

*Legal Supplement Part C to the "Trinidad and Tobago Gazette", Vol. 38,
No. 210, 12th November, 1999*

No. 40 of 1999

**Fifth Session Fifth Parliament Republic of Trinidad
and Tobago**

SENATE

BILL

**AN ACT to make provision for the removal of human
tissue for transplantation and blood for transfusion
and for matters connected therewith.**

THE HUMAN TISSUE TRANSPLANT (NO. 2) BILL, 1999

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

This Bill seeks to provide for the removal of human tissue for transplantation, the removal of blood for transfusion and to provide for strict guidance and supervision in respect of such matters. The Bill also provides for consent to be obtained from the donor, prior to the removal of blood or tissue from the body and also for certification by medical practitioners for the removal and transplantation of tissue and blood.

Part I of the Bill would contain clauses 1 and 2 which would provide for the short title and interpretation of certain words and phrases in the Act respectively.

Part II of the Bill would contain clause 3. Clause 3 would provide for the appointment of a medical practitioner for each hospital as a designated officer. The Medical Chief of Staff or the Chief Medical Officer of a hospital, with the approval of the Minister would appoint designated officers.

Part III of the Bill would contain clauses 4 to 12. Clause 4 would provide for an adult of sound mind, after obtaining medical advice, to donate regenerative tissue of his body for transplantation to the body of another person or for therapeutic or scientific purposes. The consent for removal of tissue is required to be given in the presence of a designated officer who would certify to the compliance of the requirements under this clause. Under clause 5 where consent has been given, such consent would give a medical practitioner sufficient authority to remove the tissue from the body of such person.

Clause 6 of the Bill would provide for the donation of non-regenerative tissue by an adult person of sound mind for the same purposes and under the same conditions referred to in clause 4. Clause 7 would give a medical practitioner the authority to remove non-regenerative tissue from the body of a person who has given the consent as stipulated in clause 6.

Clause 8 would prohibit the removal of non-regenerative tissue from the body of a minor for the purpose of transplantation. Clause 9 would provide for the removal of tissue from the body of a minor for transplantation to the body of a member of the family or a relative of the minor. This clause would provide for a parent or guardian of the minor to give his consent upon medical advice where the minor has the mental capacity to understand the nature and effect of removal and has agreed to the removal. The designated officer, before the removal of tissue, would be required to certify in writing that all the requirements in the section have been complied with.

Clause 10 would give sufficient authority for a medical practitioner to remove regenerative tissue from the body of the minor.

Clause 11 of the Bill would provide for removal of tissue where the minor, by reason of his age, does not understand the nature and effect of removal of tissue from his body. This clause would provide for a parent or guardian to consent to the removal of tissue for transplantation to the body of a brother or sister or parent of the minor upon certification by a medical practitioner that the brother or sister or the parent would die unless the tissue specified in the consent is not transplanted. Before the removal of such tissue the designated officer would be required to certify in writing that all requirements under this section have been complied with.

Clause 12 would give sufficient authority for a medical practitioner to remove regenerative tissue from the body of the minor.

Part IV of the Bill would contain clauses 13 to 15. Clause 13 would provide for an adult person to donate blood for therapeutic, medical or scientific purposes. Clause 14 would provide for the removal of blood from the body of a minor where a medical practitioner advises that the removal will not be prejudicial to the health of the minor and the minor agrees to such removal. Under clause 15 the consent given under clause 13 or 14 would be sufficient authority for the removal of blood from the body of such person.

Part V of the Bill would contain clauses 16 to 20 which would deal with donation of tissue after death. Clause 16 would permit a designated officer to authorise the removal of tissue from the body of a dead person, who has died in a hospital or whose body has been brought to the hospital, for transplantation to the body of a

living person or for therapeutic, medical or scientific purposes. Clause 17 would provide for the conditions under which a designated officer may exercise the authority for the removal of tissue after death. Authority would be granted where the deceased person, during his lifetime, expressed his desire for the removal of tissue from his body or where the deceased person had expressed no objection to the removal of tissue after his death and the nearest relative has consented.

Clause 18 of the Bill would prohibit the removal of tissue or organs from the body of the donor until death has occurred. Clause 19 would provide for the determination of death in accordance with the prescribed criteria. The determination of death under this clause would be by two medical practitioners.

Clause 20 of the Bill would prohibit the authorisation of the removal of tissue by a designated officer, except with the consent of the coroner, where a coroner has jurisdiction to hold an inquest regarding the death of the person.

