



Human Transplantation (Wales) Act 2013

2013 anaw 5

General

16 Consequential and incidental amendments to the Human Tissue Act 2004

- (1) The Human Tissue Act 2004 is amended as follows.
- (2) In section 1 (authorisation of activities for scheduled purposes)—
 - (a) after subsection (1) insert—

“(1A) Subsection (1) does not apply in relation to consent for transplantation activities done in Wales.”;
 - (b) after subsection (13) insert—

“(14) In this section “transplantation activities” has the same meaning as in the Human Transplantation (Wales) Act 2013 (which makes provision in relation to consent for transplantation activities done in Wales).”
- (3) In section 6 (activities involving material from adults who lack capacity to consent)—
 - (a) the existing text becomes subsection (1), and
 - (b) after subsection (1) add—

“(2) This section does not apply in relation to transplantation activities done in Wales.

(For provision in these circumstances see section 9 of the Human Transplantation (Wales) Act 2013).”
- (4) In section 8 (restriction of activities in relation to donated material), in subsection (6) after “section 1(1) to (3)” insert “or section 3(1) to (3) of the Human Transplantation (Wales) Act 2013”.
- (5) In section 15 (general functions of the Human Tissue Authority)—
 - (a) in paragraph (c)(i) after “this Part” insert “or under the Human Transplantation (Wales) Act 2013”;

Status: This is the original version (as it was originally enacted).

- (b) in paragraph (e) for “National Assembly for Wales” substitute “Welsh Ministers”;
 - (c) in paragraph (f) for “National Assembly for Wales” substitute “Welsh Ministers” and for “Assembly” substitute “Ministers”.
- (6) In section 36 (annual report)—
- (a) in subsection (3)(b) for “National Assembly for Wales” substitute “Welsh Ministers”;
 - (b) after subsection (5) insert—
 - “(5A) The Welsh Ministers shall lay a copy of each report received by them under this section before the National Assembly for Wales.”
- (7) In section 43 (preservation for transplantation) after subsection (6) insert—
- “(7) This section does not apply in relation to a part of a body lying in an institution in Wales.
- (For provision in these circumstances see section 13 of the Human Transplantation (Wales) Act 2013).”
- (8) In section 52 (orders and regulations)—
- (a) in subsection (3) for “6,” substitute “6(1),”;
 - (b) in subsection (7)(a) for “National Assembly for Wales” substitute “Welsh Ministers”;
 - (c) in subsection (8)—
 - (i) for “National Assembly for Wales” substitute “Welsh Ministers”;
 - (ii) for “section 6” substitute “section 6(1)”;
 - (d) in subsection (10) for “section 6” substitute “section 6(1)”.
- (9) In section 58 (transition), in subsection (5) for “National Assembly for Wales” substitute “Welsh Ministers”.
- (10) In section 60 (commencement), in subsection (3) for “National Assembly for Wales” substitute “Welsh Ministers”.
- (11) In Schedule 2 (the Human Tissue Authority)—
- (a) in paragraph 1(1)(c) for “National Assembly for Wales” substitute “Welsh Ministers”;
 - (b) in paragraph 13(a)(ii) for “National Assembly for Wales” substitute “Welsh Ministers”;
 - (c) in paragraph 16(4)(b) for “National Assembly for Wales” substitute “Welsh Ministers”;
 - (d) after paragraph 16(5) insert—
 - “(5A) The Welsh Ministers shall lay before the National Assembly for Wales each statement of accounts received by them under sub-paragraph (4).”
- (12) In Schedule 5 (powers of inspection, entry, search and seizure)—
- (a) in paragraph 3(1)(a) after “2” insert “or under the Human Transplantation (Wales) Act 2013”;
 - (b) in paragraph 5(2) after “2” insert “or under the Human Transplantation (Wales) Act 2013”.