



# Human Tissue Act 2004

## CHAPTER 30

### HUMAN TISSUE ACT 2004

#### PART 1

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

- 1 Authorisation of activities for scheduled purposes
- 2 “Appropriate consent”: children
- 3 “Appropriate consent”: adults
- 4 Nominated representatives
- 5 Prohibition of activities without consent etc.
- 6 Activities involving material from adults who lack capacity to consent
- 7 Powers to dispense with need for consent
- 8 Restriction of activities in relation to donated material
- 9 Existing holdings
- 10 Existing anatomical specimens
- 11 Coroners
- 12 Interpretation of Part 1

#### PART 2

##### REGULATION OF ACTIVITIES INVOLVING HUMAN TISSUE

###### *The Human Tissue Authority*

- 13 The Human Tissue Authority
- 14 Remit
- 15 General functions

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### *Licensing*

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- 18 Duty of the designated individual
- 19 Right to reconsideration of licensing decisions
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- 32 Prohibition of commercial dealings in human material for transplantation
- 32A Offences under section 32 committed outside UK

### *Transplants*

- 33 Restriction on transplants involving a live donor
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### *General*

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### MISCELLANEOUS AND GENERAL

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### *Miscellaneous*

- 42 Power of Human Tissue Authority to assist other public authorities
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## SCHEDULES

### SCHEDULE 1 — Scheduled purposes

#### Part 1 — PURPOSES REQUIRING CONSENT: GENERAL

- 1 Anatomical examination.
- 2 Determining the cause of death.
- 3 Establishing after a person’s death the efficacy of any drug...
- 4 Obtaining scientific or medical information about a living or deceased...
- 5 Public display.
- 6 Research in connection with disorders, or the functioning, of the...
- 7 Transplantation.

#### Part 2 — PURPOSES REQUIRING CONSENT: DECEASED PERSONS

- 8 Clinical audit.
- 9 Education or training relating to human health.
- 10 Performance assessment.
- 11 Public health monitoring.
- 12 Quality assurance.

### SCHEDULE 2 — The human tissue authority

#### *Membership*

- 1 (1) The Authority shall consist of— (a) a chairman appointed...

#### *Disqualification*

- 2 A person is disqualified for being appointed as chairman of...
- 3 (1) A person is disqualified for being appointed as chairman...

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#### *Tenure of office*

- 4 Subject to the following provisions of this Schedule, the chairman...  
5 (1) The terms of appointment of the chairman and other...  
6 Previous service as chairman or other member of the Authority...  
7 A person holding office as chairman or other member of...  
8 A person holding office as chairman or other member of...  
9 A person may be removed from office as chairman or...  
9A The appointing authority may suspend a person from office as...  
9B (1) This paragraph applies where the appointing authority decides to...  
9C (1) This paragraph applies where a person is suspended from...

#### *Remuneration and pensions of members*

- 10 (1) The Authority may pay to the chairman or any...

#### *Staff*

- 11 The Authority may appoint such staff as it considers appropriate,...

#### *Proceedings*

- 12 Subject to any provision of this Act, the Authority may...  
13 The validity of any proceedings of the Authority shall not...

#### *Members' interests*

- 14 (1) The Authority shall establish and maintain a system for...

#### *Finance*

- 15 The Secretary of State may out of money provided by...

#### *Accounts and audit*

- 16 (1) The Authority shall keep proper accounts and proper records...

#### *Instruments*

- 17 The application of the seal of the Authority shall be...  
18 A document purporting— (a) to be duly executed under the...

#### *Status*

- 19 (1) The Authority is not to be regarded as the...

#### *Supplementary powers*

- 20 The Authority may do anything which is calculated to facilitate, ...  
21 The Authority may delegate any of its functions (to such...

#### *Application of Statutory Instruments Act 1946*

- 22 The Statutory Instruments Act 1946 (c. 36) shall apply to...

#### *Public records*

- 23 In Schedule 1 to the Public Records Act 1958 (c....

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*Investigation by Parliamentary Commissioner*

24 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c....

*House of Commons Disqualification*

25 In Part 2 of Schedule 1 to the House of...

*Northern Ireland Assembly Disqualification*

26 In Part 2 of Schedule 1 to the Northern Ireland...

*Freedom of information*

27 In Part 6 of Schedule 1 to the Freedom of...

SCHEDULE 3 — Licences for the purposes of section 16

*Power to grant licence*

1 The Authority may on application grant a licence for the...

*Characteristics of licence*

2 (1) A licence shall not authorise the carrying-on of more...

3 (1) This paragraph applies to a licence authorising the storage...

4 (1) This paragraph applies to a licence authorising the activity...

*Power to impose conditions*

5 The Authority may grant a licence subject to such further...

*Pre-conditions to grant of licence*

6 (1) The Authority may not grant a licence in pursuance...

*Power to revoke licence*

7 (1) The Authority may revoke a licence on application by—...

*Power to vary licence*

8 (1) The Authority may on application by the holder of...

