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18 NOV 2010]

*Dear Diana,*

### **Public Bodies Bill**

I am writing at the request of my colleague Lord Taylor of Holbeach, Bill Minister for the Public Bodies Bill in the House of Lords. Lord Taylor informs me that you raised a number of specific points about the impact of the proposed changes on the Human Tissue Authority (HTA) during 2<sup>nd</sup> Reading of the Bill on 9 November, and has asked me to respond in detail.

As you rightly say, the HTA has played a key role in building confidence of the public and professionals in the regulation of activities involving human organs and tissue, and continues to do so under your Chairmanship. I entirely agree that we must not do anything to damage that hard-won confidence.

You raised the issue of the importance of the specialist expertise that the HTA has available to it. We fully recognise this and are keen that the expertise is not lost, but is available to the CQC or the potential new research regulator. As you will appreciate, matters are still at a very early stage but we will fully engage the HTA, the CQC and the proposed research regulator as plans develop to ensure that the valuable expertise built up by the HTA is not lost.

You also sought assurances that the substance of the regulatory framework would not be changed. As you will recall, the Department's ALB Review set out that the HTA's functions should be retained, but transferred to other bodies by the end of the current Parliament.

We do not intend to use the powers in the Public Bodies Bill to change those functions. However, times change and so has the way we regulate the delivery of health care. With the establishment of the Care Quality Commission (CQC), along with the possibility of the creation of a new regulatory body for medical research, alternative structures are now becoming available to ensure a joined-up system, which would streamline compliance and reduce the time and effort, and consequently cost, while continuing to offer the public reassurance.

We have yet to take a view on whether it is necessary to consider primary legislation, as the focus is on transferring functions rather than making any fundamental changes. The earliest any primary legislation could be brought forward would be in the second session Health Bill, but no decision has yet been taken.

Finally, you asked about the future of the HTA's important role in relation to living organ donation. My department will of course engage closely with the HTA and others to determine the most appropriate destination for the approval of living organ donation, and I assure you that this will continue as a key function.

I hope this provides you with reassurance that we are determined that the proposed transfer of functions will not be at the expense of regulatory rigour in this sensitive and complex area. We will of course continue to work with colleagues in the HTA as we work through the detail.

I am copying my response to Lord Taylor of Holbeach, and am placing a copy of this response in the House of Lords library.

*Yours ever,*

*Freddie*

**EARL HOWE**