Part VI of the Bill would contain clauses 21 and 22, which would provide for the prohibition of trading in human tissue. Clause 21 would prohibit the removal of tissue or blood for purposes of trading for valuable consideration. A person who contravenes this clause would be committing an offence and on conviction would be liable to a fine of \$50,000 and to imprisonment for two years. Clause 22 would prohibit advertising for the purpose of buying or selling any tissue. Violation of this clause would carry the same penalty as in clause 21 .

Part VII of the Bill would contain clauses 23 to 28 which would create miscellaneous provisions. Clause 23 would exempt a medical practitioner or any other person from liability for anything done in good faith. Clause 24 would limit the application of the Act in respect of—

- (a) the removal of tissue or blood during the course of an operation for the preservation of the life of a person;
- (b) the removal of tissue during the course of a post-mortem examination;
- (c) embalming of the body of a dead person; and
- (d) preparation, including the restoration of the body of a deceased person for the purpose of interment or cremation.

Clause 25 would make it an offence for a person to remove tissue or blood from the body of a dead or living person except in accordance with the Act. Any person found guilty of an offence would be liable to a fine of \$50,000 and to a term of imprisonment for two years.

It would be an offence under clause 26 for a designated officer or an employee of a hospital to fail to make inquiries as required under the Act or to remove tissue or blood for trading. Violation of this clause would carry a punishment of \$50,000 and also the offender would be liable to the revocation of designation.

Clause 27 would prohibit the disclosure of any information by any person relating to the identity of a person, who has donated tissue or the recipient of tissue except as provided in the section.

Clause 28 of the Bill would provide for the Minister to make regulations to give effect to the provisions of the Act.

BILL

AN ACT to make provision for the removal of human tissue for transplantation and blood for transfusion and for matters connected therewith.

[, 1999]

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows:—

PART I

PRELIMINARY

1. This Act may be cited as the Human Tissue Short title Transplant Act, 1999 and shall come into operation on and commencement such day as is fixed by the President by Proclamation.

Interpretation

2. In this Act—

“blood” means human blood and includes—

(a) any substance derived from blood;
and

(b) any part of the body which can be used as a source from which to derive a constituent of blood for therapeutic use or for the preparation of a substance for therapeutic use;

“blood transfusion” means the transfusion of blood, or any of the constituents of blood, into a person and includes the operation of removing all or part of the blood of a person and replacing it with blood taken from another person;

Chap. 6:04

“Coroner” has the same meaning as in the Coroners Act;

“designated officer” means a person appointed under section 3 to be the designated officer of the hospital;

“guardian” means a person appointed by a will or by order of a Court to be guardian of child;

“hospital” means any hospital designated by the Minister, by Order, to be a hospital for the purposes of this Act;

“Medical Chief of Staff” means a medical practitioner who is in charge of a hospital or having the control and management of the affairs of a hospital;

“medical practitioner” means a member, other than a provisionally registered member, of the Medical Board of Trinidad and Tobago established under the Medical Board Act;

Chap. 23:50

“Minister” means the Minister to whom the responsibility for health is assigned;

“minor” means a person under eighteen years of age, but does not include a person who is married or a parent;

“nearest relative” means in strict order of priority—

(a) a spouse;

(b) a child who is not a minor;

(c) a parent or guardian; or

(d) a brother or sister over eighteen years of age.

“non-regenerative tissue” means tissue other than regenerative tissue;

“regenerative tissue” means tissue that, after injury within or after removal from the body of a living person, is replaced in the person’s body by natural processes;

“relative” means a spouse, child, parent, brother or sister;

“spouse” means a partner by a subsisting legal marriage or a cohabitant as defined in the Cohabital Relationships Act;

Act No. 30 of 1998

“therapeutic purposes” includes transplant purposes;

“tissue” includes an organ, a part of a human body and a substance extracted from the human body or a part of the human body, but does not include—

(a) spermatozoa or ova;

(b) an embryo or a foetus or a part of an embryo or a foetus; or

(c) blood or a blood constituent;

“transplant” means the removal of tissue from a human body, whether living or dead, and its implantation into another living human body.

PART II

DESIGNATED OFFICERS

Designated officers

3. (1) The Medical Chief of Staff or the Chief Medical Officer may in writing nominate at least one medical practitioner, who has been in practice for a period of not less than three years, as the designated officer or designated officers of a hospital for a period not exceeding two years for the purposes of this Act.

