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STATUTORY INSTRUMENTS

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**2006 No. 1659**

**The Human Tissue Act 2004 (Persons who Lack Capacity to Consent and Transplants) Regulations 2006**

**PART 3**

**TRANSPLANTS**

**Meaning of transplantable material for the purposes of section 33 of the Act**

**10.**—(1) Subject to paragraphs (2) and (3), for the purposes of section 33 of the Act (restriction on transplants involving a live donor), “transplantable material” means—

- (a) an organ, or part of an organ if it is to be used for the same purpose as the entire organ in the human body,
- (b) bone marrow, and
- (c) peripheral blood stem cells,

where that material is removed from the body of a living person with the intention that it be transplanted into another person.

(2) The material referred to in paragraph (1)(a) is not transplantable material for the purposes of section 33 of the Act in a case where the primary purpose of removal of the material is the medical treatment of the person from whose body the material is removed.

(3) The material referred to in paragraph (1)(b) and (c) is transplantable material for the purposes of section 33 of the Act only in a case where the person from whose body the material is removed is—

- (a) an adult who lacks the capacity, or
- (b) a child who is not competent,

to consent to removal of the transplantable material.