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STATUTORY INSTRUMENTS

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**2005 No. 50**

**The Blood Safety and Quality Regulations 2005**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Blood Safety and Quality Regulations 2005.

(2) Except for regulation 25(1), which shall come into force on 8th November 2005, these Regulations shall come into force on 8th February 2005.

(3) In these Regulations—

“autologous transfusion” means a transfusion in which the donor and the recipient are the same person and in which pre-deposited blood or blood components are used;

[<sup>F1</sup>“biomedical research institution” means any body which carries out biomedical research;]

“blood” means whole human blood collected from a donor and processed either for transfusion or for further manufacturing;

“blood component” means a therapeutic constituent of human blood (red cells, white cells, platelets and plasma) that can be prepared by various methods;

“blood component release” means a process which enables a blood component to be released from a quarantine status by the use of systems and procedures to ensure that the finished product meets its release specification;

[<sup>F2</sup>“blood establishment” means any person who carries out any of the activities specified in regulation 3(2) which require an authorisation by virtue of that regulation;]

“blood product” means any therapeutic product derived from human blood or plasma;

[<sup>F1</sup>“care home”—

(a) in England and Wales, has the same meaning as in section 3 of the Care Standards Act 2000,

(b) in Scotland, has the same meaning as in section 2 of the Regulation of Care (Scotland) Act 2001, and

(c) in Northern Ireland, has the same meaning as in article 2 of the Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003;]

“Commission” means the European Commission;

[<sup>F1</sup>“Commission Directive 2005/62/EC” means Commission Directive 2005/62/EC of 30th September 2005 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards Community standards and specifications relating to a quality system for blood establishments<sup>F3</sup>;]

“deferral” means suspension of the eligibility of an individual to donate blood or blood components, such suspension being either permanent or temporary;

“the Directive” means Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components <sup>M1</sup>;

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“distribution” means the act of delivery of blood and blood components to other blood establishments, hospital blood banks and manufacturers of blood products, other than the issuing of blood or blood components for transfusion;

“doctor” means a registered medical practitioner;

“donor carer” means a person who has passed both the written and practical examinations of the [<sup>F4</sup>NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG)], the Scottish National Blood Transfusion Service <sup>M2</sup>, the Northern Ireland Blood Transfusion Service <sup>M3</sup> or the Welsh Blood Service <sup>M4</sup> in the care of blood donors and who holds a current certificate of competence, awarded by that body, in the care of blood donors;

[<sup>F1</sup>“facility” means—

- (a) a hospital,
- (b) any other facility or service owned or managed by a health service body,
- (c) a care home,
- (d) an independent clinic,
- (e) a manufacturer, or
- (f) a biomedical research institute;]

[<sup>F5</sup>“health service hospital” means a hospital owned or managed by a health service body;]

“haemovigilance” means a set of organised surveillance procedures relating to serious adverse or unexpected events or reactions in donors or recipients, and the epidemiological follow-up of donors;

“health service body” means—

- (a) a Strategic Health Authority, Special Health Authority, Primary Care Trust or Local Health Board established under the National Health Service Act 1977,
- (b) a Health Board or Special Health Board established under the National Health Service (Scotland) Act 1978,
- (c) a Health and Social Services Board established under the Health and Personal Social Services (Northern Ireland) Order 1972 <sup>M5</sup>,
- (d) a special health and social services agency established under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990 <sup>M6</sup>,
- (e) the Common Services Agency for the Scottish Health Service established under the National Health Service (Scotland) Act 1978,
- (f) the Northern Ireland Central Services Agency for the Health and Social Services established under the Health and Personal Social Services (Northern Ireland) Order 1972,
- (g) a National Health Service trust established under the National Health Service and Community Care Act 1990 <sup>M7</sup>, or the National Health Service (Scotland) Act 1978,
- (h) an NHS foundation trust within the meaning of section 1(1) of the Health and Social Care (Community Health and Standards) Act 2003 <sup>M8</sup>, or
- (i) a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991 <sup>M9</sup>;

“hospital” means a health service hospital or an independent hospital;

“hospital blood bank” means any unit within a hospital which stores and distributes, and may perform compatibility tests on, blood and blood components exclusively for use within hospital facilities, including hospital based transfusion activities;

[<sup>F1</sup>“imputability” means the likelihood that a serious adverse reaction in a recipient can be attributed to the blood or blood component transfused, or that a serious adverse reaction in a donor can be attributed to the donation process;]

[<sup>F1</sup>“independent clinic”—

- (a) in England and Wales, has the same meaning as in section 2 of the Care Standards Act 2000,
- (b) in Scotland, has the same meaning as in section 2 of the Regulation of Care (Scotland) Act 2001, and
- (c) in Northern Ireland, has the same meaning as in article 2 of the Health and Personal Social Services (Quality, Improvement and Regulations)(Northern Ireland) Order 2003;]

[<sup>F6</sup>“independent hospital”—

- (a) in England and Wales, has the same meaning as in section 2 of the Care Standards Act 2000,
- (b) in Scotland, has the same meaning as in section 2 of the Regulation of Care (Scotland) Act 2001, and
- (c) in Northern Ireland, has the same meaning as in article 2 of the Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003]

“inspection” means formal and objective control to identify problems in accordance with standards adopted to assess compliance with these Regulations;

“inspector” means a person appointed by the Secretary of State to carry out inspections pursuant to regulation 15(10);

[<sup>F1</sup>“issue” means the provision of blood or blood components by a blood establishment or a hospital blood bank for transfusion to a recipient;]

[<sup>F1</sup>“manufacturer” means a person who—

- (a) holds a licence under section 8(2) of the Medicines Act 1968 to manufacture medicinal products;
- (b) holds an authorisation to manufacture an investigational medicinal product granted pursuant to regulation 36 of the Medicines for Human Use (Clinical Trials) Regulations 2004; or
- (c) falls within the definition of “manufacturer” in paragraph (1) of regulation 2 of the Medical Devices Regulations 2002;]

“nurse” means a registered nurse or registered midwife;

[<sup>F1</sup>“person responsible for the management of a facility” means—

- (a) in the case of a hospital, facility or service which is owned or managed by an NHS body, that body,
- (b) in the case of an independent hospital, an independent clinic or a care home, the registered person,
- (c) in the case of a manufacturer or a biomedical research institution, the manufacturer or biomedical research institution;]

“person responsible for management of a hospital blood bank” means—

- (a) in the case of hospital blood bank located in a hospital managed by a health service body, that body, and
- (b) in the case of an independent hospital, the registered person;

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[<sup>F1</sup>“person responsible for the management of a reporting establishment” means a blood establishment, the person responsible for the management of a facility or the person responsible for the management of a hospital blood bank;]

“qualified health professional” means—

- (a) a doctor;
- (b) a nurse, or
- (c) a donor carer;

[<sup>F1</sup>“recipient” means a person who has been transfused with blood or blood components;]

[<sup>F7</sup>“registered person” means the person registered as the manager of an independent hospital, a care home or an independent clinic following an application to be registered as such pursuant to—

- (a) section 12(3) of the Care Standards Act 2000,
- (b) section 7(1) of the Regulation of Care (Scotland) Act 2001, or
- (c) article 13(1) of the Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003]

[<sup>F1</sup>“reporting establishment” means the blood establishment, the hospital blood bank or the facility where the transfusion takes place;]

“reporting year” means the period of twelve months ending on 31st March;

“responsible person” in relation to a blood establishment means the person who has been designated pursuant to regulation 6 as the responsible person for that blood establishment,

“serious adverse event” means any untoward occurrence associated with the collection, testing, processing, storage and distribution of blood or blood components that might lead to death or life-threatening, disabling or incapacitating conditions for patients or which results in, or prolongs, hospitalisation or morbidity;

“serious adverse reaction” means an unintended response in a donor or in a patient associated with the collection or transfusion of blood or blood components that is fatal, life-threatening, disabling or incapacitating, or which results in or prolongs hospitalisation or morbidity;

“site”, in relation to a blood establishment, means any premises at which the blood establishment carries out any of the activities listed in regulation 3(2), but shall not include any premises not owned or managed by the blood establishment at which blood is collected, or any mobile blood collection unit;

[<sup>F1</sup>“third country” means any country other than a Member State; and]

[<sup>F1</sup>“traceability” means the ability to trace each individual unit of blood or blood component from the donor to its final destination (whether this is a recipient, a manufacturer of medicinal products or disposal) and from its final destination back to the donor;]

“validation” means the establishment of documented and objective evidence that the particular requirements for a specific intended use can be consistently fulfilled.

#### Textual Amendments

- F1** Words in reg. 1(3) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **2(d)**
- F2** Words in reg. 1(3) substituted (8.11.2005) by [The Blood Safety and Quality \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2898\)](#), regs. 1(1), **2**
- F3** O.J. L 256 1.10.2005 p 14.

- F4** Words in reg. 1 substituted (E.W.) (1.10.2005) by [The National Blood Authority and United Kingdom Transplant \(Abolition\) Order 2005 \(S.I. 2005/2532\)](#), art. 1(1), **Sch. 2 para. 7**
- F5** Words in reg. 1(3) substituted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **2(a)**
- F6** Words in reg. 1(3) substituted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **2(b)**
- F7** Words in reg. 1(3) substituted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **2(c)**

### Marginal Citations

- M1** O.J. No. L33, 8.2.2003, p.30.
- M2** The Scottish National Blood Transfusion Service is managed by the Common Services Agency established by section 10 of, and Schedule 5 to, the [National Health Service \(Scotland\) Act 1978 \(c. 29\)](#). The Common Services Agency was designated for this purpose by the NHS (Functions of the Common Services Agency)(Scotland) Order ([S.I. 1974/467](#)).
- M3** The Northern Ireland Blood Transfusion Service was established under Article 10(1)(d) of the Health and Personal Social Services (Northern Ireland) Order ([S.I. 1972/1265](#)) (N.I. 14).
- M4** The Welsh Blood Service is provided and managed by the Velindre National Health Service Trust. The Velindre NHS Trust was established, and designated for this purpose by the Velindre National Health Service Trust (Establishment) Order (1993/2838), as amended by [S.I. 1999/826](#) and 2002/442 and 2199.
- M5** [S.I. 1972/1265 \(N.I. 14\)](#).
- M6** [S.I. 1990/247 \(N.I.3\)](#).
- M7** 1990 c. 19.
- M8** 2003 c. 43.
- M9** [S.I. 1991/194 \(N.I.1\)](#).

