EXPLANATORY MEMORANDUM TO

THE NHS BLOOD AND TRANSPLANT (GWAED A THRAWSBLANIADAU'R GIG) (AMENDMENT) REGULATIONS 2006

2006 No. 640

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations amend the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005 S.I. 2005/2531 ("the principal Regulations"). The principal Regulations make provision concerning the membership and procedure of NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) ("the Authority"), a Special Health Authority established under the National Health Service Act 1977 by the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (Establishment and Constitution) Order 2005 S.I. 2005/2529.

2.2 The Regulations amend provisions in the principal Regulations relating to the appointment and tenure of office of chairman and members, disqualification for appointment and cessation of disqualifications..

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 Please refer to the explanatory memorandum accompanying the principal Regulations for the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (Establishment and Constitution) Order 2005 S.I. 2005/2529.

5. Extent

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Joint Committee on Statutory Instruments (JCSI) report, published on 22 November 2005, requested that certain amendments to the principal Regulations be completed at the earliest opportunity.

7.2 The Regulations amend:

- regulation 1 of the principal Regulations, in defining "sentence of imprisonment". This term is included in the new regulation 3(1)(a);
- regulation 2 of the principal Regulations. This amendment was made because the Authority does not see it as desirable for a person who is suspended from his appointment as the chief executive of the Authority to continue to perform his duties as a member;
- regulation 3 of the principal Regulations. This amendment cures the anomaly raised by the JCSI, namely that there is no provision to exempt from disqualification those persons whose sentences have been reduced on appeal. This amendment also changes the policy by removing the requirement for the sentence of imprisonment to be for not less than three months without the option of a fine;
- regulation 4 of the principal Regulations. This amendment brings the position of Scottish Charities in line with that of English and Welsh Charities.

7.3 The Department of Health has consulted closely with stakeholders, including **WHO** in Wales and the Authority.

8. Impact

8.1 These amendments align with the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Amendment) Regulations 2006.

9. Contact

9.1 William Connon at the Department of Health Tel: 020 7972 3912 or e-mail: william.connon@dh.gsi.gov.uk can answer any queries regarding the instrument.