



# Anatomy Act 1984

## 1984 CHAPTER 14

An Act to make provision about the use of bodies of deceased persons, and parts of such bodies, for anatomical examination and about the possession and disposal of bodies of deceased persons, and parts of such bodies, authorised to be used for anatomical examination, and for connected purposes. [24th May 1984]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Introductory*

#### **1 Definitions, and scope of Act**

- (1) In this Act " anatomical examination " means the examination by dissection of a body for purposes of teaching or studying, or researching into, morphology; and where parts of a body are separated in the course of its anatomical examination, such examination includes the examination by dissection of the parts for those purposes.
- (2) In this Act " anatomical specimen " means—
  - (a) a body to be used for anatomical examination, or
  - (b) a body in course of being used for anatomical examination (including separated parts of such a body).
- (3) In this Act " body " means the body of a deceased person.
- (4) Nothing in this Act applies to anything done for the purposes of a post-mortem examination requested or required or directed to be made by a competent legal authority or carried out for the purpose of establishing or confirming the causes of death or of investigating the existence or nature of abnormal conditions.
- (5) If part of a body is authorised under section 1 of the Human Tissue Act 1961 to be removed for purposes of medical education or research, that section (and not this Act)

applies to the removal and use of the part, even if the education or research consists of or involves anatomical examination; but the preceding provisions of this subsection do not prevent this Act applying as regards the body after such removal or where no such removal is made.

### *Anatomical examination*

## **2 Control of examinations and possession**

- (1) No person shall carry out an anatomical examination unless—
  - (a) he carries it out on premises which at the time of the examination are licensed under section 3(1),
  - (b) he is authorised to carry it out under section 3(3),
  - (c) at the time the examination is carried out it is lawful by virtue of section 4, and
  - (d) 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—
  - (a) he is authorised to have possession under section 3(4),
  - (b) anatomical examination of the specimen is at the time concerned lawful by virtue of section 4, and
  - (c) 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 came 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 Births and Deaths Registration Act 1953 and " the 1965 Act" means the Registration of Births, Deaths and Marriages (Scotland) Act 1965.

## **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.
- (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 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 used.
- (4) Subject to subsections (5) 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 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, 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.

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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 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 of the institution 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.

#### *Possession after examination*

### **5 Control of possession after examination**

- (1) This section applies where—
  - (a) authority under section 4 to use a body for anatomical examination has expired, or
  - (b) the anatomical examination of a body has been concluded before the expiry of such authority.
- (2) Subject to subsections (3) and (4), no person shall have the body or part of the body in his possession.
- (3) Subsection (2) does not apply where a person has possession of the body or part for the purpose only of its decent disposal.
- (4) Subsection (2) does not apply where—
  - (a) a person has possession of part of a body whose anatomical examination has been concluded before the expiry of authority under section 4,
  - (b) the part is such that the person from whose body it came cannot be recognised simply by examination of the part,
  - (c) the person with possession is authorised to have possession under subsection (5), and
  - (d) possession of the part is lawful by virtue of section 6.
- (5) If the Secretary of State thinks it desirable to do so in the interests of education or research, he may grant a licence to a person to have possession of parts of bodies, and a person is authorised under this subsection to have possession of a part of a body if—
  - (a) at the time he has possession he is licensed to do so under this subsection, or

- (b) he has, from a person who is so licensed at that time, permission (general or particular) to have such possession.
- (6) A person to whom a licence has been granted under subsection (5) shall—
- (a) compile such records in relation to parts of bodies 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).
- (7) The power to make regulations under subsection (6) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

## **6 Lawful possession**

- (1) Subsection (2) applies if a person, in expressing a request as mentioned in section 4(1), has given permission for possession of parts (or any specified parts) of his body to be held after its anatomical examination is concluded.
- (2) If the person lawfully in possession of the body after death has no reason to believe that the permission was withdrawn, he may, in giving authority under section 4(2), give authority for possession to be held in accordance with the permission.
- (3) Without prejudice to subsection (2), the person lawfully in possession of a body may, in giving authority under section 4(3), give authority for possession of parts (or any specified parts) of the body to be held after its anatomical examination is concluded 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 such possession being held, and had not withdrawn it, or
  - (b) that the surviving spouse or any surviving relative of the deceased objects to such possession being held.
- (4) It is lawful by virtue of this section to have possession of part of a body if possession is held in accordance with an authority given in pursuance of this section.

