

THE STATUTES OF THE REPUBLIC OF SINGAPORE

HUMAN ORGAN TRANSPLANT ACT

(CHAPTER 131A)

Act
15 of 1987

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Human Organ Transplant Act

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Interpretation.
3. When death occurs.
4. Designated officers.

PART II

REMOVAL OF ORGAN AFTER DEATH

5. Authorities may remove organ after death.
6. Coroner's consent.
7. Organ to be removed and transplanted by authorised medical practitioners.
8. Operation of other laws.

PART III

REGISTRATION OF OBJECTION

9. Persons may register their objection.
10. Director to maintain register.
11. Persons may withdraw their objection.
12. Proposed recipients of organ.
13. Appointment of a committee.

PART IV

PROHIBITION OF TRADING IN ORGANS AND BLOOD

14. Certain contracts, etc., to be void.
15. Advertisements relating to buying or selling of organs or blood prohibited.

PART V

MISCELLANEOUS

Section

16. Act does not prevent specified removal of organ, etc.
17. Offences in relation to removal of organ.
18. Disclosure of information.
19. Regulations.

An Act to make provision for the removal of organs from the bodies of persons who died as a result of accident for transplantation, for the definition of death and for the prohibition of trading in organs and blood and for purposes connected therewith.

[16th July 1987]

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Human Organ Transplant Act.

Interpre-
tation.

2. In this Act, unless the context otherwise requires —
- “designated officer”, in relation to a hospital, means a person appointed under section 4 to be the designated officer of the hospital;
- “Director” means the Director of Medical Services;
- “hospital” means —
- (a) a hospital established and administered by the Government;
 - (b) a private hospital which is declared by the Minister by notification in the *Gazette* to be a hospital for the purposes of this Act;
- “medical practitioner” means a person who is registered, or deemed to be registered, as a medical practitioner under the Medical Registration Act;
- “organ” means —
- (a) except as provided in paragraph (b), the kidney of a human body; and
 - (b) for the purposes of Part IV, any organ of a human body.

Cap. 174.

3.—(1) For the purposes of this Act, a person has died when there has occurred irreversible cessation of all functions of the brain of the person. When death occurs.

(2) The Minister may prescribe the criteria for determining the irreversible cessation of all functions of the brain of a person referred to in subsection (1).

4. The Director may nominate, in writing, any medical practitioner to be the designated officer of a hospital for the purposes of this Act. Designated officers.

PART II

REMOVAL OF ORGAN AFTER DEATH

5.—(1) The designated officer of a hospital may, subject to and in accordance with this section, authorise, in writing, the removal of any organ from the body of a person who has died in the hospital for the purpose of the transplantation of the organ to the body of a living person. Authorities may remove organ after death.

(2) No authority shall be given under subsection (1) for the removal of the organ from the body of any deceased person —

- (a) who has during his lifetime registered his objection with the Director to the removal of the organ from his body after his death;
- (b) unless his death was caused by accident or resulted from injuries caused by accident;
- (c) who is neither a citizen nor a permanent resident of Singapore;
- (d) who is below 21 years of age unless the parent or guardian has consented to such removal;
- (e) who is above 60 years of age;
- (f) whom the designated officer, after making such inquiries as are reasonable in the circumstances, has reason to believe was not of sound mind, unless the parent or guardian has consented to such removal; or
- (g) who is a Muslim.

(3) The death of a person from whose body the organ will be removed after his death in accordance with the

authorisation granted under subsection (1) shall be certified by two medical practitioners —

- (a) who do not belong to the team of medical practitioners which will effect the removal of the organ from the body;
 - (b) who have not been involved in the care and treatment of the proposed recipient of the organ; and
 - (c) who possess such postgraduate medical qualification which is recognised by the Director as a qualification entitling them to certify the death of a person under this subsection.
- (4) In this section, “permanent resident” includes —
- (a) a person who holds a Singapore blue identity card; and
 - (b) a person who holds an Entry Permit or Re-entry Permit issued by the Controller of Immigration,

and who is not subject to any restriction as to his period of residence in Singapore imposed under the Immigration Act or any regulations made thereunder.

Coroner's
consent.

