

2023-05-08

OBJECTS AND REASONS

This Bill would provide for the removal of tissue from the body of one person, whether living or deceased, for transplantation into the body of a living person and for related matters.

Arrangement of Sections

PART I

PRELIMINARY

1. Short title
2. Interpretation

PART II

ADMINISTRATION

3. Approval of health service institution
4. Establishment of Council
5. Functions of the Council
6. Designated transplant officers

PART III

DONATION OF TISSUE BY ADULTS

7. Donation of regenerative tissue by adults
8. Effect of consent under section 7
9. Donation of non-regenerative tissue by adults

10. Effect of consent under section 9

PART IV

DONATION OF TISSUE BY MINORS

11. Prohibition of removal of non-regenerative tissue
12. Removal of regenerative tissue where minor understands
13. Effect of consent under section 12
14. Removal of regenerative tissue where minor does not have the capacity to understand the procedure or give consent to it
15. Effect of consent under section 14
16. Removal of tissue from and transplantation of tissue into a living person
17. Withdrawal of consent

PART V

DONATION OF TISSUE AFTER DEATH

18. Definitions
19. Removal and use of tissue after death
20. Conditions under which designated transplant officer may exercise authority
21. Removal of tissue only after death
22. When death occurs

- 23. Concurrence of coroner

PART VI

PROHIBITION ON TRADING IN HUMAN TISSUE

- 24. Trade in human tissue prohibited
- 25. Advertisement relating to buying or selling of tissue prohibited

PART VII

MISCELLANEOUS

- 26. Exemption from liability
- 27. Limitation on application of Act
- 28. Offences in relation to removal of tissue
- 29. Offences in relation to removal of tissue for gain or profit
- 30. Disclosure of information
- 31. Regulations
- 32. Amendment of Schedules
- 33. Commencement

FIRST SCHEDULE

CONSTITUTION OF NATIONAL TRANSPLANTATION COUNCIL

SECOND SCHEDULE

FORMS

BARBADOS

A Bill entitled

An Act to provide for the removal of tissue from the body of one person, whether living or deceased, for transplantation into the body of a living person and for related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Human Tissue Transplant Act, 2023*.

Interpretation

2. In this Act,

“blood” means human blood and includes any product derived from blood;

“Coroner” has the meaning assigned to it by the *Coroners Act*, Cap. 113;

“Council” means the National Transplantation Council established by section 4;

“designated transplant officer” means a person appointed under section 6;

“Director of Medical Services” means a person appointed as Director of Medical Services under section 9 of the *Queen Elizabeth Hospital Act*, Cap. 54;

“donor” means a person who has given consent under section 7(1);

“guardian” means a person who is acting as *guardian ad litem* in relation to

(a) a minor; or

(b) a person who is incapable of

(i) acting;

(ii) making decisions;

(iii) communicating decisions;

(iv) understanding decisions; or

(v) retaining the memory of decisions

by reason of mental disorder or inability to communicate;

“hospital”

- (a) has the meaning assigned to it by section 2 of the *Queen Elizabeth Hospital Act*, Cap. 54; and
- (b) includes health services institutions approved by the Minister under section 3;

“medical practitioner” means a registered medical practitioner within the meaning of the *Medical Profession Act, 2011* (Act 2011-1);

“Minister” means the Minister responsible for health;

“next of kin” means, in descending order of priority,

- (a) a spouse;
- (b) the eldest child who is not a minor;
- (c) a parent or guardian; or
- (d) the eldest brother or sister who is not a minor;

“non-regenerative tissue” means tissue, other than regenerative tissue;

“regenerative tissue” means tissue that, after injury within or after removal from the body of a living person, is replaced in the person’s body by natural processes;

“spouse” has the meaning assigned to it by the *Family Law Act*, Cap. 214;

“therapeutic purposes” includes transplant purposes;

“tissue” includes an organ, a part of a human body and a substance extracted from the human body, but does not include

- (a) spermatozoa or ova;
- (b) an embryo or a foetus or a part of an embryo or a foetus; or
- (c) blood or a blood constituent;

“transplant” means the removal of tissue from a human body, whether living or dead, and its implantation into a living human body;

“transplant team” means the medical professionals and their assistants responsible for the procedures relating to tissue transplantation.