### *Miscellaneous*

## **7 Licences: general provisions**

- (1) Applications for licences under this Act shall be made in such manner as the Secretary of State may decide.
- (2) A licence under this Act may be granted to such person as the Secretary of State thinks suitable, and a licence under section 3(1) may be granted in respect of such premises as he thinks suitable.
- (3) The Secretary of State may require the payment of such fee as he thinks fit in respect of any application for a licence under this Act.
- (4) Where the Secretary of State decides not to grant a licence under this Act he shall take reasonable steps to secure that the applicant is notified in writing of his decision and of the reasons for it.

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- (5) A licence under this Act may be granted subject to such conditions as the Secretary of State thinks necessary or desirable, but no condition may be imposed in relation to a matter dealt with by regulations under section 8.
- (6) A licence under this Act shall be effective for such period as the Secretary of State may stipulate when he grants it, except that
  - (a) he may (subject to subsection (7)) revoke a licence if he thinks it reasonable to do so ;
  - (b) he may at any time accept the surrender of a licence from the person to whom it was granted ;
  - (c) if the person to whom the licence was granted dies the licence shall then expire (subject to subsection (9)).
- (7) Where the Secretary of State decides to revoke a licence under this Act the revocation shall be ineffective unless he gives to the person to whom the licence was granted a written notice stating—
  - (a) that he proposes to revoke the licence on a date which is specified in the notice and is at least 28 days after the date of the notice, and
  - (b) the reasons for his decision.
- (8) A notice under subsection (7) may be given by post.
- (9) Where a person holding a licence under this Act dies, any permission given by him under section 3(3)(b) or (4)(b) or 5(5)(b) (as the case may be), and effective immediately before his death, shall continue to be effective for a period of 21 days commencing with the date of his death ; but if the period for which the licence was granted would have expired before the expiry of the 21 days, the permission shall expire when the licence would have expired.

## **8 Regulations**

- (1) The Secretary of State may make regulations—
  - (a) in relation to bodies the anatomical examination of which is lawful by virtue of section 4, with a view to securing their efficient and orderly examination and the decent disposal of the bodies (and parts of them) after their examination has been concluded ;
  - (b) in relation to parts of bodies the possession of which is lawful by virtue of section 6, with a view to securing that they are decently cared for.
- (2) The regulations may make different provision for different cases or descriptions of case, including different provision for different areas.
- (3) No regulations under this section shall apply in relation to the body of a person who died before the coming into force of the regulations.
- (4) The power to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

## **9 Inspectors of anatomy**

- (1) The Secretary of State may appoint such persons as he thinks fit to be inspectors, each to be known as Her Majesty's Inspector of Anatomy or (if the terms of the appointment so provide) Her Majesty's Inspector of Anatomy for Scotland.
- (2) An inspector shall be appointed—
  - (a) to advise the Secretary of State on the exercise of his functions under this Act;
  - (b) for the purpose mentioned in paragraph (a), to inspect premises in respect of which licences are sought under section 3(1), in order to ascertain whether the premises are suitable;
  - (c) for the purpose mentioned in paragraph (a), to examine applications for licences under this Act, in order to ascertain whether the applicants are suitable;
  - (d) to inspect premises, in order to ascertain whether any offence has been or is being committed under section 11(1) or (2) or against regulations under section 8 (as mentioned in section 11(4)).
- (3) The Secretary of State shall pay to an inspector such remuneration as the Secretary of State may decide.
- (4) An inspector shall be appointed on such other terms and conditions as the Secretary of State may determine.
- (5) The Secretary of State may in the case of such of the inspectors as he may determine—
  - (a) pay such pensions, allowances or gratuities to or in respect of them as may be so determined,
  - (b) make such payments towards the provision of pensions, allowances or gratuities to or in respect of any of them as may be so determined, or
  - (c) provide and maintain such schemes (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of them as may be so determined.

