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STATUTORY INSTRUMENTS

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**2009 No. 3049**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The Health and Social Care Act 2008 (NHS Blood and Transplant Periodic Review) Regulations 2009**

*Made - - - - 16th November 2009*  
*Laid before Parliament 23rd November 2009*  
*Coming into force - - 21st December 2009*

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 49(1) and 161(3) of the Health and Social Care Act 2008<sup>(1)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Health and Social Care Act 2008 (NHS Blood and Transplant Periodic Review) Regulations 2009 and shall come into force on 21st December 2009.

**Extension of periodic review function to NHS Blood and Transplant**

2. The Commission is required to—
- (a) conduct periodic reviews of the carrying on of the regulated activity prescribed in regulation 3(1)(d) of the Health and Social Care Act 2008 (Registration of Regulated Activities) Regulations 2009<sup>(2)</sup> (regulated activities carried on by NHS Blood and Transplant in England); and
  - (b) assess the performance of NHS Blood and Transplant<sup>(3)</sup> following each such review and publish a report of its assessment.

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<sup>(1)</sup> 2008 c.14.

<sup>(2)</sup> S.I. 2009/660.

<sup>(3)</sup> NHS Blood and Transplant was established as a Special Health Authority in October 2005: see S.I. 2005/2529.

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**Status:** This is the original version (as it was originally made).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

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Signed by authority of the Secretary of State for Health

16th November 2009

*Mike O'Brien*  
Minister of State,  
Department of Health

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations require the Care Quality Commission to conduct periodic reviews of the carrying on of a regulated activity in England by NHS Blood and Transplant, a Special Health Authority established by [S.I. 2005/2529](#). The regulated activity to be reviewed, set out in regulation 3 of the Health and Social Care Act 2008 (Registration of Regulated Activities) Regulations 2009 ([S.I. 2009/660](#)), is the management by NHS Blood and Transplant of—

- (a) the supply of blood, blood components and blood derived products intended for transfusion;
- (b) the supply of tissues and tissue derived products intended for transplant, grafting or use in a surgical procedure; and
- (c) the matching and allocation of donor organs intended for transplant, and of stem cells and bone marrow intended for transfusion.

Following each such review, the Commission is required to assess the performance of NHS Blood and Transplant and publish a report of its assessment.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.