

2020 No. 79

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

**The NHS Blood and Transplant
(Gwaed a Thrawsblaniadau'r GIG)
(Wales) (Amendment) Directions
2020**

Made 23 December 2020

Coming into force in accordance with
Direction 1(2)

The Welsh Ministers give the following Directions in exercise of the powers conferred by sections 23(1), 24(1), 203(9) and (10) and 204(1) of the National Health Service (Wales) Act 2006⁽¹⁾.

Title, commencement and application

1.—(1) The title of these Directions is the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (Wales) (Amendment) Directions 2020.

(2) These Directions come into force at 11 p.m. on 31 December 2020.

(3) These Directions apply in relation to Wales.

Amendments to the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (Wales) Directions 2005

2.—(1) Paragraph 5 (functions in relation to the allocation of human organs for transplantation) of the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (Wales) Directions 2005⁽¹⁾ is amended as follows.

(2) Omit sub-paragraph (3)(c).

(3) For sub-paragraph (3)(d) substitute—

“(d) persons entitled by virtue of a bilateral reciprocal health agreement (including an agreement with an international organisation) or the European Convention on Social and Medical Assistance 1954 to medical treatment in the United Kingdom, where that treatment may include the allocation of, and access to, organs for the purpose of organ transplants;”.

(4) After sub-paragraph (3)(e) insert—

“(f) persons who have an entitlement to medical treatment in the United Kingdom by virtue of a right arising from—

(i) Title III of Part 2 of the EU withdrawal agreement⁽²⁾,

(ii) Title III of Part 2 of the EEA EFTA separation agreement, or

(iii) the social security co-ordination provisions of the Swiss citizens' rights agreement;

(g) persons who—

(i) were ordinarily resident in an EEA state or Switzerland immediately before IP completion day⁽³⁾,

⁽¹⁾ Amended by: the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (Wales) (Amendment) Directions 2005; the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (Wales) (Amendment) Directions 2010; the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (Wales) (Amendment) (No. 2) Directions 2010; the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (Wales) (Amendment) (No. 3) Directions 2010; the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (Wales) (Amendment) Directions 2011; the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (Wales) (Amendment) Directions 2015; the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (Wales) (Amendment) (No. 2) Directions 2015.

⁽²⁾ See Schedule 1 to the Interpretation Act 1978 (c. 30) for the meaning of “EU withdrawal agreement”.

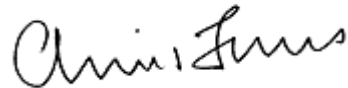
⁽³⁾ See Schedule 1 to the Interpretation Act 1978 for the meaning of “IP completion day”.

- (ii) continue to be ordinarily resident in an EEA state or Switzerland on and after IP completion day,
- (iii) receive a state pension paid by the United Kingdom Government, and
- (iv) hold an S1 healthcare certificate, or an equivalent document, issued to or in respect of that person by a competent institution of the United Kingdom.”

(5) After sub-paragraph (3) insert—

“(3A) In sub-paragraph (3)—

- (a) “international organisation” means an organisation of which two or more sovereign powers, or their governments, are members; and
- (b) “EEA EFTA separation agreement” and “Swiss citizens’ rights agreement” have the same meanings as in section 39(1) of the European Union (Withdrawal Agreement) Act 2020(1).”



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23 December 2020