

FROM THE MINISTER OF HEALTH



Colm Gildernew MLA
Chair of the Health Committee

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Your Ref:

Our Ref: CORR-2320-2021

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Dear *Colm,*

WESTMINSTER HEALTH AND CARE BILL 2021

The purpose of my letter is to inform you of correspondence received from Minister of State for Health, Edward Argar, advising of the introduction of the Health and Care Bill 2021 in Westminster, 6 July.

The Department of Health and Social Care (DHSC) indicated their assessment that the clauses of the Bill set out in Table 1, Annex 1, touch on the legislative competency of Northern Ireland. In light of the rapidly approaching Summer Recess, I intend to respond to Minister Argar to note agreement, in principle, to take forward the legislative consent process, subject to scrutiny by the Health Committee, and the agreement of the Executive and the Assembly.

My Officials will take forward a 'deferred' legislative consent approach, with all the appropriate steps commencing after Summer Recess. I recognise and value the role of critical observation, and in depth consideration delivered by the Health Committee in the scrutiny of such matters, and welcomes this input in the process ahead.

Yours sincerely



Robin Swann MLA
Minister of Health

Table 1

Arms Length Bodies (ALBs)-Transfer of Functions Power	To grant the Secretary of State powers to transfer functions to and from ALBS, and to dissolve an ALB should it no longer have a function to perform.
Medicines & Healthcare products Regulatory Agency (MHRA)	MHRA is seeking primary powers to enable the development of publicly funded and operated medicines information systems and amendments to Section 19 of the Medicines & Medical Devices Act 2021 which provides similar powers from medical devices information systems (MDIS).
Professional Regulations	To widen the scope of section 60 of the Health Act 1999 to enable future secondary legislation to close a regulator whose professionals have been moved to another regulator or have been deregulated; take professions out of the regulation where this is no longer required for the protection of the public; and enable the delegation of previously restricted functions to other regulators. The Bill will also amend the scope of s60 to include any groups of workers concerned within healthcare, whether or not they are generally regarded as a profession i.e. senior managers and leaders.
Reciprocal Healthcare	To amend Healthcare (European Economic Area and Switzerland Arrangements) Act 2019 [HEEASAA] to enable the Secretary of State to implement comprehensive bilateral healthcare arrangements with Rest of the World (RoW) countries by extending the territorial scope of HEEASAA.