PART II

ADMINISTRATION

Approval of health service institution

3.(1) The Minister may approve, in writing, hospitals within the definition of health services institutions in section 2 of the *Health Services Act*, Cap. 44, as hospitals for the purposes of this Act.

(2) The Minister may prescribe the conditions with which a health service institution approved under this section shall comply.

Establishment of Council

4.(1) There is established a council to be known as the National Transplantation Council.

(2) The provisions of the *First Schedule* shall have effect with respect to the constitution of the Council and otherwise in relation thereto.

(3) The Council shall be a body corporate to which the provisions of section 21 of the *Interpretation Act*, Cap. 1 shall apply.

Functions of the Council

5. The functions of the Council are as follows:

- (a) to advise the Minister on changes and proposed changes to the legislation governing human tissue transplantation in Barbados;

- (b) to provide advice and guidance to medical practitioners engaged in human tissue transplantation on issues that arise in
 - (i) the allocation of organs to recipients;
 - (ii) the selection of donors;
 - (iii) proposed new or novel programmes of transplantation in Barbados; and
 - (iv) removal of tissue after death;
- (c) to approve the qualifications, experience and character of persons proposed for appointment under this Act;
- (d) to enquire into and report on any issue related to human tissue transplantation that has been referred to it by
 - (i) any officer named in this Act or the regulations made under this Act;
 - (ii) any registered professional engaged in human tissue transplantation;
 - (iii) any potential recipient or recipient resident in Barbados; or
 - (iv) the Minister;
- (e) to consider and advise on any matter related to human tissue transplantation that is brought to its attention in writing by a member of the public; and
- (f) to seek advice on any matter relating to human tissue transplantation from any source, whether within or outside Barbados.

Designated transplant officers

6.(1) The Chief Medical Officer may in writing nominate a person with that person's consent to be a designated transplant officer of a hospital for a period not exceeding 2 years.

- (2) The name of the person nominated under subsection (1) shall be submitted to the Council and the Council shall, on being satisfied of the person's suitability, to be a designated transplant officer
 - (a) in the case of the Queen Elizabeth Hospital, assign the person; and
 - (b) in any other case, may give its approval for the assignment of the person as the designated transplant officer for the hospital concerned.
- (3) A designated transplant officer shall perform the functions of a transplant coordinator and a transplant procurement manager and shall
 - (a) ensure that the donation of tissue is transparent, non-coercive and complies with this Act and any regulations under this Act; and
 - (b) act as an advocate on behalf of the donor, his guardian or his next of kin, as the case requires.
- (4) The Council, on the advice of the Chief Medical Officer may,
 - (a) in the case of the Queen Elizabeth Hospital, revoke the appointment of a designated transplant officer; and
 - (b) in any other cases, withdraw its approval and recommend the revocation of the assignment of the person as a designated transplant officer.
- (5) A designated transplant officer shall not participate in any of the medical procedures involved in the removal of tissue from, or transplant of tissue into, the body of a person to whom Parts III, IV and V apply.

PART III

DONATION OF TISSUE BY ADULTS

Donation of regenerative tissue by adults

7.(1) Subject to this Act, a person

- (a) who is at least 18 years of age and of full capacity; or
- (b) who, if he is a minor, is married or is a parent

may, in consideration of medical advice given to him by a medical practitioner in writing signed by him in the presence of a designated transplant officer, consent to the removal of regenerative tissue specified in the consent for the purposes specified in subsection (2).

(2) The purposes referred to in subsection (1) are

- (a) the transplantation of the tissue into the body of another living person; and
- (b) any other therapeutic, medical or scientific purpose.

(3) A donor may, at any time before the removal of the regenerative tissue to which the consent applies, withdraw his consent orally or in writing.

(4) The designated transplant officer shall, before removal of the regenerative tissue, certify in the form set out as Form A in the *Second Schedule*, that

- (a) all requirements referred to in subsections (1) and (2) have been complied with; and
- (b) he explained to the donor the implications of removal of regenerative tissue from the donor's body and the donor consented to the removal of the tissue.

