

(ii) has come from a human body and is an existing holding for the purposes of section 9.

(3) In dealing under subsection (1) with the matters mentioned in subsection (2)(h) and (i), the Authority shall, in particular, deal with consent.

(4) The Authority shall-

(a) keep any code of practice under this section under review, and

(b) prepare a revised code of practice when appropriate.

(5) Before preparing a code of practice under this section, the Authority shall-

(a) consult such persons as it considers appropriate,

(b) if the code of practice relates to Wales, consult the National Assembly for Wales, and

(c) if the code of practice relates to Northern Ireland, consult the relevant Northern Ireland department.

(6) The Authority shall publish a code of practice issued under this section in such way as, in its opinion, is likely to bring it to the attention of those interested.

(7) A code of practice issued under this section shall come into effect on such day as may be appointed by directions.

(8) Codes of practice under this section may make different provision in relation to England, Wales and Northern Ireland respectively.

## 27 Provision with respect to consent

(1) The duty under section 26(3) shall have effect, in particular, to require the Authority to lay down the standards expected in relation to the obtaining of consent where consent falls by virtue of section 2(7)(b)(ii) or 3(6)(c) to be obtained from a person in a qualifying relationship.

(2) Subject to subsection (3), the standards required to be laid down by subsection (1) shall include provision to the effect set out in subsections (4) to (8).

(3) The standards required to be laid down by subsection (1) may include provision to different effect in relation to cases which appear to the Authority to be exceptional.

(4) The qualifying relationships for the purpose of sections 2(7)(b)(ii) and 3(6)(c) should be ranked in the following order-

(a) spouse or partner;

(b) parent or child;

(c) brother or sister;

(d) grandparent or grandchild;

(e) child of a person falling within paragraph (c);

(f) stepfather or stepmother;

(g) half-brother or half-sister;

(h) friend of longstanding.

(5) Relationships in the same paragraph of subsection (4) should be accorded equal ranking.

- (6) Consent should be obtained from the person whose relationship to the person concerned is accorded the highest ranking in accordance with subsections (4) and (5).
- (7) If the relationship of each of two or more persons to the person concerned is accorded equal highest ranking in accordance with subsections (4) and (5), it is sufficient to obtain the consent of any of them.
- (8) In applying the principles set out above, a person's relationship shall be left out of account if
- (a) he does not wish to deal with the issue of consent,
  - (b) he is not able to deal with that issue, or
  - (c) having regard to the activity in relation to which consent is sought, it is not reasonably practicable to communicate with him within the time available if consent in relation to the activity is to be acted on.
- (9) The Secretary of State may by order amend subsection (4).

## 28 Effect of codes

- (1) A failure on the part of any person to observe any provision of a code of practice under section 26 shall not of itself render the person liable to any proceedings.
- (2) The Authority may, in carrying out its functions with respect to licences, take into account any relevant observance of, or failure to observe, a code of practice under section 26, so far as dealing with a matter mentioned in any of paragraphs (a) to (c) and (e) to (j) of subsection (2) of that section.

## 29 Approval of codes

- (1) The Authority may not issue a code of practice under section 26 that deals with a matter mentioned in any of paragraphs (a) to (c) and (e) to (j) of subsection (2) of that section unless
- (a) a draft of it has been sent to and approved by the Secretary of State and laid by him before both Houses of Parliament, and
  - (b) the 40-day period has elapsed without either House resolving not to approve the draft.
- (2) Before approving a draft code of practice sent to him under subsection (1), the Secretary of State shall
- (a) if the code relates to Wales, consult the National Assembly for Wales, and
  - (b) if the code relates to Northern Ireland, consult the relevant Northern Ireland department.
- (3) If the Secretary of State approves a draft code of practice sent to him under subsection (1)
- (a) if the code relates to Wales, he shall send a copy of it to the National Assembly for Wales, and
  - (b) if the code relates to Northern Ireland, he shall send a copy of it to the relevant Northern Ireland department.

