



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 March 2019

Dear Mick,

Healthcare (International Arrangements) Bill

I am writing following the plenary debate on the Legislative Consent Motion for the Healthcare (International Arrangements) Bill. You raised a number of questions during the debate which I committed to respond to.

You queried whether the UK Ministers would be able to act in devolved areas without agreement from the Welsh Government. As you know, this is a complex area of devolved competence. It is for the UK Government to enter into international agreements with other territories and international organisations. Where these agreements have legal effect they are binding on Wales. The Secretary of State will be required to consult with the Welsh Ministers (and other Devolved Administrations) before making any regulations under Clause 2 to give effect to a healthcare agreement that contains provisions within the legislative competence of the National Assembly for Wales. The agreed Memorandum of Understanding (MoU) further sets out that the UK Government will not normally make regulations that have not been agreed with Ministers from Devolved Administrations. I would not expect the UK Government to act in devolved areas without agreement from the Welsh Government. The Bill and MoU offer new assurances on how policy decisions in this area will be taken forward.

Following a prolonged period of discussion, UK Government agreed to amend the Bill to introduce a consultation requirement and to agree the underpinning MoU. Given the initial response from UK Government to the concerns raised by Welsh Government I consider this to be a positive outcome as it ensures that Welsh Ministers will be involved from a meaningful stage of policy development.

In relation to your request that the National Assembly be notified when consent is given to UK Ministers where they are exercising the functions of Welsh Ministers in devolved areas, I appreciate your clarification that this did not relate to any amendment to the Bill to introduce a statutory requirement to seek consent. I note the Committee's recommendation. The Government is giving further consideration to this issue and will respond in due course.

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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.

As you pointed out in the plenary debate, the MoU states that the UK Government will not normally make regulations without securing agreement from the Devolved Administrations, and that where agreement cannot be reached, an exchange of Ministerial letters will be placed in both Houses of Parliament. I am happy to commit to provide the National Assembly with this exchange of correspondence should this take place.

I would like to thank the Committee again for your scrutiny of the Healthcare (International Arrangements) Bill and the LCM.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive style with a large initial 'V' and a long, sweeping tail on the 'g'.

Vaughan Gething AC/AM

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