

Zambia

Human Tissue Act, 1962

Chapter 306

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Zambia

Human Tissue Act, 1962

Chapter 306

Commenced on 7 December 1962

[This is the version of this document at 31 December 1996.]

[Federal Act 47 of 1962; Government Notice 360 of 1963; Federal Act 47 of 1962; Government Notice 360 of 1963]

An Act to make provision with respect to the examination and use of, or of parts of, bodies of deceased persons for therapeutic purposes and purposes of medical education and research.

1. Short title

This Act may be cited as the Human Tissue Act.

2. Examination and use 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 after his death his body or any specified part of his body be used for therapeutic purposes or be examined or used 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in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorise the examination or use of the body or of the specified part, in accordance with the request, and for that purpose may authorise the removal from the body of any part or, as the case may be, the specified part, for such examination or use.
- (2) Without prejudice to the provisions of subsection (1), the person lawfully in possession of the body of a deceased person may, for the said purposes, authorise the examination or use of the body and the removal from the body of any part 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 - (a) that the deceased had expressed an objection to his body being so dealt with after his death, and had not withdrawn it; or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 the surviving spouse or any surviving relative of the deceased objects to the body being so dealt with.
- (3) Subject to the provisions of this Act—
 - (a) the examination and use of, or of any part of, a body; and
 - (b) the removal of any part of a body;in accordance with an authority given in pursuance of this section shall be lawful.

3. Further provision with respect to the giving of an authority for the examination and use of bodies

- (1) Where a person has reason to believe that, in accordance with any written law for the time being in force—
 - (a) an inquest may be required to be held on a body; or
 - (b) a *post-mortem* examination may be required to be carried out on a body; or

- (c) a body or any part of a body may be required to be dealt with or disposed of in any other manner prescribed by or under the written law; he shall not—
 - (i) give an authority under section two in respect of that body or part; or
 - (ii) act on such an authority given by any other person.
- (2) No authority shall be given under section two in respect of any body by a person entrusted with the body for the purpose only of its interment or cremation.
- (3) In the case of a body lying in a hospital, nursing home or other institution, any authority under section two 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.

[As amended by G.N. No. 360 of 1963]

4. Examination of bodies and removal of parts to be undertaken under medical supervision

- (1) No examination of, or of a part of, a body in accordance with an authority given under section two shall be carried out otherwise than by or in accordance with the instructions of a medical practitioner, who must have satisfied himself by a personal examination of the body that life is extinct.
- (2) No removal of a part of a body in accordance with an authority given under section two shall be effected except by a medical practitioner, who must have satisfied himself by a personal examination of the body that life is extinct.

5. Saving

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.