(4) If the Secretary of State does not approve a draft sent to him under subsection (1), he shall give reasons to the Authority.

(5) The relevant Northern Ireland department shall lay before the Northern Ireland Assembly any document which it receives under subsection (3)(b).

(6) In subsection (1)(b), "40-day period", in relation to the draft of a code of practice, means-

(a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and

(b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,

no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.

30 および 31 (解剖学的試料) 略

### Trafficking

32 Prohibition of commercial dealings in human material for transplantation

(1) A person commits an offence if he-

(a) gives or receives a reward for the supply of, or for an offer to supply, any controlled material;

(b) seeks to find a person willing to supply any controlled material for reward;

(c) offers to supply any controlled material for reward;

(d) initiates or negotiates any arrangement involving the giving of a reward for the supply of, or for an offer to supply, any controlled material;

(e) takes part in the management or control of a body of persons corporate or unincorporate whose activities consist of or include the initiation or negotiation of such arrangements.

(2) Without prejudice to subsection (1)(b) and (c), a person commits an offence if he causes to be published or distributed, or knowingly publishes or distributes, an advertisement-

(a) inviting persons to supply, or offering to supply, any controlled material for reward, or

(b) indicating that the advertiser is willing to initiate or negotiate any such arrangement as is mentioned in subsection (1)(d).

(3) A person who engages in an activity to which subsection (1) or (2) applies does not commit an offence under that subsection if he is designated by the Authority as a person who may lawfully engage in the activity.

(4) A person guilty of an offence under subsection (1) shall be liable-

(a) on summary conviction-

(i) to imprisonment for a term not exceeding 12 months, or

- (ii) to a fine not exceeding the statutory maximum, or
  - (iii) to both;
- (b) on conviction on indictment
  - (i) to imprisonment for a term not exceeding 3 years, or
  - (ii) to a fine, or
  - (iii) to both.
- (5) A person guilty of an offence under subsection (2) shall be liable on summary conviction
  - (a) to imprisonment for a term not exceeding 51 weeks, or
  - (b) to a fine not exceeding level 5 on the standard scale, or
  - (c) to both.
- (6) For the purposes of subsections (1) and (2), payment in money or money's worth to the holder of a licence shall be treated as not being a reward where
  - (a) it is in consideration for transporting, removing, preparing, preserving or storing controlled material, and
  - (b) its receipt by the holder of the licence is not expressly prohibited by the terms of the licence.
- (7) References in subsections (1) and (2) to reward, in relation to the supply of any controlled material, do not include payment in money or money's worth for defraying or reimbursing
  - (a) any expenses incurred in, or in connection with, transporting, removing, preparing, preserving or storing the material,
  - (b) any liability incurred in respect of
    - (i) expenses incurred by a third party in, or in connection with, any of the activities mentioned in paragraph (a), or
    - (ii) a payment in relation to which subsection (6) has effect, or
  - (c) any expenses or loss of earnings incurred by the person from whose body the material comes so far as reasonably and directly attributable to his supplying the material from his body.
- (8) For the purposes of this section, controlled material is any material which
  - (a) consists of or includes human cells,
  - (b) is, or is intended to be removed, from a human body,
  - (c) is intended to be used for the purpose of transplantation, and
  - (d) is not of a kind excepted under subsection (9).
- (9) The following kinds of material are excepted
  - (a) gametes,
  - (b) embryos, and
  - (c) material which is the subject of property because of an application of human skill.
- (10) Where the body of a deceased person is intended to be used to provide material which
  - (a) consists of or includes human cells, and

(b) is not of a kind excepted under subsection (9),

for use for the purpose of transplantation, the body shall be treated as controlled material for the purposes of this section.

(11) In this section-

"advertisement" includes any form of advertising whether to the public generally, to any section of the public or individually to selected persons;

"reward" means any description of financial or other material advantage.

## Transplants

### 33 Restriction on transplants involving a live donor

(1) Subject to subsections (3) and (5), a person commits an offence if

(a) he removes any transplantable material from the body of a living person intending that the material be used for the purpose of transplantation, and

(b) when he removes the material, he knows, or might reasonably be expected to know, that the person from whose body he removes the material is alive.

