



Human Tissue Act 2004

2004 CHAPTER 30

PART 3

MISCELLANEOUS AND GENERAL

Miscellaneous

45 Non-consensual analysis of DNA

- (1) A person commits an offence if—
 - (a) he has any bodily material intending—
 - (i) that any human DNA in the material be analysed without qualifying consent, and
 - (ii) that the results of the analysis be used otherwise than for an excepted purpose,
 - (b) the material is not of a kind excepted under subsection (2), and
 - (c) he does not reasonably believe the material to be of a kind so excepted.
- (2) Bodily material is excepted if—
 - (a) it is material which has come from the body of a person who died before the day on which this section comes into force and at least one hundred years have elapsed since the date of the person's death,
 - (b) it is an existing holding and the person who has it is not in possession, and not likely to come into possession, of information from which the individual from whose body the material has come can be identified, or
 - (c) it is an embryo outside the human body.
- (3) A person guilty of an offence under this section—
 - (a) is liable on summary conviction to a fine not exceeding the statutory maximum;
 - (b) is liable on conviction on indictment—
 - (i) to imprisonment for a term not exceeding 3 years, or

Status: This is the original version (as it was originally enacted).

- (ii) to a fine, or
 - (iii) to both.
- (4) Schedule 4 (which makes provision for the interpretation of “qualifying consent” and “use for an excepted purpose” in subsection (1)(a)) has effect.
- (5) In this section (and Schedule 4)—
- “bodily material” means material which—
 - (a) has come from a human body, and
 - (b) consists of or includes human cells;
 - “existing holding” means bodily material held immediately before the day on which this section comes into force.