



Human Tissue Act 2004

2004 CHAPTER 30

PART 1

REMOVAL, STORAGE AND USE OF HUMAN ORGANS AND OTHER TISSUE FOR SCHEDULED PURPOSES

10 Existing anatomical specimens

- (1) This section applies where a person dies during the three years immediately preceding the coming into force of section 1.
- (2) Subsection (3) applies where—
 - (a) before section 1 comes into force, authority is given under section 4(2) or (3) of the Anatomy Act 1984 (c. 14) for the person's body to be used for anatomical examination, and
 - (b) section 1 comes into force before anatomical examination of the person's body is concluded.
- (3) During so much of the relevant period as falls after section 1 comes into force, that authority shall be treated for the purposes of section 1 as appropriate consent in relation to—
 - (a) the storage of the person's body, or separated parts of his body, for use for the purpose of anatomical examination, and
 - (b) the use of his body, or separated parts of his body, for that purpose.
- (4) Subsection (5) applies where—
 - (a) before section 1 comes into force, authority is given under section 6(2) or (3) of the Anatomy Act 1984 for possession of parts (or any specified parts) of the person's body to be held after anatomical examination of his body is concluded, and
 - (b) anatomical examination of the person's body is concluded—
 - (i) after section 1 comes into force, but
 - (ii) before the end of the period of three years beginning with the date of the person's death.

Status: Point in time view as at 01/09/2006.

Changes to legislation: Human Tissue Act 2004, Section 10 is up to date with all changes known to be in force on or before 21 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)

- (5) With effect from the conclusion of the anatomical examination of the person's body, that authority shall be treated for the purposes of section 1 as appropriate consent in relation to—
- (a) the storage for use for a qualifying purpose of a part of the person's body which—
 - (i) is a part to which that authority relates, and
 - (ii) is such that the person cannot be recognised simply by examination of the part, and
 - (b) the use for a qualifying purpose of such a part of the person's body.
- (6) Where for the purposes of section 1 there would not be appropriate consent in relation to an activity but for authority given under the Anatomy Act 1984 (c. 14) being treated for those purposes as appropriate consent in relation to the activity, section 1(1) to (3) do not authorise the doing of the activity otherwise than in accordance with that authority.
- (7) In subsection (3), “the relevant period”, in relation to a person, means whichever is the shorter of—
- (a) the period of three years beginning with the date of the person's death, and
 - (b) the period beginning with that date and ending when anatomical examination of the person's body is concluded.
- (8) In subsection (5), “qualifying purpose” means a purpose specified in paragraph 6 or 9 of Schedule 1.
- (9) The Secretary of State may by order amend subsection (8).

Commencement Information

- I1** S. 10 in force at 20.10.2005 for specified purposes by S.I. 2005/2792, art. 2(2)(j)
- I2** S. 10 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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