(2) Subject to subsections (3) and (5), a person commits an offence if

(a) he uses for the purpose of transplantation any transplantable material which has come from the body of a living person, and

(b) when he does so, he knows, or might reasonably be expected to know, that the transplantable material has come from the body of a living person.

(3) The Secretary of State may by regulations provide that subsection (1) or (2) shall not apply in a case where-

(a) the Authority is satisfied-

(i) that no reward has been or is to be given in contravention of section 32, and

(ii) that such other conditions as are specified in the regulations are satisfied, and

(b) such other requirements as are specified in the regulations are complied with.

(4) Regulations under subsection (3) shall include provision for decisions of the Authority in relation to matters which fall to be decided by it under the regulations to be subject, in such circumstances as the regulations may provide, to reconsideration in accordance with such procedure as the regulations may provide.

(5) Where under subsection (3) an exception from subsection (1) or (2) is in force, a person does not commit an offence under that subsection if he reasonably believes that the exception applies.

(6) A person guilty of an offence under this section is liable on summary conviction-

(a) to imprisonment for a term not exceeding 51 weeks, or

(b) to a fine not exceeding level 5 on the standard scale, or

(c) to both.

(7) In this section-

"reward" has the same meaning as in section 32;

"transplantable material" means material of a description specified by regulations made by the Secretary of State.

34 Information about transplant operations

- (1) The Secretary of State may make regulations requiring such persons as may be specified in the regulations to supply to such authority as may be so specified such information as may be so specified with respect to transplants that have been or are proposed to be carried out using transplantable material removed from a human body.
- (2) Any such authority shall keep a record of information supplied to it in pursuance of regulations under this section.
- (3) A person commits an offence if
  - (a) he fails without reasonable excuse to comply with regulations under this section, or
  - (b) in purported compliance with such regulations, he knowingly or recklessly supplies information which is false or misleading in a material respect.
- (4) A person guilty of an offence under subsection (3)(a) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) A person guilty of an offence under subsection (3)(b) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) In this section, "transplantable material" has the same meaning as in section 33.

General

35 Agency arrangements and provision of services

- (1) Arrangements may be made between the Authority and a government department, a public authority or the holder of a public office ("the other authority") for
  - (a) any functions of the Authority to be carried out by, or by members of staff of, the other authority, or
  - (b) the provision by the other authority of administrative, professional or technical services to the Authority.
- (2) Arrangements under subsection (1)(a) shall not affect responsibility for the carrying out of the Authority's functions.
- (3) Subsection (1)(a) shall not apply to functions of making subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).

36 Annual report

- (1) The Authority shall prepare
  - (a) a report for the first twelve months of its existence, and
  - (b) a report for each succeeding period of twelve months.
- (2) A report under this section shall deal with the activities of the Authority in the period to which the report relates.
- (3) The Authority shall send each report under this section
  - (a) to the Secretary of State,
  - (b) to the National Assembly for Wales, and

(c) to the relevant Northern Ireland department,

as soon as practicable after the end of the period to which the report relates.

(4) The Secretary of State shall lay a copy of each report received by him under this section before each House of Parliament.

(5) The relevant Northern Ireland department shall lay a copy of each report received by it under this section before the Northern Ireland Assembly.

### 37 Directions

(1) The Authority may give directions for any purpose for which directions may be given under this Part.

(2) Any power under this Part to give directions includes power to vary or revoke directions given in previous exercise of the power.

(3) Any power under this Part to give directions is exercisable by instrument in writing.

(4) Directions under this Part to a particular person shall be given by serving notice of the directions on the person.

(5) Directions under this Part in respect of any licence (including one which has ceased to have effect) may be given-

(a) by serving notice of the directions on the person who is (or was immediately before the cessation) the designated individual or holder of the licence, or

(b) if it appears to the Authority that it is not practicable to give notice in that way, by publishing the directions in such way as, in its opinion, is likely to bring them to the attention of the persons to whom they are applicable.