6.—(1) If the designated officer of the hospital has reason to believe that the circumstances applicable to the death of the person are such that the Coroner has jurisdiction to hold an inquest into the manner and cause of death of the person, the designated officer shall not authorise the removal of any organ from the body of the deceased person unless the Coroner has given his consent to the removal.

(2) The consent by the Coroner under this section may be expressed to be subject to such conditions as are specified in the consent.

(3) The consent may be given orally by the Coroner, and if so given shall be confirmed in writing.

Cap. 321.

(4) In this section, “Coroner” means a Coroner appointed under section 10 of the Subordinate Courts Act.

Organ to be
removed and
transplanted
by authorised
medical prac-
titioners.

7.—(1) No person other than an authorised medical practitioner in a hospital shall remove any organ which is authorised to be removed pursuant to section 5 or transplant any such organ.

(2) For the purposes of subsection (1), “authorised medical practitioner” means a medical practitioner who has

been authorised by the Director to remove any organ pursuant to section 5 or to transplant any such organ.

(3) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding one year or to both.

8. Nothing in this Part shall prevent the removal of any organ from the bodies of deceased persons in accordance with the provisions of any other written law. Operation of other laws.

PART III

REGISTRATION OF OBJECTION

9.—(1) Any person who objects to the removal of any organ from his body after his death for the purpose mentioned in section 5 (1) may register his objection with the Director in the prescribed form. Persons may register their objection.

(2) Upon receipt of the written objection of a person under subsection (1), the Director shall issue to that person an acknowledgment in the prescribed form.

10.—(1) The Director shall establish and maintain a register in which shall be entered the objection of all persons lodged in accordance with section 9. Director to maintain register.

(2) The register referred to in subsection (1) shall not be open to inspection by the public.

(3) Any person who wilfully destroys, mutilates or makes any unauthorised alteration in the register referred to in subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding one year or to both.

11.—(1) Any person who has registered his objection with the Director under section 9 may withdraw his objection in the prescribed form. Persons may withdraw their objection.

(2) Upon receipt of the withdrawal under subsection (1), the Director shall issue to that person an acknowledgment in the prescribed form and shall remove the objection from the register referred to in section 10 (1).

Proposed
recipients
of organ.

12.—(1) Subject to subsection (2), in the selection of a proposed recipient of any organ removed pursuant to section 5 —

- (a) a person who has not registered any objection with the Director under section 9 (1) shall have priority over a person who has registered such objection; and
- (b) a person who has registered his objection with the Director under section 9 (1) but who has withdrawn such objection under section 11 (1) shall have the same priority as a person who has not registered any such objection, over a person whose objection is still registered with the Director, at the expiration of two years from the date of receipt of the withdrawal by the Director provided he has not registered again any such objection since that date.

(2) Notwithstanding subsection (1) (a) —

- (a) a person who is a Muslim shall have priority over a person who has registered such objection only if he has made a gift of his organ, to take effect upon his death, under section 3 of the Medical (Therapy, Education and Research) Act —
 - (i) within 6 months from 16th July 1987;
 - (ii) where that person is below 21 years of age, before or upon attaining the age of 21; or
 - (iii) where that person is neither a citizen nor a permanent resident of Singapore within 6 months from the date he becomes a citizen or permanent resident of Singapore, whichever is earlier;
- (b) a person who is a Muslim and has made a gift of his organ in accordance with paragraph (a) (i), (ii) or (iii) shall have the same priority as a person who has priority under subsection (1) (a) over a person whose objection is still registered with the Director, with effect from the date of such gift provided that such priority shall cease immediately upon the revocation of such gift; and

Cap. 175.

- (c) a person who is a Muslim and has made a gift of his organ under the Medical (Therapy, Education and Research) Act after the period prescribed in paragraph (a) (i), (ii) or (iii) shall have the same priority as a person who has priority under subsection (1) (a) over a person whose objection is still registered with the Director, at the expiration of two years from the date of such gift provided he has not revoked his gift since that date. Cap. 175.

13. The Director may appoint a committee consisting of not less than 5 members to be in charge of matters relating to the selection of proposed recipients of any organ removed pursuant to section 5 and such other matters as may be directed by the Director from time to time. Appointment of a committee.

