

# Sturgeon would struggle to pass the salt – never mind pass a bill

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Nicola Sturgeon's SNP Government is set to become the first administration since devolution not to have passed a single substantive bill in the year following their election, new figures show today.

In further evidence of how she has ignored the day job in pursuit of a 2nd referendum on independence, Ms Sturgeon's government's only legislative act so far since last May's election has been to pass a Budget – a legal requirement.

By this point in the parliamentary cycle, both the 1999 and 2003 devolved governments had passed four bills.

By contrast, this SNP Government has spent a total of 43 hours debating either Brexit or Independence – and has delayed its flagship education bill.

It comes as Nicola Sturgeon plans to step up her focus on constitutional politics, by threatening to derail Brexit legislation, and outlining further efforts to stage a second referendum.

This is despite the fact that said that education would be “number one priority”.

## **Scottish Conservative chief whip John Lamont said:**

“The SNP once said of its opponents that they wouldn't be able to deliver a pizza, never mind a parliament.

“That turned out to be wrong. But now they're in charge, it seems Nicola Sturgeon would struggle to pass the salt, never mind pass a bill.

“It is a disgrace. Nicola Sturgeon promised to prioritise our children's education. Instead, she's dumped that pledge in order to focus on the SNP's only priority – splitting our country in two.

“She has become a part-time First Minister, and full-time nationalist activist.

“Instead of a competent government, we have a chaotic administration which has back-tracked on education, u-turned on the economy, and put up taxes on

job creators.

“The threat of a second referendum will further damage Scotland’s reputation. It is time Nicola Sturgeon got back to the day job and delivered.”

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### **LEGISLATION PASSED IN SCOTTISH PARLIAMENT SESSIONS**

Bills passed by the Scottish Parliament (completing Stage 3) by the 1 April in the year following a Scottish Parliament election. Dates included are of Stage 3 completing rather than Royal Assent. Budget Acts are not included.

#### **Following 1999 election**

Mental Health (Public Safety and Appeals) (Scotland) Act 1999	8 September 1999
Public Finance and Accountability (Scotland) Act 2000	1 December 1999
Census (Amendment) (Scotland) Act 2000	15 March 2000
Adults with Incapacity (Scotland) Act 2000	29 March 2000

#### **Following 2003 election**

Education (School Meals) (Scotland) Act 2003	11 June 2003
Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Act 2003 <b>[Private Bill]</b>	26 June 2003
Primary Medical Services (Scotland) Act 2004	18 December 2003
Vulnerable Witnesses (Scotland) Act 2004	4 March 2004

#### **Following 2007 election**

Abolition of Bridge Tolls (Scotland) Act 2008	20 December 2007
Graduate Endowment Abolition (Scotland) Act 2008	28 February 2008

#### **Following 2011 election**

Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012	14 December 2011
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# Labour questions legal basis for abandoning NHS treatment targets – Ashworth

Labour have today questioned the basis for the downgrade of NHS treatment targets announced this week, saying the changes could contravene patients' legal rights under the NHS Constitution.

Speaking on Sky's Sophy Ridge Show this morning, Labour's Shadow Health Secretary Jonathan Ashworth said he would write to Health Secretary Jeremy Hunt seeking urgent clarification of the legal advice underpinning the move.

**Jonathan Ashworth MP, Labour's Shadow Health Secretary, said:**

"The NHS Constitution isn't just a pledge by politicians, it's a legal guarantee about the standards of care that patients can expect to receive in the English NHS. That includes a guarantee to treatment within 18 weeks, which NHS England have now said they can no longer provide because the Government has denied them the funding they need.

"Government ministers need to urgently clarify they are not breaching the NHS Constitution and must outline the consequences of denying patients their legal right to treatment within 18 weeks. As a first step the Secretary of State must publish his Department's legal advice urgently.

