

2006 No. 538

HUMAN TISSUE, ENGLAND AND WALES

HUMAN TISSUE, NORTHERN IRELAND

The Human Tissue Act 2004 (Powers of Entry and Search: Supply of Information) Regulations 2006

Made - - - - *1st March 2006*

Laid before Parliament *10th March 2006*

Coming into force - - *7th April 2006*

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred upon her by section 52(1) of, and paragraph 4(5) of Schedule 5 to, the Human Tissue Act 2004(a).

In accordance with section 52(8) of that Act she has consulted the National Assembly for Wales and the relevant Northern Ireland department(b) on the proposal to make these Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Human Tissue Act 2004 (Powers of Entry and Search: Supply of Information) Regulations 2006 and shall come into force on 7th April 2006.

(2) In these Regulations—

“the Act” means the Human Tissue Act 2004.

Powers of entry and search: prescribed information

2.—(1) In this regulation—

- (a) a reference to a numbered paragraph or a lettered or numbered sub-paragraph is to the paragraph of Schedule 5 to the Act (powers of inspection, entry, search and seizure) bearing that number or letter;
- (b) “appropriate statement” means a statement given under paragraph 4(3)(b)(ii) or 4(4)(b)(ii); and
- (c) “investigator” means a person who is a duly authorised person for the purposes of paragraph 3 (entry and search in connection with suspected offence) and who is executing a warrant issued under that paragraph.

(2) An appropriate statement must contain the following information—

- (a) a statement that the investigator has been authorised by the Authority for the purposes of paragraph 3 of Schedule 5 to the Act (entry and search in connection with suspected offence);

(a) 2004 c.30

(b) See section 54(1) which defines “relevant Northern Ireland Department” as the Department of Health, Social Services and Public Safety.

- (b) a statement that the investigator's rights of entry and search are subject to his producing evidence of his entitlement to exercise them, if required;
- (c) a statement that the investigator is entitled, if need be, to enter the premises by force;
- (d) a description of the investigator's powers under paragraph 5(2) to (4) of inspection and seizure of property;
- (e) a description of the requirement under paragraph 5(5) for the investigator to leave a statement giving particulars of what he has seized and stating that he has seized it;
- (f) a description of the powers of the investigator
 - (i) under paragraph 6(1), to bring with him such other persons and equipment as he considers necessary;
 - (ii) under paragraph 6(2), to inspect equipment and inspect and take copies of records, and in the case of premises in respect of which a licence is in force to observe the carrying on of licensed activity;
- (g) a description of the investigator's obligations under paragraph 7(2) to prepare a written report of the search and, if requested to do so by the appropriate person, give him a copy of the report;
- (h) a statement that a person commits an offence under paragraph 8 if—
 - (i) he fails without reasonable excuse to comply with a requirement under paragraph 6(3), or
 - (ii) he intentionally obstructs the exercise of any right under Schedule 5.

Signed by authority of the Secretary of State for Health

1st March 2006

Rosie Winterton
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of provisions introduced by the Human Tissue Act 2004 (c.30) (“the Act”).

Regulation 2 prescribes the information to be included in an appropriate statement to be given to an occupier when entering and searching premises in accordance with a warrant under paragraph 4 of Schedule 5 to the Act. Such information includes a statement of authorisation, a statement of the duly authorised person’s rights, powers and obligations under the Act and a statement of the offence under paragraph 8 of Schedule 5 to the Act.

These Regulations do not impose a cost upon business.

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