(6) Directions under this Part which appear to the Authority to be general directions may be given by publishing them as mentioned in subsection (5)(b).

(7) This section does not apply to directions under Schedule 2.

### 38 Duties in relation to carrying out functions

(1) The Authority must carry out its functions effectively, efficiently and economically.

(2) In carrying out its functions, the Authority must, so far as relevant, have regard to the principles of best regulatory practice (including the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed).

39 (刑事手続の除外) および 40 (宗教的遺物) 略

## Supplementary

### 41 Interpretation of Part 2

(1) In this Part-

"anatomical specimen" means-

(a) the body of a deceased person to be used for the purpose of anatomical

examination, or

(b) the body of a deceased person in the course of being used for the purpose of anatomical examination (including separated parts of such a body);

"appeals committee" has the meaning given by section 20(2);

"designated individual", in relation to a licence, means the individual designated in the licence as the person under whose supervision the licensed activity is authorised to be carried on;

"export" means export from England, Wales or Northern Ireland to a place outside England, Wales and Northern Ireland;

"import" means import into England, Wales or Northern Ireland from a place outside England, Wales and Northern Ireland;

"scheduled purpose" means a purpose specified in Schedule 1.

(2) In this Part, references to the carrying-out of an anatomical examination are to the carrying-out of a macroscopic examination by dissection for anatomical purposes of the body of a deceased person, and, where parts of the body of a deceased person are separated in the course of such an examination, include the carrying-out of a macroscopic examination by dissection of the parts for those purposes.

(3) In this Part, references to a person to whom a licence applies are to a person to whom the authority conferred by the licence extends (as provided by section 17).

### PART 3

#### MISCELLANEOUS AND GENERAL

##### Miscellaneous

#### 42 Power of Human Tissue Authority to assist other public authorities

(1) The Authority may if it thinks it appropriate to do so provide assistance to any other public authority in the United Kingdom for the purpose of the exercise by that authority of its functions.

(2) Assistance provided by the Authority under this section may be provided on such terms, including terms as to payment, as it thinks fit.

#### 43 Preservation for transplantation

(1) Where part of a body lying in a hospital, nursing home or other institution is or may be suitable for use for transplantation, it shall be lawful for the person having the control and management of the institution

- (a) to take steps for the purpose of preserving the part for use for transplantation, and
- (b) to retain the body for that purpose.

(2) Authority under subsection (1)(a) shall only extend

- (a) to the taking of the minimum steps necessary for the purpose mentioned in that provision, and
- (b) to the use of the least invasive procedure.



(3) Authority under subsection (1) ceases to apply once it has been established that consent making removal of the part for transplantation lawful has not been, and will not be, given.

(4) Authority under subsection (1) shall extend to any person authorised to act under the authority by-

- (a) the person on whom the authority is conferred by that subsection, or
- (b) a person authorised under this subsection to act under the authority.

(5) An activity done with authority under subsection (1) shall be treated-

- (a) for the purposes of Part 1, as not being an activity to which section 1(1) applies;
- (b) for the purposes of Part 2, as not being an activity to which section 16 applies.

(6) In this section, "body" means the body of a deceased person.

#### 44 Surplus tissue

(1) It shall be lawful for material to which subsection (2) or (3) applies to be dealt with as waste.

(2) This subsection applies to any material which consists of or includes human cells and which has come from a person's body in the course of his-

- (a) receiving medical treatment,
- (b) undergoing diagnostic testing, or
- (c) participating in research.

(3) This subsection applies to any relevant material which-

- (a) has come from a human body, and
- (b) ceases to be used, or stored for use, for a purpose specified in Schedule 1.

(4) This section shall not be read as making unlawful anything which is lawful apart from this section.