(2) A nomination under subsection (1), shall be submitted to the Minister and on being satisfied the Minister shall appoint such person or persons as designated officer or officers for the hospital concerned and such officer or officers may exercise such powers and shall be subject to such duties conferred and imposed on designated officers by this Act.

(3) The Minister, on the advice of the Medical Chief of Staff or the Chief Medical Officer or in his own discretion, may revoke the appointment of a person as a designated officer for a hospital by serving on that person a notice of revocation.

(4) A designated officer shall not participate in any of the medical procedures involved in the removal of tissue from the body of a person to which Parts III and V relate.

PART III

DONATION OF TISSUE BY ADULTS

Donation of
regenerative tissue
by adults

4. (1) Subject to this Act, a person who—

- (a) is not a minor;
- (b) is of sound mind; and
- (c) in the light of medical advice given to him by a medical practitioner, with which advice he agrees,

may, in writing signed by him in the presence of a designated officer consent to the removal from his body of the regenerative tissue specified in the consent—

(d) for the purpose of the transplantation of the tissue to the body of another living person, or

(e) for use for other therapeutic purposes or for medical or scientific purposes.

(2) A person who has given a consent referred to in subsection (1), may, at any time before the removal of the regenerative tissue to which the consent applies, revoke in writing, his consent to such removal.

(3) The designated officer shall, before removal of the regenerative tissue, certify in writing, that—

(a) all requirements referred to in subsection (1) have been complied with;

(b) he explained to the donor the implications of removal of regenerative tissue from the body; and

(c) the donor understood the implications of removal of the regenerative tissue from the body.

(4) The certification referred to in subsection (3), Form A of Schedule shall be in the manner set out in Form A of the Schedule.

5. A subsisting consent under section 4(1) and the certification under section 4(3), shall be sufficient Consent under section 4 authority for a medical practitioner, other than the designated officer and the medical practitioner referred to in section 4(1)(c), to remove the regenerative tissue referred to in the consent.

6. (1) A person who—

(a) is not a minor;

Donation of non-regenerative tissue by adults

(b) is of sound mind; and

(c) in the light of medical advice given to him by a medical practitioner, with which advice he agrees,

may, in writing signed by him in the presence of a designated officer, consent to the removal of non-regenerative tissue from his body after the expiration of a period of at least twenty-four hours from the time at which the consent is signed, for the purpose of the transplantation of the tissue to the body of another living person.

(2) A person who has given a consent referred to in subsection (1), may, at any time before the removal of the non-regenerative tissue to which the consent applies, revoke in writing, his consent to such removal.

(3) The designated officer shall, before removal of non-regenerative tissue, certify in writing, that—

(a) all requirements referred to in subsection (1) have been complied with;

(b) he explained to the donor the implications of removal of the non-regenerative tissue from the body; and

(c) the donor understood the implications of removal of the non-regenerative tissue from the body.

Form B Schedule

(4) The certification referred to in subsection (3), shall be in the manner set out in Form B of the Schedule.

Consent under section 6

7. A subsisting consent under section 6(1) and certification under section 6(3), shall be sufficient authority for a medical practitioner, other than the designated officer and the medical practitioner referred to in section 6(1)(c), to remove, after the expiration of a period of at least twenty-four hours from the time at which the consent was given, the non-regenerative tissue referred to in the consent.

DONATION OF TISSUE BY MINORS

8. No person may remove or consent to the removal of non-regenerative tissue from the body of a living minor for the purpose of transplantation of such non-regenerated tissue to the body of another living person or for use for other therapeutic purposes or for medical or scientific purposes.

9. (1) A parent or guardian of a minor may consent in writing to the removal of regenerative tissue specified in the consent from the body of the minor for the purpose of transplantation to the body of a natural brother, sister or parent of the minor, so long as—

- (a) the parent or guardian has obtained advice from a medical practitioner, other than the practitioner due to transplant the tissue, regarding the nature and effect of the removal of the tissue and the nature of the transplantation;
- (b) the minor has the mental capacity to understand the nature and effect of removal and the nature of the transplantation; and
- (c) the minor has agreed to the removal of the regenerative tissue for the purpose of its transplantation to the body of the person receiving the tissue.

(2) The consent referred to in subsection (1), shall be in the manner set out in Form C of the Schedule.

