

2019 No. 1262 (C. 41)

HUMAN TISSUE, ENGLAND AND WALES

HUMAN TISSUE, NORTHERN IRELAND

**The Organ Donation (Deemed Consent) Act 2019
(Commencement No. 1) Regulations 2019**

Made - - - -

9th September 2019

The Secretary of State makes these Regulations in exercise of the power conferred by section 3(3) of the Organ Donation (Deemed Consent) Act 2019(a).

Citation

1. These Regulations may be cited as the Organ Donation (Deemed Consent) Act 2019 (Commencement No. 1) Regulations 2019.

Provisions coming into force on 1st October 2019

2. 1st October 2019 is the appointed day for the coming into force of the following provisions of the Organ Donation (Deemed Consent) Act 2019—

- (a) section 1(1) (“appropriate consent” to adult transplantation activities: England) so far as is necessary for the purpose of paragraph (b);
- (b) section 1(5) (definitions) for the purpose of making regulations;
- (c) section 2(1) (consequential amendments) so far as it relates to section 2(5) to (7);
- (d) section 2(5) to (7).

Signed by authority of the Secretary of State for Health and Social Care

Caroline Dinanage
Minister of State

9th September 2019

Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations commence certain provisions of the Organ Donation (Deemed Consent) Act 2019 (c.7) (“the 2019 Act”) on 1st October 2019. These are the first commencement regulations made under the 2019 Act. Section 3 came into force on the passing of the 2019 Act.

Regulation 2 brings into force section 1(5) of the 2019 Act for the purpose of making regulations (and section 1(1) so far as is necessary for that purpose). Section 1 of the 2019 Act amends section

(a) 2019 c.7.

3 (appropriate consent: adults) of the Human Tissue Act 2004 (c.30) (“the 2004 Act”) to set out when deemed consent amounts to appropriate consent for transplantation purposes. Section 1(5) of the 2019 Act amends section 3 of the 2004 Act to provide a power for the Secretary of State to make regulations to specify organs and tissues, to activities in relation to which deemed consent will not apply.

Regulation 2 also brings into force section 2(5) to (7) of the 2019 Act (and section 2(1) so far as it relates to section 2(5) to (7)) which makes related consequential amendments to the 2004 Act, including amendments which make the power, mentioned above, in section 1(5) of the 2019 Act to make regulations, subject to the affirmative procedure.

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