Department is given discretion as to the circumstances in which it may charge. Also, *clause 11* stipulates that, when setting any charge it may see fit to impose, the Department must take account of the funds available to it. The Department is specifically given the latitude to provide that certain individuals or categories of individuals are either exempt from charge or are subject to a reduced charge. Charges so imposed are

specifically stipulated to be debts due to the Department or any other person that provides care, unless a Scheme provides otherwise. The clause ends by mandating that the proceeds of all such charges are to be paid by the Department into the general revenue of the Island.

11. *Clause 12* authorises the Department to make contributions towards the meeting of specified care-related costs of individuals to whom care is provided. Again, the Department is required to take into account the funds available to it before making a decision to contribute.
12. *Clause 13* provides that persons other than the Department may provide care and specifies the arrangements in accordance with which care may be provided by such other persons (either instead of or in collaboration with the Department).
13. *Clause 14* requires the Department to keep and maintain one or more lists of qualified care providers whom it may permit to provide care either in conjunction with or in place of the Department. The Department is authorised to keep the lists in any form it chooses and to publish, to the extent that it considers appropriate, such details from any list so maintained. The Department is also required to publish the detailed requirements to be met by applicants who wish to be listed, and to publish the procedure to be followed by applicants for listing. *Clause 14* further stipulates that listed persons whose names have been removed, or applicants whose names have been excluded, from any of the lists may appeal to a committee or body to be identified in regulations made under the resulting Act. The Department must comply with the decisions of that committee or body in respect of an appeal.
14. *Clause 15* underscores the point that persons other than the Department may provide care and provides that the Department's facilities may be used by others for the provision of care that is not governed by a Scheme. *Clause 15* expressly gives the Department freedom to determine the terms and conditions subject to which it may allow other persons to provide care outside of a Scheme and to use its facilities for the provision of such care.
15. *Clause 16* provides that charges can be made in respect of persons who refuse to vacate the Department's facilities when officially asked to do so. The Department is authorised to set the level of such charges on a case by case basis, having regard (as may be appropriate) to the means of the individual occupying the facility or of any other person who has accepted financial responsibility for the individual. The charge set should make defiant, continued occupation financially unfeasible for whoever is responsible for meeting the cost. A person who has taken responsibility for decision-making need not have also accepted personal financial responsibility, and it is only where the person has accepted personal financial responsibility that the Department may have regard to that person's resources in setting the charge for defiant, continued occupation of the facility. It is stipulated that the charges imposed in accordance with *clause 16* are a debt due to the Department, may be recovered by way of legal proceedings

- and, when recovered (by whatever means), must be paid over by the Department into the general revenue of the Island.
16. *Clause 17* authorises the Department to establish committees to scrutinise and advise on the carrying out by the Department of its functions, or to assist it with the carrying out of any of those functions. The Department may only establish such committees by means of regulations made under the resulting Act.
 17. *Clause 18* provides that the Department may consult any of the committees it establishes under clause 17. However, *clause 18* also provides that the Department, whilst being required to consider any advice it receives (whether gratuitously or in response to consultation), is not bound to follow the advice.
 18. *Clause 19* sets out the scope of Part 5, which *clause 19* commences. It stipulates the circumstances in which individuals may complain about care they have received.
 19. *Clause 20* requires the Department to publish details of the procedure to be followed by complainants and those hearing the complaints, and also requires that the rules of natural justice be followed when complaints are being considered.
 20. *Clause 21* provides that if complaints referred to in the preceding clause are not resolved, either party may refer the complaint in question to the Independent Review Body, which is presently in existence and will be saved by the resulting Act by virtue of clause 24(1)(i). *Clause 21* provides that specified provisions of clause 20 apply to the Independent Review Body. It also specifically provides that no attempt is being made in the Bill to prevent an aggrieved person from seeking another remedy in respect of his or her complaint.
 21. *Clause 22* gives the Department the power to enter into contracts for the use by another person or other persons of its facilities for any purpose whatsoever, and requires that the Department pay into the general revenue of the Island all proceeds it receives from contracts under this or any other provision in the resulting Act. *Clause 22* also requires the Department to ensure the regular and independent monitoring and review of specified aspects of the administration of Schemes. A report of the findings of each independent review is to be presented to the Department and the Department is required to publish any such report.
 22. *Clause 23* gives the Department regulation-making powers additional to those given in clause 17. It also provides that any regulations made under the resulting Act are required to be approved by Tynwald before they come into operation.
 23. *Clause 24* saves several specified regulations made under the *National Health Service Act 2001* (“the 2001 Act”), as if they were made under the resulting Act. Two of those regulations are saved subject to specified amendments. Further, *clause 24* provides that references in any of the saved regulations to provisions of the 2001 Act are to be construed as references to the equivalent provisions of

