
STATUTORY INSTRUMENTS

1991 No. 408

**MEDICAL PROFESSION
NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The United Kingdom Transplant Support
Service Authority Regulations 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 the powers conferred by sections 13, 16(1), 17, 18(1), 126(4) and 128(1) of, and paragraphs 12, 12A and 16 of Schedule 5 to, the National Health Service Act 1977(1) and by section 3(1) of the Human Organ Transplants Act 1989(2), and of all other powers enabling him in that behalf hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the United Kingdom Transplant Support Service Authority Regulations 1991 and shall come into force on 1st April 1991.

(2) In these Regulations, 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 the United Kingdom Transplant Support Service Authority (Establishment and Constitution) Order 1991(3)

(1) 1977 c. 49. Relevant amendments are made to section 13 by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 33; to section 16(1) by the Health Services Act 1980, sections 1 and 2, and Schedule 1, paragraph 36, and by the [National Health Service and Community Care Act \(“the 1990 Act”\) \(c.19\)](#), section 3(3); section 17 was substituted by the Health and Social Security Act 1984 (c. 48), Schedule 3, paragraph 2; section 18 was amended by the Health Services Act 1980, Schedule 1, paragraphs 38 and 92, and the Family Practitioner Committee (Consequential Modifications) Order 1985 (S.I. 1985/39), article 7(2); section 128(1), which is edited for the definition of “regulations”, was amended by the 1990 Act, section 26(2); paragraph 12 of Schedule 5 was amended by the 1990 Act, Schedule 1, paragraph 9; paragraph 12A of Schedule 5 was inserted by the 1990 Act, Schedule 1, paragraph 10.

(2) 1989 c. 31.

(3) S.I. 1991/407.

“donor” means a person who provides or offers to provide any of his organs with a view to the organ being transplanted into another person, and includes a dead person from whom an organ is retrieved;

“member” in relation to the Authority does not include its chairman;

“NHS trust” means an NHS trust established in pursuance of section 5(1) of the National Health Service and Community Care Act 1990;(4)

“non-officer member” and “office member” mean respectively a member who is not, or who is, an officer of the Authority;

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

“recipient” means a person who undergoes or is to undergo a surgical operation for the implantation of one or more organs removed from a living or dead person;

“transplant centre” means a hospital or other institution, or department of it, which undertakes surgical operations for the transplantation of human organs.

Functions of the Authority

2.—(1) Subject to paragraphs (3) and (4) of this regulation and in accordance with such directions as the Secretary of State may give under the Act, the Authority shall exercise on his behalf the Secretary of State’s functions under the provisions of the Act specified in column 1 of the Schedule to these Regulations (the subject matter of the relevant function being indicated in column 2 of that Schedule) so far as they relate to assisting in, and facilitating or promoting, the provision of a service for the transplantation of organs.

(2) Without prejudice to the generality of paragraph (1) of this regulation, the functions mentioned in that paragraph include the functions of—

- (a) acquiring, recording, updating, keeping and making available information about donors and recipients and organs which are or may be available for transportation and other related matters;
- (b) identifying persons who are potentially suitable recipients for organs, and notifying transplant centres of the availability or potential availability of organs;
- (c) giving advice about, or making arrangements for, the transport of organs for transplantation;
- (d) generally facilitating the standardisation of practices in respect of storage, transport and transplantation of organs;
- (e) providing an organ matching and tissue-typing service;
- (f) supplying standardised reagents and sera to transplant centres and laboratories;
- (g) providing education and training for persons involved or to be involved with the transplantation of organs, including identifying the need for such education or training.

(3) The powers of the Secretary of State under section 2 of the Act shall be exercisable by the Authority only to such extent as may be necessary for the proper exercise of one or more other functions which the Secretary of State has directed the Authority to exercise on his behalf.

(4) Nothing in these Regulations is to be taken as giving directions for the exercise of any functions conferred on or vested in the Secretary of State with respect to the making of any Order or Regulations.

(5) In exercising the functions of the Secretary of State under section 25 of the Act, such charges shall be made with respect to the supplies of human blood as are determined by the Secretary of State.

(4) 1990 c. 19.

Appointment of members

3.—(1) The Chairman and non-officer members of the Authority shall be appointed by the Secretary of State.

(2) The officer member of the Authority other than the chief officer shall be appointed by the Authority.

Tenure of office of members

4. Subject to the following provisions of these Regulations and to any provisions of Regulations applied by these Regulations—

- (a) the term of office of the Chairman or a member other than the chief officer of the Authority shall be for such period not exceeding three years as the Secretary of State or, as the case may be, the Authority shall specify on the making of the appointment;
- (b) the person who is a member by virtue of being the chief officer of the Authority shall hold office for as long as he remains chief officer of the Authority.

Eligibility of chairman and members for re-appointment

5. Subject to the following provisions of these Regulations, the chairman and member of the Authority shall on the expiration of his term of office be eligible for re-appointment.

Casual vacancies

6. Where, for any reason, a person other than the chief officer of the Authority ceases to be the chairman or a member before the expiration of the period for which he was appointed, the tenure of office of any person appointed as chairman or member in his place shall be for the remainder of that period.

Termination of tenure of office

7.—(1) The chairman or a member other than the chief officer of the Authority may resign his office at any time during the period for which he was appointed by giving notice in writing to the Secretary of State, or, if he was appointed by the Authority, to the Authority.

(2) Where the Secretary of State is of the opinion that it is not in the interests of the Authority or of the health service that the chairman or a non-officer member should continue to hold that office, he may forthwith terminate the tenure of office of such a person.

