

## SCHEDULES

### SCHEDULE 6

Section 56

#### CONSEQUENTIAL AMENDMENTS

##### *Wills Act 1837 (c. 26)*

- 1 In section 1 of the Wills Act 1837, in the definition of “will”, after “child,” there is inserted “and also to an appointment by will of a representative under section 4 of the Human Tissue Act 2004.”

##### *Anatomy Act 1984 (c. 14)*

- 2 In section 4 of the Anatomy Act 1984 (lawful examinations), in subsection (4) (which is expressed to be subject to subsections (5) to (8)), for “(5)” there is substituted “(6)”.

##### *Coroners Act 1988 (c. 13)*

- 3 (1) The Coroners Act 1988 is amended as follows.
- (2) In section 19 (post-mortem examination without inquest), after subsection (1) (which confers power to direct a person to make a post-mortem examination) there is inserted—
- “(1A) No direction under subsection (1) above shall have effect to require a person to make a post-mortem examination if the making of the examination by him would contravene section 16(1) of the Human Tissue Act 2004 (under which a person may make a post-mortem examination only under the authority of a licence under that Act).”
- (3) In section 21 (which confers powers to direct a person to make a post-mortem examination in connection with an inquest), after subsection (4) there is inserted—
- “(4A) No direction under this section shall have effect to require a person to make a post-mortem examination if the making of the examination by him would contravene section 16(1) of the Human Tissue Act 2004 (under which a person may make a post-mortem examination only under the authority of a licence under that Act).”

##### *Human Organ Transplants Act 1989 (c. 31)*

- 4 In section 1(1)(a) of the Human Organ Transplants Act 1989, for “Great Britain” there is substituted “Scotland”.

##### *Criminal Justice and Police Act 2001 (c. 16)*

- 5 (1) Part 2 of the Criminal Justice and Police Act 2001 (powers of seizure) is amended as follows.

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*Status: This is the original version (as it was originally enacted).*

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- (2) In section 57 (retention of seized items), in subsection (1) (provisions in relation to which the section has effect), at the end there is inserted—  
 “(q) paragraph 5(4) of Schedule 5 to the Human Tissue Act 2004.”
- (3) In section 66 (interpretation of Part 2), in subsection (4) (references to a search to include references to activities authorised by virtue of specified powers), at the end there is inserted—  
 “(n) paragraph 2 of Schedule 5 to the Human Tissue Act 2004 (entry and inspection of licensed premises).”
- (4) In Schedule 1 (powers of seizure), in Part 1 (powers to which section 50 of the Act applies), after paragraph 73D there is inserted—

*“Human Tissue Act 2004 (c. 00)*

- 73E Each of the powers of seizure conferred by the provisions of paragraph 5(1) (seizure of material relevant to licensing functions) and (2) (seizure of evidence of offences) of Schedule 5 to the Human Tissue Act 2004.”

*Enterprise Act 2002 (c. 40)*

- 6 (1) Paragraph 3(1)(b), (2) and (3) of Schedule 2 shall be taken to be within the definition of “provision” in section 268 of the Enterprise Act 2002 (c. 40) (power to remove bankruptcy disqualifications under pre-8th November 2002 provisions or extend them to, or replace them with disqualifications of, persons subject to bankruptcy restrictions regimes).
- (2) In its application by virtue of sub-paragraph (1), section 268 of the Enterprise Act 2002 (c. 40) shall have effect with the following modifications—
- (a) subsections (5)(d), (6) to (8) and (15) (power to make application of disqualification provision subject to person’s discretion) are omitted, and
  - (b) for subsection (13) (order under section to be made by statutory instrument after parliamentary approval of a draft) there is substituted—  
 “(13) An order under this section—  
 (a) must be made by statutory instrument, and  
 (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

*Asylum and Immigration (Treatment of Claimants, etc.) Act 2004*

- 7 In section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for exploitation), in subsection (4)(b), for “the Human Organ Transplants (Northern Ireland) Order 1989 (S.I. 1989 / 2408 (N.I. 21))” there is substituted “under section 32 or 33 of the Human Tissue Act 2004”.