
STATUTORY INSTRUMENTS

1991 No. 407

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The United Kingdom Transplant Support Service
Authority (Establishment and Constitution) Order 1991**

<i>Made</i>	- - - -	<i>4th March 1991</i>
<i>Laid before Parliament</i>		<i>8th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Secretary of State for Health, in exercise of powers conferred by sections 11 and 126(4) of, and paragraph 9(7)(b) of Schedule 5 to, the National Health Service Act 1977(1) and of all other powers enabling him in that behalf, and after consultation, in accordance with section 11(5) of that Act, with bodies recognised by him as representing officers who in his opinion are likely to be transferred or affected by transfers in pursuance of the Order, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as The United Kingdom Transplant Support Service Authority (Establishment and Constitution) Order 1991 and shall come into force on 1st April 1991.

(2) In this Order unless the context otherwise requires—

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

“the Authority” means the United Kingdom Transplant Support Service Authority established by this Order;

“functions” means functions relating to the health service as mentioned in section 13 of the Act;

“organ” means any part of a human body or any product derived from the human body;

“the Regional Health Authority” means the South Western Regional Health Authority constituted in accordance with the National Health Service (Constitution of Regional Health Authorities) Order 1975(2).

(1) 1977 c. 49. Section 11 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 31; and paragraph 9(7)(b) of Schedule 5 was inserted by the National Health Service and Community Care Act 1990 (c. 19), Schedule 1, paragraph 7(2).
(2) S.I.1975/1100

Establishment of the United Kingdom Transplant Support Service Authority

2. There is hereby established a special health authority which shall be known as the United Kingdom Transplant Support Service Authority.

Functions of the Authority

3. The Authority shall exercise such functions relating to assisting in, and facilitating or promoting, the provision of a service for the transplantation of organs as the Secretary of State may by Regulations⁽³⁾ direct it to perform on his behalf.

Constitution of the Authority

4. The Authority shall consist of—
- (a) a chairman;
 - (b) four members who are not officers of the Authority;
 - (c) the chief officer of the Authority; and
 - (d) a member who is an officer of the Authority other than the chief officer.

Remuneration of members

5. The Authority is specified for the purposes of paragraph 9(7)(b) of Schedule 5 to the Act.

Transfer of staff

6. Any officer of the Regional Health Authority who is immediately before the date on which this Order comes into force employed by it solely for the purposes of its specialised unit known as the United Kingdom Transplant Service shall on that date be transferred to the employment of the Authority, and the contract of employment between each such officer and the Regional Health Authority shall be modified so as to substitute the Authority as employer.

Enforceability of rights and liabilities

7. Any right or liability of the Regional Health Authority in respect of the employment by it of any officer who is transferred to the employment of the Authority by virtue of article 6 of this Order shall instead be a right or liability of the Authority.

4th March 1991

William Waldegrave
Secretary of State for Health

(3) See S.I. 1991/408.

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order provides for the establishment and constitution of a special health authority, to be known as the United Kingdom Transplant Support Service Authority, for the purpose of exercising on behalf of the Secretary of State functions relating to the transplantation of human organs and ancillary and related matters. These functions were formerly exercised by a specialised unit of the South Western Regional Health Authority known as the United Kingdom Transplant Service.

The Order also makes provision for remuneration of members, for the transfer to the new Authority of officers previously employed by the South Western Regional Health Authority in its specialised unit and of associated rights and liabilities.