



# Human Tissue Act 2004

## 2004 CHAPTER 30

### PART 2

#### REGULATION OF ACTIVITIES INVOLVING HUMAN TISSUE

##### *Exceptions*

### **39 Criminal justice purposes**

- (1) Subject to subsection (2), nothing in section 14(1) or 16(2) applies to anything done for purposes related to—
  - (a) the prevention or detection of crime, or
  - (b) the conduct of a prosecution.
- (2) Subsection (1) does not except from section 14(1) or 16(2) the carrying-out of a post-mortem examination for purposes of functions of a coroner.
- (3) The reference in subsection (2) to the carrying-out of a post-mortem examination does not include the removal of relevant material from the body of a deceased person, or from a part of the body of a deceased person, at the first place where the body or part is situated to be attended by a constable.
- (4) For the purposes of subsection (1)(a), detecting crime shall be taken to include—
  - (a) establishing by whom, for what purpose, by what means and generally in what circumstances any crime was committed, and
  - (b) the apprehension of the person by whom any crime was committed;and the reference in subsection (1)(a) to the detection of crime includes any detection outside the United Kingdom of any crime or suspected crime.
- (5) In subsection (1)(b), the reference to a prosecution includes a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.
- (6) In this section, references to crime include a reference to any conduct which—

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Human Tissue Act 2004, Cross Heading: Exceptions is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom),
- (b) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences, or
- (c) constitutes one or more offences of a kind triable by court-martial under the Army Act 1955 (3 & 4 Eliz. 2 c. 18), the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or the Naval Discipline Act 1957 (c. 53).

#### Commencement Information

- I1** S. 39 in force at 1.4.2005 for specified purposes by S.I. 2005/919, art. 3, Sch. (with art. 2)
- I2** S. 39 in force at 20.10.2005 for specified purposes by S.I. 2005/2792, art. 2(2)(j)
- I3** S. 39 in force at 1.3.2006 for specified purposes by S.I. 2006/404, art. 2(3)(4), Sch. (with arts. 4-6)
- I4** S. 39 in force at 7.4.2006 for specified purposes by S.I. 2006/404, art. 3(3), Sch. (with arts. 4-6)
- I5** S. 39 in force at 31.7.2006 for specified purposes by S.I. 2006/1997, art. 2, Sch. (with art. 4)

## 40 Religious relics

- (1) This section applies—
  - (a) to the use of—
    - (i) the body of a deceased person, or
    - (ii) relevant material which has come from a human body, for the purpose of public display at a place of public religious worship or at a place associated with such a place, and
  - (b) to the storage of—
    - (i) the body of a deceased person, or
    - (ii) relevant material which has come from a human body, for use for the purpose mentioned in paragraph (a).
- (2) An activity to which this section applies is excluded from sections 14(1) and 16(2) if there is a connection between—
  - (a) the body or material to which the activity relates, and
  - (b) the religious worship which takes place at the place of public religious worship concerned.
- (3) For the purposes of this section, a place is associated with a place of public religious worship if it is used for purposes associated with the religious worship which takes place there.

#### Commencement Information

- I6** S. 40 in force at 1.4.2005 for specified purposes by S.I. 2005/919, art. 3, Sch. (with art. 2)
- I7** S. 40 in force at 20.10.2005 for specified purposes by S.I. 2005/2792, art. 2(2)(j)
- I8** S. 40 in force at 31.7.2006 for specified purposes by S.I. 2006/1997, art. 2, Sch. (with art. 4)

**Status:**

Point in time view as at 31/07/2006.

**Changes to legislation:**

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