



**BERMUDA  
1976 : 11**

**HUMAN TISSUE ACT 1976**

ARRANGEMENT OF SECTIONS

- |   |  |   |   |
|---|--|---|---|
| 1 | Meaning of death                           | 4 | Direction by family of<br>dead person                               |
| 2 | Use of body for medical<br>purposes        | 5 | Termination of bodily<br>function; modification of<br>Criminal Code |
| 3 | Direction by person for<br>use of his body |   |   |

[27 February 1976]

*[preamble and words of enactment omitted]*

**Meaning of death**

1 For the purposes of this Act the death of a person takes place at the time at which irreversible cessation of that person's brain function occurs.

**Use of body for medical purposes**

2 (1) Where—

- (a) the death of a person occurs; and
- (b) a certificate to that effect has been made and signed by two medical practitioners; and
- (c) a valid direction has been made under section 3 or 4,

such direction shall, subject to subsections (2) and (3), be full authority in law for the use of the body of that person or for the removal and use of the specified part or parts thereof for the purposes specified in the direction.

## **HUMAN TISSUE ACT 1976**

---

(2) Where a direction under section 3 or 4 authorizes the removal of any specified part of the body of a dead person such removal and any subsequent transplantation of such part in the body of any other person shall not be performed by a medical practitioner who signed the certificate mentioned in subsection (1)(b).

(3) A person shall not act upon a direction—

(a) in the case of a direction under section 3, if he has reason to believe that the person who gave the direction withdrew it;

(b) in the case of a direction under section 4—

(i) if he has actual knowledge that another member of the same class of persons as the person who gave the direction objects thereto; or

(ii) if he has reason to believe that the dead person would, if living, have objected thereto; or

(c) in either case, except with the consent of the coroner, if he has reason to believe that an inquest may be required to be held upon the body.

(4) Any person who contravenes subsection (2) or (3) commits an offence:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$500.

### **Direction by person for use of his body**

3 (1) A person 18 years of age or over may,—

(a) in writing at any time; or

(b) orally in the presence of at least two witnesses during his last illness,

direct that his body or any specified part thereof be used after his death for therapeutic purposes or for purposes of medical education or research.

(2) The Administrator of the King Edward VII Memorial Hospital shall maintain a register in which any person may enter a direction for the purposes of subsection (1) (a) and such register shall be conclusive evidence of the making of such direction.

(3) A direction given by a person under 18 years of age is valid for the purposes of this section if the person who acted upon it had no reason to believe that the person who gave the direction was under 18 years of age at the time he gave it.

**Direction by family of dead person**

4 Where a person other than a person who has made a direction under section 3 dies,—

- (a) his spouse; or
- (b) if none, any one of his children 18 years of age over; or
- (c) if none, either of his parents; or
- (d) if none, any of his brothers or sisters 18 years of age or over,

may direct that the body or any specified part thereof may be used for therapeutic purposes or for purposes of medical education or research.

*[Section 4 amended by 2001:20 s.7(1) & Sch 2 effective 1 November 2001]*

**Termination of bodily function; modification of Criminal Code**

5 Any person who, acting in pursuance of a valid direction made under section 3 or 4, causes the termination of any bodily function of a person whose death has occurred for the purposes of this Act shall not thereby be deemed to have unlawfully killed that person for the purposes of the Criminal Code [*title 8 item 31*].

---

*[Amended by*  
2001 20]