

Vaughan Gething MS

Minister for Health and Social Services
Welsh Government

6 October 2020

Dear Minister

Thank you for your recent attendance at Committee and the answers you provided to our questions on the LCM for the Medicines and Medical Devices Bill.

There are a few further points that we wish to raise with you prior to producing our report, which we are required to do by 22 October.

During the session, you confirmed that you had received a response from Lord Bethell on 14 August. I would be grateful if you would make a copy of that letter available to the Committee to help our discussions.

You noted that the response, whilst constructive, did not provide all the answers you were looking for. Notably, you said you were not yet in a position to recommend agreement of legislative consent.

One of the areas you highlighted as being subject to further discussions with the UK Government was in relation to the involvement of Welsh Ministers in the making of regulations. You confirmed that Lord Bethel had agreed to table an amendment that would require the relevant Secretary of State to consult Welsh Ministers when making regulations. You said you were looking for something that went beyond consulting, and instead involved seeking the agreement of Ministers in devolved governments. This will be the subject of further negotiations. If there has been any progress in this area prior to our reporting deadline, we would be grateful to hear from you.

Additionally, in your earlier written response to us (16 September), you identified a number of other concerns with the provisions of the Bill, namely -

"I am concerned that DHSC intend to extend NHS Digital's remit to Wales and the other nations of the UK, where it currently has no locus. I believe that the MDIS should be collectively owned and subject to four nations' governance, with accountability and reporting to the Ministers of Health in each of the four nations."



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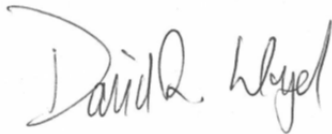
"I also believe that the MDIS should have the power to "request" rather than "require" data from health bodies in the nations of the UK. Ideally, the information should be collected by each nation, in Wales' case by NHS Wales' Informatics Service(NWIS) from LHBs, and transferred to NHS Digital. This would ensure that Wales retained its data, which could, if required, be incorporated in a Wales implant registry."

"I have concerns about the ownership of the data, in particular whether NHS Wales would have access to all the data, including that of the other nations, to undertake its own analyses."

Could you please provide an update on the progress of discussions between you and the UK Government on each of these concerns.

You will appreciate that our reporting deadline is approaching. As such, I would be grateful to receive your **response by 12 October**.

Yours sincerely



Dr Dai Lloyd MS

Chair, Health, Social Care and Sport Committee

