
STATUTORY INSTRUMENTS

1998 No. 1428

MEDICAL PROFESSION

**The Human Organ Transplants (Establishment
of Relationship) Regulations 1998**

<i>Made</i>	- - - -	<i>8th June 1998</i>
<i>Laid before Parliament</i>		<i>29th June 1998</i>
<i>Coming into force</i>	- -	<i>8th August 1998</i>

In exercise of the powers conferred by section 2(2) of the Human Organ Transplants Act 1989(1) and of all other powers enabling him in that behalf, the Secretary of State hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Human Organ Transplants (Establishment of Relationship) Regulations 1998 and shall come into force on 8th August 1998.

(2) In these Regulations—

“the Act” means the Human Organ Transplants Act 1989;

“donor” means the living person from who it is proposed to remove an organ with the intention that it be transplanted into another person and “recipient” means that other person;

“genetic tests” means tests based on DNA variations;

“tester” means a person who has been approved by the Secretary of State as competent both to specify and to interpret the results of genetic tests.

Establishment of genetic relationship

2.—(1) For the purposes of section 2 of the Act, the means by which the fact of a genetic relationship between the donor and the recipient is to be established are genetic tests, subject to the conditions specified in paragraph (2) of this regulation.

(2) The conditions are that a tester shall—

(a) specify the genetic tests to be carried out on the donor and the recipient, and on such relatives of each of them as are available and willing to be tested and whom in the opinion of the tester it is necessary to test,

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- (b) interpret the results of all such genetic tests as are carried out, and
- (c) state in writing whether or not he is satisfied that the claimed genetic relationship between the donor and the recipient is established.

Revocation

3. The Human Organ Transplants (Establishment of Relationship) Regulations 1989(2) are hereby revoked.

Signed by authority of the Secretary of State for Health

8th June 1998

Jay
Minister of State,
Department of Health

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Human Organ Transplants (Establishment of Relationship) Regulations 1989, which are revoked. These Regulations provide that the genetic relationship between the proposed living donor of an organ and the proposed recipient is to be established by means of genetic tests based on DNA variations. The tests are to be specified and their results interpreted by a person approved by the Secretary of State as competent to do so and that person is then to state in writing whether he is satisfied that the claimed genetic relationship between the donor and the recipient is established.