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STATUTORY INSTRUMENTS

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**2006 No. 1997**

**The Human Tissue Act 2004 (Commencement  
No. 5 and Transitional Provisions) Order 2006**

**Transitional arrangements: pending applications**

4.—(1) Subject to paragraph (4), a licence shall be deemed to have been granted in relation to an application where—

- (a) a licence is required for the purposes of the activities listed in section 16(2) of the Act,
- (b) an application for such a licence is received by the Authority on or before 31<sup>st</sup> August 2006, and
- (c) an application fee is received by the Authority on or before 31<sup>st</sup> August 2006 in relation to that application.

(2) For the purposes of paragraph (1) “application fee” means such fee (if any) as the Authority determines under paragraph 13(2) of Schedule 3 to the Act.

(3) A licence deemed to have been granted under paragraph (1) shall have effect from 1<sup>st</sup> September 2006 and shall continue to have effect until either a licence is granted on the application or the application is refused.

(4) This article does not apply in relation to an application for a licence if a licence would have been deemed to have been granted, by virtue of article 5(1) of the Human Tissue Act 2005 (Commencement No. 4) Order 2006(1), if the application had been received by the Authority by 31<sup>st</sup> March 2006.

(5) Subject to paragraphs (6) and (7), the provisions of the Act in force or brought into force by this Order apply to a licence deemed to have been granted under paragraph (1) to the same extent as they would apply to a licence granted under the Act.

(6) Paragraphs 2(2), 3(2)(b), 6 and 12 of Schedule 3 to the Act shall not apply in relation to a licence deemed to have been granted under paragraph (1).

(7) For the purposes of a licence deemed to have been granted under paragraph (1) references in Schedule 3 to the Act to—

- (a) “the premises specified in the licence” shall mean the premises specified in the application form to which the licence relates; and
- (b) “the individual designated in the licence” and “the designated individual” shall mean the person specified in the application form to which the licence relates as the proposed designated individual.