1990 No. 358

HEALTH AND PERSONAL SOCIAL SERVICES

The Human Organ Transplants (Supply of Information) Regulations (Northern Ireland) 1990

Made . . . . . *1st October 1990*

Coming into operation . . *3rd December 1990*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 5(1) of the Human Organ Transplants (Northern Ireland) Order 1989(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations.

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Human Organ Transplants (Supply of Information) Regulations (Northern Ireland) 1990 and shall come into operation on 3rd December 1990.

(2) In these regulations—

"the Order" means the Human Organ Transplants (Northern Ireland) Order 1989;

"donor" means a dead or living person from whom an organ is to be removed which is proposed to be transplanted into another person and "recipient" means a person into whom an organ is, or is proposed to be, transplanted;

"Board" means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**b**);

"hospital" has the meaning assigned to it by Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972;

"medical practitioner" means a fully registered person within the meaning of the Medical Act 1983(**c**);

"relevant organ" means any of the following, namely, kidney, heart, lung, pancreas or liver;

"South Western Regional Health Authority" means the authority of that name constituted in accordance with the National Health Services (Constitution of Regional Health Authorities) Order 1975(**d**).

(**a**) S.I. 1989/2408 (N.I. 21)
(**b**) S.I. 1972/1265 (N.I. 14)
(**c**) 1983 c. 54
(**d**) S.I. 1975/1100, to which there is an amendment not relevant to these Regulations

Information to be supplied about transplant operations

2.—(1) A medical practitioner who has removed a relevant organ from a dead or living person which is proposed to be transplanted into another person shall supply the information specified in Part I of the Schedule to the South Western Regional Health Authority and to the Board for the area in which the removal of the relevant organ was carried out.

(2) A medical practitioner who has received a relevant organ removed from a dead or living person which is proposed to be transplanted into another person shall supply the information specified in Part II of the Schedule to the South Western Regional Health Authority and to the Board for the area in which the organ was received.

Sealed with the Official Seal of the Department of Health and Social Services on 1st October 1990.

(L.S.) *J. Scott*

Assistant Secretary

SCHEDULE Regulation 2

Information to be supplied by Medical Practitioners about Transplant Operations

PART I

PARTICULARS WITH RESPECT TO RELEVANT ORGANS REMOVED FOR PROPOSED TRANSPLANTS

1. The name of the hospital or other place at which the removal of the organ was carried out, and the name of the Board which manages the hospital, if vested in the Department, or with which the hospital or other place is registered under Part I of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971(**a**).

2. Description of the organ.

3. Whether the donor was living at the time of the removal of the organ.

4. The full names of the donor and the hospital case note number of the donor.

5. If the donor was living at the time of the removal of the organ—

(*a*) whether or not, for the purposes of Article 4(2) of the Order, a genetic relationship to the recipient has been established by the means specified in the Human Organ Transplants (Establishment of Relationship) Regulations (Northern Ireland) 1990(**b**),

(*b*) if such a genetic relationship to the recipient has been established, the name of the person who carried out the test to establish that relationship,

(*c*) where no such genetic relationship to the recipient has been established, the reference number in respect of the proposed transplant allocated by the authority specified in regulations made under Article 4(3) of the Order.

6. If, after removal, the relevant organ or any part of the organ was considered to be unsuitable for transplanting into another person, the reason why it was so considered and the manner of disposal.

7. The full names of the medical practitioner by whom the relevant organ was removed, the appointment held by him and the establishment at which he holds the appointment.

PART II

PARTICULARS WITH RESPECT TO ORGANS WHICH HAVE BEEN OR ARE PROPOSED TO BE TRANSPLANTED

1. The name of the hospital or other place at which the relevant organ proposed to be transplanted into another person is received, and the name of the Board which manages the hospital, if vested in the Department, or with which the hospital or other place is registered under Part I of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971.

(**a**) 1971 c. 32 (N.I.)
(**b**) S.R. 1990 No. 356

2. Description of the organ.

3. The name and address of the hospital or other place at which the organ was removed.

4. If the organ was removed outside the United Kingdom, the country in which the organ was removed and the reference number allocated to that organ by the United Kingdom Transplant Service, when arrangements were made to import it.

5. The full names of the recipient and the date on which the transplant was carried out.

6. If the donor was living at the time of the removal of the organ—

(*a*) whether or not, for the purposes of Article 4(2) of the Order, a genetic relationship to the recipient has been established by the means specified in the Human Organ Transplants (Establishment of Relationship) Regulations (Northern Ireland) 1990,

(*b*) if such a genetic relationship to the recipient has been established, the name of the person who carried out the test to establish that relationship,

(*c*) where no such genetic relationship to the recipient has been established, the reference number in respect of the proposed transplant allocated by the authority specified in regulations made under Article 4(3) of the Order.

7. If the transplant was carried out in a hospital vested in the Department, whether—

(*a*) the recipient was entitled to the provision of the treatment by virtue of regulations made by the Council of the European Communities under Article 51 of the Treaty establishing the European Economic Community, or

(*b*) the recipient was a national of another country, and was entitled to be provided with such treatment by virtue of an agreement entered into between that Community and that country, or

(*c*) the treatment of the recipient was provided under a reciprocal arrangement for providing health care entered into by the Government of the United Kingdom.

8. If the relevant organ or any part of the organ was not transplanted into another person, the reason why it was not so used and the manner of disposal.

9. The full names of the medical practitioner who carried out, or proposed to carry out, the transplant, the appointment held by him and the establishment at which he holds the appointment.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations require medical practitioners to supply specified information about transplants to the South Western Regional Health Authority and to Health and Social Services Boards.

Part I of the Schedule specifies the information required about certain organs which have been removed from dead or living persons and which are proposed to be transplanted into other persons.

Part II of the Schedule specifies the information required about certain organs which have been received and which have been or are proposed to be transplanted into other persons.

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This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.