### Designation of the competent authority and scope of the Regulations

2.—(1) The Secretary of State is designated the competent authority for the purpose of the Directive.

(2) Subject to the following paragraphs, the requirements of these Regulations apply to the collection and testing of blood and blood components, whatever their intended purpose, and to their processing, storage, and distribution when they are intended to be used for transfusion.

(3) These Regulations apply without prejudice to the Medical Devices Regulations 2002 <sup>M10</sup>.

(4) These Regulations do not apply to blood stem cells.

### Marginal Citations

- M10** [S.I. 2002/618](#).

### Requirement for authorisation

3.—(1) Subject to paragraph (3), no person may carry on any of the activities listed in paragraph (2) otherwise than in accordance with an authorisation granted under regulation 4.

(2) The activities referred to in paragraph (1) are—

- (a) the collection and testing of blood or blood components, whatever their intended purpose;

<sup>F8</sup>  
...

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- (b) the processing, storage and distribution of blood and blood components when they are intended to be used for transfusion [<sup>F9</sup>; and]
- [<sup>F10</sup>(c) the import of blood or blood components from a third country;]
- (3) The restriction in paragraph (1) shall not apply to—
- (a) the storage and distribution of, and the performance of compatibility tests on, blood and blood components exclusively for use within hospital facilities, including transfusion activities where such activities are performed by a hospital blood bank; <sup>F11</sup>...
- (b) any person carrying out any of the activities referred to in paragraph (2), where that person carries out that activity on behalf of, [<sup>F12</sup>or pursuant] to a contractual arrangement with—
- (i) a blood establishment which is authorised under these regulations to carry out the activity in question; or
- (ii) a person responsible for management of a hospital blood bank [<sup>F13</sup>; and]
- [<sup>F14</sup>(c) the import of blood and blood components from a third country when undertaken by—
- (i) a manufacturer, or
- (ii) a person acting on behalf of and pursuant to a contractual arrangement with a manufacturer,
- for the purposes of manufacturing a medicinal product within the meaning of the Medicines act 1968 or the Medical Devices Regulations 2002;]

#### Textual Amendments

- F8** Word in reg. 3(2)(a) omitted (31.8.2006) by virtue of [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **3(2)(a)**
- F9** Word in reg. 3(2)(b) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **3(2)(b)**
- F10** Reg. 3(2)(c) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **3(2)(c)**
- F11** Word in reg. 3(3)(a) omitted (31.8.2006) by virtue of [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **3(3)(a)**
- F12** Words in reg. 3(3)(b) substituted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **3(3)(b)(i)**
- F13** Word in reg. 3(3)(b) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **3(3)(b)(ii)**
- F14** Reg. 3(3)(c) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **3(3)(c)**

#### Authorisation of a blood establishment

- 4.—(1)** The Secretary of State may grant an authorisation to a blood establishment to carry out any of the activities referred to in regulation 3(2).
- (2) An application for authorisation under paragraph (1) shall be made to the Secretary of State.
- (3) An application must—
- (a) include the information set out in paragraph (4); and
- (b) be accompanied by a fee of the amount prescribed in regulation 22(2)(a).
- (4) The information referred to in [<sup>F15</sup>paragraph (3)] is—

- (a) the name and address of the blood establishment and general information about its activities which shall include—
    - (i) details of each site at which it wishes to carry out any of the activities referred to in regulation 3(2),
    - (ii) a description of the activities which it wishes to carry out at each site,
    - (iii) where it has or intends to enter into a contractual arrangement with any person to carry out any of the services in respect [<sup>F16</sup>of which] it is seeking authorisation, the name and address of that person and of the services which he will carry out,
    - (iv) the name, qualifications and contact details of the responsible person for the establishment,
    - (v) the list of hospital blood banks which it supplies; and
  - (b) a description of the quality system in place at each site for each activity in respect of which the application for authorisation is made, which shall include the following information—
    - (i) documentation, such as an organisation chart, setting out the responsibilities of responsible persons and reporting relationships,
    - (ii) documentation, such as a site master file or quality manual, describing the quality system and explaining how it meets the requirements of Part 5 of the Schedule,
    - (iii) details of the number and qualifications of personnel,
    - (iv) details of hygiene provisions,
    - (v) details of premises and equipment, and
    - (vi) a list of standard operating procedures for—
      - (aa) recruitment, retention and assessment of donors,
      - (bb) processing, testing, distribution and recall of blood and blood components, and
      - (cc) the reporting and recording of serious adverse reactions and events.
- (5) The Secretary of State may—
- (a) grant or refuse any application for authorisation made under paragraph (3); and
  - (b) grant such application—
    - (i) in respect of particular sites or activities only, and
    - (ii) subject to conditions.
- (6) Where the Secretary of State grants an application for authorisation, he shall give notice in writing to the blood establishment specifying—
- (a) the activities which the blood establishment may undertake under these Regulations at each site in respect of which authorisation is granted; and
  - (b) the conditions which apply to the undertaking of those activities.
- (7) Subject to the requirements of paragraph (8), the Secretary of State may at any time remove or vary any of the conditions referred to in paragraph (5)(b)(ii), or may impose additional conditions.
- (8) Where the Secretary of State removes or varies any condition or imposes any additional condition pursuant to paragraph (7), he shall serve a notice on the blood establishment in question which shall—
- (a) give details of the conditions which he proposes to remove, or of the variation which he proposes to make to any existing conditions, or of any additional condition which he proposes to impose;
  - (b) give the reasons for his decision; and

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- (c) specify the date, which shall be not less than 14 days from the date on which the notice is served, from which the removal or variation of any condition, or the imposition of any additional condition shall apply.
- (9) A blood establishment may not make any substantial change in the activities which it undertakes without the prior written approval of the Secretary of State.
- (10) Any application for approval to make a substantial change in its activities shall be made in writing to the Secretary of State, and shall be accompanied by a fee of the amount prescribed in regulation 22(2)(b).
- (11) For the purpose of this regulation, a substantial change in a blood establishment's activities is any change—
- (a) to the sites from which the blood establishment operates or to the activities to be carried out at each site;
  - (b) which would result in breach of these regulations or of any condition specified by the Secretary of State pursuant to this regulation; or
  - (c) to the quality system which is likely to have a substantial impact on the conduct of, or might compromise the safety of, any of the activities which the blood establishment has been authorised to undertake pursuant to this regulation.

#### **Textual Amendments**

- F15** Words in reg. 4(4) substituted (8.4.2005) by [The Blood Safety and Quality \(Amendment\) Regulations 2005 \(S.I. 2005/1098\)](#), regs. 1(1), **2(a)**
- F16** Words in reg. 4(4)(a)(iii) substituted (8.4.2005) by [The Blood Safety and Quality \(Amendment\) Regulations 2005 \(S.I. 2005/1098\)](#), regs. 1(1), **2(b)**

#### **Suspension or revocation of authorisation**

- 5.—(1)** The Secretary of State may suspend or revoke the authorisation of a blood establishment on one or more of the following grounds—
- (a) that the blood establishment has failed, in any material respect, to comply with the requirements of these regulations;
  - (b) that the collection, testing, processing, storage or distribution of blood or blood components by the establishment cannot be carried out safely;
  - (c) that any blood or blood components cannot be supplied to hospital blood banks in such a state that they could be safely administered for transfusion; or
  - (d) that the information given by the blood establishment pursuant to regulation 4(3) was false or incomplete in any material respect.
- (2) Subject to paragraph (3), before suspending or revoking the authorisation of a blood establishment, the Secretary of State shall serve a notice on the blood establishment stating that he intends to suspend or revoke its authorisation with effect from the date specified in the notice, which date shall be not less than 7 days from the date on which the notice is served.
- (3) Where the Secretary of State considers that it is necessary in the interests of safety, he may, by a notice served on a blood establishment, suspend or revoke its authorisation with immediate effect.
- (4) Where—
- (a) the blood establishment has failed, in any material respect, to comply with the requirements of these regulations; or



(b) the information given by the blood establishment pursuant to [F17 regulation 4(3)] was false or incomplete in any material respect,  
and the Secretary of State considers that the failure in question is not sufficiently serious to warrant suspension or revocation of the authorisation of the blood establishment in the first instance, he may serve a notice on the responsible person of the blood establishment in accordance with paragraph (5).

(5) A notice served under this paragraph shall—

- (a) identify the requirements of the regulations of which the blood establishment is in breach or, in the case of false and incomplete information, the further information which is required;
- (b) identify the action which the blood establishment is required to take; and
- (c) give the timescale within which the blood establishment shall take the action identified in sub-paragraph (b).

(6) If the blood establishment fails to comply with the requirements set out in the notice within the specified timescale, the Secretary of State may, by a notice served on the blood establishment, suspend or revoke the authorisation of the blood establishment.

(7) A suspension or revocation pursuant to paragraph (6) shall take effect—

- (a) in a case where the Secretary of State considers that it is necessary in the interests of safety, immediately; or
- (b) in all other cases, from a date specified in the notice.

