
STATUTORY INSTRUMENTS

2006 No. 1997

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

Transitional arrangements: existing consent to use body or parts of body for anatomical examination

5.—(1) Paragraph (2) applies where, before section 1 of the Act comes into force—

- (a) a person (“P”) expressed a request in accordance with section 4(1) of the Anatomy Act 1984⁽¹⁾, or article 6(1) of the Anatomy (Northern Ireland) Order 1992⁽²⁾ (“the Northern Ireland Order”), that his body be used for anatomical examination, and
- (b) P dies following the coming into force of section 1 of the Act.

(2) Subject to paragraph (3), during the relevant period, a request made in accordance with section 4(1) of the Anatomy Act 1984, or article 6(1) of the Northern Ireland Order, shall be treated for the purposes of section 1 of the Act as appropriate consent in relation to—

- (a) the storage of P’s body, or separated parts of his body, for use for the purpose of anatomical examination,
- (b) the use of his body, or separated parts of his body, for that purpose.

(3) A request made in accordance with section 4(1) of the Anatomy Act 1984 or article 6(1) of the Northern Ireland Order, shall not be treated for the purposes of section 1 of the Act as appropriate consent where the person doing the section 1 activity has reason to believe that P has withdrawn his consent.

(4) Where for the purpose of section 1 of the Act there would not be appropriate consent in relation to an activity but for the request made under the Anatomy Act 1984 or the Northern Ireland Order being treated for those purposes as appropriate consent in relation to the activity, paragraphs (1) to (3) of section 1 do not authorise the doing of that activity otherwise than in accordance with that request.

(5) In this article and article 6, “the relevant period”, in relation to a person, means whichever is the shorter of—

- (a) the period of three years beginning with the date of the person’s death, and
- (b) the period beginning with that date and ending when the anatomical examination of the person’s body is concluded.

(1) 1984 (c. 14).

(2) S.I.1992/1718 (N.I. 11).