

## THE HUMAN TISSUE ACT

Act  
12 of 1972,  
36 of 1976  
Sch.

[24th August, 1972.]

1. This Act may be cited as the Human Tissue Act.

Short title.

2. In this Act "relative" includes a relative by marriage.

Interpreta-  
tion.  
36/1976  
Sch.

3.—(1) If any person, either in writing at any time or orally in the presence of two or more witnesses during his last illness, has expressed a request that his body or any specified part of his body be used after his death for therapeutic purposes or for purposes of medical education or research, the person lawfully in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorize the removal from the body of any part or, as the case may be, the specified part, for use in accordance with the request.

Removal  
of parts  
of bodies  
for medical  
purposes.

(2) Without prejudice to the provisions of subsection (1), the person lawfully in possession of the body of a deceased person may authorize the removal of any part from the body for use for the said purpose if, having made such reasonable enquiry as may be practicable, he has no reason to believe—

(a) that the deceased had expressed an objection to his body being so dealt with after his death, and had not withdrawn it; or

(b) that the surviving spouse or the nearest other

surviving relative of the deceased objects to the body being so dealt with.

(3) Subject to the provisions of subsections (4) and (5), the removal and use of any part of a body in accordance with an authority given in pursuance of this section shall be lawful.

(4) No such removal shall be effected except by a registered medical practitioner, who must have satisfied himself by personal examination of the body that life is extinct, and where a medical certificate of the cause of death has been given in respect of the deceased, such removal shall not be effected by the registered medical practitioner by whom such certificate was given.

(5) Where a person has 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, he shall not, except with the consent of the coroner—

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

(6) No authority shall be given under this section in respect of any body by a person entrusted with the body for the purpose only of its interment or cremation or custody prior thereto.

(7) In the case of a body lying in a hospital, nursing home or other institution, any authority under this section may be given on behalf of the person having the control and management thereof by any officer or person designated for that purpose by the first-mentioned person.

(8) Nothing in this section shall be construed as rendering unlawful any dealing with, or with any part of, the body of a deceased person which is lawful apart from this Act and no action shall lie against any registered medical practitioner in respect of any act done by him in good faith and in accordance with the provisions of this Act in relation to the removal and use of any part of a body.

4.—(1) Any person who contravenes the provisions of subsection (4) of section 3 shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one thousand dollars and in default of payment to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Any person who contravenes the provisions of subsection (5) or subsection (6) of section 3 shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred dollars and in default of payment to imprisonment for a term not exceeding six months or to both such fine and imprisonment.