



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**HUMAN ORGAN TRANSPLANT ACT**

**(CHAPTER 131A)**

**Act  
15 of 1987**

**1988 Ed. Cap. 131A**

Amended by  
22 of 1998  
1 of 2004

**REVISED EDITION 2005**

(31st July 2005)

*Prepared and Published by*

THE LAW REVISION COMMISSION  
UNDER THE AUTHORITY OF  
THE REVISED EDITION OF THE LAWS ACT (CHAPTER 275)

PRINTED BY THE GOVERNMENT PRINTER, SINGAPORE

2005

# Human Organ Transplant Act

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

##### Section

1. Short title
2. Interpretation
3. (*Repealed*)
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 IVA

## LIVING DONOR ORGAN TRANSPLANTS

## Section

- 15A. Donation of organs by living persons
- 15B. Appointment and functions of transplant ethics committees
- 15C. Regulation of transplant ethics committees
- 15D. Director may issue directions

## PART V

## MISCELLANEOUS

- 16. Act does not prevent specified removal of organ, etc.
- 17. Offences in relation to removal of organ
- 18. Disclosure of information
- 19. Composition of offences
- 20. Amendment of Second Schedule
- 21. Regulations
  - First Schedule — Organs for the purposes of Act other than Parts IV and IVA
  - Second Schedule — Specified Organs for the purposes of Part IVA

---

An Act to make provision for the removal of organs for transplantation, for the prohibition of trading in organs and blood, and for purposes connected therewith.

[1/2004]

[16th July 1987]

## PART I

## PRELIMINARY

**Short title**

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

---

*Notes:*—Unless otherwise stated, the abbreviations used in the references to other Acts and statutory provisions are references to the following Acts and statutory provisions. The references are provided for convenience and are not part of the Act:

ACT Transplantation and Anatomy 1977 : Australian Capital Territory, Transplantation and Anatomy Ordinance 1977 (Bill)

**Interpretation**

**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 hospital which is declared by the Minister, by notification in the *Gazette*, to be a hospital for the purposes of this Act or any part thereof;

“licensee”, in relation to a hospital, means the person to whom a licence has been issued under the Private Hospitals and Medical Clinics Act (Cap. 248) in respect of the hospital;

“living donor organ transplant” means the removal of a specified organ from the body of any living person for the purpose of its transplantation into the body of another living person;

“medical practitioner” means a person who is registered, or deemed to be registered, as a medical practitioner under the Medical Registration Act (Cap. 174);

“organ” means —

(a) except as provided in paragraph (b), any organ of a human body specified in the First Schedule; and

(b) for the purposes of Parts IV and IVA, any organ of a human body;

“specified organ” means any organ of a human body as specified in the Second Schedule;

“transplant ethics committee”, in relation to a hospital, means a committee of the hospital appointed under section 15B (1).  
[1/2004]

**When death occurs**

**3.** (*Repealed by Act 22 of 1998*)

**Designated officers**

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

[ACT Transplantation and Anatomy 1977, s. 6]

## PART II

## REMOVAL OF ORGAN AFTER DEATH

**Authorities may remove 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.

(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) who is neither a citizen nor a permanent resident of Singapore;
- (c) who is below 21 years of age unless the parent or guardian has consented to such removal;
- (d) who is above 60 years of age;
- (e) 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
- (f) who is a Muslim.

[1/2004]

(3) 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 (Cap. 133).

[ACT Transplantation and Anatomy 1977, s. 25]

**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.

(4) In this section, “Coroner” means a Coroner appointed under section 10 of the Subordinate Courts Act (Cap. 321).

*[ACT Transplantation and Anatomy 1977, s. 27]*

### **Organ to be removed and transplanted by authorised medical practitioners**

**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 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 12 months or to both.

### **Operation of other laws**

**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.

## **PART III**

### **REGISTRATION OF OBJECTION**

#### **Persons may register their 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 in respect of that organ with the Director in the prescribed form.

[1/2004]

(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.

### **Director to maintain register**

**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.

(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 12 months or to both.

### **Persons may withdraw their objection**

**11.**—(1) Any person who has registered his objection with the Director under section 9 in respect of any organ may withdraw his objection in the prescribed form.