#### 45 Non-consensual analysis of DNA

(1) A person commits an offence if-

- (a) he has any bodily material intending
  - (i) that any human DNA in the material be analysed without qualifying consent, and
  - (ii) that the results of the analysis be used otherwise than for an excepted purpose,
- (b) the material is not of a kind excepted under subsection (2), and
- (c) he does not reasonably believe the material to be of a kind so excepted.

(2) Bodily material is excepted if-

(a) it is material which has come from the body of a person who died before the day on which this section comes into force and at least one hundred years have elapsed since the date of the person's death,

(b) it is an existing holding and the person who has it is not in possession, and not likely to come into possession, of information from which the individual from whose body the material has come can be identified, or

- (c) it is an embryo outside the human body.
- (3) A person guilty of an offence under this section
  - (a) is liable on summary conviction to a fine not exceeding the statutory maximum;
  - (b) is liable on conviction on indictment
    - (i) to imprisonment for a term not exceeding 3 years, or
    - (ii) to a fine, or
    - (iii) to both.
- (4) Schedule 4 (which makes provision for the interpretation of "qualifying consent" and "use for an excepted purpose" in subsection (1)(a)) has effect.
- (5) In this section (and Schedule 4)
  - "bodily material" means material which
    - (a) has come from a human body, and
    - (b) consists of or includes human cells;
  - "existing holding" means bodily material held immediately before the day on which this section comes into force.

46 (EU のコミニティ義務) および 47 (博物館) 略

#### General

#### 48 Powers of inspection, entry, search and seizure

Schedule 5 (which makes provision about powers of inspection, entry, search and seizure for the purposes of this Act) has effect.

#### 49 Offences by bodies corporate

(1) Where an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

he (as well as the body corporate) commits the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of a partner, or to be attributable to any neglect on the part of a partner, he (as well as the partnership) commits the offence and shall be liable to be proceeded against and punished accordingly.

(4) In subsection (3), "partner" includes a person purporting to act as a partner.

50 Prosecutions

No proceedings for an offence under section 5, 32 or 33 shall be instituted-

(a) in England and Wales, except by or with the consent of the Director of Public Prosecutions;

(b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

51 Offences: Northern Ireland

(1) This Act has effect in relation to Northern Ireland with the modifications specified in subsections (2) and (3).

(2) In sections 32(5)(a) and 33(6)(a), for "51 weeks" there is substituted "6 months".

(3) In section 32(4)(a)(i), for "12 months" there is substituted "6 months".

52 Orders and regulations

(1) Any power to make orders or regulations under this Act includes power-

(a) to make different provision for different cases, and

(b) to make incidental, supplementary, consequential or transitional provision or savings.

(2) Any power to make orders or regulations under this Act is exercisable by statutory instrument.

(3) A statutory instrument containing an order or regulations under this Act, except sections 1(11), 6, 7(4), 10(9), 14(4), 16(5), 27(9), 33(3) and (7), 46(1) and 54(10) and paragraphs 6(2), 12(2) and 13 of Schedule 4, made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) No order under section 1(11), 10(9), 14(4), 27(9) or 54(10) or paragraph 13 of Schedule 4, and no regulations under section 6, 7(4), 16(5), 33(3) or (7) or 46(1) or paragraph 6(2) or 12(2) of Schedule 4, shall be made unless a draft of the statutory instrument containing it, or them, has been laid before and approved by a resolution of each House of Parliament.

(5) Subsections (1) and (2) do not apply to any power of a court.

(6) Subsections (1) to (3) do not apply to orders under section 58 or 60.

(7) The power under section 14(4) or 16(5)-

(a) so far as relating to museums in Wales, may only be exercised with the consent of the National Assembly for Wales, and

(b) so far as relating to museums in Northern Ireland, may only be exercised with the consent of the Department of Culture, Arts and Leisure.

(8) The Secretary of State shall consult the National Assembly for Wales and the relevant Northern Ireland department before acting under any of the following provisions-

section 1(9)(a) and (11);

section 4(10)(b);

section 6;  
section 7(4);  
section 8(4)(d);  
section 10(9);  
section 14(4);  
section 16(3) and (5);  
section 27(9);  
section 33(3) and (7);  
section 34(1);  
section 46(1);  
section 54(10);  
paragraphs 6(2), 10(b), 12(2) and 13 of Schedule 4;  
paragraph 4(5) of Schedule 5.