(3) A person who has given a consent referred to in subsection (1), may, at any time before the removal of the regenerative tissue to which the consent applies, revoke in writing, his consent to such removal.

(4) In this section a reference to a parent of the minor does not include a person standing in *loco parentis* to the minor.

(5) The designated officer shall, before the removal of tissue by a medical practitioner, certify in writing, that—

- (a) all requirements referred to in subsection (1) have been complied with;
- (b) he explained to the parent or guardian the implications of removal of the regenerative tissue from the body of the minor; and
- (c) the parent or guardian understood the implications of the removal of regenerative tissue from the body of the minor and the minor has agreed to the removal.

Form D of Schedule

(6) The certification referred to in subsection (5) shall be in the manner set out in Form D of the Schedule.

Consent under section 9

10. The consent given by the parent or guardian of the minor and the agreement of the minor under section 9(1)(c) and the certification given under section 9(5) shall be sufficient authority for a medical practitioner to remove the regenerative tissue from the body of the minor, unless such consent or agreement has been revoked at any time prior to the removal.

Removal of regenerative tissue where minor does not understand

11. (1) A parent or guardian of a minor may consent in writing to the removal of regenerative tissue specified in the consent from the body of the minor for the purpose of transplantation to the body of a natural brother, sister or parent of the minor, so long as—

- (a) advice from a medical practitioner, other than the medical practitioner due to transplant the tissue, regarding the nature and effect of the removal of the tissue and the nature of the transplantation is obtained;
- (b) the minor is not capable of understanding the nature and effect of the removal of tissue and the nature of transplantation; and

(c) a medical practitioner, other than the medical practitioner due to transplant the tissue, certifies in writing that unless the tissue specified in the consent is transplanted to the said brother or sister or parent, as the case may be, such person would die.

(2) The consent of the parent or guardian referred to subsection (1), shall be in the manner set out in Form E of the Schedule and certification referred to in subsection (1)(c) shall be in the manner set out in Form F of the Schedule.

(3) A person who has given a consent referred to in subsection (1), may, at any time before the removal of the regenerative tissue to which the consent applies, revoke in writing, his consent to such removal.

(4) In this section, a reference to a parent of the minor does not include a person standing in *loco parentis* to the minor.

(5) The designated officer shall, before the removal of tissue by the medical practitioner, certify in writing, that—

- (a) all the requirements referred to in subsection (1) have been complied with;
- (b) he explained to the parent or guardian of the minor the implications of removal of regenerative tissue from the body of the minor; and
- (c) the parent or guardian understood the implications of the removal of regenerative tissue from the body of the minor.

(6) The certification referred to subsection (5) shall be in the manner set out in Form G of the Schedule.

12. A subsisting consent given by the parent or guardian of the minor and the certification by the

Consent under section 11

medical practitioner under section 11(1)(c) and the certification under section 11(5), shall be sufficient authority for a medical practitioner to remove the regenerative tissue from the body of the minor.

PART IV

BLOOD DONATION

Consent by adult to
removal of blood

- 13.** A person who—
- (a) is not a minor; and
 - (b) is of sound mind,

may consent to the removal of blood from his body for transfusion to another person or for use of the blood for therapeutic, medical or scientific purposes.

Removal of blood
from minor

14. The parent of a minor may consent to the removal of blood from the body of the minor for transfusion to another person or for use of the blood for therapeutic, medical or scientific purposes if—

- (a) a medical practitioner advises that the removal will not be prejudicial to the health of the minor; and
- (b) the minor agrees in writing to the removal of the blood.

Consent to be
sufficient authority
for removal of blood

15. Consent under section 13 or consent under section 14 and the agreement under section 14(b) shall be sufficient authority for the removal of blood from the body of the person who has given the consent or from the body of the person on whose behalf consent was given.

PART V

DONATION OF TISSUE AFTER DEATH

Authority to remove
tissue after death

16. Subject to section 17, a designated officer may authorise, for the purposes stated in this section, the removal of tissue from the body of a person who has

died in hospital or whose body has been brought into the hospital, for—

- (a) the transplantation of the tissue to the body of a living person; or
- (b) the use of the tissue for other therapeutic purposes or for medical or scientific purposes.

