

## UK MINISTERS ACTING IN DEVOLVED AREAS

### **The Quality and Safety of Organs Intended for Transplantation (Amendment) (EU Exit) Regulations 2019**

*Laid in UK Parliament: 19 November 2018*

#### **Sifting**

Subject to sifting in UK Parliament?	No
Procedure:	Draft Affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	N/A
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known
Date sifting period ends in UK Parliament	N/A
Written statement under SO 30C	Paper 10
SICM under SO 30A (because amends primary legislation)	Paper 11

#### **Scrutiny procedure**

Outcome of sifting	N/A
Procedure	Affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

#### **Commentary**

These Regulations are proposed to be made by the UK Government pursuant to section 8(1) of, and paragraph 21(b) of Schedule 7 of the European Union (Withdrawal) Act 2018 to enable retained EU law to operate effectively following withdrawal of the United Kingdom from the European Union.

These Regulations are also made under section 23(1) of the EU Withdrawal Act in order to make a consequential amendment to regulation 24 of the Quality and Safety of Organs Intended for Transplantation Regulations 2012. This requires the Secretary of State to have regard to how the Organ Donation Directives have been implemented in EU member states when reviewing the regulations.

The purpose of these regulations is to make amendments to correct deficiencies in legislation relating to organ donation arising from the UK leaving the European Union.

The Regulations allow the Secretary of State and/or the Welsh Ministers (where within devolved competence) with powers previously held by the EU Commission which will allow them to update legislation on organs in response to emerging threats and changing safety and quality standards. These Regulations form part of a suite of statutory instruments covering the safety of organs, tissues and cells and reproductive cells for treating patients. They are all 'no deal' SIs which have been developed as part of contingency planning and will be needed in the event that the UK leaves the EU with no agreement in place.

Legal Advisers agree with the statement laid by the Welsh Government dated 22 November 2018 regarding the effect of these Regulations. The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect and the extent to which these Regulations would enact new policy in devolved areas.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.

Legal Advisers have not identified any legal reason to seek a consent motion under Standing Order 30A.10 in relation to these Regulations.