



# Human Transplantation (Wales) Act 2013

2013 anaw 5

## *Offences*

### **10 Prohibition of activities without consent**

- (1) A person commits an offence if the person does, without consent, a transplantation activity in Wales.
- (2) But a person does not commit an offence under subsection (1) if—
  - (a) the person reasonably believes—
    - (i) that he or she does the activity with consent, or
    - (ii) that what he or she does is not a transplantation activity;
  - (b) section 3(3) (imported material) applies;
  - (c) section 13(1) (preservation for transplantation) applies.
- (3) A person (“P”) commits an offence if, in Wales—
  - (a) P falsely represents to a person whom P knows or believes is going to, or may, do a transplantation activity—
    - (i) that there is consent to the doing of the activity, or
    - (ii) that the activity is not a transplantation activity, and
  - (b) P knows that the representation is false or does not believe it to be true.
- (4) A person guilty of an offence under this section is liable—
  - (a) on summary conviction to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment—
    - (i) to imprisonment for a term not exceeding 3 years, or
    - (ii) to a fine, or
    - (iii) to both.
- (5) In this section “consent” means the consent required by virtue of section 3.

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*Changes to legislation: There are currently no known outstanding effects for the Human Transplantation (Wales) Act 2013, Cross Heading: Offences. (See end of Document for details)*

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**Annotations:****Commencement Information**

**I1** [S. 10](#) in force at 1.12.2015 by [S.I. 2015/1679](#), [art. 3\(c\)](#)

**11 Offences by bodies corporate**

- (1) Where an offence under section 10 is committed by a body corporate and is proven to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) any director, manager or secretary of the body corporate, or
  - (b) any officer who was purporting to act in that capacity,
- he or she (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) The reference to the director, manager or secretary of the body corporate includes a reference—
- (a) to any similar officer of the body;
  - (b) where the body is a body corporate whose affairs are managed by its members, to any officer or member of the body.

**Annotations:****Commencement Information**

**I2** [S. 11](#) in force at 1.12.2015 by [S.I. 2015/1679](#), [art. 3\(c\)](#)

**12 Prosecutions**

No proceedings for an offence under section 10 may be instituted except by or with the consent of the Director of Public Prosecutions.

**Annotations:****Commencement Information**

**I3** [S. 12](#) in force at 1.12.2015 by [S.I. 2015/1679](#), [art. 3\(c\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Human Transplantation (Wales) Act 2013, Cross Heading: Offences.