17. (1) The authorisation referred to in section 16 shall only be given where, after making such inquiries as are reasonable in the circumstances, a designated officer—

Conditions under which designated officer may exercise authority

- (a) is satisfied that the deceased person during his lifetime expressed the wish for, or consented to, the removal of tissue from his body after his death, for the purpose or a use referred to in section 16 and had not withdrawn the wish or revoked the consent; or
- (b) has no reason to believe that the deceased person has expressed an objection to the removal of tissue from his body after his death for the purpose or a use referred to in section 16 and the designated officer is satisfied that the nearest relative of the deceased person consents to the removal of tissue from the body of the deceased person for the purpose or a use referred to in section 16,

and shall be in the manner set out in Form H of the Schedule.

Form H of Schedule

(2) The authorisation of a designated officer under section 16 shall be restricted by the expressed terms of the wishes or consent of the deceased person, or the consent of his nearest relative, as the case may be, both as to the tissue which may be removed and as to the purpose or use of such tissue.

(3) The nearest relative of a person may make it known to a designated officer at any time when the person is unconscious and before death that he consents to the removal, after death of the person, of tissue from the body of the person for the purpose of a use referred to in section 16, but the designated officer shall not act on such an indication if such person recovers consciousness.

Removal of tissue
only after death

18. No tissue may be removed from the body of the donor under this Part until death has occurred.

When death occurs

19. (1) For the purposes of this Part, a person is considered dead when there has occurred—

- (a) irreversible cessation of all functions of the brain stem of that person; or
- (b) irreversible cessation of circulation of blood in the body of that person.

(2) Death shall be determined by two medical practitioners on the staff of the relevant hospital, in accordance with the prescribed criteria, save however that—

- (a) no medical practitioner who has a familial or professional relationship with the proposed recipient shall take any part in the determination of the fact of the death of the donor of the tissue;
- (b) no medical practitioner who had taken part in the determination of death under paragraph (a) shall participate in the transplantation of the tissue to the recipient; and
- (c) where the tissue is to be removed for therapeutic purposes, no medical practitioner who is due to remove or transplant the tissue, may determine the occurrence of death or may be a part of any team or process by whom or which death is determined.

(3) The Minister shall, by regulations, prescribe the criteria for determining the irreversible cessation of all functions of the brain stem of the person referred to in subsection (1).

20. (1) Where a designated officer has reason to believe that the circumstances applicable to the death of a person are such that a coroner has jurisdiction to hold a preliminary inquiry or an inquest into the manner and cause of death of the person under the provisions of the Coroner's Act, the designated officer shall not, under and in accordance with section 17, authorise the removal of tissue from the body of the deceased person unless the coroner has stated that he has no objection to the removal.

Concurrence of
Coroner
Chap. 6:04

(2) A coroner may give a statement after the death of a person that he has no objection to the removal of tissue from the body of the person and, in that event, subsection (1) does not apply to or in relation to the removal of tissue from the body of the person.

(3) A statement by a coroner under this section may be given orally or in writing and where given orally, shall be confirmed in writing and shall be subject to such conditions as are specified in the statement.

PART VI

PROHIBITION ON TRADING IN HUMAN TISSUE

21. (1) No person shall remove or cause to be removed human tissue or blood from the body of a donor for the purposes of trading that tissue or blood for valuable consideration.

Trade in human
tissue and blood

(2) Subject to this section, any 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 tissue from his body or from the body of another person, or to the sale or supply of blood whether before or after his death or the death of the other person, as the case may be, is void.

(3) A person who contravenes subsection (1) or enters into a contract or arrangement of the kind referred to in subsection (2), commits an offence and is liable on conviction to a fine not exceeding fifty thousand dollars and to imprisonment for a term of two years.

Advertisement relating to buying or selling of tissue prohibited

22. (1) No person shall advertise, issue or cause to be issued any advertisement relating to the buying or selling of any tissue from the body of a person.

(2) In this section, “advertisement” includes every means 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) or (2) commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars and to imprisonment for a term of two year.

PART VII

MISCELLANEOUS

Exemption from liability

23. No personal liability shall attach to any medical practitioner or other person given any function under this Act, for anything done, permitted or omitted to be

done in good faith in the exercise of any authority under this Act, or done by reason of, or as a result of a consent, agreement or authority given or purported to have been given under this Act.

24. Nothing in this Act shall apply to, or in relation Limitation of application of Act to—

- (a) the removal of any tissue from the body of a living person in the course of a procedure or operation carried out, in the interest 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 a person by the use of any tissue so removed;
- (b) the removal of any tissue from the body of a deceased person during the course of a post-mortem examination;
- (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.

