



# Human Transplantation (Wales) Act 2013

2013 anaw 5

## *Consent*

### **6 Consent: children**

- (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 a child or has died a child.
- (2) In the case of a person who is a child or has died a child express consent is required.
- (3) For each case mentioned in the first column of Table 3 the meaning of express consent in relation to an activity is as provided in the second column of the table—

TABLE 3

<b>Case</b>	<b>Meaning of express consent</b>
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	Consent given by the person or persons appointed.

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*Status: This is the original version (as it was originally enacted).*

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<b>Case</b>	<b>Meaning of express consent</b>
someone is able to give consent under the appointment.	
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 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 in a qualifying relationship to the child at that time.

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- (4) 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.
- (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.
- (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).