



Human Tissue Act (Northern Ireland) 1962 ^{F1}

1962 CHAPTER 19

An Act to make provision with respect to the use of parts of bodies of deceased persons for therapeutic purposes and purposes of medical education and research and with respect to the circumstances in which post-mortem examinations may be carried out; and to permit the cremation of bodies removed for anatomical examination. [20th December 1962]

F1 prosp. rep. by [2004 c.30](#)

1 Removal of parts of bodies for medical purposes.

- (1) If any person, either in writing at any time or orally in the presence of two or more witnesses during his last illness, has expressed a request that his body or any specified part of his body be used after his death for therapeutic purposes or for purposes of medical education or research, the person lawfully in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorise the removal from the body of any part or, as the case may be, the specified part, for use in accordance with the request.
- (2) Without prejudice to subsection (1), the person lawfully in possession of the body of a deceased person may authorise the removal of any part from the body for use for the said purposes if, having made such reasonable enquiry as may be practicable, he has no reason to believe—
 - (a) that the deceased had expressed an objection to his body being so dealt with after his death, and had not withdrawn it; or
 - (b) that the surviving spouse or any surviving relative of the deceased objects to the body being so dealt with.
- (3) Subject to subsections (4)^{F2}, (4A)^{F2} and (5), the removal and use of any part of a body in accordance with an authority given in pursuance of this section shall be lawful.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Human Tissue Act (Northern Ireland) 1962 (repealed). (See end of Document for details)

- [^{F2}(4) No such removal, except of eyes or parts of eyes, shall be effected except by a registered medical practitioner, who must have satisfied himself by personal examination of the body that life is extinct.
- (4A) No such removal of an eye or part of an eye shall be effected except by—
- (a) a registered medical practitioner, who must have satisfied himself by personal examination of the body that life is extinct; or
 - (b) a person in the employment of a health and social services board^{F3} or HSS trust^{F3} acting on the instructions of a registered medical practitioner who must, before giving those instructions, be satisfied that the person in question is sufficiently qualified and trained to perform the removal competently and must also either—
 - (i) have satisfied himself by personal examination of the body that life is extinct, or
 - (ii) be satisfied that life is extinct on the basis of a statement to that effect by a registered medical practitioner who has satisfied himself by personal examination of the body that life is extinct.]
- [^{F2}(5) Where a person has reason to believe that an inquest may be required to be held on any body or that a post-mortem examination of any body may be required by the coroner, he shall not, except with the consent of the coroner—
- (a) give an authority under this section in respect of the body; or
 - (b) act on such an authority given by any other person.
- (6) No authority shall be given under this section in respect of any body by a person entrusted with the body for the purpose only of its interment or cremation.
- (7) In the case of a body lying in a hospital, nursing home or other institution, any authority under this section may be given on behalf of the person having the control and management thereof by any officer or person designated for that purpose by the first-mentioned person.
- (8) Nothing in this section shall be construed as rendering unlawful any dealing with, or with any part of, the body of a deceased person which is lawful apart from this Act.
- [^{F3}(9) In this section “HSS trust” means a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991.^{F3}]

F2	1988 NI 14
F3	1991 NI 1

2 **Post-mortem examinations.**

Subs. (1) rep. by 1992 NI 11

- (2) No post-mortem examination shall be carried out otherwise than by or in accordance with the instructions of a registered medical practitioner^{F4}, and no post-mortem examination which is not directed or requested by the coroner or any other competent legal authority shall be carried out without the authority of the person lawfully in possession of the body; and section 1(2), (5), (6) and (7) shall, with the necessary modifications, apply with respect to the giving of that authority.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Human Tissue Act (Northern Ireland) 1962 (repealed). (See end of Document for details)

F4 prosp. insertion by SI 2002/3135

S. 3 rep. by 1992 NI 11

4 Short title.

(1) This Act may be cited as the Human Tissue Act (Northern Ireland) 1962.

Subs. (2)(3) rep. by SLR 1973

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

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