



# Human Transplantation (Wales) Act 2013

2013 anaw 5

## *Consent*

### **8 Appointed representatives**

- (1) A person may appoint one or more persons to represent the person after death in relation to express consent for the purposes of section 3.
- (2) An appointment may be general or limited to consent in relation to such one or more transplantation activities as may be specified in the appointment.
- (3) An appointment may be made orally or in writing.
- (4) An oral appointment is only valid if made in the presence of at least two witnesses present at the same time.
- (5) A written appointment is only valid if—
  - (a) it is signed by the person making it in the presence of at least one witness who attests the signature,
  - (b) it is signed at the direction of the person making it, in his or her presence and in the presence of at least one witness who attests the signature, or
  - (c) it is contained in a will of the person making it, being a will which is made in accordance with the requirements of section 9 of the Wills Act 1837.
- (6) Where a person appoints two or more persons in relation to the same transplantation activity, they are to be regarded as appointed to act jointly and severally unless the appointment provides that they are appointed to act jointly.
- (7) An appointment may be revoked at any time.
- (8) Subsections (3) to (5) apply to the revocation of an appointment as they apply to the making of such an appointment.
- (9) A person appointed may at any time renounce the appointment.
- (10) A person may not act under an appointment if the person—
  - (a) is not an adult, or

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**Changes to legislation:** There are currently no known outstanding effects for the Human Transplantation (Wales) Act 2013, Section 8. (See end of Document for details)

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- (b) is of a description prescribed by regulations made by the Welsh Ministers.
- (11) Where a person has appointed a person or persons under section 4 of the Human Tissue Act 2004 to deal after death with the issue of consent in relation to an activity done for the purpose of transplantation, the person is also to be treated as having made an appointment under this section in relation to the activity.
- (12) For the purpose of sections 4(3), 5(4), 6(3) and 7 if it is not reasonably practicable to communicate with a person appointed under this section within the time available if consent is to be acted upon, the person is to be treated as being not able to give consent to an activity under the appointment.

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**Commencement Information**

- I1** S. 8 in force at 12.9.2015 for specified purposes by [S.I. 2015/1679, art. 2\(a\)](#)
- I2** S. 8 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:**

There are currently no known outstanding effects for the Human Transplantation (Wales) Act 2013, Section 8.