25. (1) No person shall remove or cause to be Offences in relation to removal of tissue removed any tissue from the body of a deceased person except in accordance with this Act.

(2) No person shall remove or cause to be removed any tissue, blood or bone marrow from the body of a living person, for any purpose except in accordance with this Act.

(3) Any person who contravenes or fails to comply with subsection (2), commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars and to imprisonment for a term of two years.

Offences

26 (1) Any person who—

(a) fails to comply with the requirements, which by this Act required compliance before certification; or

(b) removes tissue or blood from the body of a donor for the purpose of trading,

commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

(2) In addition to the fine imposed under subsection (1), the Minister shall, upon the conviction of the designated officer, revoke his appointment.

Disclosure of information

27. (1) Notwithstanding any other law to the contrary and 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—

(a) from whose body any tissue has been removed for the purpose of transplantation;

(b) with respect to whom a consent or authority has been given under this Act; or

(c) into whose body any tissue has been, or is being 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;

(b) for the purposes of continued care or *bona fide* medical research; or

(c) with the consent of the person to whom the information relates.

(1) Any person who contravenes or fails to comply with subsection (1), commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for a term of six months.

28. The Minister may make regulations for matters ^{Regulations} that are required or permitted by this Act to be prescribed and for matters that are necessary or convenient for carrying out or giving effect to this Act, and in particular—

- (a) to the screening and testing of tissue and blood before and after removal from a body;
- (b) to the transportation, storage and handling of tissue and blood;
- (c) to the conditions subject to which transplantation of tissue shall be carried out; and
- (d) to the criteria for determining the irreversible cessation of all functions of the brain stem of a person.

SCHEDULE

[Section 4(4)]

FORM A

REPUBLIC OF TRINIDAD AND TOBAGO

I,.....certify that.....,
(Name of designated officer) *(Name of donor)*

being an adult of sound mind, and who has been given relevant medical advice by a medical practitioner, with which advice he/she agrees, has consented in writing to the removal from his/her body of the following regenerative tissue for the purpose of the transplantation of the tissue to the body of another living person/therapeutic/medical/scientific purposes:

.....
.....
.....

I further certify that I have explained to
.....the implications of the removal of the
(Name of donor)

regenerative tissue from his/her body and I am of the opinion that he/she understood the implications of the removal.

Date..... *Signature of designated officer*

SCHEDULE

[Section 6(4)]

FORM B

REPUBLIC OF TRINIDAD AND TOBAGO

I,....., certify that.....,
(Name of designated officer) *(Name of donor)*

being an adult of sound mind, and who has been given relevant medical advice by a medical practitioner, with which advice he/she agrees, has consented in writing to the removal from his/her body of the following non-regenerative tissue for the purpose of the transplantation of the tissue to the body of another living person/therapeutic/medical/scientific purposes:

.....
.....
.....

I further certify that I have explained to
.....the implications of the removal of the
(Name of donor)

non-regenerative tissue from his/her body and I am of the opinion that he/she understood the implications of the removal.

Date..... *Signature of designated officer*

SCHEDULE

[Section 9(2)]

FORM C

REPUBLIC OF TRINIDAD AND TOBAGO

I,.....parent/guardian of.....
(Name of donor)

(a minor), consent to the removal of the undermentioned regenerative tissue from his/her body for the purpose of transplantation to the body of
(Name of recipient)

his/her natural brother/sister/mother/father

.....

.....

.....

I certify that:

I have obtained advice from a medical practitioner, other than the practitioner due to transplant the tissue, regarding the nature and effect of the removal of the tissue and the nature of the transplantation

..... has the mental capacity to
(Name of donor)

understand the nature and effect of the removal and the nature of the transplantation

..... has agreed to the removal of
(Name of donor)

the regenerative tissue for the purpose of its transplantation to the body of
(Name of recipient)

his/her natural brother/sister/mother/father.

Date.....
Signature of parent/guardian

SCHEDULE

[Section 9(6)]

FORM D

REPUBLIC OF TRINIDAD AND TOBAGO

I,, certify that
(Name of designated officer)

parent/guardian of, a minor, has consented to the removal of the undermentioned regenerative tissue from body of the minor for the purpose of transplantation to the body of, the minor's natural brother/sister/mother/father:

.....
.....
.....

