

HUMAN TRANSPLANTATION (WALES) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 7: Consent: transplantation activities involving excluded material

37. This section provides that Welsh Ministers may make regulations specifying “excluded relevant material” and sets out that express consent is required in relation to transplantation involving any such specified material. It gives as possible examples of such material the transplantation of composite tissues or other forms of transplantation that would be considered novel at the time the regulations are made. Faces and limbs are examples of “composite tissues”. However, since these are examples, regulations need not include them or may specify that other forms of material are to be excluded.
38. Consent for transplantation activities involving excluded material cannot be deemed. Where consent is required under this section, in the case of adults, consent may be given by the person themselves or an appointed representative able to act, or otherwise consent may be given by a qualifying relative. In the case of children, consent may be given by the child themselves if competent to do so, or an appointed representative able to act, or otherwise consent may be given by a person with parental responsibility. If there is no person with parental responsibility, the decision on consent in these cases would be taken by a qualifying relative.