



# Human Tissue Act 2004

## 2004 CHAPTER 30

### PART 1

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

#### **4 Nominated representatives**

- (1) An adult may appoint one or more persons to represent him after his death in relation to consent for the purposes of section 1.
- (2) An appointment under this section may be general or limited to consent in relation to such one or more activities as may be specified in the appointment.
- (3) An appointment under this section may be made orally or in writing.
- (4) An oral appointment under this section is only valid if made in the presence of at least two witnesses present at the same time.
- (5) A written appointment under this section is only valid if—
  - (a) it is signed by the person making it in the presence of at least one witness who attests the signature,
  - (b) it is signed at the direction of the person making it, in his presence and in the presence of at least one witness who attests the signature, or
  - (c) it is contained in a will of the person making it, being a will which is made in accordance with the requirements of—
    - (i) section 9 of the Wills Act 1837 (c. 26), or
    - (ii) Article 5 of the Wills and Administration Proceedings (Northern Ireland) Order 1994 (S.I. 1994/1899 (N.I. 13)).
- (6) Where a person appoints two or more persons under this section in relation to the same activity, they shall be regarded as appointed to act jointly and severally unless the appointment provides that they are appointed to act jointly.
- (7) An appointment under this section may be revoked at any time.

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*Changes to legislation: Human Tissue Act 2004, Section 4 is up to date with all changes known to be in force on or before 27 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*

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- (8) Subsections (3) to (5) apply to the revocation of an appointment under this section as they apply to the making of such an appointment.
- (9) A person appointed under this section may at any time renounce his appointment.
- (10) A person may not act under an appointment under this section if—
- (a) he is not an adult, or
  - (b) he is of a description prescribed for the purposes of this provision by regulations made by the Secretary of State.
- [<sup>F1</sup>(11) Where an adult has appointed a person under section 8 of the Human Transplantation (Wales) Act 2013 to represent the adult after death in relation to consent for one or more transplantation activities, the adult is to be treated as also having appointed the person under this section in relation to those activities.]

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**Textual Amendments**

- F1** S. 4(11) inserted (1.12.2015 coming into force in accordance with art. 1(2)) by [The Human Transplantation \(Wales\) Act 2013 \(Consequential Provision\) Order 2015 \(S.I. 2015/865\)](#), arts. 1(2), 2(3)
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**Commencement Information**

- I1** S. 4 in force at 20.10.2005 for specified purposes by [S.I. 2005/2792](#), art. 2(2)(j)
- I2** S. 4 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)

**Changes to legislation:**

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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](#)