[1/2004]

(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) in respect of that organ 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) in respect of that organ 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 in respect of that organ is still registered with the Director, at the expiration of 2 years from the date of receipt of the withdrawal by the Director provided he has not registered again any such objection since that date.

[1/2004]

(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 that organ, to take effect upon his death, under section 3 of the Medical (Therapy, Education and Research) Act (Cap. 175) —
  - (i) within 6 months from 1st July 2004\*;
  - (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 that organ from his body 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 in respect of that organ 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
- (c) a person who is a Muslim and has made a gift of that organ from his body under the Medical (Therapy, Education and Research) Act (Cap. 175) 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 in respect of that organ is still registered with the Director, at the expiration of 2 years from the date of such gift provided he has not revoked his gift since that date.

[1/2004]

---

\*Date of commencement of the Human Organ Transplant (Amendment) Act 2004 (Act 1 of 2004).



**Appointment of a committee**

**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.

**PART IV****PROHIBITION OF TRADING IN  
ORGANS AND BLOOD****Certain contracts, etc., to be void**

**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.

(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 12 months 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 12 months 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).

*[ACT Transplantation and Anatomy 1977, s. 40]*

### **Advertisements relating to buying or selling of organs or blood prohibited**

**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 circulated 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 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 12 months or to both.

## PART IVA

## LIVING DONOR ORGAN TRANSPLANTS

**Donation of organs by living persons**

**15A.**—(1) No person shall carry out or cause to be carried out any living donor organ transplant unless —

- (a) the specified organ is removed in a hospital with the written authorisation of the transplant ethics committee of the hospital; and
- (b) the donor of the specified organ has given his consent to the removal of the specified organ from his body and has not revoked or withdrawn the consent.

[1/2004]

(2) The transplant ethics committee of a hospital shall not give any authorisation under subsection (1) for the removal of the specified organ from the body of any living person unless it is satisfied that —

- (a) the person from whom the specified organ is to be removed has given his consent to such removal;
- (b) the person is of sound mind and, notwithstanding his age, is able to understand the nature and consequence of the medical procedures he has to undergo as a result of his donation of the specified organ; and
- (c) the consent referred to in paragraph (a) —
  - (i) is not given pursuant to any contract or arrangement, whether prohibited under section 14 or otherwise; and
  - (ii) is not given or obtained by virtue of any fraud, duress or undue influence.

[1/2004]

(3) In determining whether to give any authorisation under subsection (1), the transplant ethics committee shall have regard to such considerations as may be prescribed or as may be directed by the Director.

[1/2004]

(4) Any person who contravenes 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 12 months or to both.

[1/2004]

**Appointment and functions of transplant ethics committees**

**15B.**—(1) The licensee of a hospital in which any living donor organ transplant is intended to be carried out shall, with the approval of the Director, appoint a transplant ethics committee.

[1/2004]

(2) Every transplant ethics committee of a hospital shall consist of not less than 3 persons, of whom —

(a) at least one shall be a medical practitioner not employed or otherwise connected with the hospital; and

(b) at least one shall be a lay person.

[1/2004]

(3) The transplant ethics committee appointed under subsection (1) shall assess and, where appropriate, give its written authorisation for the living donor organ transplant to be carried out.

[1/2004]

(4) Anything done by the transplant ethics committee of a hospital, a member of the transplant ethics committee, or any person acting under the direction of the transplant ethics committee or the Director, in good faith for the purposes of the exercise of the functions of the transplant ethics committee or in accordance with this Act, shall not subject the member or person personally to any action, liability, claim or demand.

[1/2004]

(5) Nothing in subsection (4) shall absolve any person from having to obtain the consent of a person before carrying out any medical procedure on that person.

[1/2004]

**Regulation of transplant ethics committees**

**15C.**—(1) Where the Director is of the opinion that the transplant ethics committee of a hospital is not discharging its functions in accordance with this Act or in a satisfactory manner, the Director may do one or more of the following:

(a) direct the transplant ethics committee to suspend all or any part of its activities;

(b) direct the licensee of the hospital to remove or replace any member of the transplant ethics committee;

(c) direct the licensee of the hospital to dissolve the transplant ethics committee and appoint a new transplant ethics committee in its place.

