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STATUTORY INSTRUMENTS

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**1992 No. 1718**

**The Anatomy (Northern Ireland) Order 1992**

Miscellaneous

**Licences: general provisions**

9.—(1) Applications for licences under this Order shall be made in such manner as the Department may decide.

(2) A licence under this Order may be granted to such person as the Department thinks suitable, and a licence under Article 5(1) may be granted in respect of such premises as the Department thinks suitable.

(3) The Department may require the payment of such fee as the Department thinks fit in respect of any application for a licence under this Order.

(4) Where the Department decides not to grant a licence under this Order, the Department shall take reasonable steps to secure that the applicant is notified in writing of its decision and of the reasons for it.

(5) A licence under this Order may be granted subject to such conditions as the Department thinks necessary or desirable, but no condition may be imposed in relation to a matter dealt with by regulations under Article 10.

(6) A licence under this Order shall be effective for such period as the Department may stipulate when the Department grants it, except that—

- (a) the Department may (subject to paragraph (7)) revoke a licence if the Department thinks it reasonable to do so;
- (b) the Department may at any time accept the surrender of a licence from the person to whom it was granted;
- (c) if the person to whom the licence was granted dies the licence shall then expire (subject to paragraph (8)).

(7) Where the Department decides to revoke a licence under this Order the revocation shall be ineffective unless the Department gives to the person to whom the licence was granted a written notice stating—

- (a) that the Department proposes to revoke the licence on a date which is specified in the notice (not being less than 28 days from the date of the notice), and
- (b) the reasons for the decision to revoke the licence.

(8) Where a person holding a licence under this Order dies, any permission given by him under Article 5(3)(b) or (4)(b) or 7(5)(b) (as the case may be), and effective immediately before his death, shall continue to be effective for a period of 21 days from the date of his death; but if the period for which the licence was granted would have expired before the expiry of the 21 days, the permission shall expire when the licence would have expired.

(9) Any sums received by the Department under this Article shall be paid into the Consolidated Fund.

## **Regulations**

- 10.**—(1) Subject to paragraph (2), regulations may make provision—
- (a) in relation to bodies the anatomical examination of which is lawful by virtue of Article 6, with a view to securing their efficient and orderly examination and the decent disposal of the bodies (and parts of them) after their examination has been concluded;
  - (b) in relation to parts of bodies the possession of which is lawful by virtue of Article 8, with a view to securing that they are decently cared for.
- (2) No regulations under this Article shall apply in relation to the body of a person who died before the coming into operation of the regulations.

## **Inspectors of anatomy**

- 11.**—(1) The Department may appoint such persons as the Department thinks fit to be inspectors, each to be known as the Inspector of Anatomy for Northern Ireland.
- (2) An inspector shall be appointed—
- (a) to advise the Department on the exercise of the Department’s functions under this Order;
  - (b) for the purpose mentioned in sub-paragraph (a), to inspect premises in respect of which licences are sought under Article 5(1), in order to ascertain whether the premises are suitable;
  - (c) for the purpose mentioned in sub-paragraph (a), to examine applications for licences under this Order, in order to ascertain whether the applicants are suitable;
  - (d) to inspect premises, in order to ascertain whether any offence has been or is being committed under Article 13(1) or (2) or against regulations under Article 10 (as mentioned in Article 13(4)).
- (3) The Department shall pay to an inspector such remuneration as the Department may decide.
- (4) An inspector shall be appointed on such other terms and conditions as the Department may determine.
- (5) The Department may in the case of such of the inspectors as the Department may determine—
- (a) pay such pensions, allowances or gratuities to or in respect of them as may be so determined,
  - (b) make such payments towards the provision of pensions, allowances or gratuities to or in respect of any of them as may be so determined, or
  - (c) provide and maintain such schemes (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of them as may be so determined.