(8) Any suspension pursuant to paragraphs (1) or (6) shall be for such period as the Secretary of State shall consider necessary having regard to the reasons for the suspension.

(9) The suspension or revocation of an authorisation under paragraph (1) or paragraph (6) may be total, or may be limited to a particular activity or to one or more activities carried out at a particular site or sites, or to a particular blood component.

#### Textual Amendments

F17 Words in reg. 5(4)(b) substituted (8.4.2005) by [The Blood Safety and Quality \(Amendment\) Regulations 2005 \(S.I. 2005/1098\)](#), regs. 1(1), 3

### The responsible person for a blood establishment

6.—(1) A blood establishment shall designate a person who is responsible for the following tasks—

- (a) ensuring that every unit of blood or blood component that has been collected or tested for any purpose has been collected and tested in accordance with the requirements of these Regulations;
- (b) ensuring that every unit of blood or blood components intended for transfusion has been processed, stored and distributed in accordance with the requirements of these Regulations;
- (c) providing information to the Secretary of State relating to the authorisation of the blood establishment for the purposes of regulation 4; and
- (d) the implementation in the blood establishment of the requirements of regulations 7, 8 and 14.

(2) A blood establishment shall not designate a person under paragraph (1) unless that person has—

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- (a) a diploma, certificate or other evidence of formal qualification in the field of medical or biological sciences awarded on completion of—
- (i) a university course of study, or
  - (ii) a course recognised as an equivalent course by the Secretary of State; and
- (b) practical post-graduate experience in areas of work relevant to the responsibilities of the responsible person under these Regulations for at least 2 years, in an establishment (or more than one establishment) authorised in any Member State in to undertake activities related to the collection or testing (or both) of blood and blood components, or to their preparation, storage and distribution.
- (3) The Secretary of State shall from time to time publish details of courses recognised by him for the purpose of paragraph (2)(a)(ii).
- (4) The responsible person may delegate any of the tasks specified in paragraph (1) to other persons who shall be qualified by training and experience to perform them.
- (5) Blood establishments shall notify the Secretary of State of the name of any persons to whom tasks have been delegated by the responsible person under paragraph (4), and the specific tasks which have been delegated to such persons.
- (6) Where the responsible person or a person to whom tasks have been delegated under paragraph (4) is permanently or temporarily replaced, the blood establishment shall without delay provide the Secretary of State with the name of the replacement, details of his qualifications and the date on which the replacement began his duties.
- (7) If the Secretary of State considers that the responsible person does not meet the requirements of paragraph (2) [<sup>F18</sup>or that he is failing to carry out the tasks specified in paragraph (1) adequately or at all], he may serve a notice to that effect on the blood establishment.
- (8) If, within 14 days of receiving a notice in accordance with paragraph (7), a blood establishment is not able to demonstrate to the reasonable satisfaction of the Secretary of State that the responsible person does meet the requirements of paragraph (2) [<sup>F19</sup>or that he is carrying out the tasks specified in paragraph (1) adequately], it shall, without delay—
- (a) relieve him of the duties of responsible person in respect of the establishment;
  - (b) appoint a new responsible person in his place; and
  - (c) notify the Secretary of State that it has appointed a new responsible person and provide details of the name and qualifications of the person appointed.

#### Textual Amendments

- F18** Words in reg. 6(7) inserted (8.11.2005) by [The Blood Safety and Quality \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2898\)](#), regs. 1(1), **3(a)**
- F19** Words in reg. 6(8) inserted (8.11.2005) by [The Blood Safety and Quality \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2898\)](#), regs. 1(1), **3(b)**

#### Blood establishment requirements

- 7.—(1) A blood establishment shall—
- (a) ensure that the personnel directly involved in the collection, testing, processing, storage and distribution of human blood and blood components for the blood establishment are qualified to perform those tasks and are provided with timely, relevant and regularly updated training;

- (b) establish and maintain a quality system for blood establishments based on the principles of [<sup>F20</sup>good practice, which complies with the Community standards and requirements set out in the Annex to Commission Directive 2005/62/EC<sup>F21</sup>.]
  - (c) ensure that all testing and processes of the blood establishment which are referred to in Parts 2 to 5 of the Schedule are validated;
  - (d) maintain documentation on operational procedures, guidelines, training and reference manuals and reporting forms so that they are readily available for inspection under regulation 15;
  - <sup>F22</sup>(e) .....
  - (f) establish and maintain a procedure, which is accurate, efficient and verifiable, for the withdrawal from distribution of blood or blood components associated with any notification referred to in paragraph (e) [<sup>F23</sup>. and]
  - [<sup>F24</sup>(g) retain, for a period of at least 15 years, a record of any serious adverse events which may affect the quality or safety of blood and blood components.]
- (2) A blood establishment shall, in relation to the donation of blood—
- (a) give all prospective donors of blood or blood components information in accordance with Part A of Part 2 of the Schedule;
  - (b) obtain from all persons who are willing to provide blood or blood components, information in accordance with Part B of Part 2 of the Schedule;
  - (c) put and keep in place procedures for the evaluation of donors;
  - (d) apply eligibility criteria for all donors of blood and blood components in accordance with Part 3 of the Schedule;
  - (e) maintain records of the results of donor evaluations and report to donors any relevant abnormal findings from the evaluations;
  - (f) ensure that—
    - (i) an examination of the donor, including an interview, is carried out before any donation of blood or blood components,
    - (ii) a qualified health professional is responsible for giving to and gathering from donors the information which is necessary to assess their eligibility to donate, and
    - (iii) on the basis of that information, a qualified health professional assesses the eligibility of all donors to donate; and
  - (g) encourage voluntary and unpaid blood donations with a view to ensuring that blood and blood components are, in so far as possible, provided from such donations, in particular, by—
    - (i) disseminating information about blood donation, and
    - (ii) advertising for blood donors.
- (3) A blood establishment shall ensure that, in relation to the blood and blood components which it collects, processes, stores or distributes—
- (a) each donation of blood and blood components (including blood and blood components which are imported into the European Community) is tested in conformity with—
    - (i) the basic testing requirements for whole blood and apheresis donations, specified in paragraph (7), and
    - (ii) any additional tests which may be necessary for specific components, types of donors or epidemiological situations;

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- (b) the storage, transport and distribution conditions of blood and blood components comply with the requirements of Part 4 of the Schedule; and
  - (c) quality and safety requirements for blood and blood components meet the standards specified in Part 5 of the Schedule.
- (4) A blood establishment shall, in relation to the activities specified in regulation 3(2) for which it is responsible, maintain records, for a minimum period of 15 years, of—
- (a) the information specified in paragraphs (5) and (6),
  - (b) the conduct of the tests referred to in paragraph (3)(a).
- (5) The information specified in this paragraph is—
- (a) the total number of donors who give blood and blood components;
  - (b) the total number of donations;
  - (c) an updated list of the hospital blood banks which it supplies;
  - (d) the total number of whole donations not used;
  - (e) the number of each component produced and distributed;
  - (f) the incidence and prevalence of transfusion transmissible infectious markers in donors of blood and blood components;
  - (g) the number of product recalls; and
  - (h) the number of serious adverse events and serious reactions reported;
- (6) The information specified in this paragraph is—
- (a) information provided to donors by the blood establishment in accordance with paragraph (2)(a);
  - (b) information obtained from donors by the blood establishment in accordance with paragraph (2)(b); and
  - (c) information relating to the suitability of blood and plasma donors in accordance with the eligibility criteria specified in Part 3 of the Schedule.
- (7) The basic testing requirements with which blood establishments must ensure compliance pursuant to paragraph (3)(a)(i) are—
- (a) testing to establish ABO Group, except in respect of plasma intended only for fractionation;
  - (b) testing to establish Rh D Group, except in respect of plasma intended only for fractionation; and
  - (c) testing for the following infections of donors—
    - (i) Hepatitis B (HBs-Ag);
    - (ii) Hepatitis C (Anti-HCV);
    - (iii) HIV 1 and 2 (Anti-HIV 1 and 2).
- (8) The Secretary of State may issue guidance as to the additional tests referred to in paragraph (3)(a)(ii) which are necessary in relation to specific components, types of donor or epidemiological situations and blood establishments shall have regard to such guidance.
- (9) As soon as practicable after the end of the reporting year, each blood establishment shall provide to the Secretary of State a report specifying—
- (a) the information referred to in paragraph (3) for that year; and
  - (b) details of the steps it has taken during that year to comply with paragraph (2)(g).

### Textual Amendments

- F20** Words in reg. 7(1)(b) substituted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **4(1)(a)**
- F21** OJ L 256, 1.10.2005, p 41.
- F22** Reg. 7(1)(e) omitted (31.8.2006) by virtue of [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **4(1)(b)**
- F23** Word in reg. 7(1)(f) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **4(1)(c)**
- F24** Reg. 7(1)(g) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **4(1)(d)**

### Labelling of blood and blood components and traceability

**8.—(1)** A blood establishment shall ensure that the label on each unit of blood or blood component supplied by it, or imported by it from outside the European Community, shall contain the following information—

- (a) the official name of the component;
- (b) the volume or weight or number of cells in the component, as appropriate;
- (c) a unique numeric or alphanumeric donation indication;
- (d) the name of the producing blood establishment;
- (e) the ABO Group, except in the case of plasma intended only for fractionation;
- (f) the Rh D Group, either Rh D positive or Rh D negative, except in the case of plasma intended only for fractionation;
- (g) the date or time of expiry, as appropriate;
- (h) the temperature of storage;
- (i) the name, composition and volume of any anticoagulant and any additive solution.