[1/2004]

(2) Until the direction of the Director issued under subsection (1) has been complied with —

- (a) the licensee of the hospital shall ensure that no living donor organ transplant authorised under section 15A (1) is carried out in the hospital; and
- (b) no person shall carry out any such living donor organ transplant in the hospital,

unless otherwise allowed by the Director and in accordance with such conditions as the Director may impose.

[1/2004]

(3) Any written authorisation given by the transplant ethics committee in respect of which a direction has been issued under subsection (1) shall remain valid unless rescinded by the Director.

[1/2004]

(4) Any person who contravenes subsection (2) (a) or (b) 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 12 months or to both.

[1/2004]

### **Director may issue directions**

**15D.**—(1) The Director may, from time to time, issue directions to the licensee or the transplant ethics committee of any hospital for any purpose specified in this Part or in relation to the operation of any of the provisions of this Part.

[1/2004]

(2) The Director may, at any time, amend or revoke any direction issued under subsection (1).

[1/2004]

(3) Any person to whom a direction has been issued under this section shall comply with the direction.

[1/2004]

## **PART V**

### **MISCELLANEOUS**

#### **Act does not prevent specified removal of organ, etc.**

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

- (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.

### **Offences in relation to removal of organ**

**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.

(2) Any person who contravenes 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 12 months or to both.

### **Disclosure of information**

**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 —

- (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 12 months or to both.

[ACT Transplantation and Anatomy 1977, s. 47]

### Composition of offences

**19.**—(1) The Director may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$2,000.

[1/2004]

(2) On payment of such sum of money, no further proceedings shall be taken against such person in respect of the offence.

[1/2004]

### Amendment of Second Schedule

**20.**—(1) The Minister may, from time to time, by order published in the *Gazette*, amend, add to or vary the Second Schedule.

[1/2004]

(2) Any order made under subsection (1) shall be presented to Parliament as soon as possible after publication in the *Gazette*.

[1/2004]

### Regulations

**21.**—(1) 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.

[1/2004]

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for or with respect to —

- (a) the forms and the fees for the purposes of this Act;
- (b) the appointment, functions, responsibilities and procedures of transplant ethics committees; and
- (c) the preparation and the submission of such documents as may be prescribed.

[1/2004]

FIRST SCHEDULE

Section 2

ORGANS FOR THE PURPOSES OF ACT  
OTHER THAN PARTS IV AND IVA

- (1) The kidney.
- (2) The liver.
- (3) The heart.
- (4) The cornea.

[1/2004]

SECOND SCHEDULE

Sections 2 and 20

SPECIFIED ORGANS FOR  
THE PURPOSES OF PART IVA

- (1) The kidney.
- (2) Any part of the liver.

[1/2004]



LEGISLATIVE HISTORY  
HUMAN ORGAN TRANSPLANT ACT  
(CHAPTER 131A)

**1. Act 15 of 1987 — Human Organ Transplant Act 1987**

Date of First Reading	:	27.10.86 (Bill No. 26/86, published on 31.10.86)
Date of Second and Third Readings	:	20.5.87
Date of commencement	:	16.7.87

**2. Act 22 of 1998 — Interpretation (Amendment) Act 1998**

Date of First Reading	:	19.11.97 (Bill No. 17/97, published on 20.11.97)
Date of Second and Third Readings	:	30.6.98
Date of commencement	:	2.11.98

**3. Act 1 of 2004 — Human Organ Transplant (Amendment) Act 2004**

Date of First Reading	:	10.11.2003 (Bill No. 33/2003, published on 11.11.2003)
Date of Second and Third Readings	:	6.1.2004
Date of commencement	:	1.7.2004

## COMPARATIVE TABLE

### HUMAN ORGAN TRANSPLANT ACT (CHAPTER 131A)

The following provisions in the 1988 Revised Edition of the Human Organ Transplant Act have been renumbered by the Law Revision Commissioners in this 2005 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Human Organ Transplant Act.

<b>2005 Ed.</b>	<b>1988 Ed.</b>
—	<b>3</b> ( <i>Repealed by Act 22/98</i> )
<b>5</b> —(1) and (2)	<b>5</b> —(1) and (2)
—	(3) ( <i>Deleted by Act 22/98</i> )
(3)	(4)
<b>19</b>	<b>18A</b>
<b>20</b>	<b>18B</b>
<b>21</b>	<b>19</b>