



Health and Care Act 2022

2022 CHAPTER 31

PART 6

MISCELLANEOUS

Organ trafficking

170 Commercial dealings in organs for transplantation: extra-territorial offences

(1) After section 32 of the Human Tissue Act 2004 insert—

“32A Offences under section 32 committed outside UK

(1) If—

- (a) a person who is habitually resident in England and Wales, or who is a UK national and not habitually resident in Northern Ireland, does an act outside the United Kingdom,
- (b) the act, if done in England and Wales, would constitute an offence under section 32(1), and
- (c) the controlled material to which the act relates is controlled material consisting of or including a human organ,

the person is guilty in England and Wales of that offence.

(2) In this section “United Kingdom national” means an individual who is—

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
- (b) a person who under the British Nationality Act 1981 is a British subject, or
- (c) a British protected person within the meaning of that Act.”

(2) After section 20 of the Human Tissue (Scotland) Act 2006 insert—

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, Section 170. (See end of Document for details)

“20A Offences under section 20 committed outside UK

- (1) If—
- (a) a person who is habitually resident in Scotland, or who is a UK national and not habitually resident in Northern Ireland, does an act outside the United Kingdom, and
 - (b) the act, if done in Scotland, would constitute an offence under section 20(1), and
 - (c) the part of the human body to which the act relates consists of or includes a human organ,
- the person is guilty in Scotland of that offence.
- (2) In this section “United Kingdom national” means an individual who is—
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
 - (b) a person who under the British Nationality Act 1981 is a British subject, or
 - (c) a British protected person within the meaning of that Act.
- (3) Where a person outside the United Kingdom commits an offence under section 20(1) the person may be prosecuted, tried and punished for the offence—
- (a) in a sheriff court district in which the person is apprehended or in custody, or
 - (b) in a sheriff court district determined by the Lord Advocate,
- as if the offence had been committed in that district.
- (4) Where subsection (3) applies, the offence is, for all purposes incidental to or consequential on the trial and punishment, deemed to have been committed in that district.
- (5) In this section “sheriff court district” is to be construed in accordance with section 307(1) of the Criminal Procedure (Scotland) Act 1995 (interpretation).”

Commencement Information

- I1** S. 170 not in force at Royal Assent, see [s. 186\(6\)](#)
- I2** S. 170 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

Changes to legislation:

There are currently no known outstanding effects for the Health and Care Act 2022, Section 170.