"Earlier this week NHS chiefs announced – without any public consultation or changes to the law – that the NHS will no longer be required to meet the 18 week treatment target because the financial crisis has got so bad. It's utterly unacceptable and a striking admission of how badly the Tories are running the NHS.

"Since Theresa May became Prime Minister standards of care for NHS patients have been in a rapid downward spiral. She might be prepared to ignore NHS staff and the public but she can't just ignore the NHS constitution based on legislation voted upon by Parliament.

"The Government now urgently needs to clarify the legal basis upon which the 18 week right has been jettisoned. Will they be amending the NHS Constitution to remove these rights from patients? Will they be tabling new legislation in Parliament to unpick these

commitments?

Or will they will finally give the health service the funding it so desperately needs to deliver the quality of care to which patients are entitled?"

## **Ends**

### **Note To Editors**

Full text of the letter to Jeremy Hunt from Jonathan Ashworth:

Dear Secretary of State,

I am writing to ask for urgent clarification about the legal basis of the changes to NHS standards announced in the update to NHS England's Five Year Forward View.

Every relevant provider is under a legal duty imposed by part 9 of the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 to see 92% of patients within 18 weeks of referral by a GP to a consultant . For the last 10 months on the basis of figures provided by the NHS itself this standard has been missed. The update indicates that the NHS accept this standard will further decline.

The update document says:

"Given multiple calls on the constrained NHS funding growth over the next couple of years, elective volumes are likely to expand at a slower rate than implied by a 92% RTT incomplete pathway target."

This is an acceptance the 92% requirement will be missed.

The duty to meet the 92% is absolute and is not subject to any funding constraints.

The absolute nature of this legal duty to meet the 92% is reflected in the NHS constitution.

The Government and NHS England are acting unlawfully in continuing on a course which puts them in breach of their legal duty. The only way to avoid a breach for the future is to change the duty in part 9 by further legislation. That would require the Government to obtain parliamentary approval.

In the absence of any proposal for such legislation, The action described in the update document last Friday is

unlawful. Could you publish your Department's legal advice on whether you are breaching part 9 in what is described in the update.

Will you in any event as a matter of urgency explain the basis on which you say you are entitled to ignore the legal duty in part 9?

Secondly and separately the reference to rationing of NICE approved drugs is a breach of the legal entitlement of patients pursuant to para 7 and 8 of the National Institute for Health and Care Excellence (Constitution and Functions) and the Health and Social Care Information Centre (Functions) Regulations 2013 ).

The effect of these paragraphs is correctly summarised in the NHS Constitution as:

"You have the right to drugs and treatments that have been recommended by NICE for use in the NHS, if your doctor says they are clinically appropriate for you."

That entitlement is not subject to financial constraints. Rationing would be a breach of the entitlement.

Could you publish as a matter of urgency the legal advice you have received on whether rationing of NICE approved drugs is lawful in the light of the 2013 regulations, and in any event explain the basis on which you say rationing of NICE approved drugs on cost grounds is not unlawful?

NHS England made clear that the reason for downgrading these guarantees is because of "real pressure from rising demand within a tight funding envelope." The funding squeeze you have imposed on the health service is now jeopardizing legally guaranteed standards of patient care.

Since Theresa May became Prime Minister standards for NHS patients have rapidly fallen. She might be prepared to ignore NHS staff and the public but she can't just ignore the law and the NHS constitution.

The public urgently need to know: will you be bringing forward legislation to amend the law and the NHS Constitution to remove these rights from patients? Or will you finally convince the Treasury to give the health service the funding it so desperately needs to deliver the quality of care to which patients are entitled?

