



Human Tissue Act 2004

2004 CHAPTER 30

PART 1

REMOVAL, STORAGE AND USE OF HUMAN ORGANS AND OTHER TISSUE FOR SCHEDULED PURPOSES

6 Activities involving material from adults who lack capacity to consent

[^{F1}(1)] Where—

- (a) an activity of a kind mentioned in section 1(1)(d) or (f) involves material from the body of a person who—
 - (i) is an adult, and
 - (ii) lacks capacity to consent to the activity, and
- (b) neither a decision of his to consent to the activity, nor a decision of his not to consent to it, is in force,

there shall for the purposes of this Part be deemed to be consent of his to the activity if it is done in circumstances of a kind specified by regulations made by the Secretary of State.

[^{F2}(2) This section does not apply in relation to transplantation activities done in Wales.

(For provision in these circumstances see section 9 of the Human Transplantation (Wales) Act 2013).]

Textual Amendments

- F1** S. 6 renumbered as s. 6(1) (E.W.) (1.12.2015) by [Human Transplantation \(Wales\) Act 2013 \(anaw 5\)](#), [ss. 16\(3\)\(a\)](#), [21\(1\)](#) (with [s. 14](#)); [S.I. 2015/1679](#), [art. 3\(e\)](#)
- F2** S. 6(2) added (E.W.) (1.12.2015) by [Human Transplantation \(Wales\) Act 2013 \(anaw 5\)](#), [ss. 16\(3\)\(b\)](#), [21\(1\)](#) (with [s. 14](#)); [S.I. 2015/1679](#), [art. 3\(e\)](#)

Commencement Information

- I1** S. 6 in force at 20.10.2005 for specified purposes by [S.I. 2005/2792](#), [art. 2\(2\)\(j\)](#)

Changes to legislation: Human Tissue Act 2004, Section 6 is up to date with all changes known to be in force on or before 23 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](#)

I2 S. 6 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)

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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](#)