The Retained Organs Commission (Abolition) Order 2005

Made - - - - 7th January 2005
Laid before Parliament 10th January 2005
Coming into force - - 1st February 2005

The Secretary of State for Health, in exercise of the powers conferred on him by sections 11(1) and (2) and 126(3) and (4) of the National Health Service Act 1977 and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement, application and interpretation

1. —(1) This Order may be cited as the Retained Organs Commission (Abolition) Order 2005 and comes into force on the 1st February 2005.

(2) This Order applies to England only.

(3) In this Order—

“the Commission” means the Retained Organs Commission established by the Retained Organs Commission (Establishment and Constitution) Order 2001;

“the Secretary of State” means the Secretary of State for Health.

Abolition of the Commission and revocation of Orders and Regulations

2. The Commission is abolished and accordingly the Orders and Regulations in Schedule 1 are revoked.

Consequential Amendment of Orders and Regulations

3. The amendments in Schedule 2 are made in consequence of the abolition of the Commission.
Investigation of complaints by the Health Service Commissioner

4.—(1) A complaint made under the Health Service Commissioners Act 1993(a) to the Health Service Commissioner for England in relation to the Commission, whether made before, on or after the coming into force of this Order, may be investigated by the Commissioner notwithstanding the abolition of the Commission.

(2) The Health Service Commissioner for England, where he conducts such an investigation, shall send a report of the result of his investigation to the Secretary of State.

Enforceability of rights and transfer of liabilities

5.—(1) Any right arising from the exercise of functions under the Secretary of State’s Directions to the Commission listed in paragraph (3) that immediately before 1st February 2005 was enforceable by or against the Commission is transferred to the Secretary of State.

(2) Any liability arising from the exercise of functions under those Directions that was immediately before 1st February 2005 enforceable against the Commission is transferred to the Secretary of State.

(3) The Directions referred to in paragraphs (1) and (2) are those dated—
   (a) 11th April and 18th October 2001;
   (b) 14th May 2002;
   (c) 31st March 2004.

Signed by authority of the Secretary of State for Health

Rosie Winterton
Minister of State,
Department of Health

7th January 2005

SCHEDULE 1

INSTRUMENTS REVOKED

Retained Organs Commission (Establishment and Constitution) Order 2001;
Retained Organs Commission (Establishment and Constitution) Amendment Order 2001(b);
Retained Organs Commission Regulations 2001(c);
Retained Organs Commission (Amendment) Regulations 2002(d).

(a) 1993 c.46; as amended by the Health Service Commissioners (Amendment) Act 1996 (c.5).
(b) S.I.2001/1813.
(c) S.I.2001/748 as amended by S.I.2002/34.
(d) S.I. 2002/34.
SCHEDULE 2

AMENDMENTS CONSEQUENTIAL ON THE ABOLITION OF THE COMMISSION

The Health Authorities (Membership and Procedure) Regulations 1996

1. In Schedule 2 to the Health Authorities (Membership and Procedure) Regulations 1996(a) “Retained Organs Commission” is deleted.

The Primary Care Trusts (Membership and Procedure and Administration Arrangements) Regulations 2000

2. In Schedule 1 to the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000(b) “Retained Organs Commission” is deleted.

The Government Resources and Accounts Act 2000 (Summarised Accounts of Special Health Authorities) Order 2003

3. In the Schedule to the Government Resources and Accounts Act 2000 (Summarised Accounts of Special Health Authorities) Order 2003(c) “Retained Organs Commission” is deleted.

The Government Resources and Accounts Act 2000 (Audit of Health Service Bodies) Order 2003

4. In Schedule 1 to the Government Resources and Accounts Act 2000 (Audit of Health Service Bodies) Order 2003(d) “Retained Organs Commission” is deleted.

EXPLANATORY NOTE
(This note is not part of the Order)

This Order abolishes on 1st February 2005, the Retained Organs Commission (“the Commission”) a Special Health Authority established under section 11 of the National Health Service Act 1977 by the Retained Organs Commission (Establishment and Constitution) Order 2001.

The Order also makes provision for the investigation of complaints against the Commission by the Health Service Commissioner (article 4) and for the transfer of rights and liabilities of the Commission to the Secretary of State (article 5).

The Order revokes the Orders and Regulations specified in Schedule 1 (article 2) and makes the consequential amendments referred to in Schedule 2 (article 3).

The Directions referred to in article 5(3) may be inspected at the Department of Health Wellington House 135 -155 Waterloo Road London SE1 8UG.

(a) S.I. 1996/707; relevant amending instrument S.I. 2001/751.
(b) S.I.2000/89; relevant amending instrument S.I.2002/38.
(c) S.I.2003/983.
(d) S.I. 2003/1324.
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NATIONAL HEALTH SERVICE, ENGLAND

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