the resulting Act, and authorises the use of Schemes to amend or repeal any of the saved regulations.

24. *Clause 25* makes transitional provisions in respect of existing contracts.
25. *Clause 26* gives effect to the Schedule to the resulting Act.
26. *Clause 27* repeals the 2001 Act.
27. The Bill is not expected to have any human or financial resource implications.
28. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the *Human Rights Act 2001*.



Ellan Vannin

NATIONAL HEALTH AND CARE SERVICE BILL 2016

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Ellan Vannin

NATIONAL HEALTH AND CARE SERVICE BILL 2016

- 1 A **BILL** to provide for national health and care services; to make provision for
 2 private care; and for connected purposes.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

3 PART 1 – INTRODUCTORY

4 1 Short title

5 The short title of this Act is the National Health and Care Service Act 2016.

6 2 Commencement

- 7 (1) This Act comes into operation on such day or days as the Department
 8 may by order appoint, and different days may be appointed for different
 9 purposes of this Act.
- 10 (2) An order under subsection (1) may make such transitional and saving
 11 provisions as the Department considers necessary or expedient.

12 3 Interpretation

13 In this Act —

14 “**Appointments Commission**” means the Commission established by section 1
 15 of the *Tribunals Act 2006*;

16 “**care**” means health care and services and includes care and services that the
 17 Department may or is required to provide under other legislation;

18 “**Charter**” means the Charter for the time being in operation under Part 2;

19 “**Department**” means the Department of Health and Social Care;

20 “**Independent Review Body**” has the meaning given in section 23(2)(a);

21 “**NHCS**” means the Isle of Man National Health and Care Service;

1 “publish”, in respect of information required to be published under this Act,
2 means publish in a manner that gives the public free and convenient
3 access to a copy of the information;

4 “Scheme” means a Scheme established under section 8.

5 **4 Citation of the Isle of Man National Health and Care Service**

6 A Scheme or Schemes and the care provided to individuals under the Scheme or
7 Schemes may collectively be referred to and cited as the Isle of Man National
8 Health and Care Service.

9 **PART 2 - THE NHCS CHARTER**

10 **5 Department to prepare and maintain a Charter**

11 The Department must publish and maintain a Charter in respect of the NHCS.

12 **6 Character of the Charter**

13 (1) The Charter must set out the Department’s general commitments in
14 respect of the NHCS.

15 (2) The Department must have regard to the Charter in the provision of care.

16 **7 Revision and amendment of the Charter**

17 The Department must review and, if appropriate, revise the Charter at least
18 once every 5 years and may amend it at any time.

19 **PART 3 –SCHEMES**

20 **8 Department to provide care**

21 (1) Subject to section 9, the Department must ensure that care is provided to
22 individuals to the extent and in the manner set out in one or more
23 Schemes made by the Department.

24 (2) Schemes must be laid before Tynwald.

25 (3) If Tynwald at the sitting at which a Scheme is laid or at the subsequent
26 sitting resolves that it is to be annulled, the Scheme ceases to have effect.