I further certify that:

the parent/guardian of the minor has obtained medical advice from a medical practitioner, other than the practitioner due to transplant the tissue, regarding the nature and effect of the removal of the tissue and the nature of the transplantation

the minor has the mental capacity to understand the nature and effect of the removal and the nature of the transplantation and has agreed to the removal of the regenerative tissue for the purpose of its transplantation to the body of the person receiving the tissue

I explained to the parent/guardian the implications of the removal of the regenerative tissue from the body of the minor and the parent/guardian appeared to understand the implications of the removal.

Date.....
Signature of designated Officer

SCHEDULE

[Section 11(2)]

FORM E

REPUBLIC OF TRINIDAD AND TOBAGO

I, parent/guardian of
(Name of donor)

(a minor), consent to the removal of the undermentioned regenerative tissue from his/her body for the purpose of transplantation to the body of, his/her natural
(Name of recipient)

brother/sister/mother/father:

.....
.....
.....

I certify that:

I have obtained advice from a medical practitioner, other than the practitioner due to transplant the tissue, regarding the nature and effect of the removal of the tissue and the nature of the transplantation

.....does not have the mental capacity
(Name of donor)

to understand the nature and effect of the removal and the nature of the transplantation

a medical practitioner, other than the medical practitioner due to transplant the tissue, has certified in writing that unless the above-mentioned tissue is transplanted to the body of, he/she (the
(Name of recipient)

recipient) would die.

Date.....
Signature of parent/guardian

SCHEDULE

[Section 11(2)]

FORM F

REPUBLIC OF TRINIDAD AND TOBAGO

I,.....medical practitioner,
hereby certify that unless the undermentioned tissue, which is the
same tissue specified in the consent of
.....parent/guardian of,
a minor, is transplanted to the body ofthe
(Name of recipient)

natural brother/sister/mother/father of the minor, he/she (the
recipient) would die.

I further certify that I will not participate in any of the medical
procedures involved in transplantation of the tissue.

Date.....
Signature of medical practitioner

SCHEDULE

[Section 11(6)]

FORM G

REPUBLIC OF TRINIDAD AND TOBAGO

I, certify that
(Name of designated officer)

parent/guardian of, a minor, has consented to the removal of the undermentioned regenerative tissue from body of the minor for the purpose of transplantation to the body of, the minor's natural brother/sister/mother/father:

.....
.....
.....

I further certify that:

the parent/guardian of the minor has obtained medical advice from a medical practitioner, other than the practitioner due to transplant the tissue, regarding the nature and effect of the removal of the tissue and the nature of the transplantation

the minor does not have the mental capacity to understand the nature and effect of the removal and the nature of the transplantation

a medical practitioner, other than the medical practitioner due to transplant the tissue, has certified in writing that unless the above-mentioned tissue is transplanted to the body of, he/she (the recipient)
(Name of recipient)

would die

I explained to the parent/guardian the implications of the removal of the regenerative tissue from the body of the minor and the parent/guardian appeared to understand the implications of the removal.

Date.....
Signature of designated officer

SCHEDULE

[Section 17(1)]

FORM H

REPUBLIC OF TRINIDAD AND TOBAGO

I, hereby authorise the removal of the
(Name of designated officer)
 undermentioned tissue from the body of.....,
(Name of donor)
 deceased, for transplantation to the body of a living person/use for
 therapeutic/medical/scientific purposes:

.....

I certify that I have made enquiries as are reasonable in the
 circumstances and *(delete as appropriate):*

am satisfied that the deceased during his/her lifetime
 expressed the wish for, or consented to, the removal of
 tissue from his/her body after death for any purpose or use
 referred to above and had not withdrawn the wish or
 revoked the consent

have no reason to believe that the deceased had expressed
 an objection to the removal of tissue from his/her body
 after death for any purpose or use referred to above and I
 am satisfied that the nearest relative of the deceased
 consents to the removal of tissue from the body of the
 deceased for any such purpose or use.

Date..... *Signature of designated officer*

Passed in the Senate this day of , 1999.

Clerk of the Senate

I confirm the above.

President of the Senate

Passed in the House of Representatives this day
of 1999.

Clerk of the House

I confirm the above.

Speaker

No. 40 of 1999

FIFTH SESSION

FIFTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to make provision for the
removal of human tissue for
transplantation and blood for
transfusion and for matters connected
therewith.

Received and read the

First time.....

Second time.....

Third time.....