## **Power to inspect records and premises**

- 12.**—(1) An inspector duly authorised in writing by the Department may (subject to paragraphs (3) and (4)) require the production of, and inspect and take copies of, any records which a person is required to retain by virtue of Article 5(5) or 7(6).
- (2) Where—
- (a) an inspector has reasonable cause to believe that an offence under Article 13(1)(a) or (2) or against regulations under Article 10 (as mentioned in Article 13(4)) has been or is being committed on any premises, and
  - (b) he is duly authorised in writing by the Department to enter and inspect the premises with a view to ascertaining whether the offence has been or is being committed,
- he may (subject to paragraphs (3) to (5)) enter and inspect the premises for that purpose.

(3) An inspector who proposes to require the production of records or enter premises in exercise of a power under this Article shall, if so required, produce evidence of his authority before making the requirement or entering.

(4) A power under this Article may only be exercised at a reasonable time.

(5) The power to enter premises under paragraph (2) may only be exercised if a licence under Article 5(1) is effective in respect of the premises both at the time of the suspected offence and at the time of the entry.

(6) Information (including information in records) obtained by any person in pursuance of this Article shall not be disclosed except—

- (a) with the written consent of the person by whom the information was provided, or
- (b) to any Northern Ireland department, or
- (c) in the form of a summary of similar information obtained from a number of persons, where the summary is so framed as not to enable particulars relating to any one person or undertaking to be ascertained from it, or
- (d) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings, or
- (e) for the purposes of a report of any criminal proceedings.

(7) In this Article “inspector” means a person appointed under Article 11.

## **Offences**

**13.**—(1) A person who—

- (a) carries out an anatomical examination in contravention of Article 4(1), or
- (b) has in his possession an anatomical specimen in contravention of Article 4(2), or
- (c) has in his possession a body or part of a body in contravention of Article 7(2),

shall be guilty of an offence.

(2) A person who contravenes a condition attached to a licence granted to him under this Order shall be guilty of an offence.

(3) Where a person is charged with an offence under paragraph (1) or (2), it shall be a defence to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(4) Regulations under Article 10 may provide that a person who without reasonable excuse contravenes any specified provision of the regulations shall be guilty of an offence against the regulations; and references in this Article to an offence against the regulations shall be construed accordingly.

(5) A person who—

- (a) fails without reasonable excuse to comply with Article 5(5) or 7(6), or
- (b) in purported compliance with Article 5(5) or 7(6) compiles a record which he knows is false in a material particular, or
- (c) alters a record compiled in compliance with Article 5(5) or 7(6) so that the record becomes to his knowledge false in a material particular, or
- (d) fails without reasonable excuse to comply with a requirement imposed by virtue of Article 12(1), or
- (e) intentionally obstructs an inspector in the exercise of his powers under Article 12(1) or (2), or

(f) discloses information in contravention of Article 12(6), shall be guilty of an offence.

(6) A person guilty of an offence under paragraph (1) or (2) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 3 months.

(7) Regulations under Article 10 may provide that a person guilty of an offence against the regulations shall be liable on summary conviction to a fine not exceeding an amount which is specified in the regulations in relation to the offence concerned and which does not exceed level 3 on the standard scale; and they may further provide that he may instead be liable on summary conviction to imprisonment for a term not exceeding 3 months.

(8) A person guilty of an offence under paragraph (5) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) If a person carries out an anatomical examination or has possession of an anatomical specimen or of a body falling within Article 7(1) or part of such a body, and the circumstances are such that he commits no offence under paragraph (1) or (2) or against regulations under Article 10, he shall be guilty of no other offence of carrying out such examination or having such possession.

## Repeals

14. The following statutory provisions are hereby repealed—

- (a) the Anatomy Act 1832(1);
- (b) the Anatomy Act 1871(2);
- (c) sections 2(1) and 3 of the Human Tissue Act (Northern Ireland) 1962(3).

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(1) 1832 c. 75  
(2) 1871 c. 16  
(3) 1962 c. 19 (N.I.)