**Jonathan Ashworth MP**

**Shadow Secretary of State for Health**

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## **Press release: Millicent Fawcett to be honoured with first statue of a woman in Parliament Square**

A statue of Millicent Fawcett, one of the leading figures in the campaign to win women the vote, is to be erected in Parliament Square

A statue of Millicent Fawcett, one of the leading figures in the campaign to win women the vote, is to be erected in Parliament Square – making her the first-ever woman to be honoured in this way. As president of the National Union of Women’s Suffrage Societies, Dame Millicent Garrett Fawcett, GBE, led the peaceful campaign for women’s suffrage. She also campaigned for women’s rights in many other areas, including access to higher education. The statue will form part of celebrations to mark the centenary of the Representation of the People Act 1918, which was introduced thanks to Fawcett’s campaigning and which first gave some women the right to vote. Full equality at the ballot box was not achieved until a decade later, just a year before Fawcett’s death.

### **Prime Minister Theresa May said:**

The example Millicent Fawcett set during the struggle for equality continues to inspire the battle against the burning injustices of today.

It is right and proper that she is honoured in Parliament Square alongside former leaders who changed our country.

Her statue will stand as a reminder of how politics only has value if it works for everyone in society.

### **Communities Secretary Sajid Javid said:**

Millicent Fawcett was one of the great campaigners for equal rights and all of us – women and men alike – owe her a debt of gratitude

This statue will be a fitting tribute to Fawcett and all she achieved. Standing in front of Parliament, it will remind us all of

the sacrifices Fawcett made and the journey that we as a country have come on over the past 100 years.

The statue will be funded from the £5 million fund provided at the Spring Budget to support projects marking the anniversary.

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## [Newslinks for Sunday 2nd April 2017](#)

**Brexit 1) What Easter Ministerial holiday? May team's trade tour.**



"Mrs May has instructed her top team to spend the Easter break selling Britain abroad as a mecca for inward investment. Chancellor Philip Hammond is being posted to India with a "heavyweight delegation" which includes Bank of England governor Mark Carney. Mr Hammond said he'll be "banging the drum for British business" and promoting the best of what we have to offer. International Trade Secretary Liam Fox will tour Manila, Kuala Lumpur, Jakarta, Dubai and Oman. He said: "It's nine months since we voted to leave the EU, and the signs are all positive. The economy is strong, as is inward investment, employment and consumer spending." – [Sun on Sunday](#)

**Brexit 2) Gibraltar "lobbied to be named in May's letter, Foreign Office wanted it in, Downing Street and Dexu wanted it out"**

A minister said: "Gibraltar lobbied very hard to have them specifically mentioned in our letter and it was rejected by Dexu, to the annoyance of the Foreign Office. The Gibraltar government is feeling very let down. The Spanish have gone behind our backs and got their side of the argument in the EU [draft negotiating guidelines]. They've put the issue up in lights and Gibraltar might be pivotal when it wasn't before. This is an illustration of how one issue can jeopardise the entire unanimous agreement we need to get any deal." – [Sunday Times \(£\)](#)

**Brexit 3) Ministers pondered security negotiation gambit**





“Leaked minutes of a Brexit cabinet committee meeting on March 7 show ministers identified the UK’s “very strong hand” on defence as a key advantage in negotiations. Those present said security would be a “defining” issue for the EU and that Britain should not “underplay” its hand as it seeks to secure a favourable free trade deal. Michael Fallon, David Davis, Philip Hammond and Boris Johnson are all understood to have spoken up about the importance of British security to the EU ahead of talks.” – [Sunday Telegraph](#)

- Robertson says military mustn’t be used as a bargaining tool – [Observer](#)

#### **Brexit 4) Labour, LibDems, Tory Remainers plan ways of shafting Great Repeal Bill**

“Staff working for MPs from both parties have drawn up a battle plan as Lib Dem leader Tim Farron threatened to wage legislative warfare against the Government’s Great Repeal Bill, described by critics as a “power grab”. The meeting last Friday came just days after Remainers hinted they could form a “centrist” party as Jeremy Corbyn dooms Labour to history. Tory MP Anna Soubry, Mr Farron and former Lib Dem chief Nick Clegg are among those said to be considering trying to create a viable force.” – [Sunday Express](#)

- Tory Leavers and Remainers will unite to oppose the Great Repeal Bill – Dan Hodges, [Daily Mail](#)

