



Human Transplantation (Wales) Act 2013

2013 anaw 5

Consent

7 Consent: transplantation activities involving excluded material

- (1) This section makes provision about consent for a transplantation activity that involves the removal of excluded relevant material.
- (2) In this Act, “excluded relevant material” means relevant material of a type specified by the Welsh Ministers in regulations.
- (3) Examples of the types of relevant material that may be specified are composite tissues and other types of material the removal and use of which is considered to be novel.
- (4) In the case of a transplantation activity that involves the removal of excluded relevant material express consent is required, and such consent must be specific to the removal of excluded relevant material.
- (5) For an adult, for each case mentioned in the first column of Table 4 the meaning of express consent in relation to an activity is as provided in the second column of the table —

TABLE 4

Case	Meaning of express consent
1. The adult is alive.	The adult's consent.
2. The adult has died and a decision of the adult to consent, or not to consent, to the activity was in force immediately before death.	The adult's consent.
3. The adult has died, case 2 does not apply, the adult 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.

Changes to legislation: There are currently no known outstanding effects for the Human Transplantation (Wales) Act 2013, Section 7. (See end of Document for details)

someone is able to give consent under the appointment.

4. The adult has died, case 2 does not apply and the adult 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 adult immediately before death.

5. The adult has died and none of cases 2, 3 or 4 applies in relation to the adult.

Consent of a person who stood in a qualifying relationship to the adult immediately before death.

- (6) For a child, for each case mentioned in the first column of Table 5 the meaning of express consent in relation to an activity is as provided in the second column of the table—

TABLE 5

Case	Meaning of express consent
1. The child is alive and case 2 does not apply.	The child's consent.
2. The child is alive, no decision of the child to consent, or not to consent, to the activity is in force, and either the child is not competent to deal with the issue of consent or is competent to deal with the issue but fails to do so.	Consent of a person who has parental responsibility for the child.
3. The child has died and a decision of the child to consent, or not to consent, to the activity was in force immediately before death.	The child's consent.
4. The child has died, case 3 does not apply, the child had appointed a person or persons to deal with the issue of consent in relation to the activity and someone is able to give consent under the appointment.	Consent of the person or persons appointed.
5. The child has died, case 3 does not apply and the child 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 had parental responsibility for the child immediately before the child died, or where no such person exists, the consent of a person who stood in a qualifying relationship to the child at that time.
6. The child has died and none of cases 3, 4 or 5 applies in relation to the child.	Consent of a person who had parental responsibility for the child immediately before the child died, or where no such person exists, the consent of a person

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who stood in a qualifying relationship to the child at that time.

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- (7) In this section a decision or appointment made by a child is only valid if the child was competent to deal with the issue of consent when it was made.
- (8) 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.

Commencement Information

- I1** [S. 7](#) in force at 12.9.2015 for specified purposes by [S.I. 2015/1679](#), **art. 2(a)**
- I2** [S. 7](#) in force at 1.12.2015 in so far as not already in force by [S.I. 2015/1679](#), **art. 3(b)**

Changes to legislation:

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