



# Human Tissue Act 2004

## 2004 CHAPTER 30

### PART 2

#### REGULATION OF ACTIVITIES INVOLVING HUMAN TISSUE

##### *Anatomy*

### **30 Possession of anatomical specimens away from licensed premises**

- (1) Subject to subsections (2) to (6), a person commits an offence if—
- (a) he has possession of an anatomical specimen, and
  - (b) the specimen is not on premises in respect of which an anatomy licence is in force.
- (2) Subsection (1) does not apply where—
- (a) the specimen has come from premises in respect of which a storage licence is in force, and
  - (b) the person—
    - (i) is authorised in writing by the designated individual to have possession of the specimen, and
    - (ii) has possession of the specimen only for a purpose for which he is so authorised to have possession of it.
- (3) Subsection (1) does not apply where—
- (a) the specimen is the body of a deceased person which is to be used for the purpose of anatomical examination,
  - (b) the person who has possession of the body has come into lawful possession of it immediately after the deceased's death, and
  - (c) he retains possession of the body prior to its removal to premises in respect of which an anatomy licence is in force.
- (4) Subsection (1) does not apply where the person has possession of the specimen only for the purpose of transporting it to premises—

*Changes to legislation: Human Tissue Act 2004, Cross Heading: Anatomy is up to date with all changes known to be in force on or before 24 April 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) View outstanding changes*

- (a) in respect of which an anatomy licence is in force, or
  - (b) where the specimen is to be used for the purpose of education, training or research.
- (5) Subsection (1) does not apply where the person has possession of the specimen for purposes of functions of, or under the authority of, a coroner.
- (6) Subsection (1) does not apply where the person reasonably believes—
- (a) that what he has possession of is not an anatomical specimen,
  - (b) that the specimen is on premises in respect of which an anatomy licence is in force, or
  - (c) that any of subsections (2) to (5) applies.
- (7) A person guilty of an offence under subsection (1) shall be liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment—
    - (i) to imprisonment for a term not exceeding 3 years, or
    - (ii) to a fine, or
    - (iii) to both.
- (8) In this section—
- “anatomy licence” means a licence authorising—
    - (a) the carrying-out of an anatomical examination, or
    - (b) the storage of anatomical specimens;
  - “storage licence” means a licence authorising the storage of anatomical specimens.

#### Commencement Information

- I1** [S. 30](#) in force at 20.10.2005 for specified purposes by [S.I. 2005/2792](#), [art. 2\(2\)\(j\)](#)
- I2** [S. 30](#) in force at 1.9.2006 in so far as not already in force by [S.I. 2006/1997](#), [art. 3\(2\)](#) (with [arts. 4, 7, 8](#))

### 31 Possession of former anatomical specimens away from licensed premises

- (1) Subject to subsections (2) to (5), a person commits an offence if—
- (a) he has possession of a former anatomical specimen, and
  - (b) the specimen is not on premises in respect of which a storage licence is in force.
- (2) Subsection (1) does not apply where—
- (a) the specimen has come from premises in respect of which a storage licence is in force, and
  - (b) the person—
    - (i) is authorised in writing by the designated individual to have possession of the specimen, and
    - (ii) has possession of the specimen only for a purpose for which he is so authorised to have possession of it.

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- (3) Subsection (1) does not apply where the person has possession of the specimen only for the purpose of transporting it to premises—
- (a) in respect of which a storage licence is in force, or
  - (b) where the specimen is to be used for the purpose of education, training or research.
- (4) Subsection (1) does not apply where the person has possession of the specimen—
- (a) only for the purpose of its decent disposal, or
  - (b) for purposes of functions of, or under the authority of, a coroner.
- (5) Subsection (1) does not apply where the person reasonably believes—
- (a) that what he has possession of is not a former anatomical specimen,
  - (b) that the specimen is on premises in respect of which a storage licence is in force, or
  - (c) that any of subsections (2) to (4) applies.
- (6) A person guilty of an offence under subsection (1) shall be liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment—
    - (i) to imprisonment for a term not exceeding 3 years, or
    - (ii) to a fine, or
    - (iii) to both.
- (7) In this section, “storage licence” means a licence authorising the storage, for use for a scheduled purpose, of relevant material which has come from a human body.

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**Commencement Information**

- I3** [S. 31](#) in force at 20.10.2005 for specified purposes by [S.I. 2005/2792](#), **art. 2(2)(j)**
- I4** [S. 31](#) in force at 1.9.2006 in so far as not already in force by [S.I. 2006/1997](#), **art. 3(2)** (with arts. 4, 7, 8)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 29(7) inserted by [2013 anaw 5 s. 15\(4\)\(e\)](#)
- s. 43(5A) inserted by [2009 c. 25 Sch. 21 para. 50](#)