

Recovery of Medical Costs for Asbestos Diseases (Wales) Bill: Summary of Stage 2 amendments

Introduction

This document sets out the main changes made to the *Recovery of Medical Costs for Asbestos Diseases (Wales) Bill* (“the Bill”) during Stage 2 proceedings.

The purpose of the Bill is that in cases where compensation has been paid in respect of a victim of an asbestos-related disease, with or without an admission of liability, the Welsh Government will be entitled to recover the cost of the medical treatment provided by the NHS. However, the Bill does not create any new legal entitlement to compensation. Further information about the Bill (as introduced) is available in a **Bill Summary** prepared by the Research Service.

Background

The Bill is an Assembly Member Bill, introduced by Mick Antoniw AM [“the Member in charge”] who was successful in a legislative ballot on **21 March 2012**, and given leave to proceed with his Bill by the Assembly on **16 May 2012**.

The Bill was introduced on **3 December 2012** and subsequently referred by the Business Committee to the **Health and Social Care Committee** (“the committee”) for Stage 1 scrutiny.

The committee published its Stage 1 report in **March 2013**. The Constitutional and Legislative Affairs Committee published its **report** on the Bill’s subordinate legislation provisions in the same month. The Bill was approved at Stage 1 by the Assembly following a debate on its general principles in Plenary on **19 March 2012**.

Stage 2 consideration was held on 24 April 2013. A total of 14 amendments were tabled, two of which were withdrawn. Two amendments were tabled by the Member in charge, six by the Welsh Government and six by the Welsh Conservatives.

Amendments passed at stage 2

Excluded Services

The Welsh Government moved amendment 7, which allows it, by regulation, to extend the scope of the Bill to primary care.

The Welsh Government moved amendment 3 which requires that any new regulations, made as a consequence of amendment 7, will be brought about through the affirmative procedure.

Appeals and waivers

Amendment 4, moved by the Welsh Government, enables Welsh Ministers to make regulations to prescribe the procedures for waivers.

Amendment 2 was moved by the Member in charge. It provides for the affirmative resolution procedure be applied to the first use of the Welsh Ministers’ power to make regulations in relation to appeals and to waivers.

Use of recovered funds

Amendment 1 was moved by the Member in charge. It inserts a reference to “research” into the provisions dealing with how recovered funds should be spent..

Drafting corrections

Amendments 6 and 8 are Government amendments which correct the Welsh draft of the Bill.

Amendment 6 inserts the word ‘eraill’ in relation to services in order to correspond to the wording of the English version of the Bill.

Amendment 8 changes the day on which section 1, section 20, section 21 and the powers conferred by this Bill to make regulations come into force which was incorrect in the Welsh version..

Annual Report

Amendment 5 was moved by the Welsh Government. It places a duty on Welsh Ministers to make an annual report to the Assembly on how funds recovered under the Bill are spent.

Next Steps

An **amended version of the Bill** has been prepared by the Legislation Office.

Stage 3 began on 25 April 2013 (the day after Stage 2 proceedings were completed). Members have until 6pm on 28 May 2013 to table further amendments through the Legislation Office

(legislationoffice@wales.gov.uk). Stage 3 proceedings will take place in Plenary on 5 June 2013.

Further information

For further information on the Bill please contact the Legislation Clerk, Steve George
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