

**2010 No. 37**

**NATIONAL HEALTH  
SERVICE (WALES) ACT 2006**

**NHS BLOOD AND  
TRANSPLANT (GWAED A  
THRAWSBLANIADAU'R GIG)  
(WALES) (AMENDMENT) (NO.2)  
DIRECTIONS 2010**

*Made* *December 2010*

*Coming into force* *21 December 2010*

The Welsh Ministers, in exercise of the powers conferred on them by sections 23(1), 24(1) and 203(9) and (10) of the National Health Service (Wales) Act 2006(1) hereby give the following Directions—

**Commencement, application and interpretation**

**1.**—(1) These Directions come into force on 21 December 2010.

(2) These Directions apply in relation to Wales.

(3) In these Directions —

“the Principal Directions” (“*y Prif Gyfarwyddiadau*”) means the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (Wales) Directions 2005.

(4) These Directions amend the Principal Directions.

**Amendment of direction 1 of the Principal Directions**

**2.** In direction 1 (citation, commencement, interpretation and application) of the Principal Directions, in the definition of “the Act” in subparagraph (2), for “National Health Service Act 1977” substitute “National Health Service (Wales) Act 2006”.

### **Amendment of direction 5 of the Principal Directions**

**3.**—(1) Direction 5 of the Principal Directions (functions in relation to the allocation of human organs for transplantation) is amended as follows —

- (a) in sub-paragraph (1), after “sub-paragraphs” insert “(1A),”;
- (b) after sub-paragraph (1), insert the following sub-paragraph—

“(1A) When exercising functions in relation to the allocation of organs for the purposes of transplantation under direction 4(1) and sub-paragraph (1), NHSBT will have regard to guidance issued by the Welsh Assembly Government on the allocation of organs for the purposes of transplantation which is published before 20 December 2010 and, in order to give effect to that guidance, may allocate organs otherwise than under the Schemes.”; and
- (c) after sub-paragraph (3)(d) add—

“(e) persons ordinarily resident in the Channel Islands.” .

### **Amendment of direction 6 of the 2005 Directions**

**4.** In direction 6 (general functions of NHSBT) of the Principal Directions —

- (a) in sub-paragraph (1)(a), for “section 23 of the Act (voluntary organisations and other bodies)” substitute “section 10 of the Act (Welsh Ministers’ arrangements with other bodies)”;
- (b) in sub-paragraph (1)(b), for section 2(b) of the Act (Assembly’s general powers as to services)” substitute “section 2(1)(b) of the Act (Welsh Ministers’ general power)”.

### **Amendment of direction 8 of the Principal Directions**

**5.** In direction 8 (land transactions) of the Principal Directions—

- (a) in sub-paragraph (1), for “section 87(1) and (2)” substitute “section 159(1) to (3) (acquisition, use and maintenance of property)”;
- (b) in sub-paragraph (6), for “section 87” substitute “section 159”.

*Edwina Hart AM*

Minister for Health and Social Services, one of the  
Welsh Ministers

Date            December 2010