

**THE HUMAN TISSUE (REMOVAL, PRESERVATION AND TRANSPLANT)
(AMENDMENT) BILL
(No. XIV of 2013)**

Explanatory Memorandum

The object of this Bill is to amend the Human Tissue (Removal, Preservation and Transplant) Act to provide for –

- (a) an authorised specialist to issue a certificate before a donation of non-regenerative tissue, instead of an authorised consultant;
- (b) immunity from civil or criminal proceedings to be conferred on members of the Board or of any committee set up under the Act, or other persons or bodies, with respect to the execution of their duties, or the exercise of their powers, in good faith under the Act;
- (c) a higher penalty for breach of regulations made under the Act.

L. BUNDHOO

Minister of Health and Quality of Life

14 June 2013

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Section 2 of principal Act amended
4. Section 8 of principal Act amended
5. Section 16 of principal Act amended
6. New section 19A inserted in principal Act
7. Section 21 of principal Act amended
8. Commencement

A BILL

To amend the Human Tissue (Removal, Preservation and Transplant) Act

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Human Tissue (Removal, Preservation and Transplant) Act 2013.

2. Interpretation

In this Act –

“principal Act” means the Human Tissue (Removal, Preservation and Transplant) Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended –

- (a) by deleting the definition of “authorised consultant”;
- (b) by inserting, in the appropriate alphabetical order, the following new definitions –

“authorised specialist” means a specialist in surgery having at least 5 years’ experience in the field of transplant surgery, and authorised by the Board to issue certificates under section 8(3);

“member” means a member of the Board and includes the Chairperson of the Board;

4. Section 8 of principal Act amended

Section 8 of the principal Act is amended, in subsection (3), by deleting the word “consultant” and replacing it by the word “specialist”.

5. Section 16 of principal Act amended

Section 16 of the principal Act is amended, in subsection (1)(a), by deleting the words “Chief Medical Officer” and replacing them by the words “Director General Health Services”.

6. New section 19A inserted in principal Act

The principal Act is amended by inserting, after section 19, the following new section –

19A. Protection from liability

(1) No liability, civil or criminal, shall be incurred by a member, a member of any committee set up under this Act or any other person or body, in respect of any act done or omitted in the execution of his duties, or the exercise of his powers, in good faith, under this Act.

(2) This section shall be in addition to, and not in derogation from, the Public Officers’ Protection Act.

7. Section 21 of principal Act amended

Section 21 of the principal Act is amended, in subsection (3), by deleting the figures “10,000” and “2” and replacing them by the figures “100,000” and “5”, respectively.

8. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.
