

HEALTH COMMITTEE

Tuesday 13 December 2005

Session 2

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HEALTH COMMITTEE

† 31st Meeting 2005, Session 2

CONVENER

*Roseanna Cunningham (Perth) (SNP)

DEPUTY CONVENER

*Janis Hughes (Glasgow Rutherglen) (Lab)

COMMITTEE MEMBERS

*Helen Eadie (Dunfermline East) (Lab)

*Kate Maclean (Dundee West) (Lab)

*Mr Duncan McNeil (Greenock and Inverclyde) (Lab)

*Mrs Nanette Milne (North East Scotland) (Con)

*Shona Robison (Dundee East) (SNP)

*Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

*Dr Jean Turner (Strathkelvin and Bearsden) (Ind)

COMMITTEE SUBSTITUTES

Mr Kenneth Macintosh (Eastwood) (Lab)

Mr Stewart Maxwell (West of Scotland) (SNP)

Euan Robson (Roxburgh and Berwickshire) (LD)

Mary Scanlon (Highlands and Islands) (Con)

*attended

CLERKS TO THE COMMITTEE

Lynn Tullis

Simon Watkins

SENIOR ASSISTANT CLERK

Tracey White

ASSISTANT CLERK

Roz Wheeler

LOCATION

Committee Room 6

† 30th Meeting 2005, Session 2—held in private.

Scottish Parliament

Health Committee

Tuesday 13 December 2005

[THE CONVENER *opened the meeting at 14:01*]

Items in Private

The Convener (Roseanna Cunningham): No apologies have been received. Item 1 is to consider whether to take item 5, a draft stage 1 report on the Abolition of NHS Prescription Charges (Scotland) Bill, in private. It is the committee's normal practice to consider draft reports in private.

Does the committee agree to take item 5 in private today, and also to consider the draft report in private at next week's meeting?

Members *indicated agreement.*

Subordinate Legislation

Bovine Products (Restriction on Placing on the Market) (Scotland) (No 2) Regulations 2005 (SSI 2005/586)

Fishery Products (Official Controls Charges) (Scotland) Regulations 2005 (SSI 2005/597)

Contaminants in Food (Scotland) Regulations 2005 (SSI 2005/606)

Regulation of Care (Social Service Workers) (Scotland) Amendment Order 2005 (SSI 2005/611)

14:02

The Convener: Item 2 is subordinate legislation. The committee is asked to consider four negative instruments. The Subordinate Legislation Committee has commented on one instrument—SSI 2005/586—and its comments are reproduced in the abridged Subordinate Legislation Committee report. No comments have been received from Health Committee members and no motions to annul have been lodged. Are members therefore agreed that the committee does not wish to make any recommendation in relation to the instruments?

Members *indicated agreement.*

Health Bill: Legislative Consent Memorandum

14:02

The Convener: Item 3 is a legislative consent memorandum, the new way of dealing with what we more popularly know as Sewel motions. Members have received a paper indicating that it was anticipated that a legislative consent memorandum on the Health Bill would be lodged by the Scottish Executive. The brief paper circulated contains information about the content of the memorandum and the new arrangements for handling those issues. The memorandum was lodged on 8 December and copies have been distributed for information.

Circumstances are such that the Executive requires a debate on the matter on 18 January 2006. We have to produce a report that will be available five days before that, on 13 January. That leaves only one possible date on which we can deal with the issue, which is 10 January, the first Tuesday back after the new year, a date on which I had indicated that we would not meet. We will now have to meet on that day, as that is the only meeting at which we can deal with the issue.

The clerk to the Subordinate Legislation Committee has confirmed that that committee will consider the legislative consent memorandum at its meeting on the morning of 10 January, and we will have to timetable our committee's consideration for that afternoon. We cannot deal with the memorandum before the Subordinate Legislation Committee. Our initial idea was that we might deal with it on 20 December, to get it out of the way, but we are not able to do that, so we are left with only one option.

I consider the situation extremely unsatisfactory. If this is the new way of dealing with those motions, it looks from the outset as if it will be as difficult as, if not worse than, the old way. I intend to communicate to the appropriate authorities my view that it is unacceptable that committees are bounced into dealing with such motions at short notice and when there is only one possible agenda on which such a motion can be placed. I hope that our experience with the first legislative consent memorandum does not mean that we will face the same kind of thing when we deal with such memorandums in future. That is the current position.

With regard to future meetings, it is worth reminding members that stage 2 of the Human Tissue (Scotland) Bill will begin at the meeting on 20 December. The deadline for amendments to part 1 of the bill is this Thursday, 15 December, at noon.

Petition

Residential Care (Charges) (PE897)

14:06

The Convener: Item 4 is consideration of PE897, a new petition referred to us by the Public Petitions Committee, which calls on the Parliament to consider and debate the financial implications for elderly people with mental illnesses, such as Alzheimer's disease, who have to sell their homes to pay for residential care. Given the relevance of the petition to the committee's care inquiry, does the committee agree to subsume consideration of the petition into the inquiry and to conclude the petition on that basis?

Members *indicated agreement.*

The Convener: The clerks will write to the petitioner inviting her to make a written submission to our inquiry.

That ends our public business.

14:07

Meeting continued in private until 15:12.

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Wednesday 21 December 2005

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