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Clare Haughey, Convener
Health, Social Care and Sport Committee

By email: hscs.committee@parliament.scot

8 September 2023

Dear Ms Haughey,

UK consultation on disclosure of industry payments to healthcare sector

During the passage of the Health and Care Act 2022 we agreed with proposals to introduce powers to impose a duty requiring certain organisations in the medicines/medical devices/borderline substances industries to publish details of the payments and other benefits they provide to health care providers. The Department of Health and Social Care has now launched a UK-wide public consultation on these proposals. The consultation titled the '[Disclosure of industry payments to the healthcare sector](#)' will address the second part of recommendation 8 from the [Cumberlege report](#):

“There should be mandatory reporting from the pharmaceutical and medical device industries of payments made to teaching hospitals, research institutions and individual clinicians”.

After the Cumberlege report was published, the Scottish Parliament debated and supported the findings of the report.

The UK Government consultation will seek views on the possible introduction of new secondary legislation. This legislation would place a duty on manufacturers and commercial suppliers of medicines, medical devices and borderline substances to report details of the payments and other benefits they provide to healthcare professionals and organisations. The purpose of the proposals is to increase transparency of the relationships between industry and the healthcare sector, to enhance patient trust and protect the impartiality of clinical decision-making. The consultation will also seek views on alternatives to regulation.

My officials are continuing to engage with DHSC officials on the proposals. Under the relevant provisions in the Health and Care Act 2022, the consent of the Scottish Ministers is required in relation to any provision in regulations made under the new provisions which would be within the legislative competence of the Scottish Parliament (provided that provision is not merely incidental to, or consequential on, provision which would be outside

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that legislative competence). We anticipate that consent will be required before any UK-wide regulations providing for a UK-wide scheme are laid and enforced. I will engage with you on these in due course.

Yours sincerely,



MICHAEL MATHESON MSP

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