



Human Tissue Act 2004

2004 CHAPTER 30

PART 2

REGULATION OF ACTIVITIES INVOLVING HUMAN TISSUE

General

35 Agency arrangements and provision of services

- (1) Arrangements may be made between the Authority and a government department, a public authority or the holder of a public office (“the other authority”) for—
 - (a) any functions of the Authority to be carried out by, or by members of staff of, the other authority, or
 - (b) the provision by the other authority of administrative, professional or technical services to the Authority.
- (2) Arrangements under subsection (1)(a) shall not affect responsibility for the carrying-out of the Authority’s functions.
- (3) Subsection (1)(a) shall not apply to functions of making subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).

Commencement Information

II [S. 35](#) in force at 1.4.2005 by [S.I. 2005/919](#), [art. 3](#), [Sch.](#) (with [art. 2](#))

36 Annual report

- (1) The Authority shall prepare—
 - (a) a report for the first twelve months of its existence, and
 - (b) a report for each succeeding period of twelve months.

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- (2) A report under this section shall deal with the activities of the Authority in the period to which the report relates.
- (3) The Authority shall send each report under this section—
 - (a) to the Secretary of State,
 - (b) to the [^{F1}Welsh Ministers], and
 - (c) to the relevant Northern Ireland department,
 as soon as practicable after the end of the period to which the report relates.
- (4) The Secretary of State shall lay a copy of each report received by him under this section before each House of Parliament.
- (5) The relevant Northern Ireland department shall lay a copy of each report received by it under this section before the Northern Ireland Assembly.
- [^{F2}(5A) The Welsh Ministers shall lay a copy of each report received by them under this section before the National Assembly for Wales.]

Textual Amendments

- F1** Words in s. 36(3)(b) substituted (E.W.) (1.12.2015) by [Human Transplantation \(Wales\) Act 2013 \(anaw 5\), ss. 16\(6\)\(a\), 21\(1\)](#) (with s. 14); S.I. 2015/1679, art. 3(e)
- F2** S. 36(5A) inserted (E.W.) (1.12.2015) by [Human Transplantation \(Wales\) Act 2013 \(anaw 5\), ss. 16\(6\)\(b\), 21\(1\)](#) (with s. 14); S.I. 2015/1679, art. 3(e)

Commencement Information

- I2** S. 36 in force at 1.4.2005 by [S.I. 2005/919, art. 3, Sch.](#) (with art. 2)

37 Directions

- (1) The Authority may give directions for any purpose for which directions may be given under this Part.
- (2) Any power under this Part to give directions includes power to vary or revoke directions given in previous exercise of the power.
- (3) Any power under this Part to give directions is exercisable by instrument in writing.
- (4) Directions under this Part to a particular person shall be given by serving notice of the directions on the person.
- (5) Directions under this Part in respect of any licence (including one which has ceased to have effect) may be given—
 - (a) by serving notice of the directions on the person who is (or was immediately before the cessation) the designated individual or holder of the licence, or
 - (b) if it appears to the Authority that it is not practicable to give notice in that way, by publishing the directions in such way as, in its opinion, is likely to bring them to the attention of the persons to whom they are applicable.
- (6) Directions under this Part which appear to the Authority to be general directions may be given by publishing them as mentioned in subsection (5)(b).
- (7) This section does not apply to directions under Schedule 2.

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Modifications etc. (not altering text)

- C1** S. 37(1)-(5) applied (with modifications) (25.5.2007 for specified purposes, 5.7.2007 in so far as not already in force) by [Human Tissue \(Quality and Safety for Human Application\) Regulations 2007 \(S.I. 2007/1523\)](#), [reg. 1\(2\)\(3\)8\(2\)\(d\)8\(5\)](#) (with [reg. 2\(3\)](#))
- C2** S. 37(1)-(5) applied (with modifications) (12.7.2012 for specified purposes, otherwise 27.8.2012) by [The Quality and Safety of Organs Intended for Transplantation Regulations 2012 \(S.I. 2012/1501\)](#), [reg. 1\(2\)\(3\)](#), [6](#)
- C3** [S. 37\(1\)-\(5\)](#) amendment to earlier affecting provision [S.I. 2012/1501 reg. 6](#) (14.7.2014) by [The Quality and Safety of Organs Intended for Transplantation \(Amendment\) Regulations 2014 \(S.I. 2014/1459\)](#), [regs. 1\(1\)](#), [4](#)

Commencement Information

- I3** S. 37 in force at 20.10.2005 for specified purposes by [S.I. 2005/2792](#), [art. 2\(2\)\(j\)](#)
- I4** S. 37 in force at 1.3.2006 for specified purposes by [S.I. 2006/404](#), [art. 2\(3\)\(4\)](#), [Sch.](#) (with [arts. 4-6](#))
- I5** S. 37 in force at 7.4.2006 for specified purposes by [S.I. 2006/404](#), [art. 3\(3\)](#), [Sch.](#) (with [arts. 4-6](#))
- I6** S. 37 in force at 31.7.2006 for specified purposes by [S.I. 2006/1997](#), [art. 2](#), [Sch.](#) (with [art. 4](#))
- I7** S. 37 in force at 1.9.2006 in so far as not already in force by [S.I. 2006/1997](#), [art. 3\(2\)](#) (with [arts. 4, 7, 8](#))

38 Duties in relation to carrying out functions

- (1) The Authority must carry out its functions effectively, efficiently and economically.
- (2) In carrying out its functions, the Authority must, so far as relevant, have regard to the principles of best regulatory practice (including the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed).

Commencement Information

- I8** [S. 38](#) in force at 1.4.2005 by [S.I. 2005/919](#), [art. 3](#), [Sch.](#) (with [art. 2](#))

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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](#)