

Eluned Morgan AS/MS
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

Russell George MS
Chair, Health and Social Care Committee

Huw Irranca-Davies MS
Chair, Legislation, Justice and Constitution Committee

Peredur Owen Griffiths MS
Chair, Finance Committee

24 May 2023

Dear Chair,

The Health Service Procurement (Wales) Bill – Stage 2 Government Amendment

Today I have tabled a Government Amendment for Stage 2 of the Health Service Procurement (Wales) Bill. The Purpose and Effect table (copy attached at **Annex A**) provides an explanation of the amendment.

The amendment is in response to Scrutiny Committee recommendations; in particular in response to Health and Social Care Committee recommendation 5 and Legislation, Justice and Constitution Committee recommendation 4. These two recommendations have been considered together, as both seek to place a duty to consult in relation to regulations made under s.10A(1) of the National Health Service (Wales) Act 2006 (to be introduced by section 3 of the Bill) on the face of the Bill.

In the General Principles debate on the 9 May and in the follow up correspondence to the Chairs of both Health and Social Care Committee and Legislation, Justice and Constitution Committee, I indicated that whilst we were unable to fully accept the suggested wording in the two recommendations, I was happy to accept in principle, both committees recommendations. As such, I have brought forward an amendment at Stage 2 which places a requirement on the face of the Bill for the Welsh Ministers to consult before making regulations under s.10A(1). The intention of the proposed Government amendment is to provide a middle-ground between the two recommendations proposed by both Committees.

Bae Caerdydd • Cardiff Bay
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I would like to take the opportunity again to reiterate my thanks to all three Committees for scrutinising the Bill and it's supporting documentation.

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

THE HEALTH SERVICE PROCUREMENT (WALES) BILL – STAGE 2 GOVERNMENT AMENDMENT

This table provides information about the amendment tabled in the name of Eluned Morgan MS on 24 May 2023.

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
1.	Section 3, page 2, after line 19, insert— ‘() Before making regulations under subsection (1), the Welsh Ministers must carry out such consultation as they consider appropriate.’	Adran 3, tudalen 2, ar ôl llinell 19, mewnosoder— ‘() Before making regulations under subsection (1), the Welsh Ministers must carry out such consultation as they consider appropriate.’	The purpose of this amendment is to amend the section of the Bill which inserts a new section (10A) into the National Health Service (Wales) Act 2006, which enables Ministers to make regulations in relation to the procurement of health services in Wales. The effect of this amendment is to add a requirement that the Welsh Ministers carry out such consultation as they consider appropriate before making regulations under s.10A(1).