
STATUTORY INSTRUMENTS

2006 No. 2169

**The Human Tissue Act 2004 (Commencement No.5
and Transitional Provisions) (Amendment) Order 2006**

Amendment of the fifth Commencement Order

2.—(1) The fifth Commencement Order shall be amended in accordance with the following paragraphs.

(2) In article 3(1), for the words “articles 4 and 7”, there shall be substituted “articles 4, 7 and 8”.

(3) After article 7 there shall be added—

“Transitional arrangements: organ transplants between genetically related persons

8.—(1) Paragraph (2) applies in a case where—

- (a) an organ is proposed to be transplanted from a living person (“the donor”) to another person (“the recipient”);
- (b) the registered medical practitioner who has clinical responsibility for the donor has received a statement in writing before 1st September 2006 that a tester is satisfied that the donor and recipient are genetically related in accordance with—
 - (i) regulation 2 of the Human Organ Transplants (Establishment of Relationship) Regulations 1998(1), or
 - (ii) regulation 2 of the Human Organ Transplants (Establishment of Relationship) Regulations (Northern Ireland) 1998(2); and
- (c) the organ is removed from the donor before 28th February 2007 for transplant into the recipient.

(2) Section 33(1) and (2) of the Act do not have effect for the purposes of a case mentioned in paragraph (1).

(3) In this article a person is genetically related to—

- (a) his natural parents and children;
- (b) his brothers and sisters of the whole or half blood;
- (c) the brothers and sisters of the whole or half blood of either of his natural parents; and
- (d) the natural children of his brothers and sisters of the whole or half blood or of the brothers and sisters of the whole or half blood of either of his natural parents.

(4) In this article—

“organ” means any part of a human body consisting of a structured arrangement of tissues which, if wholly removed, cannot be replicated by the body;

“tester” means a person who has been approved by—

- (a) the Secretary of State, or

(1) S.I. 1998/1428.

(2) S.R. 1998/389.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) the Department of Health, Social Services and Public Safety as competent both to specify and to interpret the results of genetic tests.”.