<sup>[F25]</sup>**(2)** A blood establishment shall maintain, in relation to all blood and blood components collected or prepared by it (including blood and blood components which are imported by it into the European Community)—

- (a) records of the information referred to in paragraph (1) above;
- (b) the records referred to in Part A of Part 6 to the Schedule; and
- (c) such other records as are necessary to ensure full traceability of blood and blood components and identification of each single donation, unit and component.]

<sup>[F26]</sup>**(3)** The records referred to in sub-paragraph (a) shall be maintained—

- (a) in an appropriate and readable storage medium, and
- (b) for a period of not less than 30 years.

**(4)** A blood establishment shall ensure that the traceability system in place in the blood establishment enables the tracing of blood and blood components to their location and processing stage.

**(5)** A blood establishment shall have in place a system to uniquely identify each donor, each blood unit collected and each blood component prepared, whatever its intended purpose, and the facilities to which a given unit of blood or blood component has been delivered.”

**(6)** A blood establishment shall ensure, when it issues a unit of blood or blood components for transfusion, that the facility to which the unit of blood is issued has in place a procedure to verify

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that each unit of blood issued has been transfused to the intended recipient or, if not transfused, to verify its subsequent disposition.]

#### Textual Amendments

- F25** Reg. 8(2) substituted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **5(2)**
- F26** Reg. 8(3)-(6) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **5(3)**

#### Hospital blood bank requirements

- 9.—(1) The person responsible for the management of a hospital blood bank shall—
- (a) ensure that personnel directly involved in the testing, storage and distribution of human blood and blood components for the hospital blood bank are qualified to perform those tasks and are provided with timely, relevant and regularly updated training;
  - (b) establish and maintain a quality system for the hospital blood bank which is based on the principles of <sup>F27</sup>good practice, which complies with the Community standards and requirements set out the Annex to Commission Directive [2005/62/EC](#) insofar as these are applicable to hospital blood banks;]
  - (c) ensure that all processes referred to in Part 4 of the Schedule which are applicable to activities carried out by the hospital blood bank, are validated;
  - (d) maintain documentation on operational procedures, guidelines, training and reference manuals and reporting forms so that they are readily available for inspection under regulation 15;
  - <sup>F28</sup>(e) maintain in an appropriate and readable storage medium and for a period of not less than 30 years—
    - (i) the data set out in Part 6 of the Schedule (insofar as those data are applicable to the activities carried out by the hospital blood bank), and
    - (ii) such other data as are needed to ensure full traceability of blood and blood components and the unique identification of each unit of blood and each blood component from the point of receipt of the blood or blood components by the hospital blood bank;]
  - <sup>F29</sup>(f) retain, for a period of not less than 30 years, a record of any serious events which may affect the quality or safety of blood or blood components;]
  - (g) establish and maintain a procedure, which is accurate, efficient and verifiable, for the withdrawal from distribution of blood or blood components associated with any notification referred to in paragraph (f); <sup>F30</sup>...
  - (h) ensure that the storage, transport and distribution conditions of blood and blood components by the hospital blood bank comply with the requirements of Part 4 of the Schedule <sup>F31</sup>; and]
  - <sup>F32</sup>(i) ensure that the traceability system in place in the hospital blood bank enables the tracing of blood components to their final destination; and
  - (j) where it delivers blood or blood components for transfusion at another facility, have in place a system to uniquely identify the facility to which a given unit of blood or blood component has been delivered.]

[<sup>F33</sup>(2) A person responsible for management of a hospital blood bank shall ensure that when a hospital blood bank issues a unit of blood for transfusion, that it has in place a procedure to verify that each unit of blood issued has been transfused to the intended recipient, or if not transfused, to verify its subsequent disposition.]

#### Textual Amendments

- F27** Words in reg. 9(1)(b) substituted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **6(2)(a)**
- F28** Reg. 9(1)(e) substituted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **6(2)(b)**
- F29** Reg. 9(1)(f) substituted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **6(2)(c)**
- F30** Word in reg. 9(1)(g) omitted (31.8.2006) by virtue of [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **6(2)(d)**
- F31** Word in reg. 9(1)(h) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **6(2)(e)**
- F32** Reg. 9(1)(i)(j) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **6(2)(f)**
- F33** Reg. 9(2) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **6(3)**

#### Requirement for hospital blood banks to provide information to the Secretary of State

10.—(1) [<sup>F34</sup>On or before the date specified in paragraph (1A)], the person responsible for management of a hospital blood bank shall submit [<sup>F35</sup>a report] to the Secretary of State, which shall—

- (a) include a declaration that the hospital blood bank has in place appropriate systems to ensure compliance with the requirements of these Regulations; and
- (b) provide details of the systems which it has in place to ensure such compliance.

[<sup>F36</sup>(1A) The date referred to in paragraph (1) is—

- (a) in relation to the reporting year ending on 31st March 2006, 31st December 2005; and
- (b) in relation to each subsequent reporting year, 30th April following the end of that year.]

(2) The person responsible for management of a hospital blood bank shall without delay notify the Secretary of State of any changes to the matters in respect of which evidence has been supplied pursuant to paragraph (1) which might affect compliance with the requirements of these Regulations.

#### Textual Amendments

- F34** Words in reg. 10(1) substituted (8.11.2005) by [The Blood Safety and Quality \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2898\)](#), regs. 1(1), **4(a)(i)**
- F35** Words in reg. 10(1) substituted (8.11.2005) by [The Blood Safety and Quality \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2898\)](#), regs. 1(1), **4(a)(ii)**
- F36** Reg. 10(1A) inserted (8.11.2005) by [The Blood Safety and Quality \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2898\)](#), regs. 1(1), **4(b)**

#### Service of notices relating to hospital blood banks

11.—(1) If the Secretary of State is of the opinion that—

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- (a) the person responsible for management of a hospital blood bank has failed, in any material respect, to comply with the requirements of these regulations; or
- (b) the testing, storage or distribution of blood or blood components by the hospital blood bank is such that any blood or blood components cannot be safely administered for transfusion; or
- (c) the information given by the person responsible for management of a hospital blood bank pursuant to regulation 10 was false or incomplete in any material respect,

he may serve a notice on the person responsible for management of the hospital bank requiring that the hospital ceases to conduct any of the activities specified in the notice, or refrains from administering to patients any blood or blood components specified in the notice, until the requirements of paragraph (4) are met.

(2) Subject to paragraph (3), any notice served by the Secretary of State pursuant to paragraph (1) shall specify the date from which the prohibition specified in the notice shall take effect, which shall be not less than 7 days from the date on which the notice is served.

(3) Where the Secretary of State considers that it is necessary in the interests of safety, he may specify in the notice that the prohibition takes immediate effect.

(4) The requirements of this paragraph are, as may be applicable in each case, that—

- (a) that the person responsible for management of the hospital blood bank is no longer in breach of the requirements of these regulations;
- (b) that the hospital blood bank is able to show that the activity or product referred to in the notice given pursuant to paragraph (1)(b) may be safely carried out or, as the case may be, administered; or
- (c) that all necessary information has been supplied to the Secretary of State.

### **Objections to suspensions, revocations etc**

**12.—**(1) A blood establishment or a person responsible for the management of a hospital blood bank who—

- (a) objects to any suspension or revocation of authorisation, or to any notice served pursuant to regulation 4(8), 5 or 11; or
- (b) objects to the refusal of authorisation or the imposition of any condition pursuant to regulation 4(5),

may notify the Secretary of State of its desire to make written representations to, [<sup>F37</sup>or to] appear before and be heard by, a person appointed by the Secretary of State for that purpose.

(2) Any notification of an objection pursuant to paragraph 1 shall be made within 14 days of service on the blood establishment or the person responsible for the management of the hospital blood bank of the notice to which the notification pursuant to paragraph (1) relates.

(3) Where the Secretary of State receives a notification pursuant to paragraph (1), he shall appoint a person to consider the matter.

(4) The person appointed pursuant to paragraph (3) shall determine the procedure to be followed with respect to the consideration of any objection.

(5) The person appointed pursuant to paragraph (3) shall consider any written or oral objections made by the blood establishment or the person responsible for management of the hospital blood bank in support of its objection, and shall make a recommendation to the Secretary of State.

(6) A recommendation made pursuant to paragraph (5) shall be made in writing to the Secretary of State, and a copy of it shall be sent to the blood establishment or the person responsible for the management of the hospital blood bank concerned, or to its nominated representative.



(7) The Secretary of State shall take into account any recommendation made pursuant to paragraph (5).

(8) Within 14 days of receipt of any recommendation made pursuant to paragraph (5), the Secretary of State shall inform the blood establishment or the person responsible for the management of the hospital blood bank whether he accepts the recommendation and, if he does not accept it, of the reasons for his decision.

(9) <sup>F38</sup>Subject to paragraph (11),] where the Secretary of State is notified of an objection pursuant to paragraph (1)(a) before the date upon which the suspension or revocation or the notice is due to take effect, the suspension or revocation or notice in respect of which the objection is made shall not take effect until—

- (a) the person appointed pursuant to regulation (3) has considered the matter in accordance with the provisions of this regulation and made a recommendation; and
- (b) the Secretary of State has informed the blood establishment or the person responsible for the management of the hospital blood bank concerned of his decision with regard to the recommendation pursuant to paragraph (8),.

(10) Subject to paragraph (11), where the Secretary of State is notified of an objection pursuant to paragraph (1)(a), within the period specified in paragraph (2), to a suspension, revocation or other notice which has already taken effect on the date the notification was made, the suspension, revocation or notice in respect of which the objection is made shall cease to have effect until—

- (a) the person appointed pursuant to regulation (3) has considered the matter in accordance with the provisions of this regulation and made a recommendation; and
- (b) the Secretary of State has informed the blood establishment or the person responsible for the management of the hospital blood bank concerned of his decision with regard to the recommendation pursuant to paragraph (8).