Effect of consent under section 7

8. A subsisting consent under section 7(1) and the certification under section 7(4), shall be sufficient authority for a medical practitioner to refer the case to the transplant team for transplantation of tissue.

Donation of non-regenerative tissue by adults

9.(1) A person described in section 7(1) may, in writing signed by him in the presence of a designated transplant officer, consent to the removal of non-regenerative tissue from his body after the expiration of a period of at least 24 hours from the time at which the consent is signed, for the purpose of the transplantation of the tissue into the body of another living person.

(2) A person who has given consent referred to in subsection (1) may, at any time before the removal of the non-regenerative tissue to which the consent applies, withdraw his consent orally or in writing.

(3) Every designated transplant officer shall, before removal of non-regenerative tissue, certify in the form set out as Form A in the *Second Schedule* that

- (a) all requirements referred to in subsection (1) have been complied with;
- (b) he explained to the donor the implications of removal of the non-regenerative tissue from the donor's body; and
- (c) the donor clearly stated that he understood the implications.

Effect of consent under section 9

10. A subsisting consent under section 9(1) and certification under section 9(3), shall be sufficient authority for a medical practitioner to refer the case to the transplant team within 2 weeks of the date at which the consent was given.

PART IV

DONATION OF TISSUE BY MINORS

Prohibition of removal of non-regenerative tissue

11. Subject to sections 12 and 14, no person may remove or consent to the removal of non-regenerative tissue from the body of a living minor for

- (a) the purpose of transplantation of such non-regenerative tissue into the body of another living person; or
- (b) use for any other therapeutic, medical or scientific purpose.

Removal of regenerative tissue where minor understands

12.(1) A parent or guardian of a minor may consent in writing to the removal of regenerative tissue specified in the consent given by the parent or guardian from the body of the minor for the purpose of transplantation into the body of a brother, sister or parent of the minor, where

- (a) the parent or guardian has obtained advice from a medical practitioner, other than the medical practitioner tasked to transplant the tissue, regarding the nature and effect of the removal of the tissue and the nature of the transplantation;
- (b) the minor has the mental capacity to understand the nature and effect of removal and the nature of the transplantation; and
- (c) the minor has consented to the removal of the regenerative tissue for the purpose of its transplantation into the body of the person receiving the tissue.

(2) The consent referred to in subsection (1) shall be in the form set out as Form B in the *Second Schedule*.

(3) A person who has given consent referred to in subsection (1) may, at any time before the removal of the regenerative tissue to which the consent applies, withdraw his consent orally or in writing.

(4) In this section, reference to a parent or guardian of a minor does not include a person standing in *loco parentis* to the minor.

(5) The designated transplant officer shall, before the removal of tissue by a medical practitioner, certify in the form set out as Form C in the *Second Schedule* that

- (a) all requirements referred to in subsection (1) have been complied with;
- (b) he explained to the parent or guardian the implications of removal of the regenerative tissue from the body of the minor; and
- (c) the parent or guardian understood the implications of the removal of regenerative tissue from the body of the minor and the minor has consented to the removal.

Effect of consent under section 12

13. The consent given by

- (a) the parent or guardian of the minor;
- (b) the minor under section 12(1)(c); and
- (c) the certification given under section 12(5)

shall be sufficient authority for a transplant team to remove the regenerative tissue from the body of the minor, unless consent of the parent or guardian or consent of the minor has been withdrawn at any time prior to the removal.

