



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Reciprocal and Cross-Border Healthcare (Amendment etc) (EU Exit) Regulations 2020

DATE 05 October 2020

BY Rebecca Evans MS, Minister for Finance and Trefnydd

Reciprocal and Cross-Border Healthcare (Amendment etc) (EU Exit) Regulations 2020

Policy Overview of the SI

The SI amends three reciprocal healthcare SIs that were made on an England and Wales basis, with the consent of the Welsh Ministers, as part of the corrections exercise for a no-deal EU Exit in 2019 to ensure the statute book continued to function correctly.

There is no policy divergence between the Welsh Government and UK Government in relation to this SI.

The Law which is being amended

- the Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019
- the National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019
- the Health Services (Cross-Border Healthcare and Miscellaneous Amendments etc) (Northern Ireland) (EU Exit) Regulations 2019
- the Healthcare (European Economic Area and Switzerland Arrangements) (EU Exit) Regulations 2019

The purpose of the amendments

The purpose of the amendments is to ensure the three EU Exit SIs are functional at the end of the Implementation Period and in line with and the European Union (Withdrawal Agreement) Act 2020.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: <http://www.legislation.gov.uk/id/ukdsi/2020/9780348212594>

Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence

The SI amends EU Exit SIs relating to reciprocal health to reflect certain healthcare entitlements in the Withdrawal Agreement, the EEA EFTA Separation Agreement and the Swiss Citizens' Rights Agreement and to make technical changes such as substituting references to 'exit day' to 'IP completion day'. The effect of the amendments is that sections 6A to 6BB of the National Health Service (Wales) Act 2006 is amended for the purposes of transitional arrangements relating to the reimbursement of health care costs to Welsh residents for pre-planned treatment in an EEA state authorised before IP completion date.

The SI has no impact on the Welsh Ministers' executive competence or the Senedd legislative competence. The SI does not involve the transfer of any functions nor does it confer any new functions on the Welsh Ministers.

Why consent was given

There is no divergence between the Welsh Government and the UK Government on the policy for the correction. Although healthcare is devolved, the scope for Wales to implement different policy is limited by a requirement to meet any international obligations entered into by the UK. These would include international healthcare agreements. Therefore, making separate SIs in Wales and England would lead to duplication, and unnecessary complication of the statute book. Consenting to a UK wide SI ensures that there is a single legislative framework across the UK which promotes clarity and accessibility for patients and providers. In these exceptional circumstances, the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.