

Lesley Griffiths AC / AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref LF/LG/0092/13

Professor Mark Drakeford AM  
Chair, Health and Social Care Committee  
National Assembly for Wales

February 2013

Dear Mark,

### **The Recovery of Medical Costs for Asbestos Diseases (Wales) Bill**

Thank you for your letter of 11 February concerning the Recovery of Medical Costs for Asbestos Diseases (Wales) Bill.

As communicated in my evidence to the Committee, officials have begun discussions with the Compensation Recovery Unit (CRU) to administer the scheme and have visited CRU, as acknowledged in Mr Clark's letter to you of 8 February. My officials are continuing dialogue with the CRU and are in the process of arranging a further visit to discuss more detailed capacity, processing and business case requirements in March.

The initial meeting was a positive discussion with the CRU administration team, who indicated (as echoed in their response) that there are no objections in principle to the CRU administering the scheme, but further detailed discussion would be required as appropriate during the progress of the Bill. This will include the preparation of a business case setting out the specific and detailed requirements. There is, of course, a balance to be struck between early involvement of the CRU and the need to take account of the recommendations and potential amendments to the Bill which may arise from Stage 1 scrutiny. The CRU cannot commit firmly to a proposition which could be subject to considerable change, and until Stage 1 is completed and initial scrutiny recommendations identified, the scope for any potential changes is not known.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

*Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)*

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence.lesley.Griffiths@wales.gsi.gov.uk

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It is also worth noting that whilst pre-legislation expenditure is not prohibited by the Government of Wales Act 2006, such expenditure should be incurred in only exceptional cases. The type of expenditure which it may be permissible to incur before a Bill receives Royal Assent includes scoping studies designed to identify in detail the implications of a proposal in a Bill and other expenditure to inform the legislative process.

The pre-legislative scoping work which is intended to be done under the Asbestos Bill may fall within these exceptions, but a detailed analysis would need to be undertaken before any final decision is made, with the following factors also taken into account:-

- the level of expenditure to be incurred pre-Royal Assent and it's proportion to the overall budget for the Bill.
- the stage reached in the legislative process.
- how quickly after the pre-legislative expenditure was incurred it was proposed to seek Royal Assent, and the level of risk of the Bill never being made into law; and
- the necessity for the pre-legislative preparatory steps.

Although the CRU is the preferred administration option for the Bill, due to their experience and established procedures in this area, and is the implementation option which the Government would support, there are other options set out in the Explanatory Memorandum for administration which provide viable options for implementation which would still recoup considerable resources for investment to support asbestos related disease victims and their families.

I am copying this letter to Mick Antoniw AM, the Member in Charge of the Bill.

Regards  
Lesley

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