Removal of regenerative tissue where minor does not have the capacity to understand the procedure or give consent to it

14.(1) A parent or guardian of a minor may consent in writing to the removal of regenerative tissue specified in the consent from the body of the minor for the

purpose of transplantation into the body of a brother, sister or parent of the minor, where

- (a) advice from a medical practitioner, other than the medical practitioner tasked to transplant the tissue, regarding the nature and effect of the removal of the tissue and the nature of the transplantation is obtained;
 - (b) the minor is not capable of understanding the nature and effect of the removal of tissue and the nature of transplantation; and
 - (c) a medical practitioner, other than the medical practitioner tasked to transplant the tissue, certifies in writing the medical reason for the transplant.
- (2) The consent of the parent or guardian referred to in subsection (1) shall be in the form set out as Form D in the *Second Schedule* and certification referred to in subsection (1)(c) shall be in the form set out as Form E in the *Second Schedule*.
- (3) A person who has given a consent referred to in subsection (1) may, at any time before the removal of the regenerative tissue to which the consent applies, withdraw his consent orally or in writing.
- (4) In this section, a reference to a parent or guardian of the minor does not include a person standing in *loco parentis* to the minor.
- (5) The designated transplant officer shall, before the removal of tissue by the medical practitioner, certify in the form set out as Form F in the *Second Schedule* that
- (a) all the requirements referred to in subsection (1) have been complied with;
 - (b) he explained to the parent or guardian of the minor the implications of removal of regenerative tissue from the body of the minor; and
 - (c) the parent or guardian clearly understood the implications of the removal of regenerative tissue from the body of the minor.

Effect of consent under section 14

15. A subsisting consent given by the parent or guardian of the minor and the certification by the medical practitioner under section 12(1)(c) and the certification under section 12(5), shall be sufficient authority for the transplant team to remove the regenerative tissue from the body of the minor.

Removal of tissue from and transplantation of tissue into a living person

16.(1) A person may consent in writing to the removal of regenerative tissue from his body or to the transplantation of regenerative tissue into his body if

- (a) advice from a medical practitioner, other than the medical practitioner tasked to remove or transplant the tissue, as the case may be, regarding the nature and effect of the removal of the tissue and the nature and effect of the transplantation is obtained; and
- (b) a medical practitioner, other than the medical practitioner tasked to remove or to transplant the tissue, as the case may be, certifies in writing the medical reason for the removal or transplant.

(2) The certificate of the medical practitioner referred to in subsection (1)(b) shall be in the form set out as Form G in the *Second Schedule*.

Withdrawal of consent

17. Consent given under this Act may be withdrawn in the form set out as Form H in the *Second Schedule*.

PART V

DONATION OF TISSUE AFTER DEATH

Definitions

18.(1) In this Part,

“subject” means, in relation to tissue transplantation, the body of a person who has died; and

“consent” means, for the purposes of sections 19 and 20, consent shall be in writing and

- (a) signed by the subject in the presence of at least one witness who attests the signature;
- (b) signed at the direction of the subject, in his presence and in the presence of at least one witness who attests the signature; or
- (c) contained in a will of the subject made in accordance with the *Succession Act*, Cap. 249.

Removal and use of tissue after death

19. Subject to sections 20 and 23, a designated transplant officer may, in the form set out as Form I in the *Second Schedule*, authorize for the purposes of this section, the removal of tissue from the subject, for

- (a) the transplantation of the tissue into the body of a living person; or
- (b) the use of the tissue for other therapeutic, medical or scientific purposes.

Conditions under which designated transplant officer may exercise authority

20.(1) The authorization referred to in section 19 shall only be given where, after making such inquiries as are reasonable in the circumstances, a designated transplant officer

- (a) is satisfied that the subject during his lifetime expressed the wish for, or consented to the removal of tissue from his body after his death, for a purpose referred to in section 19 and had not withdrawn the wish or the consent; or
- (b) has no reason to believe that the subject has expressed an objection to the removal of tissue from his body after his death for a purpose referred to in section 19 and the designated transplant officer is satisfied that the next of kin of the deceased person consents to the removal of tissue from the body of the deceased person for a purpose referred to in section 19.

(2) The authorization of a designated transplant officer under section 19 shall be restricted by the expressed terms of the wishes or consent of the deceased person, or the consent of his next of kin, as the case may be, both as to the tissue which may be removed and as to the purpose or use of such tissue.

(3) The next of kin of a person may make it known to a designated transplant officer at any time when the person is unconscious and before death that the next of kin consents to the removal, after death of the person, of tissue from the body of the person for a purpose referred to in section 19; but the designated transplant officer shall not act on such an indication if the person recovers consciousness.

