



# Human Tissue Act 2004

## 2004 CHAPTER 30

### PART 1

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

#### **8 Restriction of activities in relation to donated material**

- (1) Subject to subsection (2), a person commits an offence if he—
  - (a) uses donated material for a purpose which is not a qualifying purpose, or
  - (b) stores donated material for use for a purpose which is not a qualifying purpose.
- (2) Subsection (1) does not apply where the person reasonably believes that what he uses, or stores, is not donated material.
- (3) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment—
    - (i) to imprisonment for a term not exceeding 3 years, or
    - (ii) to a fine, or
    - (iii) to both.
- (4) In subsection (1), references to a qualifying purpose are to—
  - (a) a purpose specified in Schedule 1,
  - (b) the purpose of medical diagnosis or treatment,
  - (c) the purpose of decent disposal, or
  - (d) a purpose specified in regulations made by the Secretary of State.
- (5) In this section, references to donated material are to—
  - (a) the body of a deceased person, or
  - (b) relevant material which has come from a human body, which is, or has been, the subject of donation.

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*Status: Point in time view as at 01/12/2006. This version of this provision has been superseded.*

*Changes to legislation: Human Tissue Act 2004, Section 8 is up to date with all changes known to be in force on or before 20 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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- (6) For the purposes of subsection (5), a body, or material, is the subject of donation if authority under section 1(1) to (3) exists in relation to it.

**Commencement Information**

- I1** S. 8 in force at 20.10.2005 for specified purposes by S.I. 2005/2792, **art. 2(2)(j)**
- I2** S. 8 in force at 1.12.2006 in so far as not already in force by S.I. 2006/1997, **art. 3(3)** (with arts. 4, 7, 8)

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