(9) Before acting:

(a) under section 54(10) in order to amend section 54(9) so far as having effect for the purposes of Schedule 4, or

(b) under paragraph 6(2), 10(b), 12(2) or 13 of Schedule 4,

the Secretary of State shall also consult the Scottish Ministers.

(10) Before acting under any of the following provisions, the Secretary of State shall also consult such other persons as he considers appropriate:

section 1(11);

section 6;

section 7(4);

section 10(9);

section 14(4);

section 16(5);

section 27(9);

section 33(3) and (7);

section 46(1);

section 54(10);

paragraphs 6(2), 12(2) and 13 of Schedule 4.

53 "Relevant material"

(1) In this Act, "relevant material" means material, other than gametes, which consists of or includes human cells.

(2) In this Act, references to relevant material from a human body do not include:

(a) embryos outside the human body, or

(b) hair and nail from the body of a living person.

54 General interpretation

(1) In this Act:

"adult" means a person who has attained the age of 18 years;

"anatomical examination" means macroscopic examination by dissection for anatomical purposes;

"anatomical purposes" means purposes of teaching or studying, or researching into, the gross structure of the human body;

"the Authority" has the meaning given by section 13(1);

"child", except in the context of qualifying relationships, means a person who has not attained the age of 18 years;

"licence" means a licence under paragraph 1 of Schedule 3;

"licensed activity", in relation to a licence, means the activity which the licence authorises to be carried on;

"parental responsibility"

(a) in relation to England and Wales, has the same meaning as in the Children Act 1989 (c. 41), and

(b) in relation to Northern Ireland, has the same meaning as in the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2));

"relevant Northern Ireland department" means the Department of Health, Social Services and Public Safety.

(2) In this Act

(a) references to material from the body of a living person are to material from the body of a person alive at the point of separation, and

(b) references to material from the body of a deceased person are to material from the body of a person not alive at the point of separation.

(3) In this Act, references to transplantation are to transplantation to a human body and include transfusion.

(4) In this Act, references to decent disposal include, in relation to disposal of material which has come from a human body, disposal as waste.

(5) In this Act, references to public display, in relation to the body of a deceased person, do not include

(a) display for the purpose of enabling people to pay their final respects to the deceased, or

(b) display which is incidental to the deceased's funeral.

(6) Subsections (1) and (4) of section 1 of the Human Fertilisation and Embryology Act 1990 (c. 37) (definitions of "embryo" and "gametes") have effect for the purposes of this Act as they have effect for the purposes of that Act (other than that section).

(7) For the purposes of this Act, material shall not be regarded as from a human body if it is created outside the human body.

(8) For the purposes of this Act, except section 49, a person is another's partner if the two of them (whether of different sexes or the same sex) live as partners in an enduring family relationship.

(9) The following are qualifying relationships for the purposes of this Act, spouse,

partner, parent, child, brother, sister, grandparent, grandchild, child of a brother or sister, stepfather, stepmother, half-brother, half-sister and friend of long standing.

(10) The Secretary of State may by order amend subsection (9).

#### 55 Financial provisions

There shall be paid out of money provided by Parliament-

- (a) any expenditure incurred by the Secretary of State in consequence of this Act, and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

#### 56 Consequential amendments

Schedule 6 (consequential amendments) has effect.

#### 57 Repeals and revocations

The enactments and instruments specified in Schedule 7 are hereby repealed or revoked to the extent specified.

#### 58 Transition

(1) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in section 32(4)(a)(i) to 12 months is to be read as a reference to 6 months.

(2) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in each of sections 32(5)(a) and 33(6)(a) to 51 weeks is to be read as a reference to 6 months.

(3) The Secretary of State may by order made by statutory instrument make in connection with the coming into force of any provision of this Act such transitional provision or savings as he considers necessary or expedient.

