
STATUTORY INSTRUMENTS

1992 No. 1718

The Anatomy (Northern Ireland) Order 1992

Anatomical examination

Control of examinations and possession

- 4.—(1) No person shall carry out an anatomical examination unless—
- (a) he carries it out on premises which at the time of the examination are licensed under Article 5(1),
 - (b) he is authorised to carry it out under Article 5(3),
 - (c) at the time the examination is carried out it is lawful by virtue of Article 6, and
 - (d) death has been registered, in the case of the body concerned, under Article 21(1) of the Births and Deaths Registration (Northern Ireland) Order 1976(1).
- (2) Subject to paragraph (3), no person shall have an anatomical specimen in his possession unless—
- (a) he is authorised to have possession under Article 5(4),
 - (b) anatomical examination of the specimen is at the time concerned lawful by virtue of Article 6, and
 - (c) a certificate of cause of death has been signed, in the case of the body concerned, in accordance with Article 25(2) of that Order of 1976.
- (3) Paragraph (2) does not apply where a person came into lawful possession of a body immediately after death and retained possession prior to its removal to the place where anatomical examination is to take place.

Licences

- 5.—(1) The Department may grant a licence for the use of premises for carrying out anatomical examinations.
- (2) The Department may grant a licence to a person to do one or both of the following—
- (a) carry out anatomical examinations;
 - (b) have possession of anatomical specimens.
- (3) A person is authorised under this paragraph to carry out an anatomical examination if—
- (a) at the time of the examination he is licensed to carry it out under paragraph (2)(a), or
 - (b) he carries out the examination in the course of teaching or studying, or researching into, morphology and has permission (general or particular) to carry out the examination from a person who is so licensed at the time of the examination.
- (4) A person is authorised under this paragraph to have possession of an anatomical specimen if—
- (a) at the time he has possession he is licensed to do so under paragraph (2)(b), or

- (b) he has, from a person who is so licensed at that time, permission (general or particular) to have such possession.
- (5) A person to whom a licence has been granted under paragraph (2) shall—
 - (a) compile such records in relation to anatomical examinations and anatomical specimens as may be specified by regulations, and
 - (b) retain for such period as may be so specified any records compiled in accordance with sub-paragraph (a).

Lawful examinations

6.—(1) Paragraph (2) applies if a person, either in writing at any time or orally in the presence of 2 or more witnesses during his last illness, has expressed a request that his body be used after his death for anatomical examination.

(2) If the person lawfully in possession of the body after death has no reason to believe that the request was withdrawn, he may authorise the use of the body in accordance with the request.

(3) Without prejudice to paragraph (2), the person lawfully in possession of a body may authorise it to be used for anatomical examination if, having made such reasonable inquiry as may be practicable, he has no reason to believe—

- (a) that the deceased, either in writing at any time or orally in the presence of 2 or more witnesses during his last illness, had expressed an objection to his body being so used 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 used.

(4) Subject to paragraphs (5) to (7), the anatomical examination of a body in accordance with an authority given in pursuance of this Article is lawful by virtue of this Article.

(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 coroner's consent—

- (a) give an authority under this Article 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 Article in respect of a body by a person entrusted with the body for the purpose only of its interment or cremation.

(7) Authority under this Article expires at the end of the statutory period (even if the person lawfully in possession of the body concerned authorises its use under paragraph (2) or (3) for a longer or a shorter period or for no particular period).

(8) In the case of a body lying in a hospital, nursing home or other institution, any authority under this Article may be given on behalf of the person having the control and management of the institution by any officer or person designated for that purpose by the first-mentioned person.

(9) In paragraph (7) “the statutory period” means the period of 3 years (or, subject to paragraph (10), such other period as the Department may by order subject to negative resolution specify for the purposes of this paragraph) from the date of the deceased's death.

(10) An order under paragraph (9) shall not apply in relation to the body of a person who died before the coming into operation of the order.