



Human Transplantation (Wales) Act 2013

2013 anaw 5

Consent

4 Consent: adults

- (1) This section makes provision about consent for the purposes of section 3 in relation to a transplantation activity involving the body, or relevant material from the body, of a person who is not—
- (a) an excepted adult (see section 5), or
 - (b) a child (see section 6).
- (2) Consent is deemed to be given to the activity unless—
- (a) the case is one mentioned in the first column of Table 1 in subsection (3); in which case express consent is required, or
 - (b) the case is not one mentioned in the first column of Table 1 in subsection (3) and subsection (4) applies.
- (3) For each case mentioned in the first column of Table 1 the meaning of express consent in relation to an activity is as provided in the second column of the table—

TABLE 1

| Case | Meaning of express consent |
|---|---|
| 1. The person is alive. | The person's consent. |
| 2. The person has died and a decision of the person to consent, or not to consent, to the activity was in force immediately before his or her death. | The person's consent. |
| 3. The person has died, case 2 does not apply, the person had appointed a person or persons to deal with the issue of consent in relation to the activity and | Consent given by the person or persons appointed. |

Status: This is the original version (as it was originally enacted).

| Case | Meaning of express consent |
|---|--|
| someone is able to give consent under the appointment. | |
| 4. The person has died, case 2 does not apply and the person had appointed a person or persons to deal with the issue of consent in relation to the activity, but no one is able to give consent under the appointment. | Consent of a person who stood in a qualifying relationship to the person immediately before death. |
| <p>(4) This subsection applies if—</p> <ul style="list-style-type: none"> (a) a relative or friend of long standing of the deceased objects on the basis of views held by the deceased, and (b) a reasonable person would conclude that the relative or friend knows that the most recent view of the deceased before death on consent for transplantation activities was that the deceased was opposed to consent being given. <p>(5) In this section a reference to the appointment of a person or persons to deal with the issue of consent is a reference to an appointment under section 8.</p> <p>(6) This section does not apply to consent for a transplantation activity that involves removal of excluded relevant material (for provision in relation to which see section 7).</p> | |