

National Assembly for Wales

Health, Social Care and Sport Committee

Report on the Legislative Consent Memorandum for the Health Service Medical Supplies (Costs) Bill

15 December 2016

Background

1. On 16 November 2016, the Cabinet Secretary for Health, Wellbeing and Sport laid a Legislative Consent Memorandum ("the LCM") for the Health Service Medical Supplies (Costs) Bill currently before the UK Parliament.
2. On 22 November 2016, the Business Committee referred the LCM to the Health, Social Care and Sport Committee for consideration. In referring the LCM, the Business Committee set a reporting deadline of 12 January 2017.
3. A Legislative Consent Motion, seeking the Assembly's consent to the relevant provisions in the Bill (as outlined in the LCM) has been scheduled for debate in plenary on 17 January 2017.

The LCM

4. Paragraphs 3 to 5 of the LCM summarise the Bill and its policy objectives. Paragraphs 6 to 15 set out the provisions in the Bill for which consent is sought. Paragraphs 16 to 20 set out the Welsh Government's views on the provisions being made in a UK Bill, rather than via Assembly legislation.

Provisions in the Bill for which consent is sought

5. Briefly, the consent of the Assembly is sought for various amendments to the Bill tabled by the Secretary of State. The amendments include the amendment of the National Health Service (Wales) Act 2006 ('the 2006 Act'), concerning three new sections, which give the Welsh Ministers powers to make regulations regarding the provision of information about medical supplies in Wales. Such Regulations may require persons providing primary medical or pharmaceutical services under the 2006 Act to provide information to the Welsh Ministers regarding prices paid, discounts or rebates given and revenue or profits accrued in the course of supplying health service products.
6. Additional amendments to the Bill also enable the Secretary of State to make regulations requiring manufacturers, distributors and suppliers of health services products to provide the Secretary of State with information on the supply and pricing of products for defined purposes (reserved medicines pricing functions). In relation to Wales, this includes providing the Secretary of State with pricing information for devolved health purposes.
7. Paragraphs 6 to 15 of the LCM provide greater detail on the provisions for which consent is sought.

Reasons for making these provisions

8. Paragraphs 16 to 20 set out the Welsh Government's reasons for making these provisions for Wales in the Health Service Medical Supplies (Costs) Bill rather than in a piece of Assembly legislation. It states:

Unlike Ministers in the rest of the UK, Ministers in Wales do not currently have powers to require providers of pharmaceutical and primary medical services to provide information regarding the supply of health service products. Making these provisions for Wales in the Bill will ensure that the UK as a whole can take a consistent approach to gathering information from across the entire supply chain.

Committee consideration and conclusion

9. We considered the Memorandum at our meeting on 7 December 2016. We note the Welsh Government's reasons for making provision for Wales in the Bill, rather than via Assembly legislation and, based on these, we have no objection to the agreement of the Motion.