

Your reference PO00000521723

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Thank you for your letter of 29 July confirming that once the Government has considered the consultation responses, it will make clear the next steps in the regulatory process.

As I wrote to Earl Howe, the matter of statutory regulation of herbalists is extremely pressing with the full implementation of the Directive on Traditional Medicinal Herbal Medicinal Products in April next year. If statutory regulation of herbal medicine is not under way by this time, this will mean the loss to the public of many herbal medicines currently available from third party suppliers and manufacturers as well as the loss of jobs. I enclose a letter I have just written to Dr Vince Cable, Secretary of State for Business, Innovation & Skills regarding the severe regulatory impact on the herbal sector if statutory regulation is not implemented shortly. I also enclose a copy of a survey of the herbal sector I have sent Dr Cable. This clearly shows that the future of many small and medium businesses is at risk because of the failure to realize the statutory regulation of herbal practitioners and acupuncturists.

You mention the Complementary and Natural Healthcare Council (CHNC) and, of course, we are aware that your predecessor, Andy Burnham, on the day before the election was called, nominated this body as a possible regulator of our sector. However, we are most concerned that the CNHC will not be a suitable regulatory vehicle for herbal practitioners as it may well

not give practitioners it regulates 'authorised healthcare professional' status under Article 5.1 of Directive 2001/83/EC because it is not a statutorily regulating body like the Health Professions Council (HPC) which, throughout the time of the Pittilo Working Group, was the designated regulator for herbalists and acupuncturists. It appears that to transform the CNHC into a body that might have the structure and capability to undertake statutory regulation of our sector would require a significant increase of DH funding whereas the HPC is already set up and willing to regulate herbal medicine and acupuncture. For these reasons, as previously envisaged by the DH, it would seem desirable that the HPC should remain our designated regulator.

When all is said and done, I hope you will agree that the regulation of herbalists and acupuncturists is a matter of providing the public with a safe choice of treatments that have proved themselves increasingly popular over the years: statutory regulation is certainly not a badge of rank or efficacy. This point of view would seem to be echoed by the DH's support for the right of consumers to exercise their choice of treatment in the recent DH response to the House of Common's Select Committee on Homeopathy.

Lastly, although the DH public consultation on our regulation took place last year, the DH assessment of it still has not been published. Would it be possible for it to be released in the near future so we can read what the public response said?

If you would like to meet and talk over these issues, I would be delighted to make myself available at your convenience.

Yours sincerely,

Michael McIntyre