

1990 No. 357

HEALTH AND PERSONAL SOCIAL SERVICES

**The Human Organ Transplants (Unrelated Persons)
Regulations (Northern Ireland) 1990**

Made 1st October 1990

Coming into operation 3rd December 1990

*To be laid before Parliament under paragraph 3(3) of
Schedule 1 to the Northern Ireland Act 1974*

The Department of Health and Social Services, in exercise of powers conferred by Article 4(3) of the Human Organ Transplants (Northern Ireland) Order 1989(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Human Organ Transplants (Unrelated Persons) Regulations (Northern Ireland) 1990 and shall come into operation on 3rd December 1990.

(2) In these regulations—

“the Order” means the Human Organ Transplants (Northern Ireland) Order 1989;

“the Authority” means the Unrelated Live Transplant Regulatory Authority constituted by regulation 2 of the Human Organ Transplants (Unrelated Persons) Regulations 1989(b);

“donor” means a living person from whom it is proposed to remove an organ;

“medical practitioner” means a fully registered person within the meaning of the Medical Act 1983(c);

“recipient” means a person into whom it is proposed to transplant an organ.

Transplants between persons who are genetically related

2.—(1) The prohibition in Article 4(1) of the Order (restriction on transplants between persons not genetically related) shall not apply in cases where a medical practitioner has caused the matter to be referred to the Authority and where the Authority is satisfied—

(a) S.I. 1989/2408 (N.I. 21)

(b) S.I. 1989/2480

(c) 1983 c. 54

- (a) that no payment has been, or is to be, made in contravention of Article 3 of the Order;
 - (b) that the medical practitioner who has caused the matter to be referred to the Authority has clinical responsibility for the donor; and
 - (c) except in a case where the primary purpose of removal of an organ from a donor is the medical treatment of that donor, that the conditions specified in paragraph (2) are satisfied.
- (2) The conditions referred to in paragraph (1)(c) are—
- (a) that a medical practitioner has given the donor an explanation of the nature of the medical procedure for, and the risk involved in, the removal of the organ in question;
 - (b) that the donor understands the nature of the medical procedure and the risks, as explained by the medical practitioner, and consents to the removal of the organ in question;
 - (c) that the donor's consent to the removal of the organ in question was not obtained by coercion or the offer of an inducement;
 - (d) that the donor understands that he is entitled to withdraw his consent if he wishes, but has not done so;
 - (e) that the donor and the recipient have both been interviewed by a person who appears to the Authority to have been suitably qualified to conduct such interviews and who has reported to the Authority on the conditions contained in sub-paragraphs (a) to (d) and has included in his report an account of any difficulties of communication with the donor or the recipient and an explanation of how those difficulties were overcome.

Sealed with the Official Seal of the Department of Health and Social Services on 1st October 1990.

(L.S.)

J. Scott

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations make provision for cases in which the prohibition of transplants between living persons who are not genetically related in Article 4(1) of the Human Organ Transplants (Northern Ireland) Order 1989 does not apply. They specify the conditions which are required to be satisfied in cases to which the regulations apply. These include the Unrelated Live Transplant Regulatory Authority being satisfied that no payment has been or is to be made for a human organ in contravention of Article 3 of the Order.