(4) The power under subsection (3) includes power to make different provision for different cases.

(5) Before making provision under subsection (3) in connection with the coming into force in England and Wales of any provision of this Act, except section 47, the Secretary of State shall consult the National Assembly for Wales.

(6) Before making provision under subsection (3) in connection with the coming into force in Northern Ireland of any provision of this Act, except section 47, the Secretary of State shall consult the relevant Northern Ireland department.

(7) Before making provision under subsection (3) in connection with the coming into force in Scotland of any provision of this Act, except section 47, the Secretary of State shall consult the Scottish Ministers.

#### 59 Extent

(1) Subject to the following provisions, this Act extends to England and Wales and

Northern Ireland only.

(2) Sections 58(1), (2) and (5) and 60(3) extend to England and Wales only.

(3) Sections 51(1) to (3), 58(6) and 60(4) extend to Northern Ireland only.

(4) The following provisions also extend to Scotland-

(a) sections 45(1) to (3) and (5) and 47,

(b) section 49 so far as having effect for the purposes of section 45,

(c) section 52 so far as relating to orders under section 54(10) or paragraph 13 of Schedule 4 or regulations under paragraph 6(2) or 12(2) of that Schedule,

(d) section 54(2)(a), (3), (8) and (9) so far as having effect for the purposes of Schedule 4,

(e) section 54(6) and (7) so far as having effect for the purposes of section 45 or Schedule 4,

(f) sections 54(10) and 58(3) and (4), this section and sections 60(1) and (2) and 61, and

(g) Schedule 4, except paragraphs 3 and 9(2) to (5), and section 45(4) so far as relating thereto.

(5) The following provisions extend to Scotland only-

(a) sections 58(7) and 60(5),

(b) paragraphs 3 and 9(4) and (5) of Schedule 4, and section 45(4) so far as relating thereto, and

(c) paragraphs 2 and 4 of Schedule 6, and section 56 so far as relating thereto.

(6) Subject to subsection (5), any amendment made by this Act has the same extent as the enactment to which it relates.

(7) Subject to subsection (8), any repeal or revocation made by this Act has the same extent as the enactment or instrument to which it relates.

(8) Except as provided by subsection (9), the repeals of the following do not extend to Scotland-

(a) the Human Tissue Act 1961 (c. 54),

(b) the Anatomy Act 1984 (c. 14),

(c) the Corneal Tissue Act 1986 (c. 18), and

(d) the Human Organ Transplants Act 1989 (c. 31).

(9) The repeals of the following provisions do extend to Scotland-

(a) in section 1(4A)(b) of the Human Tissue Act 1961, the words ", Primary Care Trust";

(b) in section 1(10) of that Act-

(i) paragraph (a) of the definition of "health authority",

(ii) in the definition of "NHS trust", the words "the National Health Service and Community Care Act 1990 or", and

(iii) the words after the definition of that expression;

(c) section 4(5) of the Anatomy Act 1984;

(d) in the Human Organ Transplants Act 1989-

(i) in section 1, the words "in Great Britain", in the first and third places where they

occur,

- (ii) in sections 2 and 3, the words "in Great Britain", in each place, and
- (iii) sections 5 and 6.

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## SCHEDULES

### SCHEDULE 1

#### Section 1

##### SCHEDULED PURPOSES

##### PART 1

##### PURPOSES REQUIRING CONSENT: GENERAL

- 1 Anatomical examination.
- 2 Determining the cause of death.
- 3 Establishing after a person's death the efficacy of any drug or other treatment administered to him.
- 4 Obtaining scientific or medical information about a living or deceased person which may be relevant to any other person (including a future person).
- 5 Public display.
- 6 Research in connection with disorders, or the functioning, of the human body.
- 7 Transplantation.

##### PART 2

##### PURPOSES REQUIRING CONSENT: DECEASED PERSONS

- 8 Clinical audit.
- 9 Education or training relating to human health.
- 10 Performance assessment.
- 11 Public health monitoring.
- 12 Quality assurance.