Removal of tissue only after death

21. No tissue may be removed from the body of the donor under this Part until death has occurred.

When death occurs

- 22.(1)** For the purposes of this Part, a person is dead when there has occurred
- (a) irreversible cessation of circulation of blood in the body of that person;
or
 - (b) irreversible cessation of all functions of the brain stem of that person.
- (2) Death shall be determined by 2 medical practitioners on the staff of the relevant hospital, in accordance with the prescribed criteria, except that
- (a) no medical practitioner who has a familial or professional relationship with the proposed recipient shall take any part in the determination of the fact of the death of the donor of the tissue;
 - (b) no medical practitioner who had taken part in the determination of death under paragraph (a) shall participate in the transplantation of the tissue to the recipient; and
 - (c) if the tissue is to be removed for therapeutic purposes, no medical practitioner who is due to remove or transplant the tissue, may determine the occurrence of death or may be part of any transplant team by whom, or process by which, death is determined.

Concurrence of coroner

- 23.(1)** Where a designated transplant officer has reason to believe that the circumstances applicable to the death of a person are such that a coroner has jurisdiction to hold an inquest into the manner and cause of death of the person under the *Coroner's Act*, Cap. 113, the designated transplant officer shall not authorize the removal of tissue from the body of the deceased person, unless the coroner has stated that he has no objection to the removal.
- (2) Subsection (1) does not apply where the coroner, after the death of a person states that he has no objection to the removal of tissue from the body of the person.

- (3) A statement by a coroner under this section shall be
- (a) in writing; and
 - (b) subject to such conditions as are specified in the statement.

PART VI

PROHIBITION ON TRADING IN HUMAN TISSUE

Trade in human tissue prohibited

24.(1) No person shall remove or cause tissue to be removed from the body of a donor for the purposes of trading that tissue for valuable consideration.

(2) Subject to this section, any contract or arrangement under which a person agrees, for valuable consideration, whether given or to be given to himself or to another person, for the sale or supply of any tissue from his body or from the body of another person, whether before or after his death or the death of the other person, as the case may be, is void.

(3) A person who contravenes subsection (1) or enters into a contract or arrangement of the kind referred to in subsection (2), is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or imprisonment for a term of 2 years or to both.

Advertisement relating to buying or selling of tissue prohibited

25.(1) No person shall issue or cause to be issued any advertisement relating to the buying or selling of any tissue from the body of a person.

(2) Any person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of 2 years or to both.

PART VII

MISCELLANEOUS

Exemption from liability

26. No personal liability attaches to any medical practitioner or other person for anything done in good faith in the exercise of his authority under this Act.

Limitation on application of Act

27. Nothing in this Act applies to,

- (a) the removal of any tissue from the body of a living person in the course of a procedure or operation carried out in the interest of the health of the person by a medical practitioner with the consent given by or on behalf of the person or in circumstances necessary for the preservation of the life of a person by the use of any tissue so removed;
- (b) the removal of any tissue from the body of a deceased person during the course of a post-mortem examination;
- (c) the embalming of the body of a deceased person; or
- (d) the preparation, including the restoration of any disfigurement or mutilation, of the body of a deceased person for the purpose of interment or cremation.

Offences in relation to removal of tissue

28.(1) No person shall remove or cause to be removed any tissue from the body of a deceased person, except in accordance with this Act.

(2) No person shall, except for a purpose specified in this Act, remove or cause to be removed any tissue from the body of a living person.

(3) Any person who contravenes this section, is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of 5 years or to both.

Offences in relation to removal of tissue for gain or profit

29.(1) Any person who removes tissue from the body of a donor for valuable consideration is guilty of an offence and is liable on conviction on indictment to a fine of \$500 000 or to imprisonment for a term of 7 years or to both.

(2) Where a designated transplant officer is convicted under subsection (1), in addition to the penalty imposed, his appointment as designated transplant officer shall be revoked.

Disclosure of information

30.(1) Notwithstanding any other law to the contrary and subject to this section, no person shall, by any means whatsoever, make known to the public the identity of any other person

- (a) from whose body any tissue has been removed for the purpose of transplantation;
- (b) with respect to whom a consent or authority has been given under this Act; or
- (c) into whose body any tissue has been, or is being transplanted.

