
STATUTORY INSTRUMENTS

2005 No. 2531

The NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005 and shall come into force on 1st October 2005.

(2) In these Regulations—

“the Act” means the National Health Service Act 1977;

“the Authority” means NHS Blood and Transplant established by the NHS Blood and Transplant Authority (Gwaed a Thrawsblaniadau'r GIG) (Establishment and Constitution Order) 2005(1);

“appropriate authority” means—

(a) in relation to England, the Secretary of State; and

(b) in relation to Wales, the National Assembly for Wales;

“the chairman” means, unless the context otherwise requires, the chairman of the Authority;

“the FHSAA” means the Family Health Service Appeal Authority constituted under section 49S of the Act(2);

“health service body” means—

(a) a Strategic Health Authority(3), Special Health Authority(4), Primary Care Trust(5), NHS trust(6), Local Health Board(7), NHS foundation trust(8), or Community Health Council(9),

(b) a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(10) or the Scottish Dental Practice Board, the Common Service Agency for the Scottish Health Service or an NHS trust constituted under, respectively, sections 4, 10 or 12A of that Act(11),

(c) the Dental Practice Board constituted under section 37(1) of the Act(12),

(1) [S.I. 2005/2529](#).

(2) Section 49S was inserted by section 27(1) of the 2001 Act and amended by section 1(3) of, and paragraphs 1 and 18 of Schedule 1 to, the 2002 Act.

(3) See section 8 of the Act.

(4) See section 11 of the Act.

(5) See section 16A of the Act.

(6) See section 5 of the 1990 Act.

(7) See section 16BA of the Act.

(8) See section 1 of the 2003 Act.

(9) See section 20A of the Act.

(10) [1978 c. 29](#).

(11) Section 4 was amended by section 12(3) and Schedule 3 of the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”); section 10 was amended by paragraph 2 of Schedule 6 to the Health Services Act 1980 (c. 53) and Schedule 10 to the 1990 Act; section 12A was inserted by section 31 of the 1990 Act and amended by section 46(1) of the 1999 Act.

(12) Section 37(1) was amended by section 12 of the 1988 Act and repealed in part by section 25 and Schedule 3 of that Act; amended by section 2(1) of, and paragraph 26 of Schedule 1 to, the 1995 Act and section 1(3) of, and paragraphs 1 and 17 of Schedule 1 to, the 2002 Act. The functions of the Secretary of State under these provisions are, so far as exercisable in

- (d) the Commission for Healthcare Audit and Inspection(**13**),
- (e) the Health Protection Agency(**14**),
- (f) the Secretary of State,
- (g) the Northern Ireland Central Services Agency for Health and Social Services established under the Health and Personal Social Services (Northern Ireland) Order 1972(**15**),
- (h) a special health and social services agency established under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990(**16**),
- (i) a Health and Social Services Board constituted under the Health and Personal Social Services (Northern Ireland) Order 1972,
- (j) a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991(**17**), and
- (k) the Department of Health, Social Services and Public Safety for Northern Ireland;

“member” means, unless the context otherwise requires, a member of the Authority other than the chairman;

“national NHS disqualification” means—

- (a) a decision made by the FHSAA under section 49N of the Act(**18**),or
- (b) a decision by the NHS Tribunal which is treated as a national disqualification by the FHSAA by virtue of regulation 6(4)(b) of the Abolition of the National Health Service Tribunal (Consequential Provisions) Regulations 2001(**19**) or regulation 6(4)(b) of the Abolition of the National Health Service Tribunal (Consequential Provisions) Regulations 2002(**20**);

“the NHS Tribunal” means the Tribunal constituted under section 46 of the Act(**21**) for England and Wales;

“non-officer member” means a member who is not an officer of the Authority; and

“primary care list” means—

- (a) a list referred to in section 49N(1)(a) to (c) of the Act,
- (b) a list of persons undertaking to provide general medical services prepared in accordance with regulations under section 29 of the Act(**22**) as the list existed on or before 31st March 2004,

relation to Wales, transferred to the National Assembly for Wales by article 2(a) of, and Schedule 1 to, the 1999 Order, except that the regulation-making function in section 37(1) continues as a function of the Secretary of State in respect of Wales as well as England; see the entry in Schedule 1 for the National Health Service Act 1977 as amended; the Dental Practice Board is abolished by sections 181 and 196 of, and Schedule 14 to, the 2003 Act on a date to be appointed.

(13) See section 41 of the 2003 Act for the establishment of the Commission for Healthcare Audit and Inspection.

(14) Health Protection Agency Act 2004 (c. 17).

(15) S.I. 1972/1265 (N.I. 14).

(16) S.I. 1990/247 (N.I. 3).

(17) S.I. 1991/194 (N.I. 1).

(18) Section 49N was inserted by section 25 of the 2001 Act and amended by section 2(5) of, and paragraphs 1 and 25 of Schedule 2 to, the 2002 Act and section 184 of, and paragraph 24(a) and paragraph 24(b) of Schedule 11 to, the 2003 Act in respect of paragraph 24(b) on a date to be appointed. A transitional amendment is made to section 49N(1) inserting sub-paragraph (bb) by article 7(4)(i) of the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 2) Order 2004 S.I. 2004/288 (C. 12).

(19) S.I. 2001/3744, as modified and amended by S.I. 2002/2469.

(20) S.I. 2002/1920 amended by S.I.2004/865.

(21) Section 46 was repealed by section 67 of, and paragraph 5 of Schedule 5 and Part 1 of Schedule 6 to, and the 2001 Act; the NHS Tribunal, except for prescribed cases, had effect in relation to England only until 14th December 2001, and in relation to Wales, only until 26th August 2002; see article 2(5) and (6)(b) of S.I. 2001/3738 which sets out the prescribed cases for England, and article 2(2) and (3)(b) of S.I. 2002/1919 which sets out the prescribed cases for Wales.

(22) Section 29 is repealed by section 196 of, and Schedule 14 to, the 2003 Act.

- (c) a list of persons approved by a Primary Care Trust for the purpose of assisting in the provision of general medical services prepared in accordance with regulations under section 43D(1) of the Act⁽²³⁾ as the list existed on or before 31st March 2004, or
- (d) a services list referred to in section 8ZA(1)(a) of the National Health Service (Primary Care) Act 1997⁽²⁴⁾ as the list existed on or before 31st March 2004.

⁽²³⁾ Section 43D was inserted by section 24 of the 2001 Act and amended by section 2(5) of, and paragraphs 1 and 20 of Schedule 2 to, the 2002 Act; section 43D(1) is repealed in part by section 196 of, and Schedule 14 to, the 2003 Act; section 43D(10)(a) (and other parts of 43D(10) on a date to be appointed) is amended by section 184 of, and paragraph 20 of Schedule 11 to, the 2003 Act.

⁽²⁴⁾ 1997 c. 46; section 8ZA was inserted by section 26(2) of the 2001 Act and was amended by section 4(3) of, and paragraphs 1 and 3 of Schedule 3 of the 2002 Act; and is repealed by section 196 of, and Schedule 14 to, the 2003 Act so far as it relates to personal medical services and otherwise on a date to be appointed.