

*These notes refer to the Human Tissue Act 2004 (c.30)
which received Royal Assent on 15 November 2004*

HUMAN TISSUE ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 - Removal, Storage and Use of Human Organs and Other Tissue for Scheduled Purposes

Section 7: Powers of court to dispense with the need for consent

23. *Subsections (1) to (3)* of this section allow the Human Tissue Authority to give a direction deeming consent to be in place in relation to relevant material from a living person who is either untraceable, or who has not responded to requests for consent to use of his material, but where the material could be used to provide information which may be relevant to another person. These are expected to be rarely-used powers, but they may be important where valuable information could be obtained about the treatment and diagnosis of the applicant for the direction.
24. *Subsection (4)* enables the Secretary of State to make regulations which would provide a similar power for a court to deem consent to be in place where relevant material or a body could be used for health-related research. It is envisaged that this power would be exercised only in rare and unusual cases where the research would be in the overwhelming public interest, for example, where a person has died of an unknown virus which has the potential to spread among the general population.