



THE REPUBLIC OF KENYA

LAWS OF KENYA

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## **HUMAN TISSUE ACT**

CHAPTER 252

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**CHAPTER 252**

**HUMAN TISSUE ACT**

ARRANGEMENT OF SECTIONS

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**CHAPTER 252****HUMAN TISSUE ACT**

[Date of assent: 25th November, 1966.]

[Date of commencement: 1st January, 1967.]

**An Act of Parliament to make provision with respect to the use of parts of bodies of deceased persons for therapeutic purposes and purposes of medical education and research; and for matters connected therewith and incidental thereto**

[Act No. 34 of 1966, L.N. 358/1966.]

**1. Short title**

This Act may be cited as the Human Tissue Act.

**2. Removal of bodies for medical purposes**

(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in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorize the removal from the body of any part or, as the case may be, the specified part, for use in accordance with the request.

(2) Without prejudice to subsection (1) of this section, 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 purposes if, having made such reasonable inquiry 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- (a) that the deceased had expressed an objection to his body being so dealt with after his death, and had not withdrawn it; or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 a surviving spouse or any surviving relative of the deceased objects to the body being so dealt with.

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

**3. Limitations on removal**

(1) No such removal shall be effected except by a person permitted by law to practise medicine, who must have satisfied himself by a personal examination of the body that life is extinct.

(2) 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 by any person having power to so require, he shall not, except with the consent of the last-mentioned person—

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

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

(4) In the case of a body lying in a hospital, nursing home or other institution, any authority under this Act 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.

(5) Nothing in this Act 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.

#### **4. Repeal of Cap. 252**

The Corneal Grafting Act is hereby repealed.

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