(2) Subsection (1), shall not apply in relation to any information disclosed

- (a) in pursuance of an order of a court;
- (b) for the purposes of continued care or *bona fide* medical research; or
- (c) with the consent of the person to whom the information relates.

(3) Any person who contravenes subsection (1), is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of 2 years or to both.

Regulations

- 31.** The Minister may make regulations
- (a) for matters that are authorized or required by this Act to be prescribed;
 - (b) for the screening and testing of tissue before and after removal from a body;
 - (c) for the transportation, storage and handling of tissue;
 - (d) for the conditions subject to which transplantation of tissue shall be carried out;
 - (e) for the criteria for determining the irreversible cessation of all functions of the brain stem of a person;
 - (f) for the allocation of tissue; and
 - (g) generally for matters that are necessary or convenient for carrying out the purposes of or giving effect to this Act.

Amendment of Schedules

- 32.** The Minister may by order amend the *Schedules* to this Act.

Commencement

- 33.** This Act shall come into operation on a date to be fixed by Proclamation.

FIRST SCHEDULE

(Section 4(2))

CONSTITUTION OF NATIONAL TRANSPLANTATION COUNCIL

1. The National Transplantation Council shall comprise the following persons who shall be appointed by the Minister:

- (a)* the Chief Medical Officer, *ex officio*;
- (b)* the Director of Medical Services at the Queen Elizabeth Hospital, *ex officio*;
- (c)* a medical practitioner with knowledge of human tissue transplantation, on the nomination of the Barbados Association of Medical Practitioners;
- (d)* an individual who is qualified or otherwise experienced in bioethics;
- (e)* a nurse, on the nomination of the Barbados Association of Registered Nurses;
- (f)* an attorney-at-law of at least 10 years standing with medico-legal knowledge, on the nomination of the Barbados Bar Association;
- (g)* a nominee of a Non-Governmental Organization with an interest in human tissue transplantation; and
- (h)* a beneficiary of human tissue transplantation or a donor of human tissue.

2.(1) The Minister shall appoint a Chairman and a Deputy Chairman from amongst the members of the Council.

(2) The Permanent Secretary in the Ministry responsible for Health may assign a public officer from that Ministry to perform the duties of secretary to the Council.

3. A person appointed under subparagraph (c) to (g) of paragraph 1 shall hold office for a term of 3 years and shall be eligible for reappointment.
4. No remuneration is payable to the members of the Council except with the approval of the Cabinet.
- 5.(1) The Chairman of the Council may resign by letter in writing sent to the Minister.
(2) All other members of the Council, except the Chairman may resign by letter in writing sent to the Chairman.
6. Subject to this *Schedule*, the Council shall regulate its own procedure.
7. The Council shall meet at such times and places as may be necessary or expedient for the transaction of its business.
8. The Chairman may at any time call a special meeting of the Council, and shall call such a meeting if required so to do by 5 members of the Council.
9. In the absence of the Chairman from a meeting, the Deputy Chairman shall preside.
10. A majority of the members of the Council shall constitute a quorum.

SECOND SCHEDULE

(Section 7(4) and 9(3))

FORMS



*Human Tissue Transplant Act, 2023
(Act 2023-)*

FORM A

I, _____, certify that
Name of Designated Transplant Officer

_____, is an adult
Name of Donor

- (a) who is of sound mind;
- (b) who has been given relevant medical advice by a medical practitioner with which advice he/she agrees; and
- (c) who has consented in writing to the removal from his/her body of the undermentioned tissue for the purpose of the transplantation of the tissue into the body of another living person for therapeutic/medical/scientific purposes:

Description of tissue:*

Bone Marrow Cornea Kidney Liver

Other (please specify): _____

* Select as appropriate

Second Schedule - (Cont'd)

I further certify that I have explained to _____
Name of Donor
the implications of the removal of the tissue from his/her body and I am of the
opinion that he/she understood the implications of the removal.

Signature of Designated Transplant Officer

Date/Month/Year

Registration No.