> Yesterday: ToryDiary – [If Britain needs a new party, we’ll only find out after Brexit](#)

#### **Brexit 5) Paterson backs an end to subsidies for British farming post-Brexit**



“The shock forced a radical shake-up in the country, with sheep farms replaced by deer parks and vineyards. But critics claim it led to widespread economic distress and a sharp rise in suicides...Mr Paterson argued that there were ‘clear lessons to be learnt from the policy adopted by New Zealand... which demonstrated that food production can increase when farmers are given the freedom to react to the market’...A source close to Ms Leadsom said yesterday that Ministers were unlikely to follow the New Zealand precedent directly because ‘the rug had been pulled away too abruptly’, although the way in which subsidies are applied would be looked at closely.” – [Mail on](#)

## [Sunday](#)

### Brexit news in brief

- Write-up of the Brexit week – Tim Shipman, [Sunday Times \(£\)](#)
- Swedish MEP says his country will be the next to leave – [Sun on Sunday](#)
- Mervyn King pro-Leave interview – Bryan Appleyard, [Sunday Times \(£\)](#)
- Cabinet member briefs that aim of cutting immigration to tens of thousands is dead – [Sunday Express](#)
- Post-Brexit passport redesign – [Sun on Sunday](#)
- Britain won't pay £60 billion, says Iain Duncan Smith – [Sunday Express](#)
- We are not obliged to pay a penny – John Redwood, [Sunday Express](#)
- Poulter wants NHS staff to have special Brexit passports – [Sun on Sunday](#)
- Martin Selmayr, the Eurocrat determined to punish Britain – [Mail on Sunday](#)
- Joseph Muscat, the Maltese leader determined to punish Britain – [Mail on Sunday](#)
- Two thirds of students want a second referendum – [Independent](#)
- New Trade Department Permanent Secretary “bungled Probation Service privatisation” – [Mail on Sunday](#)

### **Brexit 6) Charlie Elphicke: May must call an election if necessary**



“And it’s not just the EU the Prime Minister must face down. She will be assailed by Labour, Lib Dem and SNP MPs who long for things to go wrong. They will always put party before country. For them, nothing her Government does will ever be good enough. Yet the British people know this is a Government that wants Britain and her people to succeed and prosper. A Government that believes Britain’s best days are yet to come. That’s why if MPs fail to back her she shouldn’t hesitate to take it to the country – and win.” – [Sun on Sunday](#)

Brexit comment in brief:

> Today: ToryDiary – [The Brexit negotiation. Don't believe everything you read in the media. \(Not that you would anyway.\)](#)

### **Leadsom to unveil toxins tax**

“Leadsom’s plan is expected to extend pollution payments to several more cities, including Birmingham, Leeds, Southampton, Nottingham and Derby, which are already planning to impose toxin taxes on older lorries, coaches and taxis from 2019. Under the new proposals this could be extended to diesel cars too. Under the plans, a network of “clean air zones” will be set up, with councils mandated to impose bans or charges on polluting vehicles that enter them. They will be enforced with camera networks similar to those used in London. Punitive taxes on new diesel vehicles are expected to follow in the chancellor’s autumn budget. This will fit with longer-term plans to make all new cars and vans “zero emission” – that is, electric – by 2040 – [Sunday Times \(£\)](#)

**Adam Bolton: Forget UKIP – and Labour as a potential Government. The Liberal Democrats will become the third force in Britain and the real opposition at Westminster**



“The latest analysis of council voting patterns by Professor Michael Thrasher ahead of this year’s local elections finds the Lib Dems well up. National equivalent vote share compared with four years ago is Conservatives 31% (+5), Labour 29% (no change), Lib Dems 22% (+9) and Ukip 10% (-12). If the votes are cast that way on May 4 the Lib Dem party will reclaim its place as the third force in English politics from Ukip while Labour will have another poor set of results. The next crucial vote on Britain in the EU will come if and when the May government and Michel Barnier’s EU team agree a Brexit deal. That gives the Lib Dems two years to harry the government on an issue that matters to them profoundly” – [Sunday Times \(£\)](#)

