



# **LAWS OF MALAYSIA**

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**REPRINT**

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**Act 130**

## **HUMAN TISSUES ACT 1974**

*Incorporating all amendments up to 1 January 2006*

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**HUMAN TISSUES ACT 1974**

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**LAWS OF MALAYSIA****Act 130****HUMAN TISSUES ACT 1974**

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**ARRANGEMENT OF SECTIONS**

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## Section

1. Short title, application and commencement
2. Removal of parts of bodies for therapeutic purposes
3. Removal and use of parts of bodies
4. Body of deceased person in hospital
5. Act lawful before commencement of this Act



## LAWS OF MALAYSIA

### Act 130

#### HUMAN TISSUES ACT 1974

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

[1 January 1975, P.U. (B) 619/1974]

**BE IT ENACTED** by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

#### **Short title, application and commencement**

**1.** (1) This Act may be cited as the Human Tissues Act 1974 and shall apply throughout Malaysia.

(2) This Act shall come into force on such date as the Minister responsible for health may by notification in the *Gazette* appoint.

#### **Removal of parts of bodies for therapeutic purposes**

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in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorize the removal from the body of any part or, as the case may be, the specified part, for use in accordance with the request.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

authorize the removal of any part from the said body for use for the purposes aforesaid if, having made such reasonable enquiry 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; or
- (b) that the surviving spouse or any surviving next-of-kin of the deceased objects to the body being so dealt with.

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

### **Removal and use of parts of bodies**

3. (1) Subject to subsections (2) and (3), the removal and use of any part of a body in accordance with an authorization given in pursuance of section 2 shall be lawful.

(2) No such removal shall be effected except by a medical practitioner fully registered under section 14 of the Medical Act 1971 [*Act 50*], and who together with at least one other fully registered medical practitioner have satisfied themselves by personal examination of the body that life is extinct.

(3) Where a person has reason to believe that a post-mortem, or an inquest or an inquiry into the death, may be held under the Criminal Procedure Code [*Act 593*], he shall not except with the written consent of the Magistrate—

- (a) give authorization under section 2 in respect of the body; or
- (b) act on an authorization given by the deceased under subsection 2(1) or by any other person.

### **Body of deceased person in hospital**

4. In the case of a body of a deceased person lying in a hospital and unclaimed the person having the control and management of the hospital or any other person authorized by him shall be deemed for the purpose of this Act to be a person in lawful possession of the body.

**Act lawful before commencement of this Act**

**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 could have been lawful if this Act had not been passed.

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**LAWS OF MALAYSIA****Act 130****HUMAN TISSUES ACT 1974****LIST OF AMENDMENTS**

Amending law

Short title

In force from

– NIL –

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**LAWS OF MALAYSIA**  
**Act 130**  
**HUMAN TISSUES ACT 1974**

**LIST OF SECTIONS AMENDED**

Section	Amending authority	In force from
	– NIL –	

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