



Anatomy Act 1984

1984 CHAPTER 14

Anatomical examination

2 Control of examinations and possession.

- (1) No person shall carry out an anatomical examination unless—
- he carries it out on premises which at the time of the examination are licensed under section 3(1),
 - he is authorised to carry it out under section 3(3),
 - at the time the examination is carried out it is lawful by virtue of section 4, and
 - death has been registered, in the case of the body concerned, under section 15 of the 1953 Act or section 22 of the 1965 Act.
- (2) Subject to subsection (3), no person shall have an anatomical specimen in his possession unless—
- he is authorised to have possession under section 3(4),
 - anatomical examination of the specimen is at the time concerned lawful by virtue of section 4, and
 - a certificate of cause of death has been signed, in the case of the body concerned, in accordance with section 22(1) of the 1953 Act or section 24 of the 1965 Act.
- (3) Subsection (2)
- does not apply where a person come into lawful possession of a body immediately after death and retained possession prior to its removal to the place where anatomical examination is to take place.
- (4) In this section “the 1953 Act” means the ^{M1}Births and Deaths Registration Act 1953 and “the 1965 Act” means the ^{M2}Registration of Births, Deaths and Marriages (Scotland) Act 1965.

Status: Point in time view as at 20/10/2005.

Changes to legislation: Anatomy Act 1984, Cross Heading: Anatomical examination is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

M1 1953 c. 20.

M2 1965 c. 49.

3 Licences.

- (1) The Secretary of State may grant a licence for the use of premises for carrying out anatomical examinations.
- (2) The Secretary of State may grant a licence to a person to do one or both of the following:—
 - (a) carry out anatomical examinations;
 - (b) have possession of anatomical specimens.
- (3) A person is authorised under this subsection to carry out an anatomical examination if—
 - (a) at the time of the examination he is licensed to carry it out under subsection (2) (a), or
 - (b) he carries out the examination in the course of teaching or studying, or researching into, morphology and has permission (general or particular) to carry out the examination from a person who is so licensed at the time of the examination.
- (4) A person is authorised under this subsection to have possession of an anatomical specimen if—
 - (a) at the time he has possession he is licensed to do so under subsection (2)(b), or
 - (b) he has, from a person who is so licensed at that time, permission (general or particular) to have such possession.
- (5) A person to whom a licence has been granted under subsection (2) shall—
 - (a) compile such records in relation to anatomical examinations and anatomical specimens as may be specified by regulations made by the Secretary of State, and
 - (b) retain for such period as may be so specified any records compiled in accordance with paragraph (a).
- (6) The power to make regulations under subsection (5) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

4 Lawful examinations.

- (1) Subsection (2) applies if a 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 be used after his death for anatomical examination.
- (2) If the person lawfully in possession of the body after death has no reason to believe that the request was withdrawn, he may authorise the use of the body in accordance with the request.

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- (3) Without prejudice to subsection (2), the person lawfully in possession of a body may authorise it to be used for anatomical examination if, having made such reasonable inquiry as may be practicable, he has no reason to believe—
- (a) that the deceased, either in writing at any time or orally in the presence of two or more witnesses during his last illness, had expressed an objection to his body being so used after this 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 used.
- (4) Subject to subsection ^{F1}(5) ^{F1}(6) to (8), the anatomical examination of a body in accordance with an authority given in pursuance of this section is lawful by virtue of this section.
- (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 coroner's consent—
- (a) give an authority under this section in respect of the body, or
 - (b) act on such an authority given by any other person.
- This subsection does not apply to Scotland.
- (6) Where a person has reason to believe that an inquiry under the ^{M3}Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 is to be held on any body or that a post-mortem examination of any body may be required by the procurator fiscal, he shall not, except with the procurator fiscal's consent—
- (a) give any authority under this section in respect of the body, or
 - (b) act on such an authority given by any other person.
- This subsection applies only to Scotland.
- (7) No authority shall be given under this section in respect of a body by a person entrusted with the body for the purpose only of its interment or cremation.
- (8) Authority under this section expires at the end of the statutory period (even if the person lawfully in possession of the body concerned authorises its use under subsection (2) or (3) for a longer or a shorter period or for no particular period).
- (9) In the case of a body lying in
- ^{F2}(a) a hospital ^{F3}, nursing home] or other institution ^{F4}; or
 - (b) accommodation provided by a care home service (as defined by section 2(3) of the Regulation of Care (Scotland) Act 2001 (asp 8)]
- , any authority under this section may be given on behalf of the person having the control and management of the institution ^{F5}or accommodation] by any officer or person designated for that purpose by the first-mentioned person.
- (10) In subsection (8) “the statutory period” means the period of 3 years (or such other period as the Secretary of State may from time to time by order specify for the purposes of this subsection) beginning with the date of the deceased's death.
- (11) The power to make an order under subsection (10) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and no such order shall apply in relation to the body of a person who died before the coming into force of the order.

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Textual Amendments

- F1** Word in s. 4(4) substituted (S.) (20.10.2005 for specified purposes, 1.9.2006 in so far as not already in force) by [Human Tissue Act 2004 \(c. 30\), s. 60\(2\)](#), [Sch. 6 para. 2](#) (with s. 58); S.I. 2005/2792, art. 2(2) (j); S.I. 2006/1997, art. 3(2) (with arts. 4, 7, 8) (as amended (5.8.2006) by S.I. 2006/2169, art. 2)
- F2** Words in s. 4(9) renumbered as s. 4(9)(a) (S.) (1.4.2002) by [2001 asp 8, s. 79](#), [Sch. 3 para. 10\(b\)](#); S.S.I. 2002/162, [arts. 1\(2\), 2\(h\)](#) (subject to [arts. 3-13](#))
- F3** Words in s. 4(9) repealed (S.) (1.4.2002) by [2001 asp 8, s. 79](#), [Sch. 3 para. 10\(a\)](#); S.S.I. 2002/162, [arts. 1\(2\), 2\(h\)](#) (subject to [arts. 3-13](#))
- F4** S. 4(9)(b) and word inserted (S.) (1.4.2002) by [2001 asp 8, s. 79](#), [Sch. 3 para. 10\(c\)](#); S.S.I. 2002/162, [arts. 1\(2\), 2\(h\)](#) (subject to [arts. 3-13](#))
- F5** Words in s. 4(9) inserted (S.) (1.4.2002) by [2001 asp 8, s. 79](#), [Sch. 3 para. 10\(d\)](#); S.S.I. 2002/162, [arts. 1\(2\), 2\(h\)](#) (subject to [arts. 3-13](#))

Marginal Citations

- M3** [1976 c. 14](#).

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