> Today: Andrew Mitchell on Comment – [Lippy, serious, funny – and right about women. Meet my Labour neighbour, Jess Phillips.](#)

### **News in Brief**

- Airports and nuclear power stations on terror alert as government officials warn of ‘credible’ cyber threat – [Sunday Telegraph](#)
- Terror taskforce set up to tackle prisoner extremism – [Sunday Express](#)
- The Prince of Wales donates to Aid to the Church in Need – [Mail on Sunday](#)
- Harvey Proctor sues “Nick” – [Sunday Times \(£\)](#)
- Tax and benefit changes could hit hard-working families the hardest –

### [Sun on Sunday](#)

- Study reveals Scotland's sectarian equality gap – [Scotland on Sunday](#)
- Academics claim online campaigning in general elections is out of control – [Observer](#)
- Karl McCartney says IPSA boss must stand down following leak – [Sun on Sunday](#)
- Amnesty criticises Johnson over mother held in Iran – [Sunday Telegraph](#)
- Bob Dylan finally accepts Nobel Prize – [Independent](#)

### [Newslinks April 2017](#)

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## [The Brexit negotiation. Don't believe everything you read in the media. \(Not that you would anyway.\)](#)

A week ago, Article 50 had not been moved. As a new week begins, it finally has been. This means that we now move into the negotiation proper between Britain and the EU27. Which makes this as good a time as any to say: don't believe everything you read about it in the media.

Leaks and briefings are the stuff of which political journalism is made – and thank goodness for that. Where would ConservativeHome be without it? But one be more than usually suspicious, during the weeks ahead, of being stampeded or spun, for three good reasons.

First and inevitably, Ministers will seek to manipulate public opinion. That is par for the course. But take what you read with a handful of salt – particularly if it involves threats to pull the plug on or walk out of the negotiation. Ministers know that Brussels and the EU27 read our newspapers. What they brief will be part of the game of bluff and counter-bluff. [We saw that last week](#) with the to-and-fro over security policy.

Second, there will be genuine leaks at our end. [Today's Sunday Telegraph story](#) about a Cabinet committee discussion of that policy, apparently based on leaked minutes, looks like one such, though one cannot be sure.

Third, Eurocrats and EU27 Ministers will seek to manipulate public opinion, too. For while our Ministers will feed information to journalists, they will want to keep most of their negotiating position under wraps: remember how long it took Theresa May to deliver [her big speech setting out the Government's position on Brexit](#). Our interlocutors will have no such inhibitions. They will brief anyone willing to listen about May's position, if they think it is in their interest – and garnish what they deliver with their own threats and counter-threats. The BBC, the *Guardian*, the *Financial*

*Times* and Remainers everywhere will lap it all up.

Fourth, tales will surface that are, frankly, triumphs of wishful thinking. We hate to single out particular instances, but today's [\*Sun on Sunday\* yarn suggesting the return of blue passports post-Brexit is unsupported by its contents.](#)

Fifth, stories will appear whose projection is more impressive than their content. The rumpus over Gibraltar is a classic. If Spain wants to use its veto over the matter, or push for support via QMV, or both (depending on what sort of deal is under discussion), it will – at considerable cost to its own growth, by the way. If it doesn't, it won't. What Donald Tusk put about Gibraltar in his letter is simply one of the negotiation's opening shots.

It is this site's duty to link to anything significant reported each morning in our newlinks. If we're not entirely convinced by it, watch for the use of "appears" or "claims", or the swathing of entire chunks of texts between quotation marks.

We are no more or less prone to being spun, or caught up in the excitement of the moment, than is anyone else. But we will try to keep a cool head during the two years or so ahead, especially since the negotiation is unlikely to begin in earnest until the autumn, when the French and German elections are over.