*Power to suspend licence*

9 (1) Where the Authority— (a) has reasonable grounds to suspect...

*Procedure in relation to licensing decisions*

10 (1) Before making a decision— (a) to refuse an application...

*Notification of licensing decisions*

11 (1) In the case of a decision to grant a...

*Permission for the purposes of the licence condition required by paragraph 3(2)*

12 (1) This paragraph applies to a licence authorising the storage...

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*Applications under this Schedule*

- 13 (1) The Authority may by regulations make provision about applications...

SCHEDULE 4 — Section 45: supplementary  
Part 1 — QUALIFYING CONSENT

*Introductory*

- 1 This Part of this Schedule makes provision for the interpretation...

*Qualifying consent*

- 2 (1) In relation to analysis of DNA manufactured by the...

*Application to Scotland*

- 3 (1) In its application to Scotland, paragraph 2 has effect...  
Part 2 — USE FOR AN EXCEPTED PURPOSE

*Introductory*

- 4 This Part of this Schedule makes provision for the interpretation...

*Purposes of general application*

- 5 (1) Use of the results of an analysis of DNA...

*Purpose of research in connection with disorders, or functioning, of the human body*

- 6 (1) Use of the results of an analysis of DNA...

*Purposes relating to existing holdings*

- 7 Use of the results of an analysis of DNA for...

*Purposes relating to material from body of a living person*

- 8 Use of the results of an analysis of DNA for...  
9 (1) Use of the results of an analysis of DNA...  
10 Use of the results of an analysis of DNA for...

*Purpose authorised under section 1*

- 11 Use of the results of an analysis of DNA for...

*Purposes relating to DNA of adults who lack capacity to consent*

- 12 (1) Use of the results of an analysis of DNA...

*Power to amend paragraphs 5, 7 and 8*

- 13 The Secretary of State may by order amend paragraph 5,...

SCHEDULE 5 — Powers of inspection, entry, search and seizure

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*Inspection of statutory records*

- 1 (1) A duly authorised person may require a person to...

*Entry and inspection of licensed premises*

- 2 (1) A duly authorised person may at any reasonable time...

*Entry and search in connection with suspected offence*

- 3 (1) If a justice of the peace is satisfied on...

*Execution of warrants*

- 4 (1) Entry and search under a warrant under paragraph 3...

*Seizure in the course of inspection or search*

- 5 (1) A duly authorised person entering and inspecting premises under...

*Powers: supplementary*

- 6 (1) Power under this Schedule to enter and inspect or...  
7 (1) A person's right to exercise a power under this...

*Enforcement*

- 8 (1) A person commits an offence if—

*Interpretation*

- 9 In this Schedule, “duly authorised person”, in the context of...

SCHEDULE 6 — Consequential amendments

*Wills Act 1837 (c. 26)*

- 1 In section 1 of the Wills Act 1837, in the...

*Anatomy Act 1984 (c. 14)*

- 2 In section 4 of the Anatomy Act 1984 (lawful examinations),...

*Coroners Act 1988 (c. 13)*

- 3 (1) The Coroners Act 1988 is amended as follows.

*Human Organ Transplants Act 1989 (c. 31)*

- 4 In section 1(1)(a) of the Human Organ Transplants Act 1989,...

*Criminal Justice and Police Act 2001 (c. 16)*

- 5 (1) Part 2 of the Criminal Justice and Police Act...

*Enterprise Act 2002 (c. 40)*

- 6 (1) Paragraph 3(1)(b), (2) and (3) of Schedule 2 shall...

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*Asylum and Immigration (Treatment of Claimants, etc.) Act 2004*

7 In section 4 of the Asylum and Immigration (Treatment of...

SCHEDULE 7 — Repeals and revocations

Part 1 — REPEALS

Part 2 — REVOCATIONS



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**Changes and effects yet to be applied to :**

- s. 1(1A) inserted by [2013 anaw 5 s. 16\(2\)\(a\)](#)
- s. 1(2) words substituted by [2009 c. 25 Sch. 21 para. 48](#)
- s. 5(3) words substituted by [2009 c. 25 Sch. 21 para. 49\(2\)](#)
- s. 5(4)(a)(i) words substituted by [2009 c. 25 Sch. 21 para. 49\(3\)](#)
- s. 32(3A) words inserted by [S.I. 2019/483 reg. 2\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/483, reg. 2(2) substituted immediately before IP completion day by S.I 2020/1035, reg. 3)
- s. 32(3A) words substituted by [S.I. 2019/483 reg. 2\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/483, reg. 2(2) substituted immediately before IP completion day by S.I 2020/1035, reg. 3)
- Sch. 6 para. 3 repealed by [2009 c. 25 Sch. 23 Pt. 1](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 29(7) inserted by [2013 anaw 5 s. 15\(4\)\(e\)](#)
- s. 43(5A) inserted by [2009 c. 25 Sch. 21 para. 50](#)