



# Human Tissue Act 1961

## 1961 CHAPTER 54

### **1 Removal of parts of bodies for medical purposes.**

- (1) If any person, either in writing at any time or orally in the presence of two or more witnesses during his last illness, has expressed a request that his body or any specified part of his body be used after his death for therapeutic purposes or for purposes of medical education or research, the person lawfully in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorise the removal from the body of any part or, as the case may be, the specified part, for use in accordance with the request.
- (2) Without prejudice to the foregoing subsection, the person lawfully in possession of the body of a deceased person may authorise the removal of any part from the body for use for the said purposes if, having made such reasonable enquiry as may be practicable, he has no reason to believe—
  - (a) that the deceased had expressed an objection to his body being so dealt with after his death, and had not withdrawn it; or
  - (b) that the surviving spouse or any surviving relative of the deceased objects to the body being so dealt with.
- (3) Subject to subsections (4) and (5) of this section, the removal and use of any part of a body in accordance with an authority given in pursuance of this section shall be lawful.
- (4) No such removal shall be effected except by a fully registered medical practitioner, who must have satisfied himself by personal examination of the body that life is extinct.
- (5) Where a person has reason to believe that an inquest may be required to be held on any body or that a post-mortem examination of any body may be required by the coroner, he shall not, except with the consent of the coroner,—
  - (a) give an authority under this section in respect of the body; or
  - (b) act on such an authority given by any other person.
- (6) No authority shall be given under this section in respect of any body by a person entrusted with the body for the purpose only of its interment or cremation.

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*Status: This is the original version (as it was originally enacted).*

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- (7) In the case of a body lying in a hospital, nursing home or other institution, any authority under this section may be given on behalf of the person having the control and management thereof by any officer or person designated for that purpose by the first-mentioned person.
- (8) Nothing in this section shall be construed as rendering unlawful any dealing with, or with any part of, the body of a deceased person which is lawful apart from this Act.
- (9) In the application of this section to Scotland, for subsection (5) there shall be substituted the following subsection:—
- “(5) Nothing in this section shall authorise the removal of any part from a body in any case where the procurator fiscal has objected to such removal.”