27 **9 Standards of care**

28 The Department must ensure that care provided under a Scheme —

29 (a) is in accordance with generally accepted standards;

- 1 (b) provides, subject to available resources, the highest levels of
2 human knowledge and skill necessary to save lives and improve
3 health;
- 4 (c) is administered with compassion and concern for the wellbeing of
5 the individuals to whom it is provided;
- 6 (d) is comprehensive and available to all;
- 7 (e) is designed to improve, prevent, diagnose and treat both physical
8 and mental health conditions with equal regard;
- 9 (f) supports individuals to promote and manage their own health;
10 and
- 11 (g) provides best value for money by using in the most effective, fair
12 and sustainable manner the resources allocated to the Scheme.

13 **10 Contents of a Scheme**

14 When making a Scheme the Department must determine —

- 15 (a) the care that will be provided to individuals under the Scheme;
- 16 (b) the way in which that care will be provided;
- 17 (c) the terms and conditions on which that care will be provided to
18 individuals; and
- 19 (d) the manner in which the Scheme is to be administered.

20 **11 Charges under a Scheme**

- 21 (1) The terms and conditions of a Scheme must provide for —
- 22 (a) the charges (if any) to be paid for the provision of care and for the
23 use of the Department's facilities under the Scheme; and
- 24 (b) the manner in which those charges are to be calculated.
- 25 (2) Nothing in subsection (1) is to be taken as implying that a charge must
26 be made for the provision of care or for the use of the Department's
27 facilities under a Scheme.
- 28 (3) In setting a charge for care or for the use of the Department's facilities
29 under a Scheme, the Department must have due regard to the funds and
30 other resources available to it.
- 31 (4) A Scheme may provide that individuals specified in the Scheme are
32 exempt from a charge for care or for the use of the Department's facilities
33 provided under the Scheme or are only liable to a reduced charge.
- 34 (5) Except as may otherwise be provided by a Scheme, a charge for care
35 provided under a Scheme or for the use of a facility of the Department
36 under a Scheme is a debt due to the Department or, in the case of care
37 provided by another person under a Scheme, that person.

- 1 (6) The Department must pay any amount it receives for care it provides
2 under a Scheme or for the use of its facilities under a Scheme into the
3 general revenue of the Island.

4 **12 Contributions under a Scheme**

- 5 (1) The terms and conditions of a Scheme may provide for the Department
6 to make payments to meet or to contribute towards specified care-related
7 costs incurred or to be incurred in respect of individuals who have
8 received or who are to receive care under the Scheme.
- 9 (2) In setting those payments, the Department must have due regard to the
10 funds and other resources available to it.

11 **13 Care may be provided by others**

- 12 (1) The obligation on the Department to establish one or more Schemes is
13 not to be taken as implying that the care to be provided under a Scheme
14 must be provided by the Department.
- 15 (2) A Scheme may provide that all or any part of the care to be provided
16 under the Scheme may be provided by a person who —
- 17 (a) has been commissioned by, or on behalf of, the Department; or
18 (b) has entered into a contract with the Department,
19 to provide the care or that part of it.

20 **14 Department to maintain list of qualified care providers**

- 21 (1) The Department must maintain a list of the names of persons that it is
22 satisfied are qualified to provide care in accordance with section 13(2).
- 23 (2) The list may include the name of a person practising on the Island who is
24 providing care under a Scheme, whether the care is provided by the
25 Department or by the person in accordance with section 13(2).
- 26 (3) The Department may publish the list either in full or to such extent as
27 the Department considers appropriate in any particular case.
- 28 (4) The Department must publish details setting out —
- 29 (a) how a person may apply to have his or her name included on the
30 list; and
- 31 (b) the procedure it will follow to determine an application by a
32 person to have his or her name included on the list.
- 33 (5) The Department may keep the list in any form it considers appropriate.
- 34 (6) If the Department determines that the name of a person should not be
35 included on the list or should be removed from it, the person may appeal
36 to the committee or body to which responsibility is given for this
37 purpose by regulations made under section 23(2)(j).

- 1 (7) Where the committee or body referred to in subsection (6) hears an
2 appeal under this section, the Department must comply with the
3 decision of the committee or body in respect of the appeal.

