

MANX CARE (AMENDMENT) BILL 2022

Explanatory Memorandum

1. This Bill is promoted by Mr L. Hooper (MHK) Minister for the Department of Health and Social Care.
2. Clause 1 provides for the short title to the Bill.
3. Clause 2 amends section 39 of the Manx Care Act 2021. Section 39 enables the Department of Health to make such regulations it considers necessary or expedient for the purposes of, in consequence of or for giving full effect to any provision of, the Manx Care Act 2021.
 - 3.1 Sub-clause (2) inserts new subsections (3) to (6) into section 39 of the Manx Care Act 2021.
 - 3.2 New subsections (3) and (4) enable the Department of Health and Social Care to make regulations amending the National Health Service Act 2001, the Children and Young Persons Act 2001 and the Social Services Act 2011 so as to enable the Department to make regulations under those Acts (as amended) in respect of complaints in respect of services provided and functions performed under them by the persons and bodies referred to in new subsection (5).
 - 3.3 New subsection (5) lists the persons and bodies referred to in new subsection (4).
 - 3.4 New subsection (6) provides that existing subsection (1) of section 39 (which deals with the ability to make transitional, transitory, consequential, incidental matters and to make savings provisions) applies also in respect of new subsection (3).
4. If approved, the resulting Act is not expected to have any negative financial or human resource implications.
5. 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

MANX CARE (AMENDMENT) BILL 2022

1 **A BILL** to amend the Manx Care Act 2021 so as to enable the Department of
 2 Health and Social Care to make updated provision in respect of complaints in
 3 respect of services provided and functions performed under the National
 4 Health Service Act 2001, the Social Services Act 2011 and the Children and
 5 Young Persons Act 2001.

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:—

6 **1 Short title**

7 The short title of this Act is the Manx Care (Amendment) Act 2022.

8 **2 Amendment of section 39**

9 (1) Section 39 (regulations) of the *Manx Care Act 2021* is amended as follows.

10 (2) After subsection (2) insert —

11 “(3) The Department may by regulations amend the *Children and*
 12 *Young Persons Act 2001*, the *National Health Service Act 2001* and
 13 the *Social Services Act 2011*.

14 This is subject to subsection (4).

15 Tynwald procedure — approval required.

16 (4) Regulations under subsection (3) may —

17 (a) make; or

18 (b) enable the Department by regulations under one or more
 19 of the Acts mentioned in subsection (3) to make,

20 such provision as the Department considers appropriate in
 21 respect of complaints in respect of services provided and
 22 functions performed under one or more of those Acts or this Act
 23 by, or on behalf of, the persons and bodies specified in subsection
 24 (5).

25 Tynwald procedure for regulations under paragraph (b) —
 26 approval required.

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- (5) The persons and bodies referred to in subsection (4) are —
 - (a) the Department; and
 - (b) Manx Care.
- (6) To avoid doubt, subsection (1) applies in relation to subsection (3) and in relation to regulations made under or in accordance with subsection (3) (including regulations referred to in subsection (4)(b)) as it applies in relation to any other provision of this Act.”

IN THE KEYS

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A **BILL** to amend the Manx Care Act 2021 so as to enable the Department of Health and Social Care to make updated provision in respect of complaints in respect of services provided and functions performed under the National Health Service Act 2001, the Social Services Act 2011 and the Children and Young Persons Act 2001.

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

MR HOOPER

MAY 2022