



Human Tissue Act 2004

2004 CHAPTER 30

PART 1

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

7 Powers to dispense with need for consent

(1) If the Authority is satisfied—

- (a) that relevant material has come from the body of a living person,
- (b) that it is not reasonably possible to trace the person from whose body the material has come (“the donor”),
- (c) that it is desirable in the interests of another person (including a future person) that the material be used for the purpose of obtaining scientific or medical information about the donor, and
- (d) that there is no reason to believe—
 - (i) that the donor has died,
 - (ii) that a decision of the donor to refuse to consent to the use of the material for that purpose is in force, or
 - (iii) that the donor lacks capacity to consent to the use of the material for that purpose,

it may direct that subsection (3) apply to the material for the benefit of the other person.

(2) If the Authority is satisfied—

- (a) that relevant material has come from the body of a living person,
- (b) that it is desirable in the interests of another person (including a future person) that the material be used for the purpose of obtaining scientific or medical information about the person from whose body the material has come (“the donor”),
- (c) that reasonable efforts have been made to get the donor to decide whether to consent to the use of the material for that purpose,
- (d) that there is no reason to believe—

Changes to legislation: Human Tissue Act 2004, Section 7 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

- (i) that the donor has died,
 - (ii) that a decision of the donor to refuse to consent to the use of the material for that purpose is in force, or
 - (iii) that the donor lacks capacity to consent to the use of the material for that purpose, and
- (e) that the donor has been given notice of the application for the exercise of the power conferred by this subsection,
- it may direct that subsection (3) apply to the material for the benefit of the other person.
- (3) Where material is the subject of a direction under subsection (1) or (2), there shall for the purposes of this Part be deemed to be consent of the donor to the use of the material for the purpose of obtaining scientific or medical information about him which may be relevant to the person for whose benefit the direction is given.
- (4) The Secretary of State may by regulations enable the High Court, in such circumstances as the regulations may provide, to make an order deeming there for the purposes of this Part to be appropriate consent to an activity consisting of—
- (a) the storage of the body of a deceased person for use for the purpose of research in connection with disorders, or the functioning, of the human body,
 - (b) the use of the body of a deceased person for that purpose,
 - (c) the removal from the body of a deceased person, for use for that purpose, of any relevant material of which the body consists or which it contains,
 - (d) the storage for use for that purpose of any relevant material which has come from a human body, or
 - (e) the use for that purpose of any relevant material which has come from a human body.

Commencement Information

- I1** S. 7 in force at 20.10.2005 for specified purposes by S.I. 2005/2792, **art. 2(2)(j)**
- I2** S. 7 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:

Human Tissue Act 2004, Section 7 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.

[View outstanding changes](#)

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](#)