4 **15 Private facilities and care**

- 5 (1) Nothing in this Part is to be taken as implying —
6 (a) that only the Department may provide care under a Scheme; or
7 (b) that the Department's facilities can be used only by the
8 Department for the provision of care under a Scheme.
9 (2) If otherwise than under a Scheme the Department —
10 (a) allows care to be provided; or
11 (b) makes its facilities available for the provision of care,
12 it may do so on terms and conditions it determines.

13 **16 Misuse of the Department's facilities**

- 14 (1) Subsection (2) applies where —
15 (a) an individual occupies any of the Department's facilities for the
16 purpose of receiving care;
17 (b) the individual or the individual's representative, having been
18 informed by an appropriate person that it is no longer necessary
19 for the individual to occupy the facility for the purpose of
20 receiving such care, is asked to vacate the facility or to remove the
21 individual from the facility; and
22 (c) the individual refuses to vacate the facility, or the individual's
23 representative refuses to remove the individual from the facility.
24 (2) As an alternative to evicting the individual, the Department may charge
25 the individual in respect of the period for which the individual continues
26 to occupy the facility after having been asked to vacate.
27 (3) The charge must be —
28 (a) determined by the Department on a case by case basis; and
29 (b) set at such a level, having regard to the individual's means or the
30 means of the individual's representative, as to discourage —
31 (i) the individual from continuing to occupy the facility; or
32 (ii) the individual's representative from refusing to remove the
33 individual from the facility,
34 after an appropriate person has advised that the individual is
35 required to vacate the facility.
36 (4) Any charge under this section —
37 (a) is a debt due to the Department;

- 1 (b) may be recovered by way of legal proceedings; and
2 (c) when recovered, whether by way of legal proceedings or
3 otherwise, must be paid by the Department into the general
4 revenue of the Island.

5 (5) In this section —

6 “**appropriate person**” means a person who has actual or ostensible
7 authority, derived from the Department, to communicate to the
8 individual or to the individual’s representative the decision of the
9 Department regarding whether the individual is required to vacate the
10 facility;

11 “**individual’s representative**” means any person satisfactory to the
12 Department that, in respect of an individual who —

- 13 (a) is receiving care;
14 (b) is occupying any of the Department’s facilities for the purpose of
15 receiving such care; and
16 (c) is personally unable to make decisions in respect of the care the
17 individual is receiving or any matter associated with such care,

18 has formally indicated to the Department that the person is responsible
19 for making on the individual’s behalf decisions referred to in paragraph
20 (c), regardless of whether that person has also committed to meeting
21 from the person’s own resources any costs associated with the care being
22 provided.

23 PART 4 – COMMITTEES

24 17 Establishment of committees

25 The Department may by regulations —

- 26 (a) subject to paragraphs (h) and (i) of section 23(2), establish a
27 consultative committee to provide the Department with scrutiny
28 and advice on the provision by the Department of services in
29 furtherance of its functions;
30 (b) establish committees to exercise on behalf of the Department and
31 in its name any of its functions; or
32 (c) establish committees to co-ordinate the provision and delivery of
33 care under Schemes.

34 18 Advice of committees

- 35 (1) The Department may seek advice from a committee established under
36 section 17 in respect of any action the Department has taken or intends
37 to take in respect of care.

- 1 (2) The Department must take account of any advice it receives from a
2 committee, whether or not the advice was sought under subsection (1),
3 but is not bound to follow the advice.

4 PART 5 – COMPLAINTS UNDER A SCHEME

5 19 Application of Part

- 6 (1) This Part applies to complaints made by individuals about care provided
7 under a Scheme, whether by the Department or by a person acting in
8 accordance with section 13(2).
- 9 (2) A complaint under this Part may, in particular, be made in respect of –
10 (a) a failure to provide care;
11 (b) a delay in the provision of care;
12 (c) the quality or efficacy of care that was provided; or
13 (d) the manner in which care was provided.

