

Eluned Morgan  
Minister for Health and Social Services  
Welsh Government

9 March 2023

Dear Eluned

### Health Service Procurement (Wales) Bill

Thank you for agreeing to attend our meeting on Thursday 30 March 2023 to discuss the Health Service Procurement (Wales) Bill.

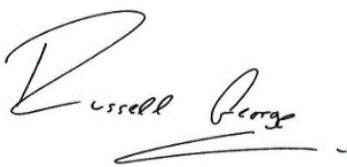
As the scrutiny timetable agreed by the Business Committee for this Bill allows limited time for Stage 1 scrutiny, we have followed with interest the evidence that you have given this week to the Legislation, Justice and Constitution Committee and the Finance Committee. To help us prepare for our evidence session on 30 March, we would be grateful if you could provide written evidence addressing the following points (and any other issues that you think it would be helpful to set out in writing to supplement the information already available in the Explanatory Memorandum and Statement of Policy Intent):

1. Please provide a timeline setting out key milestones and your current best estimates of the timescales associated with the HSP Bill, regulations and other associated events, including:
  - a. Your understanding of when the UK Government's Procurement Bill is likely to get Royal Assent and come into force; when the UK Government is expected to publish the outcomes of its consultation on a Provider Selection Regime (PSR); and when the UK Government is expected to lay draft regulations to give effect to the PSR before Parliament.
  - b. When you anticipate the 12 week consultation to which you have committed will take place.

- c. When you anticipate laying draft regulations and publishing statutory guidance under the Bill, and when you anticipate them coming into force.
2. A broad summary of the approach you anticipate taking in your 12 week consultation. For example, will the consultation focus on the suitability of the UK Government's PSR for application in Wales, on the principles that might underpin new arrangements in Wales, or on specific draft regulations or draft statutory guidance.
3. In your session with the Legislation, Justice and Constitution Committee on 6 March, the committee Chair, Huw Irranca-Davies MS, questioned the interaction between the United Kingdom Internal Market Act 2020 and goods connected to health services that are procured following regulations made under the Bill's 'creation' power. In response, one of your officials explained that the Welsh Government's position is that "when the Senedd legislates in a non-reserved area, it does so free from the requirements of the Act." As this includes where primary legislation provides regulation-making powers, "provisions relating to the procurement of goods connected to healthcare services contained in both the Bill and any future regulations made using the powers in this Bill will not engage the UK Internal Market Act."  
Are you able to provide further analysis that demonstrates how and why the Welsh Government has reached this view?

To ensure we can take your evidence into account as we prepare for the session, we would be grateful for a response **by 17 March 2023**. I am copying this letter to the LJC and Finance Committees, as I am sure they will also find this information of assistance in their scrutiny of the Bill.

Yours sincerely



Russell George MS  
Chair, Health and Social Care Committee

cc Huw Irranca-Davies MS, Chair, Legislation, Justice and Constitution Committee  
Peredur Owen Griffiths MS, Chair, Finance Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.