

---

STATUTORY INSTRUMENTS

---

**2020 No. 86 (C. 8)**

**HUMAN TISSUE, ENGLAND AND WALES  
HUMAN TISSUE, NORTHERN IRELAND**

**The Organ Donation (Deemed Consent) Act  
2019 (Commencement No. 2) Regulations 2020**

*Made - - - - 29th January 2020*

The Secretary of State makes these Regulations in exercise of the power conferred by section 3(3) of the Organ Donation (Deemed Consent) Act 2019<sup>(1)</sup>.

**Citation**

1. These Regulations may be cited as the Organ Donation (Deemed Consent) Act 2019 (Commencement No. 2) Regulations 2020.

**Provisions coming into force on 6th February 2020**

2. 6th February 2020 is the appointed day for the coming into force of the following provisions of the Organ Donation (Deemed Consent) Act 2019—

- (a) section 2(1) (consequential amendments) so far as it relates to section 2(4);
- (b) section 2(4) (guidance by the Human Tissue Authority).

Signed by authority of the Secretary of State for Health and Social Care.

29th January 2020

*Caroline Dinéage*  
Minister of State,  
Department of Health and Social Care

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations commence certain provisions of the Organ Donation (Deemed Consent) Act 2019 (c.7) (“the 2019 Act”) on 6th February 2020. These are the second commencement regulations made under the 2019 Act. Section 3 came into force on the passing of the 2019 Act.

Regulation 2 brings into force section 2(4) of the 2019 Act (and section 2(1) so far as it relates to section 2(4)). Section 2(4) makes amendments to section 27 (provision with respect to consent) of the Human Tissue Act 2004 (c.30) (“the 2004 Act”), consequential on section 1 of the 2019 Act, to require the Human Tissue Authority, in its codes of practice, to give practical guidance on the circumstances in which a person is to be deemed to have given consent, under section 3 (“appropriate consent: adults) of the 2004 Act, in relation to certain activities done in England for transplantation purposes. Section 3 of the 2004 Act was amended by section 1 of the 2019 Act to set out when deemed consent amounts to appropriate consent for transplantation purposes.

## NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

*(This note is not part of the Regulations)*

The following provisions of the Organ Donation (Deemed Consent) Act 2019 were brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1(1) (partially)	1st October 2019	<a href="#">S.I. 2019/1262</a>
Section 1(5) (partially)	1st October 2019	<a href="#">S.I. 2019/1262</a>
Section 2(1) (partially)	1st October 2019	<a href="#">S.I. 2019/1262</a>
Section 2(5)	1st October 2019	<a href="#">S.I. 2019/1262</a>
Section 2(6)	1st October 2019	<a href="#">S.I. 2019/1262</a>
Section 2(7)	1st October 2019	<a href="#">S.I. 2019/1262</a>

---