14 20 Procedure for making complaints

- 15 (1) The Department must publish details setting out –
16 (a) the procedure to be followed by an individual who wishes to
17 make a complaint; and
18 (b) the procedure to be followed by those considering such a
19 complaint.
- 20 (2) The procedure to be followed in considering a complaint must ensure
21 that the rules of natural justice are followed.

22 21 Independent Review Body to consider complaints

- 23 (1) If a complaint is not resolved in accordance with the procedure
24 published in accordance with section 20(1)(b), either party to the
25 complaint may for the purpose of having the complaint resolved refer it
26 to the Independent Review Body provided for in regulations made under
27 paragraphs (a) to (g) of section 23(2).
- 28 (2) The Independent Review Body must consider the complaint and report
29 its decision to the parties to the complaint.
- 30 (3) Sections 20(1)(b) and (2) apply to the Independent Review Body.
- 31 (4) Nothing in this section is to be taken as prohibiting a person from
32 seeking any other remedy in respect of a complaint.

PART 6 – FINAL AND SUPPLEMENTAL PROVISIONS

22 Powers and duties of the Department

- (1) The Department may enter into a contract with any person for the use of its facilities for any purpose whatsoever, and must pay into the general revenue of the Island all proceeds it receives from a contract under this or any other provision of this Act.
- (2) The Department must ensure that the following provisions of a Scheme are regularly and independently monitored and reviewed –
 - (a) the care provided to individuals under the Scheme;
 - (b) the way in which that care is provided;
 - (c) any facilities, equipment and other resources made available in respect of the Scheme; and
 - (d) the way in which the Scheme is being administered.
- (3) The Department must –
 - (a) ensure that a report of the findings of each independent monitoring and review under subsection (2) is provided to it; and
 - (b) publish or see to the publishing of the report so provided.

23 Regulations

- (1) In addition to the power to make regulations under section 17, the Department may make regulations necessary or convenient for its administration of this Act.
- (2) Without limiting subsection (1), the Department may make regulations –
 - (a) providing for the appointment by the Appointments Commission of members of a body to be called the “Independent Review Body”, the purpose of which is to review complaints concerning the provision by the Department of services in furtherance of its functions;
 - (b) providing for the membership of the Independent Review Body;
 - (c) providing for the conduct of business of the Independent Review Body;
 - (d) providing for the appointment of panels by the Independent Review Body, to any of which panels the Independent Review Body may delegate any of its functions;
 - (e) providing for the expenses of the Independent Review Body;
 - (f) providing for the submission of annual reports by the Independent Review Body;

- 1 (g) providing for such other details in respect of the Independent
 2 Review Body as the Department considers necessary or
 3 convenient, including giving the Independent Review Body
 4 functions additional to that required by paragraph (a);
- 5 (h) providing for the appointment by the Appointments Commission
 6 of members of a body to be called the “Health Services
 7 Consultative Committee” —
- 8 (i) that the Department may consult on general matters
 9 relating to the services provided by the Department;
- 10 (ii) that the Department must respond to on such questions as
 11 the Health Services Consultative Committee may refer to
 12 it;
- 13 (iii) that may tender to the Department its views on any
 14 general matter relating to the services provided by the
 15 Department;
- 16 (iv) to the members of which payments may be made in respect
 17 of expenses; and
- 18 (v) the views of which the Department must have regard to in
 19 exercising its functions, provided those views are given
 20 under any of subparagraphs (i) to (iii);
- 21 (i) providing for the constitution, and for additional functions, of the
 22 Health Services Consultative Committee; or
- 23 (j) stipulating that a committee or body, —
- 24 (i) whether established by regulations made under this Act or
 25 by any other enactment; and
- 26 (ii) subject to the requirements of section 20,
 27 is responsible for hearing and determining appeals by persons
 28 aggrieved by the exclusion or removal of their names from the list
 29 provided for in section 14.
- 30 (3) Regulations made under this Act must not come into operation unless
 31 approved by Tynwald.

