

**A Bill to implement the recommendations of the Committee chaired by the late Sir Hector MacLennan and the report on Medical Research and Health of the Advisory Council on Science and Technology relating to the transplant of human organs.**

### **Contributors**

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 3370A  
 Wellcome Centre for Medical Science

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**B I L L**  
 TO

Implement the recommendations of the committee chaired by the late Sir Hector MacLennan and the report on Medical Research and Health of the Advisory Council on Science and Technology relating to the transplant of human organs. A.D. 1993.

**B**E 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:—

5     **1.**—(1) Subject to the provisions of subsections (2) to (6) of this section, a registered medical practitioner may, at the request of another such practitioner, authorise the removal and use for therapeutic or curative purposes of any part of the body of a person who has died while under his care, unless that person has before his death notified the Secretary of State under subsection (1) of section 2 below of his objection to the use of his body, or that part of his body, for such purposes. Use of human organs for therapeutic or curative purposes.

10     (2) No authorisation shall be given, and no removal effected, under the foregoing subsection until the death of the person concerned (hereinafter referred to as "the donor") has been certified by two registered medical practitioners, neither of whom shall be the practitioner requesting the removal and one of whom shall be of not less than five years' standing as a registered practitioner.

15     (3) Any certification of death under the foregoing subsection shall be accompanied by notes recording the observations of the practitioners at the time of the death of the donor and the clinical action taken immediately prior to, and subsequent to, the death; and both the certificate and the notes shall be made available, if required, to a coroner or, in Scotland, to the procurator fiscal.

20     (4) No removal of a part of a body under this Act shall be effected except by a registered medical practitioner.

25     (5) Where there is 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, a practitioner shall not, except with the consent of the coroner—



- (a) give an authorisation under this section in respect of the body, or  
 (b) act on such an authorisation given by any other practitioner.

(6) In the application of this section to Scotland, for subsection (5) there shall be substituted the following subsection—

“(5) Nothing in this section shall authorise the removal of any part from a body in any case where the procurator fiscal has objected to such removal.”

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1961 c. 54.

(7) In section 1(1) of the Human Tissues Act 1961, the words “for therapeutic purposes or” are hereby repealed.

Registration of objections.

2.—(1) The Secretary of State shall compile a register of persons notifying an objection under subsection (1) of section 1 above.

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(2) Objection may be notified by a person only in respect of his own body or any specified part or parts thereof or, in the case of a person under sixteen years of age, by his parent or guardian; and the notification of any objection under this section may be varied or revoked by a subsequent notification made thereunder.

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(3) The Secretary of State may from time to time by regulations made by statutory instrument—

- (a) prescribe the form in which notification of objections under this Act is to be made, and  
 (b) make any other provision which he deems necessary for the proper performance of his functions under this section;

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and any statutory instrument containing regulations made under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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(4) It shall be the duty of the Secretary of State to ensure that the information contained in the register is available at all times for immediate transmission on request to registered medical practitioners.

Expenses.

3. *Any expenses incurred by the Secretary of State in the performance of his functions under this Act shall be payable out of money provided by Parliament.*

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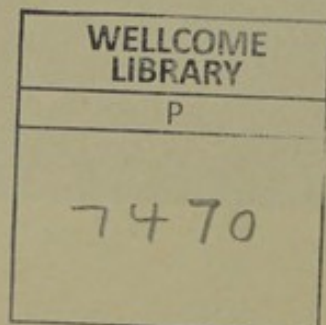
Citation, commencement and extent.

4.—(1) This Act may be cited as the Transplantation of Human Organs Act 1993.

(2) This Act shall come into force on such date, being a date not earlier than 1st October 1993, as the Secretary of State may by order made by statutory instrument determine.

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(3) This Act does not extend to Northern Ireland.





## Transplantation of Human Organs

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## BILL

To implement the recommendations of the Committee chaired by the late Sir Hector MacLennan and the report on Medical Research and Health of the Advisory Council on Science and Technology relating to the transplant of human organs.

*Ordered to be brought in by*

*Mr Tam Dalyell, Ms Diane Abbott, Mr Alex Carlile,  
Mr Winston Churchill, Maria Fyfe, Mr Sam Galbraith,  
Mr Doug Hoyle, Mr Robert MacLennan,  
Mr Max Madden, Dr Lewis Moonie, Mr Alfred Morris  
and Dawn Primarolo.*

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*Ordered by The House of Commons,  
to be Printed, 30th March 1993*

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[Bill 173]

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