



THE STATUTES OF THE REPUBLIC OF SINGAPORE

HUMAN ORGAN TRANSPLANT ACT

(CHAPTER 131A)

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Human Organ Transplant Act

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PART I
PRELIMINARY

Short title

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

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 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]

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 [Repealed by Act 22 of 1998]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; or
- (d) [Deleted by Act 14 of 2009]
- (e) whom the designated officer, after making such inquiries as are reasonable in the circumstances, has reason to believe was mentally disordered, unless the parent or guardian has consented to such removal.

[1/2004; 2/2008; 21/2008; 14/2009]

(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 a 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 the State Coroner or a Coroner appointed under the Coroners Act 2010 (Act 14 of 2010).

[14/2010]

[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 of a person 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. 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; 2/2008]

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

Buying or selling of organs or blood prohibited and void

14.—(1) Subject to subsections (3) and (4), a contract or an 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.

[14/2009]

(2) A person who enters into a contract or an 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.

(2A) Any person who —

- (a) gives or offers to give valuable consideration for the sale or supply of, or for an offer to sell or supply, any organ from the body of another person other than for the purpose of transplantation to his body;
- (b) receives valuable consideration for the sale or supply of, or for an offer to sell or supply, any organ from the body of another person;
- (c) offers to sell or supply any organ from the body of another person for valuable consideration;
- (d) initiates or negotiates any contract or arrangement for the sale or supply of, or for an offer to sell or supply, any organ from the body of another person for valuable consideration other than for the purpose of transplantation to his body; or
- (e) takes part in the management or control of a body corporate or body unincorporate whose activities consist of or include the initiation or negotiation of any contract or arrangement referred to in paragraph (d),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

[14/2009]

(3) Subsections (1) and (2A) shall not apply to or in relation to —

- (a) a contract or an arrangement providing only for the reimbursement of any expenses necessarily incurred by a person in relation to the removal of blood in accordance with the provisions of any other written law;
- (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; and
- (c) any contract, arrangement or valuable consideration providing only for the defraying or reimbursing, in money or money's worth, of such costs or expenses that may be reasonably incurred by a person in relation to —
 - (i) the removal, transportation, preparation, preservation, quality control or storage of any organ;
 - (ii) the costs or expenses (including the costs of travel, accommodation, domestic help or child care) or loss of earnings so far as are reasonably or directly attributable to that person supplying any organ from his body; and
 - (iii) any short-term or long-term medical care or insurance protection of that person which is or may reasonably be necessary as a consequence of his supplying any organ from his body.

[14/2009]

(4) The Minister may, by notification in the *Gazette*, declare that subsection (1) or (2A) 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.

[14/2009]

(5) A person who as vendor or supplier enters into a contract or an 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 an 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 an 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 an arrangement referred to in subsection (1) or (2A).

[14/2009]

(7) For the purposes of this section, the donation by a living donor (Donor *A*) of any organ from his body in consideration of —

(a) a donation of an organ from another living donor for the purpose of the transplantation of the organ to the body of a living recipient of Donor *A*'s choice (Recipient *A*); or

(b) priority in the selection of Recipient *A* as a recipient of any organ, whether removed pursuant to section 5 or otherwise,

shall not, of itself, constitute valuable consideration if the donors have given their consent and the provisions of Part IVA (as applicable) are complied with.

[14/2009]

[*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 not mentally disordered 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 that is prohibited under section 14; and

(ii) is not given or obtained by virtue of any fraud, duress or undue influence.

[1/2004; 21/2008; 14/2009]

(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 by 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 IVB

ENFORCEMENT

Interpretation of this Part

15E. In this Part, “record” includes the medical record of any person.

[2/2008]

Appointment of inspectors

15F.—(1) The Director may appoint one or more persons as inspectors to investigate the commission of any offence under this Act.

[2/2008]

(2) Every inspector —

- (a) shall be furnished with such identification card as the Director may direct to be carried by inspectors; and
- (b) shall, when exercising any powers under this Part, on demand, declare his office and produce such identification card to the person affected by the exercise of those powers.

[2/2008]

(3) Every inspector appointed under subsection (1) shall be deemed to be a public servant within the meaning of the Penal Code (Cap. 224).

[2/2008]

Power of entry, inspection, search, seizure, etc.