(11) <sup>F39</sup>Paragraphs (9) and (10)] shall not apply—

- (a) in relation to a suspension or revocation, or a notice served pursuant to regulation 11, which takes immediate effect in accordance with regulation 5(3) or 11(3); or
- (b) in any other case, where the Secretary of State determines that it is necessary in the interests of public safety for the suspension, revocation or notice to take effect on the date originally specified, and serves a notice in writing to that effect on the blood establishment or person responsible for management of the hospital blood bank concerned.

#### Textual Amendments

- F37** Words in reg. 12(1) substituted (8.4.2005) by [The Blood Safety and Quality \(Amendment\) Regulations 2005 \(S.I. 2005/1098\)](#), regs. 1(1), **4(a)**
- F38** Words in reg. 12(9) inserted (8.4.2005) by [The Blood Safety and Quality \(Amendment\) Regulations 2005 \(S.I. 2005/1098\)](#), regs. 1(1), **4(b)**
- F39** Words in reg. 12(11) substituted (8.4.2005) by [The Blood Safety and Quality \(Amendment\) Regulations 2005 \(S.I. 2005/1098\)](#), regs. 1(1), **4(c)**

#### <sup>F40</sup>Requirement that facilities retain certain data

**12A.**—(1) A person responsible for management of a facility shall ensure that the facility—

- (a) retains the data set out in Section B of Part 6 of the Schedule, in an appropriate and readable storage medium, for a period of at least 30 years; and
- (b) has in place a system in place to record each unit of blood or blood component received, whether or not locally used, and the final destination of that received unit whether

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transfused, used in the manufacture of medicinal products, discarded or returned to the blood establishment or hospital blood bank.

#### Textual Amendments

**F40** Regs. 12A, 12B inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), 7

#### Requirement to report serious adverse reactions and events

**12B.**—(1) A person responsible for management of a reporting establishment shall ensure that the reporting establishment—

- (a) has in place procedures to retain the record of transfusions for a period of at least 30 years;
- (b) notifies blood establishments without delay of any serious adverse reactions observed in recipients during or after transfusion which may be attributable to the quality or safety of blood or blood components; and
- (c) notifies the Secretary of State as soon as is known all relevant information about suspected serious adverse reactions using the notification formats set out in Section A and Section C of Part 7 of the Schedule.

(2) A person responsible for management of a reporting establishment shall ensure that the reporting establishment—

- (a) notifies the Secretary of State of all relevant information about serious adverse reactions of imputability level 2 and 3 as referred to in Section B of Part 7 of the Schedule, which may be attributable to the quality and safety of blood or blood components;
- (b) notifies the Secretary of State, as soon as is known, of any case of transmission of infectious agents by blood or blood components;
- (c) as part of the notification referred to in paragraph (a), describes the actions taken with respect to other implicated blood or blood components that have been distributed for transfusion or for plasma fractionation;
- (d) as soon as is reasonably practicable after each suspected serious adverse reaction, evaluates that reaction according to the imputability levels set out in Section B of Part 7 of the Schedule;
- (e) completes the serious adverse reaction notification, upon conclusion of the investigation, using the format set out in Section C of Part 7 to the Schedule; and
- (f) submits a complete report to the Secretary of State on serious adverse reactions in any calendar year by no later than 1st April in the following calendar year, using the format set out in Section D of Part 7 to the Schedule.

(3) A person responsible for management of a reporting establishment shall ensure that the reporting establishment notifies the Secretary of State as soon as is known, using the notification formats set out in Section A of Part 8 of the Schedule, of all relevant information about serious adverse events which may put in danger donors or recipients other than those directly involved in the event concerned.

(4) A person responsible for management of a reporting establishment shall ensure that the reporting establishment—

- (a) as soon as is reasonably practicable after each serious adverse event, evaluates that serious adverse event to identify preventable causes within the process;

- (b) upon completion of the investigation, completes the serious adverse event notification, using the format set out in Section B of Part 8 of the Schedule; and
- [<sup>F41</sup>(c) submits a complete report to the Secretary of State on serious adverse events in any calendar year by no later than 1st April in the following calendar year, using the format set out in Section C of Part 8 of the Schedule.]
- (5) Provided that either the condition set out in paragraph (6)(a), or the conditions set out in paragraph (6)(b) and (c) are satisfied, a facility may make arrangements with a hospital blood bank for the hospital blood bank to submit to the Secretary of State or the blood establishment the reports required by paragraphs (1)(b) and (c), (2)(a),(b),(e) and (f) and (3)(b) and(c) on the facility's behalf.
- (6) The conditions referred to in paragraph (5) are that—
- (a) the person responsible for management of the hospital blood bank is the same person as the person responsible for management of the facility with which the arrangement is made; or
- (b) the arrangements referred to in paragraph (5) must be—
- (i) evidenced by a written agreement, and
- (ii) made with the person responsible for management of the hospital blood bank who supplied the blood or blood components to the facility for transfusion; and
- (c) the facility must supply the information necessary to enable the hospital blood bank to make the reports within the timescale specified by this regulation in relation to that report .]

**Textual Amendments**

**F40** Regs. 12A, 12B inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), 7

**F41** Reg. 12B(4)(c) substituted (1.4.2007) by [The Blood Safety and Quality \(Amendment\) Regulations 2007 \(S.I. 2007/604\)](#), regs. 1(1), 2

**Import of blood and blood components into the United Kingdom**

- [<sup>F42</sup>13. Any person who imports blood or blood components into the United kingdom from a third country must ensure that each unit of blood and each blood components which he imports—
- (a) has been prepared in accordance with standards equivalent to the Community standards and requirements set out in the Annex to Commission Directive [2005/62/EC](#); and
- (b) meets standards of quality and safety equivalent to those laid down in Part 5 of the Schedule.]

**Textual Amendments**

**F42** Reg. 13 substituted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), 8

**Disclosure of information by blood establishments and hospital blood banks**

- 14.—(1) A blood establishment and the person responsible for management of a hospital blood bank shall ensure that all information which is collected for the purposes of these Regulations is held securely so that it is—
- (a) available for the purpose of, tracing donations;
- (b) not disclosed except—

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- (i) in accordance with one or more of the requirements of paragraph (2), or
  - (ii) where they have been rendered anonymous so that donors are no longer identifiable;
  - (c) subject to safeguards against unauthorised additions, deletions or modifications.
- (2) The requirements of this paragraph are—
- (a) the disclosure is made in accordance with an order of a court or is otherwise required by law;
  - (b) the disclosure is to an inspector appointed by the Secretary of State in accordance with regulation 15(10); or
  - (c) the disclosure is for the purpose of tracing a donation from donor to recipient or recipient to donor.
- (3) Where a disclosure is made to an inspector pursuant to paragraph (2)(b), the inspector shall not further disclose the information received unless—
- (a) the disclosure is made in accordance with an order of a court or is otherwise required by law;
  - (b) the disclosure is to another officer of the Secretary of State where this is necessary for the proper performance of the inspector or officer's duties; or
  - (c) the information has been rendered anonymous so that that donors are no longer identifiable.
- (4) Where a disclosure is made by an inspector to another officer of the Secretary of State pursuant to paragraph (3), that person shall not further disclose the information he receives other than in accordance with the requirements of that paragraph.
- (5) The responsible person of the blood establishment and the person responsible for management of the hospital blood bank shall ensure that they put in place a procedure to ensure that any discrepancies relating to data which are brought to their attention are resolved without delay.

### **Inspections, etc.**

- 15.**—(1) The Secretary of State shall conduct a regular inspection of each site of a blood establishment, not less than once every two years, for the purpose of ensuring that—
- (a) blood establishments comply with the requirements of these Regulations; and
  - (b) problems relating to compliance with those requirements are identified.
- (2) The Secretary of State may conduct such additional inspections of blood establishments sites as he considers necessary for the purpose of ensuring compliance with the requirements of these Regulations.
- (3) The Secretary of State may also serve a notice on a blood establishment requiring that it furnish him with such information concerning its compliance with these Regulations as shall be specified in the notice within such period as shall be specified in the notice.
- (4) Any blood establishment which receives a request or information in accordance with paragraph (3) shall provide the information requested within the period specified in the notice.
- (5) The Secretary of State may inspect hospital blood banks [<sup>F43</sup>and facilities] with a view to ensuring that—
- (a) hospital blood banks [<sup>F43</sup>and facilities] and persons responsible for the management of such blood banks [<sup>F43</sup>and facilities] comply with the requirements of these Regulations; and
  - (b) problems relating to compliance with those requirements are identified.

(6) The Secretary of State may also serve a notice on the person responsible for managing a hospital blood bank [<sup>F44</sup>or a facility] requiring that he furnish him with such information concerning the compliance of the blood bank [<sup>F44</sup>or a facility] with these Regulations as shall be specified in the notice within such period shall be specified in the notice.

(7) Any person responsible for management of a hospital blood bank [<sup>F45</sup>or a facility] who receives a request for information in accordance with paragraph (6) shall provide the information requested within the period specified in the notice.

(8) In the event of any serious adverse event or any serious adverse reaction or suspicion thereof, the Secretary of State shall request such information or conduct such inspections in accordance with this regulation as he shall consider appropriate.

(9) Any reference to an inspection of a site which the Secretary of State is required or empowered to conduct by virtue of this regulation, shall be construed so as to include an inspection of premises within the UK at which any of the activities listed in regulation 3(2) are carried out by any person on behalf of, and pursuant to a contractual arrangement with, a blood establishment or, as the case may be, a person responsible for management of a hospital blood bank.

(10) The Secretary of State may appoint such persons to be inspectors as he thinks necessary for the proper discharge by them of his functions set out in these Regulations, and he may appoint such persons upon such terms and conditions (including conditions as to remuneration, benefits, allowances and reimbursement for expenses) as he thinks fit.