SCHEDULE 2 から 6 (略)

### SCHEDULE 7

#### Section 57

##### REPEALS AND REVOCATIONS

##### PART 1

##### REPEALS

Short title and chapter	Extent of repeal
Human Tissue Act 1961 (c. 54)	The whole Act.
Human Tissue Act (Northern Ireland) 1962 (c. 19 (N.I.))	The whole Act.
Anatomy Act 1984 (c. 14)	The whole Act.
Corneal Tissue Act 1986 (c. 18)	The whole Act.



Human Organ Transplants Act 1989 (c. 31) The whole Act.  
National Health Service and Community Care Act 1990 (c. 19) In Schedule 9,  
paragraph 7.  
Human Fertilisation and Embryology Act 1990 (c. 37) In Schedule 4,  
paragraphs 8 and 9.  
Health Authorities Act 1995 (c. 17) In Schedule 1, paragraph 92.

## PART 2

### REVOCATIONS

Title	Extent of revocation
Corneal Tissue (Northern Ireland) Order 1988 (S.I. 1988/1844 (N.I. 14))	The whole Order.
Human Organ Transplants (Northern Ireland) Order 1989 (S.I. 1989/2408 (N.I. 21))	The whole Order.
Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1))	In Part II of Schedule 5, the entry relating to the Human Tissue Act (Northern Ireland) 1962.
Anatomy (Northern Ireland) Order 1992 (S.I. 1992/1718 (N.I. 11))	The whole Order.

**REVISED UNIFORM ANATOMICAL GIFT ACT (2006)**  
**(Last Revised or Amended in 2007)**

drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

and by it

APPROVED AND RECOMMENDED FOR ENACTMENT  
IN ALL THE STATES

at its

ANNUAL CONFERENCE  
MEETING IN ITS ONE-HUNDRED-AND-FIFTEENTH YEAR  
HILTON HEAD, SOUTH CAROLINA

July 7-14, 2006

*WITHOUT PREFATORY NOTE AND COMMENTS*

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By

NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

March 26, 2007

## REVISED UNIFORM ANATOMICAL GIFT ACT

**SECTION 1. SHORT TITLE.** This [act] may be cited as the Revised Uniform Anatomical Gift Act.

**SECTION 2. DEFINITIONS.** In this [act]:

(1) “Adult” means an individual who is at least [18] years of age.

(2) “Agent” means an individual:

(A) authorized to make health-care decisions on the principal’s behalf by a power of attorney for health care; or

(B) expressly authorized to make an anatomical gift on the principal’s behalf by any other record signed by the principal.

(3) “Anatomical gift” means a donation of all or part of a human body to take effect after the donor’s death for the purpose of transplantation, therapy, research, or education.

(4) “Decedent” means a deceased individual whose body or part is or may be the source of an anatomical gift. The term includes a stillborn infant and, subject to restrictions imposed by law other than this [act], a fetus.

(5) “Disinterested witness” means a witness other than the spouse, child, parent, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the individual. The term does not include a person to which an anatomical gift could pass under Section 11.

(6) “Document of gift” means a donor card or other record used to make an anatomical gift. The term includes a statement or symbol on a driver’s license, identification card, or donor registry.

(7) “Donor” means an individual whose body or part is the subject of an anatomical gift.

(8) “Donor registry” means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts.

(9) “Driver’s license” means a license or permit issued by the [state department of motor vehicles] to operate a vehicle, whether or not conditions are attached to the license or permit.

(10) “Eye bank” means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

(11) “Guardian” means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem.

(12) “Hospital” means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

(13) “Identification card” means an identification card issued by the [state department of motor vehicles].

(14) “Know” means to have actual knowledge.

(15) “Minor” means an individual who is under [18] years of age.

(16) “Organ procurement organization” means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.

(17) “Parent” means a parent whose parental rights have not been terminated.

(18) “Part” means an organ, an eye, or tissue of a human being. The term does not include the whole body.