

Vaughan Gething AC/AM  
Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau  
Cymdeithasol  
Cabinet Secretary for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref : MA-LVG/0662/18

Lord James O'Shaughnessy  
Parliamentary Under Secretary of State for Health (Lords)  
Department of Health and Social Care  
39 Victoria Street  
London  
SW1H 0EU

[Undleeb.Iqbal@dh.gsi.gov.uk](mailto:Undleeb.Iqbal@dh.gsi.gov.uk)

25 October 2018

Dear James,

I am writing further to our telephone conversation yesterday setting out the concerns I expressed in relation to your proposed Healthcare (International Agreements) Bill.

Firstly there is clear acceptance by the UK Government that the Bill legislates in areas of devolved competence through the expressed need for a Legislative Consent Motion from the National Assembly for Wales.

As drafted, it is highly unlikely that such consent would be forthcoming and I see it in all our interests that the Bill is amended so as to avoid that situation.

As I stated our key concerns are:

- The Bill does not include provision to seek the consent of Welsh Ministers to the making of regulations (under Clause 2(2)) which will implement the detail of new healthcare agreements even though these would place obligations on the Welsh NHS which would clearly be within devolved competence.
- The Bill includes a general provision (in Clause 5(3)) which will enable regulations to be made which can amend, repeal or revoke a Measure or Act of the National Assembly for Wales.

As drafted, these provisions are unacceptable.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

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

[Gohebiaeth.Vaughan.Gething@llyw.cymru](mailto:Gohebiaeth.Vaughan.Gething@llyw.cymru)  
[Correspondence.Vaughan.Gething@gov.wales](mailto: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.

If you accept the need to secure our consent to any regulations, then what is clearly required to ensure consent is forthcoming, is that you involve the Devolved Administrations in the negotiation of new agreements from the start and in any subsequent revisions to them.

I look forward to dialogue between our officials to address this, so that a Bill that reflects the role and competence of Wales on this matter and does not have wider implications for Welsh legislation can be achieved.

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 this to the Scottish Government's Cabinet Secretary for Health and Sport and the Permanent Secretary at the Department of Health in Northern Ireland.

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**

Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau Cymdeithasol  
Cabinet Secretary for Health and Social Services