
STATUTORY INSTRUMENTS

2005 No. 919(C.40)

**HUMAN TISSUE, ENGLAND AND WALES
HUMAN TISSUE, NORTHERN IRELAND**

The Human Tissue Act 2004
(Commencement No.1) Order 2005

Made - - - - 23rd March 2005

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 58(3) and 60(2) of the Human Tissue Act 2004⁽¹⁾, having consulted with the National Assembly for Wales and the relevant Northern Ireland department⁽²⁾, hereby makes the following Order:

Citation and interpretation

1. This Order may be cited as the Human Tissue Act 2004 (Commencement No.1) Order 2005 and references in this Order to the Act are to the Human Tissue Act 2004.

Transitional provision

2. Any duty imposed on the Authority by provisions brought into force by this Order shall apply only in relation to activities carried on after the coming into force of provisions of this Act imposing obligations or restrictions in relation to such activities.

Appointed day

3. The provisions of the Act listed in the Schedule shall come into force, to the extent indicated in the Schedule, on 1 April 2005.

(1) 2004 c. 30.

(2) See section 60(3) and (4) for the relevant requirements as to consultation and section 54(1) which defines “relevant Northern Ireland department” as the Department of Health, Social Services and Public Safety.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Signed by authority of the Secretary of State for Health

23rd March 2005

Rosie Winterton
Minister of State,
Department of Health

SCHEDULE

Article 3

Provisions of the Act coming into force on 1 April 2005

<i>Provision of the Act</i>	<i>Subject matter</i>
Section 13	The Human Tissue Authority
Section 14	Remit of the Authority
Section 15	General functions of the Authority
Section 26	Preparation of codes of practice
Section 27	Codes of practice: consent
Section 28	Effect of codes of practice
Section 29	Approval of codes of practice
Section 35	The Authority: agency arrangements and provision of services
Section 36	Duty of the Authority to make annual report
Section 38	General duties of the Authority in carrying out functions
Section 39, so far as it relates to section 14	Exceptions: criminal justice purposes
Section 40, so far as it relates to section 14	Religious relics
Section 41, so far as relevant to the provisions brought into force by this Order	Interpretation of Part 2
Section 42	Power of Authority to assist other public authorities
Section 52, so far as relevant to the provisions brought into force by this Order	Orders and regulations
Section 53, so far as relevant to the provisions brought into force by this Order	Definition of “relevant material”
Section 54, so far as relevant to the provisions brought into force by this Order	General interpretation
Section 55	Financial provisions
Schedule 1	Scheduled purposes
Schedule 2	Further provisions relating to the Authority
Schedule 6, paragraph 6	Consequential amendments: Enterprise Act 2002(3)

(3) 2002 c. 40.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the coming into force of provisions of the Human Tissue Act 2004 (c. 30) on 1 April 2005. The provisions brought into force enable the Human Tissue Authority (“the Authority”) to be established, confer certain functions upon it and deal with certain consequential amendments.

Article 2 makes transitional provision to the effect that the Authority is not under any duty by virtue of provisions brought into force by this Order in relation to activities carried on before provisions of the Act regulating those activities come into force.

Article 3 of this Order brings into force –

section 13, which provides for the establishment of the Authority, and Schedule 2, which makes further provision about it;

section 14, which specifies the Authority’s remit, and sections 39 and 40 to the extent that they qualify section 14;

section 15, which confers general functions upon the Authority, and sections 36, 38 and 42, which confer further powers and duties upon it;

sections 26 to 29, which confer powers and duties on the Authority to make codes of practice in relation to certain matters and which make provision relating to such codes;

section 35, which enables agency arrangements to be made in respect of the Authority’s functions;

section 52, which makes provision about regulations and orders under the Act, to the extent that it is relevant to the provisions brought into force by this Order;

section 55, which makes financial provisions;

paragraph 6 of Schedule 6, which makes an amendment to the Enterprise Act 2002 consequential upon the establishment of the Authority.

Interpretation provisions in sections 41, 53 and 54, to the extent relevant to the provisions brought into force, and Schedule 1, defining ‘scheduled purposes’, are also brought into force.