

CHAPTER 37- CORNEAL GRAFTING

A LAW TO REGULATE CORNEAL GRAFTING IN THE STATE

[14 December

1967]

1. —(1) This Law may be cited as the Corneal Grafting Law.

(2) Nothing in this Law shall be construed as rendering unlawful any dealing with, or with any part of, the body of a deceased person which would have been lawful if this Law had not been made.

2. In this Law, unless the context otherwise requires:—

"medical practitioner" means a medical practitioner duly registered under the provisions of the Medical and Dental Practitioners Act, 1969.

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 eyes be used for therapeutic purposes after his death, the party lawfully in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorise the removal of the eyes from the body for use for those purposes.

(2) Without prejudice to the provisions of subsection (1), the party lawfully in possession of the body of a deceased person may authorise the removal of the eyes from the body for the purposes aforesaid unless that party has reason to believe:—

(a) that the deceased had expressed an objection to his eyes being so dealt with after his death, and had not withdrawn it; or

(b) that any surviving spouse or any surviving relative of the deceased objects to the deceased's eyes being so dealt with.

(3) An authority given under this section in respect of any deceased person shall be sufficient warrant for the removal of the eyes from the body and their use for the purposes aforesaid, but no such removal shall be effected except by a medical practitioner, who must have satisfied himself by a personal examination of the body that life is extinct.

(4) Authority for the removal of eyes shall not be given under this section if the party empowered to give such authority has reason to believe that an inquest may be required to be held on the body.

(5) No authority shall be given under this section in respect of the body of a deceased person by a person entrusted by another person with the body for the purpose only of its interment or cremation.

(6) In the case of a body lying in a hospital, any authority under this section may be given on behalf of the person having the control and management of the hospital by any officer or person designated in that behalf by the person having such control and management.