Second Schedule - (Cont'd)

(Section 12(2))



Human Tissue Transplant Act, 2023
(Act 2023-)

FORM B

I, _____, parent/guardian
Full Name

of _____ (a minor), aged _____ years, consent
Name of Donor

to the removal of the undermentioned tissue from his/her body for the purpose of

transplantation into the body of _____
Name of Recipient

who is his/her brother/sister/mother/father

Description of tissue:*

Bone Marrow Cornea Kidney Liver

Other (please specify): _____

* Select as appropriate

Second Schedule - (Cont'd)

I certify that:

I have obtained advice from a medical practitioner, other than the practitioner due to transplant the tissue, regarding the nature and effect of the removal of the tissue and nature of the transplantation.

_____has the mental capacity to
Name of Donor

understand the nature and effect of the removal and nature of the transplantation and has agreed to the removal of the tissue for the purpose of its transplantation into the body of

_____,who is his/her brother/sister/
Name of Recipient
mother/father.

Signature of Parent/Guardian

Date/Month/Year

Second Schedule - (Cont'd)

(Section 12(5))



Human Tissue Transplant Act, 2023
(Act 2023-)

FORM C

I, _____, certify that
Name of Designated Transplant Officer
_____, parent/guardian of
Name of Parent/Guardian
_____, (a minor), aged _____ years, has
Name of Donor
consented to the removal of the undermentioned tissue from the body of the minor
for the purpose of transplantation into the body of _____
Name of Recipient
who is the minor's brother/sister/mother/father.

Description of tissue:*

Bone Marrow Cornea Kidney Liver

Other (please specify): _____

* Select as appropriate

Second Schedule - (Cont'd)

I further certify that:

- (a) the parent/guardian of the minor has obtained medical advice from a medical practitioner, other than the practitioner due to transplant the tissue, regarding the nature and effect of the removal of the tissue and the nature of the transplantation.
- (b) the minor has the mental capacity to understand the nature and effect of the removal and the nature of the transplantation and has agreed to the removal of the tissue for the purpose of its transplantation into the body of the person receiving the tissue.
- (c) I explained to the parent/guardian the implications of the removal of the tissue from the body of the minor and the parent/guardian appeared to understand the implications of the removal.

Signature of Designated Transplant Officer

Date/Month/Year

Registration No.

Second Schedule - (Cont'd)

(Section 14(2))



Human Tissue Transplant Act, 2023
(Act 2023-)

FORM D

I, _____, parent/guardian of
Name of Parent/Guardian
_____ (a minor), aged _____
Name of Donor
years, consent to the removal of the undermentioned tissue from his/her body for the
purpose of transplantation into the body of _____
Name of Recipient
who is his/her brother/sister/mother/father.

Description of tissue:*

Bone Marrow Cornea Kidney Liver

Other (please specify): _____

* Select as appropriate

Second Schedule - (Cont'd)

I certify that:

- (a) I have obtained advice from a medical practitioner, other than the practitioner due to transplant the tissue, regarding the nature and effect of the removal of the tissue and nature of the transplantation.
- (b) _____ does not have the mental capacity to understand the nature and effect of the removal and the nature of the transplantation.
- (c) a medical practitioner, other than the medical practitioner due to transplant the tissue, has certified in writing the medical reason for the transplant into the body of

Name of Recipient

Signature of Parent/Guardian

Date/Month/Year

Signature of Witness

Date/Month/Year

Name of Witness

Second Schedule - (Cont'd)

(Section 14(2))



Human Tissue Transplant Act, 2023
(Act 2023-)

FORM E

I, _____, medical practitioner,
Full Name
herby certify that unless the undermentioned tissue, which is the same tissue specified in
the consent of _____ parent/guardian of
Name of Parent/Guardian
_____ (a minor), aged _____ years is transplanted
Name of Donor
into the body of _____, the brother/sister/mother/
Name of Recipient
father of the minor, his/her (the recipient's) medical condition is likely to deteriorate.

I further certify

- (a) that the recipient has been diagnosed with or is suffering from _____
_____; and
- (b) that I will not participate in any of the medical procedures involved in transplantation of the tissue.