Application of regulations relating to membership and procedure

8. The provisions of regulation 8 (termination and suspension of tenure of office of officer members), regulation 10 (application of regulations 11 to 14), regulation 11(2), (4), (5) and (6) (termination of tenure of office), regulation 13(1)(a), (b), (c), and (e), (2) and (3) (disqualification for appointment), regulation 14 (cessation of disqualification), regulation 17 (appointment of committees and sub-committees), regulation 18 (arrangements for the exercise of functions), regulation 19 (meetings and proceedings), and regulation 20 (disability on account of pecuniary interest) of, and Schedule 2 (rules as to meetings and proceedings) to, the Regional and District Health Authorities (Membership and Procedure) Regulations 1990(5) shall apply as if—

- (a) any reference therein to an authority included a reference to the Authority;

- (b) any reference therein to the appointing authority were, in relation to the chairman or a non-officer member, a reference to the Secretary of State and, in relation to an appointed officer member, were a reference to the Authority;
- (c) for the reference in regulation 13(1)(c) to paragraph 3 of regulation 11 there were substituted a reference to regulation 7(2) of these Regulations; and
- (d) the words from “(including” to “is not)” in paragraph 6 of Schedule 2 to those Regulations were omitted.

Reports by the Authority

9. The Authority shall make reports to the Secretary of State in such manner and at such time, being at least once each year, as the Secretary of State may direct and shall furnish to the Secretary of State such information as he may from time to time require in connection with the functions of the Authority.

Amendment of the Human Organ Transplants (Supply of Information) Regulations 1989

10.—(1) The Human Organ Transplants (Supply of Information) Regulations 1989(6) shall be amended in accordance with the following paragraphs of this regulation.

- (2) In regulation 2 (information to be supplied about transplant operations):—
 - (a) in paragraphs (1) and (2) for the words “South Western Regional Health Authority” there shall be substituted the words “the United Kingdom Transplant Support Service Authority”; and
 - (b) in paragraph 2(1)(a)(ii) after the words “special health authority” there shall be inserted the words “of NHS trust established under section 5 of the National Health Service and Community Care Act 1990”; and after the words “to that authority” there shall be inserted the words “or trust”.

4th March 1991

William Waldegrave
Secretary of State for Health

SCHEDULE

Regulation 2

ENACTMENTS CONFERRING FUNCTIONS EXERCISABLE BY THE AUTHORITY

Column (1) Enactment	Column (2) Subject matter
The Health Services and Public Health Act 1968(7)	
Section 63(1) (3) (5) and (6)	Providing instruction, and providing materials and premises necessary for or in connection with providing any such instruction, for persons involved or to be involved with the transplantation of organs.
The Act	
Section 2	Providing services considered appropriate for discharging duties imposed on the Secretary of State and doing other things calculated to facilitate the discharge of any such duty.
Section 3(1)(f)	Providing services required for the diagnosis and treatment of illness.
Section 5 (2)(d)	Conducting research into matters relating to the causation, prevention, diagnosis or treatment of illness and into any such other matters connected with any service provided under the Act as the Authority considers to be appropriate.
Section 23(1)	Arranging with any person or body (including voluntary organisations) for that person or body to assist in providing any service under the Act.
Section 23(2)	Making available to certain persons or bodies (including voluntary organisations) facilities and services of persons employed in connection with such facilities.
Section 23(3)	Agreeing terms and making payments in respect of facilities or services provided under section 23 of the Act.
Section 25(8)	Making available supplies of human blood or any part of a human body or supplies of any other substances or preparations not readily obtainable to any such person on such terms, including terms as to charges as the

(7) 1968 c. 46. The relevant parts of section 63 were amended by S.I. 1968/1699, articles 2 and 5; the National Health Service (Scotland) Act 1972 (c. 58), Schedule 6, paragraph 135 and Schedule 7, Part II; the National Health Service Reorganisation Act 1973 (c. 32), Schedule 4, paragraph 124 and Schedule 5; the National Health Service Act 1977 (c. 49), Schedule 15, paragraph 45 and Schedule 16; the National Health Service (Scotland) Act 1978 (c. 29), Schedule 16, paragraph 26 and Schedule 17; the Health Services Act 1980 (c. 53), Schedule 1, paragraph 19(3); S.I. 1985/39, article 6; the Local Government Act 1985 (c. 51), Schedule 17; the Health and Medicines Act 1988 (c. 49) section 20; and the National Health Service and Community Care Act 1990 (c. 19), section 2.

(8) Section 25 was amended by Schedule 2, paragraph 2 of the Health and Medicines Act 1988.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column (1) Enactment	Column (2) Subject matter
Section 121(9)	Authority considers to be appropriate, subject to section 62 of the Act. Determining charges for prescribed services provided in respect of prescribed non-residents.

EXPLANATORY NOTE

This note is not part of the Regulations)

These Regulations make provisions concerning the functions and membership of the United Kingdom Transplant Support Service Authority established by the United Kingdom Transplant Support Service Authority (Establishment and Constitution) Order 1991. They include provisions relating to the functions of the Authority (regulation 2 and the Schedule), the appointment of members (regulation 3), tenure of office of members (regulation 4), eligibility of chairman and members for re-appointment (regulation 5), filling of casual vacancies (regulation 6), and termination of tenure of office (regulation 7).

Regulation 8 applies various provisions of the Regional and District Health Authorities (Membership and Procedure) Regulations 1990 to the Authority. Regulation 9 provides for the making of reports by the Authority to the Secretary of State. Regulation 10 amends the Human Organ Transplants (Supply of Information) Regulation 1989 consequent upon the establishment of the Authority and of NHS trusts.

(9) Section 121 was amended by the Health and Medicines Act 1988, section 7(12).