



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Status: Point in time view as at 31/07/2006. This version of this provision has been superseded.

Changes to legislation: *Human Tissue Act 2004, Section 39 is up to date with all changes known to be in force on or before 26 May 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)

Status:

Point in time view as at 31/07/2006. This version of this provision has been superseded.

Changes to legislation:

Human Tissue Act 2004, Section 39 is up to date with all changes known to be in force on or before 26 May 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.