



Huw Irranca-Davies MS  
Chair of the Legislation, Justice and Constitution Committee  
Senedd Cymru

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14<sup>th</sup> December 2022

Dear Huw,

I wish to inform the Legislation, Justice and Constitution Committee of my intention to consent to The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023.

On 9 November the Secretary of State for Health, Rt Mark Barclay MP, wrote to Devolved Governments seeking consent to this Statutory Instrument (SI) as required by section 108(1)(3) of the Health and Care Act 2022.

The SI transfers existing functions of NHS Digital to NHS England, without removing any statutory provisions relating to the protection of people's data. In accordance with section 103(2) of the Health and Care Act 2022, the Secretary of State considers that the transfer of NHS Digital's functions to NHS England serves the purpose of improving the exercise of public functions, having regard to efficiency, effectiveness, economy and securing appropriate accountability to Ministers.

The amendments being made to Welsh legislation, are consequential to the transfer of functions to NHS England and the subsequent abolition of NHS Digital. These amendments are limited to references to NHS Digital either being removed or replaced by a reference to NHS England, so that the organisation can continue the same function, or account for the abolition of NHS Digital. However, some of the functions being transferred relate to roles that NHS Digital currently plays in relation to Devolved Governments. These are functions which may currently be conferred on NHS Digital if provided for in regulations made under section 7A or 18 of the Medicines and Medical Devices Act 2021, which relate to medicines information systems and medical devices systems. In addition, functions under section 255 of the Health and Social Care Act 2022, which enable a devolved authority to request that NHS Digital establish and operate a system for the collection or analysis of information, where the information is required to support the provision of adult health or social care.

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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.

The Secretary of State for Health, Rt Mark Barclay MP, is therefore seeking the Welsh Ministers' consent to the SI which effects the transfer.

In this case the provisions could not be made by Welsh Ministers in exercise of our own powers as this is a Secretary of State for Health function only.

In accordance with Standing Order 15.2, and Inter-Institutional Relations Agreement 2021-2022, I will lay a Written Statement before the Senedd within three working days of the Regulations being laid before the UK Parliament.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

**Eluned Morgan AS/MS**

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