#### Textual Amendments

- F43** Words in reg. 15(5) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **9(a)**
- F44** Words in reg. 15(6) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **9(b)**
- F45** Words in reg. 15(7) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **9(c)**

#### Records to be kept by the Secretary of State

**16.**—(1) The Secretary of State shall keep such records of information which he receives from, or relating to, blood establishments as he considers appropriate and shall, in particular, keep records relating to—

- (a) authorisations under regulation 4;
- (b) the designation of responsible persons under regulation 6;
- (c) notification of serious adverse events and serious adverse reactions by such establishments pursuant to [<sup>F46</sup>regulation 12B];
- (d) inspections or requests for information under regulation 15;
- (e) the operation, during the period from [<sup>F47</sup>8<sup>th</sup> February 2005] to 7<sup>th</sup> November 2005, of blood establishments licensed under section 8 of the Medicines Act 1968.

(2) The Secretary of State shall keep such records of information which he receives from persons responsible for management of hospital blood banks [<sup>F48</sup>and facilities], or otherwise <sup>F49</sup>... relating to hospital blood banks [<sup>F50</sup>or facilities], as he considers appropriate and shall, in particular keep records relating to—

- (a) notification of serious adverse events and serious adverse reactions pursuant to [<sup>F51</sup>regulation 12B];

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- (b) the information supplied by hospital blood banks pursuant to regulation 10;
- (c) inspections or requests for information under regulation 15.

#### Textual Amendments

- F46** Words in reg. 16(1)(c) substituted (1.4.2007) by [The Blood Safety and Quality \(Amendment\) Regulations 2007 \(S.I. 2007/604\)](#), regs. 1(1), **3(a)**
- F47** Words in reg. 16(1)(e) substituted (8.4.2005) by [The Blood Safety and Quality \(Amendment\) Regulations 2005 \(S.I. 2005/1098\)](#), regs. 1(1), **5**
- F48** Words in reg. 16(2) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **10(a)**
- F49** Word in reg. 16(2) omitted (31.8.2006) by virtue of [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **10(b)**
- F50** Words in reg. 16(2) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **10(c)**
- F51** Words in reg. 16(2)(a) substituted (1.4.2007) by [The Blood Safety and Quality \(Amendment\) Regulations 2007 \(S.I. 2007/604\)](#), regs. 1(1), **3(b)**

#### [<sup>F52</sup>Requirement that the Secretary of State communicate certain information to other competent authorities

**16A.** The Secretary of State shall communicate to the competent authorities of other Member States such information as is appropriate with regard to serious adverse reactions and events in order to guarantee that blood or blood components known or suspected to be defective are withdrawn from use and discarded.]

#### Textual Amendments

- F52** [Reg. 16A](#) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **11**

#### Powers of entry, etc.

**17.—(1)** For the purposes of enforcing compliance with these Regulations or conducting inspections pursuant to regulation 15, an inspector appointed in accordance with regulation 15(10) shall, upon production of evidence that he is so authorised, have the right—

- (a) at any reasonable hour to enter any premises, other than premises used only as a private dwelling house, which he has reason to believe it is necessary for him to visit, including—
  - (i) any premises owned or managed by a blood establishment or person responsible for management of a hospital blood bank, or at which the blood establishment or person responsible for management of a hospital blood bank carries out any of the activities referred to in regulation 3;
  - (ii) any premises of any person who carries out any of the activities referred to in regulation 3(2) on behalf of, [<sup>F53</sup>or] pursuant to a contractual arrangement with, a blood establishment or a person responsible for management of a hospital blood bank; <sup>F54</sup> ...
  - (iii) where any facilities for donor evaluation and testing are in the premises of any person other than a blood establishment or hospital blood bank, those facilities in that person's premises; [<sup>F55</sup>and]

- [<sup>F56</sup>(iv) any premises where transfusion of blood or blood components takes place, or which are owned or managed by a person responsible for management of a facility to which blood or blood components have been delivered.]
- (b) to carry out at those premises during that visit inspections, examinations, tests and analyses as he considers necessary;
  - (c) to require the production of, and inspect any article or substance at, the premises;
  - (d) to require the production of, inspect and take copies of, or extracts from, any book, document, data or record (in whatever form it is held) at, or (in the case of computer data or records) accessible at the premises;
  - (e) <sup>F57</sup>... to take possession of any samples for examination and analysis and any other article, substance, book, document, data, record (in whatever form they are held) at, or (in the case of computer data or records) accessible at, the premises;
  - (f) to question any person whom he finds at the premises and whom he has reasonable cause to believe is able to give him relevant information;
  - (g) to require any person to afford him such assistance as he considers necessary with respect to any matter within that person's control, or in relation to which that person has responsibilities;
  - (h) to require, as he considers necessary, any person to afford him such facilities as he may reasonably require that person to afford him;

but nothing in this paragraph shall be taken to compel the production by any person of a document of which he would on grounds of legal professional privilege be entitled to withhold production on an order for disclosure in an action in the High Court or, as the case may be, on an order for production of documents in an action in the Court of Session.

(2) If a justice of the peace is satisfied by any written information on oath that there are reasonable grounds for entry into any premises, other than premises used only as a private dwelling house, for any purpose mentioned in paragraph (1), and—

- (a) admission to the premises has been refused or is likely to be refused and notice of intention to apply for a warrant under this sub-paragraph has been given to the occupier;
- (b) an application for admission, or the giving of such notice, would defeat the object of the entry; or
- (c) the premises are unoccupied or the occupier is temporarily absent and it might defeat the object of the entry to await his return,

the justice may, by warrant signed by him, which shall continue in force for a period of one month, authorise an inspector to enter the premises, if need be by force.

(3) An inspector entering premises by virtue of paragraph (1) or of a warrant under paragraph (2) may take with him when he enters those premises such equipment as may appear to him necessary and any person who is authorised by the Secretary of State to accompany him on that visit.

(4) On leaving any premises which an inspector is authorised to enter by a warrant under paragraph (2), he shall, if the premises are unoccupied, or the occupier is temporarily absent, leave the premises as effectively secured against trespassers as he found them.

(5) Where, pursuant to paragraph (1)(e), an inspector takes possession of any article, substance, book, document, data or record, he shall leave at the premises with a responsible person, or if there is no such person present on the premises, leave in the premises in a prominent position, a statement giving particulars of the article, substance, book, document, data or record sufficient to identify it and stating that he has taken possession of it.

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*Changes to legislation: There are currently no known outstanding effects for the The Blood Safety and Quality Regulations 2005. (See end of Document for details)*

(6) Where, pursuant to paragraph (1)(e) an inspector takes a sample for analysis, the Secretary of State may, subject to the requirements of paragraph (7), make such arrangements for analysis of that sample as he considers appropriate.

(7) The requirements of this paragraph are—

- (a) that the Secretary of State shall inform the responsible person of the blood establishment or person responsible for the management of the hospital blood bank from which the sample was taken that he intends to make arrangements for analysis of the sample, and of the tests which he intends should be made; and
- (b) that if the responsible person or person responsible for the management of the hospital blood bank so requests, the Secretary of State shall divide the sample of which an analysis is to be made into three equal parts and deal with those parts in accordance with the requirements of paragraph (8).

(8) The requirements of this paragraph are—

- (a) that the Secretary of State shall make arrangements for the testing of one part of the sample;
- (b) that one part of the sample shall be sent to the responsible person of the blood establishment or person responsible for the management of the hospital blood bank; and
- (c) that one part of the sample shall be retained by the Secretary of State for a reasonable period in case of dispute.

#### Textual Amendments

- F53** Word in reg. 17(1)(a)(ii) substituted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **12(a)(i)**
- F54** Word in reg. 17(1)(a)(ii) omitted (31.8.2006) by virtue of [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **12(a)(ii)**
- F55** Word in reg. 17(1)(a)(iii) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **12(b)**
- F56** Reg. 17(1)(a)(iv) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **12(c)**
- F57** Words in reg. 17(1)(e) omitted (8.4.2005) by virtue of [The Blood Safety and Quality \(Amendment\) Regulations 2005 \(S.I. 2005/1098\)](#), regs. 1(1), **6**

#### Criminal offences

**18.**—(1) Any person who contravenes any of the following provisions—

- (a) regulation 3(1)
- (b) regulation 7;
- (c) regulation 9;
- (d) regulation 13;
- (e) regulation 23(2),
- [<sup>F58</sup>(f) regulation 12A, and
- (g) regulation 12B,]

shall be guilty of an offence.

(2) Any person who contravenes any of the following provisions—

- (a) regulation 4(9);
- (b) regulation 6, other than regulation 6(3);



- (c) regulation 8;
- (d) regulation 10;
- (e) regulation 15(4) and (7),

shall be guilty of an offence

(3) Any person who fails to comply with a notice of suspension or revocation of his authorisation served pursuant to regulation 5, save where the operation of that notice has been suspended pursuant to regulation 12, or has been withdrawn or revoked by the Secretary of State, shall be guilty of an offence.

(4) Any person who knowingly sells or supplies blood or any blood component which is not labelled in accordance with the requirements of regulation 8, shall be guilty of an offence.

(5) Any person who contravenes the requirements of any notice served by the Secretary of State under regulation 11(1), shall be guilty of an offence.

(6) Any person who—

- (a) contravenes regulation 14; or
- (b) discloses any information referred to in regulation 14(1) to which they have access by virtue of these regulations, otherwise than in accordance one or more of the requirements specified in regulation 14(2) and (3),

shall be guilty of an offence.