Signature of Medical Practitioner

Date/Month/Year

Registration No.

Second Schedule - (Cont'd)

(Section 14(5))



Human Tissue Transplant Act, 2023
(Act 2023-)

FORM F

I, _____, certify that
Name of Designated Transplant Officer
_____, parent/guardian of
Name of Parent/Guardian
_____(a minor), aged _____years, has
Name of Donor
consented to the removal of the undermentioned tissue from the body of the minor for the
purpose of transplantation into the body of _____
Name of Recipient
the minor’s brother/sister/mother/father.

Description of tissue:*

Bone Marrow Cornea Kidney Liver

Other (please specify): _____

* Select as appropriate

Second Schedule - (Cont'd)

I further certify that:

- (a) the parent/guardian of the minor has obtained medical advice from a medical practitioner, other than the practitioner due to transplant the tissue, regarding the nature and effect of the removal of the tissue and the nature of the transplantation.
- (b) the minor does not have the mental capacity to understand the nature and effect of the removal of the tissue and the nature of the transplantation.
- (c) a medical practitioner, other than the medical practitioner due to transplant the tissue, has certified in writing the medical reason for the transplant into the body of

Name of Recipient

- (d) I explained to the parent/guardian the implications of the removal of the tissue from the body of the minor and the parent/guardian appeared to understand the implications of the removal.

Signature of Designated Transplant Officer

Date/Month/Year

Registration No.

Second Schedule - (Cont'd)

(Section 16(2))



Human Tissue Transplant Act, 2023
(Act 2023-)

FORM G

I, _____, medical practitioner,
Full Name
herby certify that unless the undermentioned tissue, which is the same tissue specified in
the consent of _____ is transplanted into the
Name of Donor
body of _____, his/her (the recipient's)
Name of Recipient
medical condition is likely to deteriorate.

I further certify

- (a) that the recipient has been diagnosed with or is suffering from _____
_____; and
- (b) that I will not participate in any of the medical procedures involved in transplantation of the
tissue.

Signature of Medical Practitioner

Date/Month/Year

Registration No.

Second Schedule - (Cont'd)

(Section 17)



*Human Tissue Transplant Act, 2023
(Act 2023-)*

FORM H

I, _____, hereby withdraw
Name of Donor/Recipient
my consent given on the _____ day of _____ 20____ for removal/transplantation of
regenerative/non-regenerative tissue from, or into my body/the body of _____
_____ (a minor) aged _____ years.

Signature of Donor/Parent/Guardian/Recipient

Date/Month/Year

Second Schedule - (Cont'd)

(Section 19)



Human Tissue Transplant Act, 2023
(Act 2023-)

FORM I

I, _____, hereby authorize the removal
Name of Designated Transplant Officer

of the undermentioned tissue from the body of _____,
Full Name

deceased, for transplantation into the body of a living person/use for therapeutic/medical/scientific purposes:

Description of tissue:*

Bone Marrow Cornea Kidney Liver

Other (please specify): _____

* Select as appropriate

Second Schedule - (Concl'd)

I certify that I have made enquiries as are reasonable in the circumstances and:

*select as appropriate

- am satisfied that the deceased during his/her lifetime in writing or in his last will and testament made under the *Succession Act*, Cap. 249 expressed the wish for, or consented to, the removal of tissue from his/her body after death for any purpose or use referred to above and had not withdrawn the wish or revoked the consent.
- have no reason to believe that the deceased had expressed an objection to the removal of tissue from his/her body after death for any purpose or use referred to above and I am satisfied that the next of kin of the deceased consents to the removal of tissue from the body of the deceased for any such purpose or use.
- I hereby certify that the donor and recipient have been examined by a registered medical practitioner and the parent/guardian of the minor has consented and the transplantation of tissue has been carried out.

Signature of Designated Transplant Officer

Date/Month/Year

Registration No.

*Signature of Medical Practitioner
giving advice*

Date/Month/Year

Read three times and passed the House of Assembly this
day of _____, 2023.

Speaker

Read three times and passed the Senate this _____ day of
, 2023.

President