

2014 No. 451

PUBLIC HEALTH, ENGLAND

**The HIV Testing Kits and Services (Revocation) (England)
Regulations 2014**

Made - - - - - *26th February 2014*

Laid before Parliament *6th March 2014*

Coming into force - - - *6th April 2014*

The Secretary of State for Health, in exercise of the powers conferred by section 23(1) of the Health and Medicines Act 1988(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the HIV Testing Kits and Services (Revocation) (England) Regulations 2014 and come into force on 6th April 2014.

Revocation

2. The HIV Testing Kits and Services Regulations 1992(b) are revoked in relation to England only.

Signed by authority of the Secretary of State for Health.

26th February 2014

Jane Ellison
Parliamentary Under-Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

(a) 1988 c. 49. These functions of the Secretary of State, so far as exercisable in relation to Scotland, transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46). These functions, so far as exercisable in relation to Wales, are now vested in the Welsh Ministers. They were previously transferred to the National Assembly for Wales by article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999/672. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), these functions were transferred to the Welsh Ministers.

(b) S.I. 1992/460.

These Regulations revoke the HIV Testing Kits and Services Regulations 1992 (the “1992 Regulations”) in relation to England only. The 1992 Regulations provide that it is an offence, subject to various exceptions:

- to sell or supply an HIV testing kit or component to a member of the public;
- to sell or supply an HIV testing kit without an accompanying warning notice; and
- to provide HIV testing services which are not directed by a registered medical practitioner.

In addition, the 1992 Regulations place restrictions on advertisements for such kits, components and services.

An assessment of the impact of these Regulations on the private sector has been made. A copy of this impact assessment is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk. Copies may also be obtained from the Department of Health, Richmond House, 79 Whitehall, London, SW1A 2NS.

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