



# Human Tissue Act 2004

## 2004 CHAPTER 30

### PART 3

#### MISCELLANEOUS AND GENERAL

##### *General*

#### 54 General interpretation

(1) In this Act—

“adult” means a person who has attained the age of 18 years;

“anatomical examination” means macroscopic examination by dissection for anatomical purposes;

“anatomical purposes” means purposes of teaching or studying, or researching into, the gross structure of the human body;

“the Authority” has the meaning given by section 13(1);

“child”, except in the context of qualifying relationships, means a person who has not attained the age of 18 years;

“licence” means a licence under paragraph 1 of Schedule 3;

“licensed activity”, in relation to a licence, means the activity which the licence authorises to be carried on;

“parental responsibility”—

(a) in relation to England and Wales, has the same meaning as in the Children Act 1989 (c. 41), and

(b) in relation to Northern Ireland, has the same meaning as in the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2));

“relevant Northern Ireland department” means the Department of Health, Social Services and Public Safety.

(2) In this Act—

(a) references to material from the body of a living person are to material from the body of a person alive at the point of separation, and

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*Status: Point in time view as at 05/12/2005. This version of this provision has been superseded.*

*Changes to legislation: Human Tissue Act 2004, Section 54 is up to date with all changes known to be in force on or before 12 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)*

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- (b) references to material from the body of a deceased person are to material from the body of a person not alive at the point of separation.
- (3) In this Act, references to transplantation are to transplantation to a human body and include transfusion.
- (4) In this Act, references to decent disposal include, in relation to disposal of material which has come from a human body, disposal as waste.
- (5) In this Act, references to public display, in relation to the body of a deceased person, do not include—
  - (a) display for the purpose of enabling people to pay their final respects to the deceased, or
  - (b) display which is incidental to the deceased’s funeral.
- (6) Subsections (1) and (4) of section 1 of the Human Fertilisation and Embryology Act 1990 (c. 37) (definitions of “embryo” and “gametes”) have effect for the purposes of this Act as they have effect for the purposes of that Act (other than that section).
- (7) For the purposes of this Act, material shall not be regarded as from a human body if it is created outside the human body.
- (8) For the purposes of this Act, except section 49, a person is another’s partner if the two of them (whether of different sexes or the same sex) live as partners in an enduring family relationship.
- (9) The following are qualifying relationships for the purposes of this Act, spouse<sup>F1</sup> civil partner,], partner, parent, child, brother, sister, grandparent, grandchild, child of a brother or sister, stepfather, stepmother, half-brother, half-sister and friend of long standing.
- (10) The Secretary of State may by order amend subsection (9).

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#### **Textual Amendments**

- F1** Words in s. 54(9) inserted (5.12.2005) by [Civil Partnership Act 2004 \(Overseas Relationships and Consequential, etc. Amendments\) Order 2005 \(S.I. 2005/3129\)](#), art. 1, **Sch. 4 para. 12(3)**

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#### **Commencement Information**

- I1** S. 54 in force at 1.4.2005 for specified purposes by [S.I. 2005/919](#), art. 3, **Sch.** (with art. 2)
- I2** S. 54 in force at 20.10.2005 for specified purposes by [S.I. 2005/2792](#), **art. 2(2)(j)**
- I3** S. 54 in force at 20.10.2005 for specified purposes by [S.I. 2005/2792](#), **art. 2(2)(d)(j)**

**Status:**

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**Changes to legislation:**

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