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**LETTER FROM THE PRINCIPAL PRIVATE SECRETARY, FIRST MINISTER
REQUESTING CONSENT OF HER MAJESTY AND DUKE OF CORNWALL**

To: The Private Secretary to Her Majesty
The Private Secretary to the Prince of Wales

Dear Sir/Madam

RECOVERY OF MEDICAL COSTS FOR ASBESTOS DISEASES (WALES) BILL

Please find enclosed two copies of the Recovery of Medical Costs for Asbestos Diseases (Wales) Bill, for which the Consent of Her Majesty and the Duke of Cornwall is sought.

Statutory background

Section 111(4) of the Government of Wales Act 2006 states:

“The standing orders must include provision for securing that the Assembly may only pass a Bill containing provisions which would, if contained in a Bill for an Act of Parliament, require the consent of Her Majesty or the Duke of Cornwall if such consent has been signified in standing orders.”

Standing Order 26.67 of the National Assembly for Wales further states:

“If a Bill contains any provision, or is amended so as to include any provision, that would, if contained in a Bill for an Act of the United Kingdom Parliament, require the consent of Her Majesty, or the Duke of Cornwall, the Assembly must not debate the question whether the Bill be passed (or approved following Reconsideration) unless such consent to such a provision has been signified by a member of the government during proceedings on the Bill at a meeting of the Assembly.”

Purpose of the Bill

The Bill's aim is to enable the Welsh Ministers to recover from a compensator (being a person by or on behalf of whom a compensation payment is made to or in respect of a victim of asbestos-related disease), certain costs incurred by the NHS in Wales in providing care and treatment to the victim of the asbestos-related disease.

The detailed provisions of the Bill impose liability on compensators to pay charges in respect of National Health Service services provided, secured, commissioned or

funded by a Welsh NHS body to victims as a result of asbestos-related diseases. The Bill also extends the insurance cover of liable persons to include their liability to pay the charges.

The Bill does not create any new entitlement to compensation where a claim does not already exist under current legislation in England and Wales. Rather, the Bill triggers recovery of the cost of certain medical treatment by the Welsh Ministers once a settlement or judgment in a claim for compensation is achieved by an asbestos sufferer or their personal representatives.

The Bill replicates the medical cost recovery scheme set out in Part 3 of the Health and Social Care (Community Health and Standards) Act 2003 ("the 2003 Act"). Section 150 of the 2003 Act provides that a person making a compensation payment to an injured person, where that injured person has received or been provided with NHS treatment and/or ambulance services as a result of the injury sustained, is also liable to pay relevant NHS charges to the Secretary of State and/or the Scottish Ministers. The Queen and the Duke of Cornwall both signified their consent to the provisions of the 2003 Act, to the extent that their interests may have been affected by that legislation.

How the Bill could affect the Crown

The Asbestos Bill is capable of applying to the private interests of the Queen and the Duke of Cornwall in the same way as Part 3 of the 2003 Act. For example, if the Queen or the Duke of Cornwall were to pay compensation to a victim of asbestos related disease, they would also be responsible for relevant Welsh NHS costs incurred in treating that victim under the Bill.

Consent

We respectfully ask the Queen and the Duke of Cornwall to consent to place their interests, so far as they may be affected by the Bill, at the disposal of the National Assembly for Wales, for the purposes of the Bill.

Thank you for considering this request and please let us know if we can be of any further assistance to you.

Yours sincerely

Des Clifford
Principal Private Secretary, First Minister

Enc: Two copies of the Bill

CC:
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