32 24 Saving

- 33 (1) Despite the repeal of the *National Health Service Act 2001*, the following
 34 regulations made under that Act continue in operation, with any
 35 necessary amendments, as if made under the provision of this Act
 36 specified below and approved by Tynwald —
- 37 (a) the *National Health Services (Appointment of Consultants) Regulations*
 38 *2003*,¹ as if made under section 23;

¹ SD 0861/03

- 1 (b) the *National Health Service (Complaints) Regulations 2004*,² as if
2 made under section 23;
- 3 (c) the *National Health Service (Expenses in Attending Hospitals)*
4 *Regulations 2004*,³ as if made under section 23;
- 5 (d) the *National Health Service (General Ophthalmic Services) Regulations*
6 *2004*,⁴ as if made under section 23;
- 7 (e) the *National Health Service (Optical Payments) Regulations 2004*,⁵ as
8 if made under section 23;
- 9 (f) the *National Health Service (Charges for Drugs and Appliances)*
10 *Regulations 2004*,⁶ as if made under section 23;
- 11 (g) the *National Health Service (Pharmaceutical Services) Regulations*
12 *2005*,⁷ as if made under section 23;
- 13 (h) the *National Health Service (Dental Charges) Regulations 2006*,⁸ as if
14 made under section 23;
- 15 (i) subject to subsection (2), the *National Health Service (Independent*
16 *Review Body) Regulations 2004*,⁹ as if made under paragraphs (a) to
17 (g) of section 23(2);
- 18 (j) the *National Health Service (Overseas Visitors) Regulations 2011*,¹⁰ as
19 if made under section 23; and
- 20 (k) subject to subsection (3), the *Health Service Consultative Committee*
21 *Constitution Regulations 2012*,¹¹ as if made under section 17(a) and
22 in accordance with paragraphs (h) and (i) of section 23(2).
- 23 (2) The *National Health Service (Independent Review Body) Regulations 2004* are
24 amended as follows —
- 25 (a) by repealing regulation 2; and
- 26 (b) in regulation 3, by deleting “the Council of Ministers” wherever it
27 appears and substituting in each case “the Appointments
28 Commission”.
- 29 (3) Regulation 4 of the *Health Services Consultative Committee Constitution*
30 *Regulations 2012* is repealed.

² SD 0216/04

³ SD 0348/04

⁴ SD 0018/04

⁵ SD 0019/04, as amended by SD 0662/04.

⁶ SD 0022/04, as amended by SD 0728/05, SD 0511/10 and SD 0049/13.

⁷ SD 0727/05

⁸ SD 0100/06, as amended by SD 0510/10, SD 0050/13 and SD 0117/13.

⁹ SD 0679/04

¹⁰ SD 0044/11

¹¹ SD 0455/12

1 (4) In all regulations saved under this section, any reference to a provision of
2 the *National Health Service Act 2001* is to be construed as a reference to the
3 equivalent provision in this Act.

4 (5) A Scheme may amend or repeal any of the regulations listed in
5 subsection (1).

6 **25 Transitional provision – existing contracts**

- 7 (1) This section applies to a contract that –
- 8 (a) was entered into pursuant to the *National Health Service Act 2001*
9 that provided for a person to provide services; and
- 10 (b) was in force immediately before section 27 was brought into force.
- 11 (2) The contract continues in force, with the necessary amendments, as if it
12 had been entered into in accordance with section 13(2) of this Act.

13 **26 Legislation amended**

14 The Schedule has effect.

15 **27 Repeal**

16 The *National Health Service Act 2001* is repealed.
17

SCHEDULE

LEGISLATION AMENDED

In a provision mentioned in column 1 of the following table, the expression in column 2 is omitted and if there is an expression in column 3 that expression is substituted.

