

NATIONAL HEALTH SERVICE

NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (England) (Amendment) Directions 2010

The Secretary of State for Health makes the following Directions in exercise of the powers conferred by sections 7, 8, 272(7) and (8) and 273(1) and (4) of the National Health Service Act 2006(a).

Citation, commencement and interpretation

1.—(1) These Directions may be cited as NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (England) (Amendment) Directions 2010 and shall come into force on 30th March 2010.

(2) In these Directions “the 2005 Directions” means the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (England) Directions 2005(b).

Amendment of paragraph 1 of the 2005 Directions

2. In paragraph 1 (citation, commencement, interpretation and application) of the 2005 Directions, in the definition of “the Act” in sub-paragraph (3), for “National Health Service Act 1977” substitute “National Health Service Act 2006”.

Amendment of paragraph 4 of the 2005 Directions

3. In paragraph 4 (functions in relation to the allocation of organs for transplantation) of the 2005 Directions—

- (a) in sub-paragraph (1), after “sub-paragraphs” insert “(1A),”; and
- (b) after sub-paragraph (1), insert the following sub-paragraph—

“(1A) When exercising functions in relation to the allocation of organs for the purposes of transplantation under paragraph 3(1) and sub-paragraph (1), NHSBT shall have regard to guidance issued by the Department of Health on the allocation of organs for the purposes of transplantation which is published before 30th March 2010 and, in order to give effect to that guidance, may allocate organs otherwise than under the Schemes.”.

Amendment of paragraph 5 of the 2005 Directions

4. In paragraph 5 (general functions of NHSBT) of the 2005 Directions—

- (a) in sub-paragraph (1)(a), for “section 23 of the Act (voluntary organisations and other bodies)” substitute “section 12 of the Act (Secretary of State’s arrangements with other bodies)”; and
- (b) in sub-paragraph (1)(b), for “section 2(b) of the Act (Secretary of State’s general powers as to services)” substitute “section 2(1)(b) of the Act (Secretary of State’s general power)”.

(a) 2006 c.41. By virtue of section 271 of the Act the powers conferred on the Secretary of State by those sections, as exercised in the making of these Directions, are exercisable only in relation to England.

(b) The 2005 Directions came into force on 1st October 2005 and are annexed to the Department of Health Guidance, “Guidance on the allocation of organs for the purposes of transplantation”, available at www.uktransplant.org.uk. Also annexed to the Guidance are the amendments to those Directions, which came into force on 1st May 2009.

Amendment of paragraph 7 of the 2005 Directions

5. In paragraph 7 (land transactions) of the 2005 Directions—

- (a) in sub-paragraph (1), for “section 87(1) and (2)” substitute “section 211(1) to (3) (acquisition, use and maintenance of property)”;
- (b) in sub-paragraph (6), for “section 87” substitute “section 211”.

Signed by authority of the Secretary of State for Health



E. Webb

Edward Webb

Member of the Senior Civil Service
Department of Health

30th March 2010