(7) Subject to <sup>F59</sup>paragraph (8) —

(a) any person who—

- (i) intentionally obstructs an inspector, or;
- (ii) without reasonable cause fails to comply with any requirements made of him by an inspector, in circumstances where that inspector is acting in pursuance of any of his functions under these Regulations; or
- (iii) any person who, in purported compliance with any such requirement as is mentioned in sub-paragraph (a)(ii), intentionally or recklessly furnishes information which is false or misleading in a material respect,

shall be guilty of an offence.

(8) Nothing in paragraph (7)(a)(ii) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him or, in the case of a person who is <sup>F60</sup>married or a civil partner, his spouse or civil partner].

#### Textual Amendments

**F58** Reg. 18(1)(f)(g) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **13**

**F59** Words in reg. 18(7) substituted (8.4.2005) by [The Blood Safety and Quality \(Amendment\) Regulations 2005 \(S.I. 2005/1098\)](#), regs. 1(1), **7**

**F60** Words in reg. 18(8) substituted (8.11.2005) by [The Blood Safety and Quality \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2898\)](#), regs. 1(1), **5**

#### Penalties

**19.—**(1) A person guilty of an offence under regulation 18(1), (3), (5) or (7) shall be liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding <sup>F61</sup>3 months], or to both; or

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*Changes to legislation: There are currently no known outstanding effects for the The Blood Safety and Quality Regulations 2005. (See end of Document for details)*

(b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding 2 years, or to both.

(2) A person guilty of an offence under regulation 18(2), (4) or (6) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding [<sup>F61</sup>3 months], or to both.

#### Textual Amendments

**F61** Words in reg. 19 substituted (8.4.2005) by [The Blood Safety and Quality \(Amendment\) Regulations 2005 \(S.I. 2005/1098\)](#), regs. 1(1), 8

#### Defence of due diligence

**20.**—(1) In any proceedings for an offence under any of the preceding provisions of these Regulations, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

(2) Where evidence is adduced which is sufficient to raise an issue with respect to that defence, the court or jury shall assume that the defence is satisfied unless the prosecution proves beyond all reasonable doubt that it is not.

#### Offences by bodies corporate and Scottish partnerships

**21.** Where an offence under these Regulations is committed by a body corporate or a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to, any neglect on the part of—

- (a) any director, manager, secretary, partner or similar officer of the body corporate or Scottish partnership; or
- (b) any person who was purporting to act in any such capacity,

he, as well as the body corporate or Scottish partnership, shall be deemed to be guilty of that offence and he shall be liable to be proceeded against and punished accordingly.

#### Fees

**22.**—(1) Blood establishments shall pay to the Secretary of State such fees as are payable in accordance with paragraphs (2) and (3).

(2) The fees payable pursuant to paragraph (1) by blood establishments in relation to authorisation under regulation 3 are—

- (a) in respect of an application for authorisation pursuant to regulation 3, the sum of [<sup>F62</sup>£2,927];
- (b) in respect of an application for approval of a substantial change pursuant to regulation 4(10), the sum of [<sup>F63</sup>£493]; and
- [<sup>F64</sup>(bb) in respect of the assessment by the Secretary of State of serious adverse events and serious adverse reactions notified by blood establishments, an annual haemovigilance fee calculated in accordance with paragraph (2A); and]
- (c) in connection with the holding of an authorisation under regulation 3, an annual fee of the sum of [<sup>F65</sup>£440].

[<sup>F66</sup>(2A) The fee payable under paragraph (2)(bb) shall be—

- (a) in respect of the reporting year ending on 31st March 2006, £156; and

(b) in respect of each subsequent reporting year, [<sup>F67</sup>£468].]

(3) Where the Secretary of State carries out an inspection at a site of a blood establishment he may charge the establishment and that establishment shall, if so charged, pay to the Secretary of State a fee calculated in accordance with the following sub-paragraphs—

[<sup>F68</sup>(a) for an inspection where the time taken to carry out the inspection at the site is not more than 7 hours, the sum of £2,452; and

(b) for an inspection where the time taken to carry out the inspection at the site is more than 7 hours, the sum in sub-paragraph (a) and thereafter at the rate of £1,226, for each additional period of 3 hours and 30 minutes or less taken to make the inspection.]

[<sup>F69</sup>(3A) In respect of each reporting year in which a hospital blood bank has operated, the person who is responsible for management of that hospital blood bank shall pay to the Secretary of State a fee of [<sup>F70</sup>£650].

(3B) Subject to [<sup>F71</sup>paragraphs (3D) and (3E)], in respect of the assessment by the Secretary of State of serious adverse events and serious adverse reactions notified by hospital blood banks [<sup>F72</sup>or facilities], the person who is responsible for management of a hospital blood bank [<sup>F73</sup>or facility] shall pay to the Secretary of State an annual haemovigilance fee calculated in accordance with paragraph (3C).

(3C) The fee payable under paragraph (3C) shall be—

(b) in respect of the reporting year ending on 31st March 2006, £156; and

(c) in any other case, [<sup>F74</sup>£468].

(3D) No fee shall be payable under paragraph (3B) by a person responsible for the management of a hospital blood bank if that person is authorised as a blood establishment under these Regulations.]

[<sup>F75</sup>(3E) No fee shall be payable under paragraph (3B) by a person responsible for the management of a facility where the facility makes arrangements with a hospital blood bank, pursuant to regulation 12B(5) that the hospital blood bank will report serious adverse reactions and events to the Secretary of State on behalf of the facility.]

(4) Where the Secretary of State carries out an inspection of a hospital blood bank [<sup>F76</sup>or a facility] he may charge the person responsible for management of the hospital blood bank [<sup>F77</sup>or the facility] and that person shall, if so charged, pay to the Secretary of State a fee calculated in accordance with paragraph (5).

(5) The fees payable by hospital blood banks [<sup>F78</sup>or facilities] in respect of inspections are—

[<sup>F79</sup>(a) for an inspection where the time taken to carry out the inspection at the site is not more than 7 hours, the sum of £2,452; and

(b) for an inspection where the time taken to carry out the inspection at the site is more than 7 hours, the sum in sub-paragraph (a) and thereafter at the rate of £1,226, for each additional period of 3 hours and 30 minutes or less taken to make the inspection.]

[<sup>F80</sup>(5A) Where the Secretary of State carries out an inspection of a contract laboratory, he may charge the person having control of that laboratory and that person shall, if so charged, pay to the Secretary of State a fee calculated in accordance with paragraph (5B).

(5B) Subject to paragraph (5C), the fee payable under paragraph (5A) shall be—

[<sup>F81</sup>(a) for an inspection where the time taken to carry out the inspection at the site is not more than 7 hours, the sum of £2,452; and

(b) for an inspection where the time taken to carry out the inspection at the site is more than 7 hours, the sum in sub-paragraph (a) and thereafter at the rate of £1,226, for each additional period of 3 hours and 30 minutes or less taken to make the inspection.]

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(5C) Where an inspection referred to in paragraph (5A) takes place at the same time as an inspection by a person appointed by the Good Laboratory Practice Monitoring Authority under regulation 3(4) of the Good Laboratory Practice Regulations 1999, for the purposes of ascertaining whether the contract laboratory complies with the principles of good laboratory practice, the fee payable under paragraph (5A) shall be—

- [<sup>F82</sup>(a) for an inspection where the time taken to carry out the inspection at the site is not more than 7 hours, the sum of £2,452; and
- (b) for an inspection where the time taken to carry out the inspection at the site is more than 7 hours, the sum in sub-paragraph (a) and thereafter at the rate of £1,226, for each additional period of 3 hours and 30 minutes or less taken to make the inspection.]

<sup>F83</sup>(5D) . . . . .]

(6) In this regulation—

[<sup>F84</sup>“contract laboratory” means a laboratory carrying out testing of blood or blood components on behalf of, and pursuant to a contractual arrangement with—

- (a) a blood establishment which is authorised under these Regulations; or
- (b) a person responsible for management of a hospital blood bank;]

<sup>F85</sup> . . .  
<sup>F85</sup> . . .  
<sup>F85</sup> . . .  
<sup>F85</sup> . . .

[<sup>F86</sup>(6A) For the purposes of this regulation if an inspection is carried out by more than one inspector, the time taken by the Secretary of State to carry out the inspection is the aggregate of times taken by each inspector in carrying out the inspection at the site.]

(7) [<sup>F87</sup>Subject to paragraph (7A),] any fee payable under this regulation shall be payable at the following times—

- (i) the fee payable pursuant to paragraph (2)(a) in respect of an application for authorisation to operate a blood establishment, and the fee payable pursuant to paragraph (2)(b) in respect of an application to make a substantial change, shall, in each case, be payable at the time the application is made;
- (ii) the periodic fee payable pursuant to paragraph (2)(c) shall be payable on the first anniversary of the grant by the Secretary of State of authorisation to operate as a blood establishment, and whilst the blood establishment continues to be authorised to operate as such pursuant to these Regulations, annually thereafter;

[<sup>F88</sup>(ia) any fee payable pursuant to paragraph (2)(bb) or (3B) shall be payable—

- (aa) if it is payable in respect of the reporting year ending on 31st March 2006, on 31st December 2005, and
- (bb) if it is payable in respect of any subsequent reporting year, on 30th April during that year;

(iib) the fee payable pursuant to paragraph (3A) shall be payable—

- (aa) if it is payable in respect of the reporting year ending on 31st March 2006, on 31st December 2005, and
- (bb) if it is payable in respect of any subsequent reporting year, on 30th April following the end of that year;]

(iii) any other fee payable under this regulation shall be payable within fourteen days following written notice from the Secretary of State requiring payment of the fee.