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Provision	Expression to be omitted	Expression to be substituted
Law Reform (Personal Injuries) Act 1949		
Section 2(4)	<i>Health Service Act 2001</i>	<i>National Health and Care Service Act 2016</i>
Children and Young Persons Act 1966		
Section 118(1) (definition of “hospital”)	“hospital” has the same meaning as in the <i>National Health Service Act 2001</i> ;	
Dental Act 1985		
Section 3(2)(a)	(a) by an authority providing national health services, or	(a) by the Department of Health and Social Care in respect of the provision of care under the <i>National Health and Care Service Act 2016</i> , or
Section 11(2)	(2) References in this Act to national health services are references to — (a) hospital services and specialist services under Part 3 of the <i>National Health Service Act 2001</i> ; or (b) services at health centres under section 15 of that Act; or (c) school medical services under section 16 of that Act; or (d) services for mothers and young children under section 17 of that Act;	
Design Right Act 1991		
Section 26(4)	for the purpose of providing — (a) general pharmaceutical services,	for the purpose of providing care under the Isle of Man National Health and Care Service

	(b) general medical services, or (c) general dental services, that is, services of those kinds under the <i>National Health Service Act 2001</i>	
Sexual Offences Act 1992		
Section 6(2)(b)	<i>National Health Service Act 2001</i>	<i>National Health and Care Service Act 2016</i>
Access to Health Records and Reports Act 1993		
Section 1(2)(b)	<i>National Health Service Act 2001</i>	<i>National Health and Care Service Act 2016</i>
Section 10	“ general practitioner ” means a medical practitioner who is providing general medical services in accordance with arrangements made under section 27 of the <i>National Health Service (Isle of Man) Act 1948</i> ;	“ general practitioner ” means a person who is a registered medical practitioner, is registered on the register of general medical practitioners in accordance with the <i>Health Care Professionals Act 2014</i> , and is providing care in accordance with the <i>National Health and Care Service Act 2016</i> ;
Termination of Pregnancy(Medical Defences) Act 1995		
Section 6(1)(b)	the pregnancy is terminated in a national health hospital	the pregnancy is terminated under the Isle of Man National Health and Care Service in a national health service hospital
Section 6(2)(a)	is not employed on the staff of, or otherwise contracted to provide medical services in, a national health hospital in a post or office which is junior to the hospital surgeon who terminates the pregnancy; or	is not employed by the Department or otherwise contracted or commissioned by the Department to provide medical services in a post or office that is junior to the hospital surgeon who terminates the pregnancy; or
Section 6(5)(b)	(b) if there is no live birth, the foetus shall be disposed of – (i) in accordance with the wishes of the pregnant woman; or (ii) in the absence of any direction by the pregnant woman, in accordance with the	(b) if there is no live birth, the foetus must be disposed of – (i) in accordance with the wishes of the mother; or (ii) in the absence of a direction by the mother, in accordance with the normal practice of the Department,



	normal practice of the hospital, but the foetus or any part of the foetus shall not be used or made available for any medical or other experiment or procedure or for any purpose whatsoever without the express written consent of the mother	but the foetus or any part of it must not be used or made available for any medical or other experiment or procedure or for any purpose whatsoever without the express written consent of the mother
Section 8(1) (definition of “consultant”)	at a hospital provided by the Department under section 28 of the <i>National Health Service Act 2001</i> ;	at a national health service hospital;
Section 8(1) (definition of “national health hospital”)	“ national health hospital ” means a hospital vested in the Department for the purposes of the <i>National Health Service Act 2001</i> .	“ national health service hospital ” means a hospital provided by the Department for the purposes of the Isle of Man National Health and Care Service.
Video Recordings Act 1995		
Section 8(10)(b)	for the purpose of services provided in pursuance of the <i>Health Service Act 2001</i>	for the purpose of care provided in pursuance of the <i>National Health and Care Service Act 2016</i>
Mental Health Act 1998		
Section 12(3)	section 6 (accommodation for private patients) of the <i>National Health Service (Isle of Man) Act 1948</i>	section 15 of the <i>National Health and Care Service Act 2016</i>
Section 19(3)	in a hospital vested in the Department for the purposes of its functions under the NHS Act or any accommodation used under Part I of that Act by the managers of such a hospital,	in a hospital provided by the Department for the purposes of the Isle of Man National Health and Care Service or any other accommodation provided for that purpose and used by the managers of such a hospital,
Section 121(2)	For the purposes of the NHS Act the making of payments under this section to persons for whom hospital and specialist services are provided under that Act shall be treated as included among those	The making of payments under this section to persons for whom care is provided under the Isle of Man National Health and Care Service is to be treated as included in that care.

