

Status: Point in time view as at 01/04/2005. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Human Tissue Act 2004, SCHEDULE 6 is up to date with all changes known to be in force on or before 06 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)

SCHEDULES

SCHEDULE 6

Section 56

CONSEQUENTIAL AMENDMENTS

VALID FROM 20/10/2005

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, ”.

VALID FROM 20/10/2005

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) ”.

VALID FROM 20/10/2005

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

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person may make a post-mortem examination only under the authority of a licence under that Act.”

VALID FROM 20/10/2005

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 ”.

VALID FROM 20/10/2005

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.

(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

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- (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.”

Commencement Information

II Sch. 6 para. 6 in force at 1.4.2005 by S.I. 2005/919, art. 3, Sch. (with art. 2)

VALID FROM 20/10/2005

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

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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 ”.

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