



# Human Transplantation (Wales) Act 2013

2013 anaw 5

## *General*

### **15 Codes of practice**

- (1) The Human Tissue Act 2004 is amended as follows.
- (2) In section 26 (preparation of codes of practice)—
  - (a) in subsection (2)(d) after “Act” insert “and the Human Transplantation (Wales) Act 2013”;
  - (b) at the end of subsection (3) add “(including consent for the purposes of the Human Transplantation (Wales) Act 2013).”;
  - (c) in subsection (5)(b) for “National Assembly for Wales” substitute “Welsh Ministers”.
- (3) In section 27 (provision with respect to consent)—
  - (a) in subsection (1) for “section 2(7)(b)(ii) or 3(6)(c)” substitute “a provision listed in subsection (1A)”;
  - (b) after subsection (1) insert—

“(1A) Those provisions are—

    - (a) section 2(7)(b)(ii) or 3(6)(c) of this Act;
    - (b) section 4(3), 5(4), 6(3) or 7 of the Human Transplantation (Wales) Act 2013.”;
  - (c) in subsection (4) for “section 2(7)(b)(ii) or 3(6)(c)” substitute “a provision listed in subsection (1A)”;
  - (d) after subsection (8) insert—

“(8A) The duty under section 26(3) shall also have effect, in particular, to require the Authority to give practical guidance on the circumstances in which consent is deemed under section 4 (consent of adults that are not excepted) of the Human Transplantation (Wales) Act 2013.

(8B) In giving practical guidance on the circumstances in which consent is deemed the authority must, in particular, give guidance on how a

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*Status: This is the original version (as it was originally enacted).*

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relative or friend of long standing of the deceased can object on the basis of the deceased's wishes.”;

- (e) in subsection (9) after “subsection (4)” insert “, except in so far as it applies to section 4(3), 5(4), 6(3) or 7 of the Human Transplantation (Wales) Act 2013.”;
- (f) after subsection (9) insert—

“(10) The Welsh Ministers may by order amend subsection (4) in so far as it applies to section 4(3), 5(4), 6(3) or 7 of the Human Transplantation (Wales) Act 2013.

(11) Before making an order under subsection (10) the Welsh Ministers must carry out such public consultation as they consider appropriate.”

- (4) In section 29 (approval of codes)—

- (a) after subsection (1) insert—

“(1A) Where a code of practice to which subsection (1) applies deals with a matter relating to the carrying on in Wales of a transplantation activity (within the meaning of the Human Transplantation (Wales) Act 2013) the Authority may not issue the code unless—

- (a) a draft of it has been sent to and approved by the Welsh Ministers and laid by them before the National Assembly for Wales, and
- (b) the National Assembly has approved the draft by resolution.”;
- (b) in subsection (2)(a) for “National Assembly for Wales” substitute “Welsh Ministers”;
- (c) in subsection (3)(a) for “National Assembly for Wales” substitute “Welsh Ministers”;
- (d) after subsection (4) insert—

“(4A) If the Welsh Ministers do not approve a draft sent to them under subsection (1A), they shall give reasons to the Authority.”

- (e) after subsection (6) insert—

“(7) In calculating the period mentioned in subsection (1A) no account is to be taken of any time during which the National Assembly is dissolved or in recess for more than 4 days.”

- (5) In section 52 (orders and regulations) after subsection (4) insert—

“(4A) No order under section 27(10) may be made by the Welsh Ministers unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.”