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[18 NOV 2010]

Dear Nick,

Public Bodies Bill

As you will recall, the Second Reading of the Public Bodies Bill generated a lengthy debate, during which you raised specific points about the Human Fertilisation and Embryology Authority (HFEA) and the Human Tissue Authority (HTA). As the Minister responsible for the review of Arms Length Bodies (ALBs) in the Department of Health, I am writing to address these.

I am grateful to you for your constructive remarks during the debate, in which you suggested that it would be beneficial to the progress of the Bill to remove the HFEA and HTA from Schedule 5. You suggested that in view of the uncertainties that remain about the potential impact of the Academy of Medical Sciences' (AMS) review of the regulation and governance of medical research, and the likelihood of future Bills being brought forward, the proposed changes to these bodies would be better dealt with in primary legislation.

As you say the AMS review will help to inform what we do with the regulatory aspects of the HTA's and HFEA's remit that are relevant to research, and we are indeed waiting to see what the AMS recommends before we make a final decision on that element. However, we remain clear that we cannot justify maintaining the HTA and HFEA as separate entities beyond this Parliament and that their functions will be transferred.

We therefore intend to use Schedule 5 of the Public Bodies Bill to transfer licensing functions, including the role as the UK's competent authority in respect of the EU Tissue and Cells Directive, from the HFEA and HTA to other bodies.

We intend to publish specific detailed proposals next year and will engage all interested parties in this process. In doing this, we will be taking account of the outcome of the Academy of Medical Sciences review of research regulation, which we understand will be available by then.

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

Yours ever,

Ernie

EARL HOWE

c.c Lord Taylor of Holbeach