[<sup>F89</sup>(7A) In the case of a blood establishment granted an authorisation under regulation 4 before 8th November 2005, the periodic fee payable pursuant to paragraph (2)(c) shall be payable on 8th November 2006 and, while the blood establishment continues to be authorised to operate as such pursuant to these Regulations, annually thereafter.]

(8) All unpaid sums due by way of, or on account of, any fees payable under this regulation shall be recoverable as debts due to the Crown.

(9) The Secretary of State may in exceptional circumstances where it appears to him to be in the interests of safety or otherwise appropriate to do—

- (a) waive any fee or reduce any fee or part of a fee otherwise payable under this regulation; or
- (b) refund the whole or part of any fee paid pursuant to this regulation.

### Textual Amendments

- F62** Word in reg. 22(2)(a) substituted (1.4.2008) by [The Blood Safety and Quality \(Fees Amendment\) Regulations 2008 \(S.I. 2008/525\)](#), regs. 1(1), **2(2)(a)**
- F63** Word in reg. 22(2)(b) substituted (1.4.2008) by [The Blood Safety and Quality \(Fees Amendment\) Regulations 2008 \(S.I. 2008/525\)](#), regs. 1(1), **2(2)(b)**
- F64** Reg. 22(2)(bb) inserted (8.11.2005) by [The Blood Safety and Quality \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2898\)](#), regs. 1(1), **6(2)**
- F65** Word in reg. 22(2)(c) substituted (1.4.2008) by [The Blood Safety and Quality \(Fees Amendment\) Regulations 2008 \(S.I. 2008/525\)](#), regs. 1(1), **2(2)(c)**
- F66** Reg. 22(2A) inserted (8.11.2005) by [The Blood Safety and Quality \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2898\)](#), regs. 1(1), **6(3)**
- F67** Word in reg. 22(2A)(b) substituted (1.4.2008) by [The Blood Safety and Quality \(Fees Amendment\) Regulations 2008 \(S.I. 2008/525\)](#), regs. 1(1), **2(3)**
- F68** Reg. 22(3)(a)(b) substituted for reg. 22(3)(a)-(f) (1.4.2008) by [The Blood Safety and Quality \(Fees Amendment\) Regulations 2008 \(S.I. 2008/525\)](#), regs. 1(1), **2(4)**
- F69** Reg. 22(3A)-(3D) inserted (8.11.2005) by [The Blood Safety and Quality \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2898\)](#), regs. 1(1), **6(4)**
- F70** Word in reg. 22(3A) substituted (1.4.2008) by [The Blood Safety and Quality \(Fees Amendment\) Regulations 2008 \(S.I. 2008/525\)](#), regs. 1(1), **2(5)**
- F71** Words in reg. 22(3B) substituted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **14(a)(i)**
- F72** Words in reg. 22(3B) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **14(a)(ii)**
- F73** Words in reg. 22(3B) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **14(a)(iii)**
- F74** Word in reg. 22(3C)(c) substituted (1.4.2008) by [The Blood Safety and Quality \(Fees Amendment\) Regulations 2008 \(S.I. 2008/525\)](#), regs. 1(1), **2(6)**
- F75** Reg. 22(3E) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **14(b)**
- F76** Words in reg. 22(4) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **14(c)(i)**
- F77** Words in reg. 22(4) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **14(c)(ii)**
- F78** Words in reg. 22(5) inserted (31.8.2006) by [The Blood Safety and Quality \(Amendment\) Regulations 2006 \(S.I. 2006/2013\)](#), regs. 1(1), **14(d)**
- F79** Reg. 22(5)(a)(b) substituted for reg. 22(5)(a)-(c) (1.4.2008) by [The Blood Safety and Quality \(Fees Amendment\) Regulations 2008 \(S.I. 2008/525\)](#), regs. 1(1), **2(7)**

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- F80** Reg. 22(5A)-(5D) inserted (8.11.2005) by [The Blood Safety and Quality \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2898\)](#), regs. 1(1), **6(5)**
- F81** Reg. 22(5B)(a)(b) substituted for reg. 22(5B)(a)-(c) (1.4.2008) by [The Blood Safety and Quality \(Fees Amendment\) Regulations 2008 \(S.I. 2008/525\)](#), regs. 1(1), **2(8)**
- F82** Reg. 22(5C)(a)(b) substituted for reg. 22(5C)(a)-(c) (1.4.2008) by [The Blood Safety and Quality \(Fees Amendment\) Regulations 2008 \(S.I. 2008/525\)](#), regs. 1(1), **2(9)**
- F83** Reg. 22(5D) omitted (1.4.2008) by virtue of [The Blood Safety and Quality \(Fees Amendment\) Regulations 2008 \(S.I. 2008/525\)](#), regs. 1(1), **2(10)**
- F84** Words in reg. 22(6) inserted (8.11.2005) by [The Blood Safety and Quality \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2898\)](#), regs. 1(1), **6(6)**
- F85** Words in reg. 22(6) omitted (1.4.2008) by virtue of [The Blood Safety and Quality \(Fees Amendment\) Regulations 2008 \(S.I. 2008/525\)](#), regs. 1(1), **2(11)**
- F86** Reg. 22(6A) inserted (1.4.2008) by [The Blood Safety and Quality \(Fees Amendment\) Regulations 2008 \(S.I. 2008/525\)](#), regs. 1(1), **2(12)**
- F87** Words in reg. 22(7) inserted (8.11.2005) by [The Blood Safety and Quality \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2898\)](#), regs. 1(1), **6(7)(a)**
- F88** Reg. 22(7)(ia)(iib) inserted (8.11.2005) by [The Blood Safety and Quality \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2898\)](#), regs. 1(1), **6(7)(b)**
- F89** Reg. 22(7A) inserted (8.11.2005) by [The Blood Safety and Quality \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2898\)](#), regs. 1(1), **6(8)**

### Specific epidemiological situations

**23.**—(1) Where the Secretary of State is aware of a specific epidemiological situation, such as an outbreak of a disease, which may affect the safety of blood donations, and as a result of which he considers that specific deferral criteria for the collection of blood donations should be adopted, he shall—

- (a) notify blood establishments that those criteria must be adopted; and
- (b) notify the Commission of—
  - (i) the epidemiological situation; and
  - (ii) the additional deferral criteria which blood establishments are required to adopt in relation to it pursuant to sub-paragraph (a).

(2) A blood establishment shall adopt and comply with any criteria for additional tests notified to them by the Secretary of State pursuant to paragraph (1).

### Transitional provisions

**24.**—(1) Subject to paragraph (2), these Regulations, other than regulations 13 and 16, shall not apply before 8th November 2005 in relation to—

- (a) any blood establishment licensed under section 8 of the Medicines Act 1968<sup>M11</sup>;
- (b) any hospital blood bank.

(2) From the date these Regulations come into force, a blood establishment licensed under section 8 of the Medicines Act 1968 may apply for, and the Secretary of State may grant, an authorisation under regulation 4 to have effect as from 8th November 2005.

#### Marginal Citations

**M11** 1968 c. 67.

## Consequential amendments

25.—(1) The Medicines Act 1968 shall be amended as follows—

- (a) in section 7 (general provisions as to dealing with medicinal products) omit paragraph (a) of subsection (6A) <sup>M12</sup>;
- (b) in section 8 (provisions as to manufacture and wholesale dealing), omit paragraph (a) of subsection (4) <sup>M13</sup>;
- (c) in section 130 (meaning of “medicinal product” and related expressions) in subsection (5), after paragraph (b), insert the following new paragraph—  
“(ba) whole human blood and human blood components;”.
- (d) In section 130, after subsection (5A) insert the following new subsection—  
“(5B) For the purposes of this section, “human blood component” means any of the following constituents of human blood: red cells, white cells, platelets and plasma.”.

(2) The Medicines (Standard Provisions for Licenses and Certificates) Regulations 1971 shall be amended as follows—

- (a) in regulation 2 (interpretation), after the definition of “BCG vaccine” insert the following definitions—  
““blood” means whole human blood;  
“blood component” means a therapeutic constituent of blood (red cells, white cells, platelets and plasma);”; and
- (b) in Schedule 2 insert the following new paragraph—

“5C. The licence holder shall ensure that any blood or blood component imported into the United Kingdom and used by him as a starting material or raw material in the manufacture of a medicinal product, shall meet equivalent standards of quality and safety to those laid down in Commission Directive [2004/33/EC](#), implementing Directive [2003/98/EC](#) of the European Parliament and of the Council as regards certain technical requirements for blood and blood components.”.

(3) In the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994 <sup>M14</sup>, in regulation 1 (citation, commencement and interpretation), in paragraph (2), in the definition of “the 2001 Directive”, after “as amended by” insert— “ Directive [2002/98/EC](#) of the European Parliament and of the Council setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive [2001/83/EC](#), ”.

### Marginal Citations

**M12** Subsection (6A) was inserted by [S.I. 1992/604](#) and amended by [S.I. 1994/276](#).

**M13** Subsection (4) was substituted by [S.I. 1992/604](#) and amended by [S.I. 1994/276](#).

**M14** [S.I. 1994/3144](#); relevant amending instruments are [S.I. 2001/795](#), [2002/236](#), [2003/2321](#) and [2004/3224](#).

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**Status:** Point in time view as at 01/04/2008.

**Changes to legislation:** There are currently no known outstanding effects for the  
The Blood Safety and Quality Regulations 2005. (See end of Document for details)

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Signed by authority of the Secretary of State for Health

Department of Health

*Melanie Johnson*  
Parliamentary Under Secretary of State,

We consent,

*Joan Ryan*  
*Nick Ainger*  
Two of the Lords Commissioners' of Her  
Majesty's Treasury



**Status:**

Point in time view as at 01/04/2008.

**Changes to legislation:**

There are currently no known outstanding effects for the The Blood Safety and Quality Regulations 2005.