



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Status: Point in time view as at 24/04/2009.

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 14 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 [^{F1}service offences within the meaning of the Armed Forces Act 2006.]

Textual Amendments

F1 Words in s. 39(6)(c) substituted (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 241](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

Modifications etc. (not altering text)

C1 S. 39(6)(c) modified (24.4.2009 for specified purposes) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), art. 1(3), [Sch. 1 para. 55](#)

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)
- I6** S. 39 in force at 1.9.2006 in so far as not already in force by [S.I. 2006/1997](#), [art. 3\(2\)](#) (with arts. 4, 7, 8)

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.

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Commencement Information

- I7** S. 40 in force at 1.4.2005 for specified purposes by S.I. 2005/919, art. 3, **Sch.** (with art. 2)
- I8** S. 40 in force at 20.10.2005 for specified purposes by S.I. 2005/2792, **art. 2(2)(j)**
- I9** S. 40 in force at 31.7.2006 for specified purposes by S.I. 2006/1997, art. 2, **Sch.** (with art. 4)
- I10** S. 40 in force at 1.9.2006 in so far as not already in force by S.I. 2006/1997, **art. 3(2)** (with arts. 4, 7, 8)

Status:

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