	services.	
Section 138(1) (definition of “the NHS Act”)	“the NHS Act” means the <i>Health Service Act 2001</i> ;	“the NHS Act” means the <i>National Health and Care Service Act 2016</i> ;
Children and Young Persons Act 2001		
Section 102(1) (definition of “health service hospital”)	“health service hospital” means a hospital provided by the Department under Part 3 of the <i>National Health Service Act 2001</i> ;	“health service hospital” means a hospital provided by the Department for the purposes of the Isle of Man National Health and Care Service;
Education Act 2001		
Section 41(6)	The Department shall make arrangements for encouraging and assisting pupils to take advantage of services provided by the Department of Health under section 16 of the <i>National Health Service Act 2001</i> .	The Department must make arrangements to encourage and assist pupils to take advantage of care provided for them under the Isle of Man National Health and Care Service.
Section 59(1) (definition of “school buildings”)	for affording facilities for enabling the Health Department to carry out its functions under section 16 of the <i>National Health Service Act 2001</i> ; or	for affording facilities to enable the Department of Health and Social Care to carry out any of its functions under the <i>National Health and Care Service Act 2016</i> ; or
Schedule 8, para 1(b)	a hospital trust within the meaning of Schedule 1 to the <i>National Health Service Act 2001</i>	a hospital trust, being a trust of property for purposes relating to hospital services
Medicines Act 2003		
Section 6(3)	and section 41 of the <i>National Health Service Act 2001</i> applies to consultations under paragraph (a) as it applies to consultations for the purposes of that Act	
Section 53(3)	For the purposes of this section the provision of services by or on behalf of the Department under the <i>National Health Service Act 2001</i> shall be treated as the carrying on of a business by	For the purposes of this section the provision of care by or on behalf of the Department under the <i>National Health and Care Service Act 2016</i> is to be treated as the carrying on of a business by that Department

	that Department	
Schedule 2 (definition of “health centre”)	means a health centre maintained under section 15 of the <i>National Health Service Act 2001</i>	means premises provided, equipped and maintained by the Department of Health and Social Care for the provision of care under the Isle of Man National Health and Care Service
Employment Act 2006		
Section 58(1)(c)	works or worked as a person providing general medical services, general dental services, general ophthalmic services or pharmaceutical services in accordance with arrangements made by the Department of Health under section 3, 6, 8 or 10 of the <i>Health Service Act 2001</i> ,	works or worked as an individual providing care under section 13(2) of the <i>National Health and Care Service Act 2016</i> .
Public Sector Pensions Act 2011		
Section 3(3)(a)	any persons engaged in any of the services mentioned in section 15 of the <i>National Health Service Act 2001</i>	any person providing care as defined under the Isle of Man National Health and Care Service
Social Services Act 2011		
Section 30(1) (definition of “hospital”)	“ hospital ” has the same meaning as in section 43 of the <i>National Health Service Act 2001</i> ;	
Regulation of Care Act 2013		
26(2)(b)	<i>National Health Service Act 2001</i>	<i>National Health and Care Service Act 2016</i>
Schedule (definition of “hospital”)	“ hospital ” see section 43 of the NHS Act.	
Schedule (definition of “NHS hospital”)	“ NHS hospital ” means a hospital provided under Part 3 (hospital and specialist services) of the NHS Act.	“ NHS hospital ” means a hospital provide by the Department for the purposes of the Isle of Man National Health and Care Service.

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IN THE KEYS

NATIONAL HEALTH AND CARE SERVICE BILL 2016

A **BILL** to provide for national health and care services; to make provision for private care; and for connected purposes.

Approved by the Council of Ministers
for introduction in the House of Keys.

MR QUAYLE

MARCH 2016