



Ein cyf/Our ref: MA-L/VG/0239/19

Mick Antoniw AM
Chair
Constitutional and Legislative Affairs Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

28 February 2019

Dear Mick,

The Welsh Government's Legislative Consent Memorandum on the Healthcare (International Arrangements) Bill

Following my letter to Stephen Hammond MP of 12 February 2019, the UK Government has agreed to the additional wording I requested be included in the Memorandum of Understanding to underpin the Healthcare (International Arrangements) Bill. An amendment to the Bill to place a requirement to consult devolved administrations will be made at Lords Report Stage. On that basis I am content to recommend that the National Assembly provides consent to the Bill.

The MoU now sets out:

- That Welsh Government will be consulted on the negotiation of agreements, with a role from the initial scoping through to the conclusion of a draft agreement;
- That Welsh Government will be consulted on the initial development and subsequent drafting of regulations under the Bill which implement these agreements, with the UK Government making every effort to proceed by consensus with the devolved administrations;
- That Welsh Government will be consulted where an agreement applies to or has implications for Wales, and on regulations giving effect to that agreement;
- That the UK Government will not normally make regulations without securing agreement from Devolved Administration Ministers beforehand;
- A process for exchanging Ministerial letters in the event of Devolved Administration agreement not being reached where regulations under Clause 2 intersect with devolved competence; and

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Gohebiaeth.Vaughan.Gething@llyw.cymru
Correspondence.Vaughan.Gething@gov.wales

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.

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.

- That these letters be made available to both Houses of Parliament in the event that the regulations proceed to be made by the Secretary of State for Health and Social Care.

These assurances give Welsh Government a meaningful role in the development of future reciprocal healthcare policy. I am attaching a copy of the agreed Memorandum of Understanding.

I would like to restate my thanks for the work the Committee has done on this issue. While despite strenuous efforts, we were unable to achieve the consent provision on the face of the Bill which your Committee recommended, I hope you agree with me that the combination of the amendment and the MoU represent a positive development in this policy area.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive, slightly slanted style.

Vaughan Gething AC/AM

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