



Ein cyf/Our ref: MA - L/VG/0709/18

Stephen Hammond MP
Minister of State for Health
Department of Health and Social Care
39 Victoria Street
London
SW1H 0EU

9 January 2019

Dear Stephen,

HEALTHCARE (INTERNATIONAL ARRANGEMENTS) BILL

I am writing in response to Lord O'Shaughnessy's correspondence of 19 December in relation to the Healthcare (International Arrangements) Bill.

This letter seemed to misconstrue my current position with regard to recommending consent to the Bill. We are not at that stage yet and none of my previous letters or telephone conversations indicated this, nor has any such indication been given at official level.

In my letter of 4 December I stated that I would be content to recommend consent on the basis that the Bill is amended to include a duty to consult the Welsh Ministers where regulations under Clause 2 relate to devolved matters and that the memorandum provides satisfactory assurance on the process and nature of consultation.

I am pleased to note in the letter the UK Government's willingness to amend the Bill. With regard to the memorandum, this has not progressed at the pace I expected. At present my officials are awaiting a response on this from your officials.

The letter refers to the MoU between the UK and the Devolved Administrations concerning international agreements. I see no reason why the on-going discussion in that context should prevent the preparation of the MoU in relation to this Bill. That certainly has not been the case with other parts of UK Government, the MoU in relation to the Agriculture Bill is a specific example.

Once I have seen the terms of the MOU as proposed in my letter and the commitment to amending the Bill, I hope that will enable me to be able to recommend consent.

Lord O'Shaughnessy's letter also raised ongoing issues concerning funding. Whilst I note and welcome the commitment to no additional financial burdens being placed on Devolved Administrations in relation to UK schemes, I have concerns about the expectation that Devolved Administrations will be expected to bear the costs of healthcare provision

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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.

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.

provided to foreign nationals. This relates directly to my previous point about Welsh Government being consulted on and involved in the negotiation of the healthcare agreements and not just at the point of the regulations that implement them. It is unrealistic to expect that the Welsh NHS will bear the cost of healthcare provision resulting from a healthcare agreement that the Welsh Ministers have not been involved in and do not agree with. The MOU needs to set out a clear process for avoiding this situation.

I am copying this letter to the First Minister of Wales, the Secretary of State for Wales and the Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office. I am also copying it to the Scottish Government's Cabinet Secretary for Health and Sport and Cabinet Secretary for Government Business and Constitutional Relations, and to the Permanent Secretary at the Department of Health in Northern Ireland and Head of the Northern Ireland Civil Service.

Yours sincerely,

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

Vaughan Gething AC/AM

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