

*These notes refer to the Human Transplantation (Wales) Act 2013 (c.5) which received Royal Assent on 10 September 2013*

# **HUMAN TRANSPLANTATION (WALES) ACT 2013**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 13: Preservation for transplantation***

47. This section replicates the effect of section 43 of the Human Tissue Act 2004 (the 2004 Act). This section makes it lawful to retain the body of a deceased person and preserve organs in the body which may be suitable for transplantation, while the issue of consent (whether express or deemed) to the use of organs is resolved. The actions taken for preservation must involve the minimum steps necessary and the least invasive procedures. Whilst this is not directly related to consent it is inherent to how the system works before it is established whether consent exists and has therefore been restated in this Act. An amendment has been made to the corresponding section 43 of the 2004 Act to make clear which provision applies (i.e. the one in this Act).