## **10 Power to inspect records and premises**

- (1) An inspector duly authorised in writing by the Secretary of State may (subject to subsections (3) and (4)) require the production of, and inspect and take copies of, any records which a person is required to retain by virtue of section 3(5) or 5(6).
- (2) Where
  - (a) an inspector has reasonable cause to believe that an offence under section 11(1) (a) or (2) or against regulations under section 8 (as mentioned in section 11(4)) has been or is being committed on any premises, and
  - (b) he is duly authorised in writing by the Secretary of State to enter and inspect the premises with a view to ascertaining whether the offence has been or is being committed,he may (subject to subsections (3) to (5)) enter and inspect the premises for that purpose.
- (3) An inspector who proposes to require the production of records or enter premises in exercise of a power under this section shall, if so required, produce evidence of his authority before making the requirement or entering.
- (4) A power under this section may only be exercised at a reasonable time.

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- (5) The power to enter premises under subsection (2) may only be exercised if a licence under section 3(1) is effective in respect of the premises both at the time of the suspected offence and at the time of the entry.
- (6) Information (including information in records) obtained by any person in pursuance of this section shall not be disclosed except—
- (a) with the written consent of the person by whom the information was provided, or
  - (b) to any Minister of the Crown, or
  - (c) in the form of a summary of similar information obtained from a number of persons, where the summary is so framed as not to enable particulars relating to any one person or undertaking to be ascertained from it, or
  - (d) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings, or
  - (e) for the purposes of a report of any criminal proceedings.
- (7) In this section "inspector" means a person appointed under section 9.

## 11 Offences

- (1) A person who—
- (a) carries out an anatomical examination in contravention of section 2(1), or
  - (b) has in his possession an anatomical specimen in contravention of section 2(2), or
  - (c) has in his possession a body or part of a body in contravention of section 5(2),
- shall be guilty of an offence.
- (2) A person who contravenes a condition attached to a licence granted to him under this Act shall be guilty of an offence.
- (3) Where a person is charged with an offence under subsection (1) or (2), it shall be a defence to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (4) Regulations under section 8 may provide that a person who without reasonable excuse contravenes any specified provision of the regulations shall be guilty of an offence against the regulations; and references in this section to an offence against the regulations shall be construed accordingly.
- (5) A person who—
- (a) fails without reasonable excuse to comply with section 3(5) or 5(6), or
  - (b) in purported compliance with section 3(5) or 5(6) compiles a record which he knows is false in a material particular, or
  - (c) alters a record compiled in compliance with section 3(5) or 5(6) so that the record becomes to his knowledge false in a material particular, or
  - (d) fails without reasonable excuse to comply with a requirement imposed by virtue of section 10(1), or
  - (e) intentionally obstructs an inspector in the exercise of his powers under section 10(1) or (2), or
  - (f) discloses information in contravention of section 10(6),
- shall be guilty of an offence.



- (6) A person guilty of an offence under subsection (1) or (2) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (as defined in section 75 of the Criminal Justice Act 1982) or to imprisonment for a term not exceeding 3 months.
- (7) Regulations under section 8 may provide that a person guilty of an offence against the regulations shall be liable on summary conviction to a fine not exceeding an amount which is specified in the regulations in relation to the offence concerned and which does not exceed level 3 on the standard scale (as so defined); and they may further provide that he may instead be liable on summary conviction to imprisonment for a term not exceeding 3 months.
- (8) A person guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (as so defined).
- (9) Where an offence under this section or against regulations under section 8 is committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- (10) If a person carries out an anatomical examination or has possession of an anatomical specimen or of a body falling within section 5(1) or part of such a body, and the circumstances are such that he commits no offence under subsection (1) or (2) above or against regulations under section 8, he shall be guilty of no other offence of carrying out such examination or having such possession.

### *General*

## **12 Finance**

- (1) Any expenses of the Secretary of State incurred in consequence of this Act shall be paid out of money provided by Parliament.
- (2) Any sums received by the Secretary of State under this Act shall be paid into the Consolidated Fund.

## **13 Short title, etc.**

- (1) This Act may be cited as the Anatomy Act 1984.
- (2) The following are repealed: —
  - (a) the Anatomy Act 1832 ;
  - (b) the Anatomy Act 1871 ;
  - (c) sections 2(1) and 3 of the Human Tissue Act 1961.
- (3) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be appointed for different provisions or different purposes.

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- (4) Nothing in this Act affects anything done in relation to the body or part of the body of a person who died before the coming into force of section 4.
- (5) An order under subsection (3) may include such transitionals or savings as appear to the Secretary of State to be necessary or expedient in connection with the provisions brought into force by the order, but nothing shall be so included if it would conflict with subsection (4).
- (6) This Act does not extend to Northern Ireland.