PART IV

PROHIBITION OF TRADING IN ORGANS AND BLOOD

14.—(1) Subject to this section, a contract or arrangement under which a person agrees, for valuable consideration, whether given or to be given to himself or to another person, to the sale or supply of any organ or blood from his body or from the body of another person, whether before or after his death or the death of the other person, as the case may be, shall be void. Certain contracts, etc., to be void.

(2) A person who enters into a contract or arrangement of the kind referred to in subsection (1) and to which that subsection applies shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding one year or to both.

- (3) Subsection (1) shall not apply to or in relation to —
- (a) a contract or arrangement providing only for the reimbursement of any expenses necessarily incurred by a person in relation to the removal of any organ or blood in accordance with the provisions of any other written law; and
 - (b) any scheme introduced or approved by the Government granting medical benefits or privileges to any organ or blood donor and any member of the donor's family or any person nominated by the donor.

(4) The Minister may, by notification in the *Gazette*, declare that subsection (1) shall not apply to the sale or supply of a specified class or classes of product derived from any organ or blood that has been subjected to processing or treatment.

(5) A person who as vendor or supplier enters into a contract or arrangement for the sale or supply of a product derived from any organ or blood that has been subjected to processing or treatment, other than such a product which is of a class declared under subsection (4), shall be guilty of an offence if the organ or blood from which the product was derived was obtained under a contract or arrangement that is void by reason of subsection (1) and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding one year or to both.

(6) Nothing in this section shall render inoperative a consent or authority given or purporting to have been given under this Act in relation to any organ or blood from the body of a person or in relation to the body of a person if a person acting in pursuance of the consent or authority did not know and had no reason to know that the organ or blood or the body was the subject-matter of a contract or arrangement referred to in subsection (1).

15.—(1) No person shall issue or cause to be issued any advertisement relating to the buying or selling in Singapore of any organ or blood or of the right to take any organ or blood from the body of a person.

(2) In this section, “advertisement” includes every form of advertising, whether in a publication, or by the display of any notice or signboard, or by means of any catalogue, price list, letter (whether circular or addressed to a particular person) or other documents, or by words inscribed on any article, or by the exhibition of a photograph or a cinematograph film, or by way of sound recording, sound broadcasting or television, or in any other way, and any reference to the issue of an advertisement shall be construed accordingly.

(3) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding one year or to both.

Advertisements relating to buying or selling of organs or blood prohibited.

PART V

MISCELLANEOUS

16.—(1) Nothing in this Act shall apply to or in relation to —

- Act does not prevent specified removal of organ, etc.
- (a) the removal of any organ from the body of a living person in the course of a procedure or operation carried out, in the interests of the health of the person, by a medical practitioner with the consent, express or implied, given by or on behalf of the person or in circumstances necessary for the preservation of the life of the person;
 - (b) the use of any organ so removed;
 - (c) the embalming of the body of a deceased person; or
 - (d) the preparation, including the restoration of any disfigurement or mutilation, of the body of a deceased person for the purpose of interment or cremation.

17.—(1) No person shall remove any organ from the body of a deceased person for the purpose referred to in section 5 (1) except in pursuance of the authority given under Part II.

Offences in relation to removal of organ.

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding one year or to both.

18.—(1) Subject to this section, a person shall not disclose or give to any other person any information or document whereby the identity of a person —

Disclosure of information.

- (a) from whose body any organ has been removed for the purpose of transplantation;
 - (b) with respect to whom or with respect to whose body a consent or authority has been given under this Act; or
 - (c) into whose body any organ has been, is being, or may be, transplanted,
- may become publicly known.

(2) Subsection (1) shall not apply to or in relation to any information disclosed —

- (a) in pursuance of an order of a Court or when otherwise required by law;
- (b) for the purposes of hospital administration or bona fide medical research;
- (c) with the consent of the person to whom the information relates; or
- (d) when the circumstances in which the disclosure is made are such that the disclosure is or would be privileged.

(3) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding one year or to both.

Regulations.

19. The Minister may make regulations prescribing all matters that are required or permitted to be prescribed by this Act or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.