EU EXIT LEGISLATION - PROTOCOL WITH SCOTTISH PARLIAMENT

- The Social Security Coordination (Benefits in Kind) (Amendment etc.) (EU Exit) Regulations 2019
- The National Health Service (Cross Border Healthcare and Miscellaneous Amendments) (EU Exit) Regulations 2019

Dear Cabinet Secretary,

I refer to your letter dated 13 February attaching a notification in relation to the above SIs which the UK Government proposes to make.

The Health and Sport Committee considered your notification at its meeting today along with your letter of 19 February responding to a range of specific questions the Committee raised related to the notification.

The Committee agreed to confirm it is content the Scottish Government give consent to UK Ministers making regulations on its behalf in relation to the SIs noted above.

Whilst the Committee is content to confirm its consent it wishes to be kept updated on progress to reach agreement to continue reciprocal healthcare arrangements with EEA states and Switzerland, particularly in light of the Scottish Government’s efforts to continue to press the Department for Health and Social Care for clarity.

The Committee also wishes to be kept informed of discussions between the UK and Scottish Government regarding regulation-making powers contained in the Healthcare (International Arrangements) Bill exercisable by UK Ministers that fall within devolved competence. In particular:
a) What scrutiny role is intended for the Scottish Parliament in relation to each power exercisable by the Secretary of State that is subject to a requirement for the Scottish Ministers to consent?

b) What parliamentary procedure would apply in the Scottish Parliament to each of the parallel powers conferred on the Scottish Ministers?

Yours sincerely

Lewis Macdonald
Convener
Health and Sport Committee