



Human Tissue Act 2004

2004 CHAPTER 30

PART 1

REMOVAL, STORAGE AND USE OF HUMAN ORGANS AND OTHER TISSUE FOR SCHEDULED PURPOSES

2 “Appropriate consent”: children

- (1) This section makes provision for the interpretation of “appropriate consent” in section 1 in relation to an activity involving the body, or material from the body, of a person who is a child or has died a child (“the child concerned”).
- (2) Subject to subsection (3), where the child concerned is alive, “appropriate consent” means his consent.
- (3) Where—
 - (a) the child concerned is alive,
 - (b) neither a decision of his to consent to the activity, nor a decision of his not to consent to it, is in force, and
 - (c) either he is not competent to deal with the issue of consent in relation to the activity or, though he is competent to deal with that issue, he fails to do so,“appropriate consent” means the consent of a person who has parental responsibility for him.
- (4) Where the child concerned has died and the activity is one to which subsection (5) applies, “appropriate consent” means his consent in writing.
- (5) This subsection applies to an activity involving storage for use, or use, for the purpose of—
 - (a) public display, or
 - (b) where the subject-matter of the activity is not excepted material, anatomical examination.
- (6) Consent in writing for the purposes of subsection (4) is only valid if—

Changes to legislation: *Human Tissue Act 2004, Section 2 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) it is signed by the child concerned in the presence of at least one witness who attests the signature, or
 - (b) it is signed at the direction of the child concerned, in his presence and in the presence of at least one witness who attests the signature.
- (7) Where the child concerned has died and the activity is not one to which subsection (5) applies, “appropriate consent” means —
- (a) if a decision of his to consent to the activity, or a decision of his not to consent to it, was in force immediately before he died, his consent;
 - (b) if paragraph (a) does not apply—
 - (i) the consent of a person who had parental responsibility for him immediately before he died, or
 - (ii) where no person had parental responsibility for him immediately before he died, the consent of a person who stood in a qualifying relationship to him at that time.

Commencement Information

- I1** S. 2 in force at 20.10.2005 for specified purposes by S.I. 2005/2792, **art. 2(2)(j)**
- I2** S. 2 in force at 1.9.2006 in so far as not already in force by S.I. 2006/1997, **art. 3(2)** (with arts. 4, 7, 8)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 29(7) inserted by [2013 anaw 5 s. 15\(4\)\(e\)](#)
- s. 43(5A) inserted by [2009 c. 25 Sch. 21 para. 50](#)