

STATUTORY INSTRUMENT CONSENT MEMORANDUM

The Human Tissue (Quality and Safety for Human Application) (Amendment) (EU Exit) Regulations 2019

1. This Statutory Instrument Consent Memorandum is laid under Standing Order (“SO”) 30A.2. SO 30A prescribes that a Statutory Instrument Consent Memorandum must be laid and a Statutory Instrument Consent Motion may be tabled before the National Assembly for Wales (“the Assembly”) if a UK Statutory Instrument (SI) makes provision in relation to Wales amending primary legislation within the legislative competence of the Assembly.
2. The Human Tissue (Quality and Safety for Human Application) (Amendment) (EU Exit) Regulations 2019 was laid before Parliament on 19 November 2018 and is now being laid before the Assembly. The order can be found at:

<http://www.legislation.gov.uk/ukdsi/2019/9780111174821/contents>

Summary of the Statutory Instrument and its objective

3. The objective of the SI is to correct deficiencies in legislation arising from the UK leaving the European Union relating to the quality and safety of human tissues and cells.
4. This SI makes technical corrections to the Human Tissue Act 2004. These corrections are required to ensure that the statute book will continue to operate after exit.

Relevant provision to be made by the SI

5. These Regulations amend the Human Tissue Act 2004 which applies to England, Wales and Northern Ireland, to make a minor technical amendment to remove section 46; power to give effect to EU obligations.
6. It is the view of the Welsh Government that the provisions described in paragraph 5 above fall within the legislative competence of the National Assembly for Wales in so far as they relate to the quality and safety of human tissues and cells.

Why it is appropriate for the SI to make this provision

7. There is no divergence between the Welsh Government and the UK Government on the policy for the correction. Therefore, making separate SIs in Wales and England would lead to duplication, and unnecessary complication of the statute book. Consenting to a UK wide SI ensures that there is a single legislative framework across the UK, which promotes

clarity and accessibility during this period of change. In these exceptional circumstances, the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.

Vaughan Gething AM
Cabinet Secretary for Health and Social Services

22 November 2018