



Russell George MS
Chair, Health and Social Care Committee
Senedd Cymru
Cardiff Bay, Cardiff, CF99 1SN

By email: SeneddHealth@senedd.wales

09 May 2022

Dear Russell,

Thank you for the Health and Social Care Committee's report laid on 25 April in relation to the Supplementary Legislative Consent Memorandum (Memorandum No. 4) (the SLCM) on the Health and Care Bill (the Bill).

I appreciate that the lateness of the tabling of the amendment by the UK Government, in relation to commercial dealing in organs for transplantation abroad, did not provide the Senedd with the scrutiny period it would normally be afforded. I fully acknowledge the importance of full and effective scrutiny by the Senedd, where it is being asked to agree to the UK Parliament legislating on its behalf in areas which impact on Wales. As you will appreciate, the UK Parliamentary timetable is outside of our control, however, I took steps to lay the SLCM as soon as I possibly could to give as much time as possible to its consideration.

In your report you express concern at the apparent 'overuse' of Legislative Consent Motions and that this could be undermining devolution. This was also discussed in the Legislative Consent Motion debate on 26 April. I understand the concerns and indeed the First Minister's principles for legislating in UK Bills make it clear we follow the principle that primary legislation in devolved areas should be enacted by the Senedd. However, the principles also acknowledge there are, and will continue to be, circumstances in which it is sensible and advantageous if provision, which would be within the Senedd's legislative competence, is sought for Wales in UK Parliament Bills, with the consent of the Senedd. Our approach to the Health and Care Bill aligns with the principles.

I am copying this letter to Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

Eluned Morgan AS/MS

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services