

NATIONAL HEALTH SERVICE ACT 2006

NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (England) (Amendment) Directions 2020

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

Citation, application and commencement

1.—(1) These Directions may be cited as the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (England) (Amendment) Directions 2020.

(2) These Directions apply in relation to England.

(3) These Directions come into force at 11pm on 31st December 2020.

Amendment of paragraph 4 of the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (England) Directions 2005

2.—(1) Paragraph 4 (functions in relation to the allocation of organs for transplantation) of the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (England) Directions 2005 is amended as follows.

(2) Omit sub-paragraph (3)(c).

(3) For sub-paragraph (3)(d) substitute—

“(d) persons entitled by virtue of a bilateral reciprocal health agreement (including an agreement with an international organisation) or the European Convention on Social and Medical Assistance 1954 to medical treatment in the United Kingdom, where that treatment may include the allocation of, and access to, organs for the purpose of organ transplants;”.

(4) After sub-paragraph (3)(e), insert—

“(f) persons who have an entitlement to medical treatment in the United Kingdom by virtue of a right arising from—

(i) Title III of Part 2 of the EU withdrawal agreement(b),

(ii) Title III of Part 2 of the EEA EFTA separation agreement, or

(iii) the social security co-ordination provisions of the Swiss citizens' rights agreement;

(g) persons who—

(i) were ordinarily resident in an EEA state or Switzerland immediately before IP completion day(c),

(ii) continue to be ordinarily resident in an EEA state or Switzerland on and after IP completion day,

(iii) receive a state pension paid by the United Kingdom Government, and

(iv) hold an S1 healthcare certificate, or an equivalent document, issued to or in respect of that person by a competent institution of the United Kingdom.”.

(a) 2006 (c.41). Section 7 was amended by section 21 of the Health and Social Care Act 2012 (“the 2012 Act”); section 8 was amended by paragraph 5 of Schedule 4, and paragraphs 1 and 3 of Schedule 14, to the 2012 Act. The powers exercised by the Secretary of State in giving these Directions are exercisable by the Secretary of State in relation to England only by virtue of section 271(1) of the National Health Service Act 2006.

(b) See Schedule 1 to the Interpretation Act 1978 for the meaning of “EU withdrawal agreement”.

(c) See Schedule 1 to the Interpretation Act 1978 for the meaning of “IP completion day”.

(5) After sub-paragraph (3) insert—

“(3A) In sub-paragraph (3)—

- (a) “international organisation” means an organisation of which two or more sovereign powers, or their governments, are members, and
- (b) “EEA EFTA separation agreement” and “Swiss citizens’ rights agreement” have the same meanings as in section 39(1) of the European Union (Withdrawal Agreement) Act 2020(a).”.

Signed by authority of the Secretary of State for Health and Social Care



Date 16 December 2020

Member of the Senior Civil Service
Department of Health and Social Care