



# Human Transplantation (Wales) Act 2013

2013 anaw 5

## *Offences*

### **10 Prohibition of activities without consent**

- (1) A person commits an offence if the person does, without consent, a transplantation activity in Wales.
- (2) But a person does not commit an offence under subsection (1) if—
  - (a) the person reasonably believes—
    - (i) that he or she does the activity with consent, or
    - (ii) that what he or she does is not a transplantation activity;
  - (b) section 3(3) (imported material) applies;
  - (c) section 13(1) (preservation for transplantation) applies.
- (3) A person (“P”) commits an offence if, in Wales—
  - (a) P falsely represents to a person whom P knows or believes is going to, or may, do a transplantation activity—
    - (i) that there is consent to the doing of the activity, or
    - (ii) that the activity is not a transplantation activity, and
  - (b) P knows that the representation is false or does not believe it to be true.
- (4) A person guilty of an offence under this section is liable—
  - (a) on summary conviction to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment—
    - (i) to imprisonment for a term not exceeding 3 years, or
    - (ii) to a fine, or
    - (iii) to both.
- (5) In this section “consent” means the consent required by virtue of section 3.

## **11 Offences by bodies corporate**

- (1) Where an offence under section 10 is committed by a body corporate and is proven to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
  - (a) any director, manager or secretary of the body corporate, or
  - (b) any officer who was purporting to act in that capacity,he or she (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) The reference to the director, manager or secretary of the body corporate includes a reference—
  - (a) to any similar officer of the body;
  - (b) where the body is a body corporate whose affairs are managed by its members, to any officer or member of the body.

## **12 Prosecutions**

No proceedings for an offence under section 10 may be instituted except by or with the consent of the Director of Public Prosecutions.