

HOSPITAL PARKING CHARGES BILL

EXPLANATORY AND FINANCIAL MEMORANDUM

INTRODUCTION

1. This Explanatory and Financial Memorandum has been prepared by Fra McCann MLA (“the Member”) in order to assist the reader of the Bill and to help inform the debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum should be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill, and where a clause or part of a clause does not seem to require any explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The Member believes free parking at hospitals will reduce the burden on patients and visitors who are already physically, psychologically, and financially impacted by the experience of ill health. Additionally, it will reduce the financial burden on Health and Social Care (‘HSC’) hospital workers, many of whom the Member notes are underpaid for their work in the health service. Finally, abolishing hospital parking charges will promote equality of access for rural patients and workers who may not have the same access to public transport as their urban dwelling counterparts.
4. Furthermore, the Member considers there to be inconsistencies between HSC Trusts regarding car parking regulation and pricing for patients, visitors and staff, despite attempts by the Department of Health to seek greater consistency.
5. The Bill has a single policy objective:
 - a. To prohibit the imposition by Health and Social Care hospitals of charges for car parking.

CONSULTATION

6. The Member conducted a consultation exercise over an eight-week period between January 2021 and March 2021. The Member also shared his legislative

proposal with the Northern Ireland Human Rights Commission and the Equality Commission for Northern Ireland.

OPTIONS CONSIDERED

7. **Option 1:** Do Nothing.
8. **Option 2:** Proceed with Bill to abolish car parking charges.

The Member does not consider the practice of charging for car parking will cease in the absence of a statutory prohibition. Following consultation and deliberation, the Member therefore considers that amending primary legislation is the best mechanism by which to achieve the policy objectives in a consistent fashion.

OVERVIEW

9. The bill has 3 clauses and no schedules. A commentary on each of the clauses follows below. However, where a clause or part of a clause does not seem to require an explanation or comment, none is given.

COMMENTARY ON CLAUSES

Clause 1 Amendment: inserts a new Article 3A into the Health and Medicines (Northern Ireland) Order 1988. Article 3A prevents the Department, a Health and Social Care Trust and other health service bodies from imposing charges for car parking by workers, patients and visitors to hospitals. Paragraph (4) clarifies that health service bodies must still provide parking facilities at hospitals to the extent they would otherwise consider necessary or appropriate.

Clause 2 Commencement: provides for the Bill to come into force six months after Royal Assent.

Clause 3 Short title: gives the Bill its short title.

FINANCIAL EFFECTS OF THE BILL

10. In 2018/19, it was reported that NHS hospital car parks in NI generated circa £7.5m from charges, but that the cost of operating the car parks was circa £8.8m i.e. a difference of circa £1.3m. The Department will therefore have to take account of this in the event of the Bill's passing. The period of six months before commencement of its provisions is designed to provide adequate notice to prepare for this. The Member believes that the arrangements for sustainable public travel, staff car parking and systems to manage demand will contain potential costs in the

longer term. The Member believes that it is not anticipated that the Bill will give rise to any significant additional expenditure outside of this direct cost.

HUMAN RIGHTS ISSUES

11. The Member is satisfied that the provisions of the bill are human rights compliant.

EQUALITY IMPACT ASSESSMENT

12. An Equality Impact Assessment has not been undertaken, as communications between the Member and the Equality Commission for Northern Ireland and legal advice the Member has received did not identify any equality implications of the Bill. Therefore, it is considered the Bill will not have an adverse impact on equality of opportunity or the promotion of good relations between any of the groups identified in section 75 of the Northern Ireland Act 1998.

LEGISLATIVE COMPETENCE

13. At Introduction, the sponsor of the Bill, Mr Fra McCann, had made the following statement under Standing Order 30 of the Northern Ireland Assembly:

“In my view the Hospital Parking charges Bill would be within the legislative competence of the Northern Ireland Assembly”

SECRETARY OF STATE CONSENT

14. It is considered the Secretary of State’s consent under section 8 of the Northern Ireland Act 1998 is not required for this Bill.



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