

1989 No. 2108

**MEDICAL PROFESSION**

**The Human Organ Transplants (Supply of Information)  
Regulations 1989**

*Made* - - - - 14th November 1989  
*Laid before Parliament* 15th November 1989  
*Coming into force* - 1st April 1990

In exercise of powers conferred by section 3(1) of the Human Organ Transplants Act 1989(a) and of all other powers enabling me in that behalf, I hereby make the following Regulations:-

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Human Organ Transplants (Supply of Information) Regulations 1989 and shall come into force on 1st April 1990.

(2) In these Regulations—

“the Act” means the Human Organ Transplants Act 1989;

“authority” means a District Health Authority, a special health authority or a Health Board;

“District Health Authority” means a District Health Authority within the meaning of the National Health Service Act 1977(b);

“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;

“Health Board” means a Health Board within the meaning of the National Health Service (Scotland) Act 1978(c);

“health service hospital” means—

(a) in relation to England and Wales, a health service hospital within the meaning of the National Health Service Act 1977; and

(b) in relation to Scotland, a health service hospital within the meaning of the National Health Service (Scotland) Act 1978;

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

“special health authority” means a special health authority established in pursuance of section 11 of the National Health Service Act 1977;

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(a) 1989 c.31.

(b) 1977 c.49: section 128 (interpretation and construction) was amended by the Health Services Act 1980 (c.53), Schedule 1, paragraph 77.

(c) 1978 c.29: section 108 provides for interpretation and construction and was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 6(a).

“South Western Regional Health Authority” means the authority of that name constituted in accordance with the National Health Service (Constitution of Regional Health Authorities) Order 1975(a).

**Information to be supplied about transplant operations**

2.—(1) A registered 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 these Regulations to the South Western Regional Health Authority and—

- (a) where the removal of the relevant organ was carried out in England and Wales,
  - (i) to the District Health Authority for the district in which the removal of the relevant organ was carried out, or
  - (ii) where the removal was carried out in a hospital managed by a special health authority, to that authority;
- (b) where the removal was carried out in Scotland, to the Health Board for the area in which the removal of the relevant organ was carried out.

(2) A registered 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 these Regulations to the South Western Regional Health Authority and—

- (a) where the organ was received in England and Wales,
  - (i) to the District Health Authority for the district in which the relevant organ was received, or
  - (ii) where the organ was received in a hospital managed by a special health authority, to that authority;
- (b) where the organ was received in Scotland, to the Health Board for the area in which the organ was received.

14th November 1989

*Kenneth Clarke*  
One of Her Majesty's Principal Secretaries of State

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**SCHEDULE**

Regulation 2

**INFORMATION TO BE SUPPLIED BY REGISTERED 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 authority which manages the hospital, in the case of a health service hospital, or with which the hospital or other place is registered under Part II of the Registered Homes Act 1984(b) or the Nursing Homes Registration (Scotland) Act 1938(c).
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.

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- (a) S.I. 1975/1100, to which there is an amendment not relevant to these Regulations.
  - (b) 1984 c.23.
  - (c) 1938 c.73, as amended by the Health Services Act 1980 c.53.

5. If the donor was living at the time of the removal of the organ—
  - (a) whether or not, for the purposes of section 2(2) of the Act, a genetic relationship to the recipient has been established by the means specified in the Human Organ Transplants (Establishment of Relationship) Regulations 1989(a),
  - (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 or constituted by regulations made under section 2(3) of the Act.
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 registered 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 authority which manages the hospital, in the case of a health service hospital, or with which the hospital or other place is registered under Part II of the Registered Homes Act 1984 or the Nursing Homes Registration (Scotland) Act 1938.
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 section 2(2) of the Act, a genetic relationship to the recipient has been established by the means specified in the Human Organ Transplants (Establishment of Relationship) Regulations 1989,
  - (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 or constituted by regulations made under section 2(3) of the Act.
7. If the transplant was carried out in a health service hospital, 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 an arrangement for providing health care mutually agreed between the Government of the United Kingdom and the Government of a country or territory specified in Schedule 2 to the National Health Service (Charges to Overseas Visitors) Regulations 1989(b).

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(a) S.I. 1989/2107.

(b) S.I. 1989/306.

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 registered 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.

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### EXPLANATORY NOTE

*(This Note is not part of the Regulations)*

These Regulations require registered medical practitioners to supply specified information about transplants to the South Western Regional Health Authority and, in England and Wales, District Health Authorities or special health authorities or, in Scotland, Health 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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