

**EXPLANATORY MEMORANDUM TO
THE RETAINED ORGANS COMMISSION (ABOLITION) ORDER 2005**

2005 No.6

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

This memorandum does not contain information for the Joint Committee on Statutory Instruments.

2. **Description**

2.1 The Retained Organs Commission (Abolition) Order 2005 is being made to abolish the Retained Organs Commission.

3. **Matters of interest to the Joint Committee on Statutory Instruments.**

3.1 None

4. **Legislative Background**

4.1 The Order is made using powers conferred on the Secretary of State for Health by sections 11(1) and (2) and 126(3) and (4) of the National Health Service Act 1977.

5. **Extent**

5.1 This instrument applies to England only.

6. **European Convention on Human Rights**

The Minister of State, Rosie Winterton, has made the following statement regarding Human Rights.

In my view the provisions of the Retained Organs Commission (Abolition) Order 2005 are compatible with the Convention rights.

7. **Policy Background**

7.1 The Retained Organs Commission was set up to address a specific and short-term need following the publication of the reports into organ retention at Bristol and Alder Hey.

It was set up in April 2001 as a Special Health Authority. It was intended that the Commission would be set up for two years and this was extended to three years to enable it to complete its work.

The Commission was required to:

- oversee the return of organs by NHS Trusts;
- provide support and information to families;
- propose a regulatory framework for collections of organs and tissue.

The Commission ceased operating on 31 March 2004. The Directions to the Commission were revoked on 31 March 2004 with the exception of certain financial and accounting functions to enable it to complete their final accounts. These were completed in July 2004 and the remaining Directions relating to these functions will be revoked when the Abolition Order has been made and laid.

NHS Trusts are now responsible for responding promptly and sensitively to any further enquiries about organ retention that may arise.

A specific telephone helpline funded by the Department of Health has been set up to support bereaved families seeking further information.

A new Human Tissue Authority will be established under the new Human Tissue Act 2004. The new Authority will be responsible for regulating the storage and use of retained organs for specified purposes in the future.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies.

8.2 There is no impact on the public sector

9. Contact

Peter Jones at the Department of Health Tel: 020 7972 5630 or email peter.jones@dh.gsi.gov.uk can answer any queries regarding the instrument.