15G.—(1) For the purposes of investigating any offence under this Act, an inspector may —

- (a) require any person to furnish any information that is within that person's knowledge and that the inspector reasonably believes may be required as evidence for the purposes of any proceedings in respect of an offence under this Act;
- (b) by order in writing require any person to produce any document, record or thing that the inspector reasonably believes may be required as evidence for the purposes of any proceedings in respect of an offence under this Act;
- (c) without warrant, enter, inspect and search any premises that the inspector has reason to suspect are being used for or in connection with any offence under this Act;
- (d) inspect and make copies of or take extracts from, or require the person having the management or control of the premises being inspected to provide copies of or extracts from, any document or record that the inspector reasonably believes may be required as evidence for the purposes of any proceedings in respect of an offence under this Act;
- (e) take such photographs or video recording as the inspector thinks necessary of the premises being inspected or any part

thereof, including any person, document, record or thing found on the premises;

- (f) search or cause to be searched any person found on the premises being inspected whom the inspector reasonably believes has possession or control of any document, record or thing that the inspector reasonably believes may be required as evidence for the purposes of any proceedings in respect of an offence under this Act;
- (g) seize and remove from the premises being inspected any document, record or thing that the inspector reasonably believes may be required as evidence for the purposes of any proceedings in respect of an offence under this Act; and
- (h) require any person found on the premises being inspected to render all reasonable and necessary assistance and co-operation to the inspector as are necessary to facilitate the inspector's exercise of his powers under this section.

[2/2008]

(2) Any person who is required by an inspector under subsection (1)(a) or (b) to furnish any information or produce any document, record or thing shall be deemed to have complied with the requisition if he causes the information to be furnished or causes the document, record or thing to be produced instead of attending personally to furnish or to produce the same.

[2/2008]

(3) If entry to any premises cannot be obtained under subsection (1)(c), an inspector may —

- (a) break open any outer or inner door or window leading to the premises;
- (b) forcibly enter such premises and every part thereof; or
- (c) remove by force any obstruction to such entry.

[2/2008]

(4) No woman or girl may be searched under subsection (1)(f) except by a woman.

[2/2008]

Power to examine and secure attendance

15H.—(1) An inspector may —

- (a) examine orally any person supposed to be acquainted with the facts and circumstances concerning an offence under this Act; and
- (b) by order in writing require the attendance before him of any person, being within the limits of Singapore, who, from information given or otherwise, appears to be acquainted with the facts and circumstances concerning an offence under this Act and the person shall attend as so required.

[2/2008]

(2) The person referred to in subsection (1)(a) shall be bound to state truly the facts and circumstances with which he is acquainted concerning an offence under this Act, except that he may decline to make with regard to any fact or circumstance, a statement which would have a tendency to expose him to a criminal charge, penalty or forfeiture.

[2/2008]

(3) A statement made by any person under subsection (1)(a) —

- (a) shall be reduced to writing and read over to him; and
- (b) shall, after correction, be signed by him.

[2/2008]

(4) If any person fails to attend as required by an order under subsection (1)(b), the inspector may report such failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the order.

[2/2008]

Powers of arrest

15I.—(1) An inspector authorised by the Director in that behalf may —

- (a) arrest without warrant any person whom he reasonably suspects of committing or having committed an offence under this Act; and

- (b) search the person arrested and seize anything which the inspector reasonably believes may be required as evidence for the purposes of proceedings in respect of an offence under this Act.

[2/2008]

(2) Where the inspector makes an arrest under subsection (1)(a), he shall, without unnecessary delay, produce the person before a Magistrate.

[2/2008]

(3) The inspector shall not detain in custody a person arrested under subsection (1)(a) for a longer period than is reasonable under the circumstances of the case.

[2/2008]

(4) The period that a person arrested under subsection (1)(a) may be detained in custody shall not exceed 48 hours, excluding the time for any necessary journey to the Magistrate's Court.

[2/2008]

(5) No woman or girl may be searched under subsection (1)(b) except by a woman.

[2/2008]

(6) When a person is arrested under subsection (1)(a) or appears or is brought before a court and is prepared at any time while in the custody of the inspector or at any stage of the proceedings before the court to give bail, that person shall be released on bail by any inspector in such cases as are specified in orders issued by the Director or by that court.

[2/2008]

(7) The inspector or the court, if he or it thinks fit, may, instead of taking bail from that person under subsection (6), discharge him on his executing a bond without sureties as may be sufficient to secure his appearance.

[2/2008]

Protection of informers

15J.—(1) Except as provided in subsection (3) —

- (a) no information for an offence under this Act shall be admitted in evidence in any civil or criminal proceedings; and

(b) no witness in any civil or criminal proceedings shall be obliged —

- (i) to disclose the name and address of any informer who has given information with respect to an offence under this Act; or
- (ii) to answer any question if the answer thereto would lead, or would tend to lead, to the discovery of the name or address of the informer.

[2/2008]

(2) If any document, record or thing which is in evidence or liable to inspection in any civil or criminal proceedings contains any entry in which any informer is named or described or which may lead to his discovery, the court shall cause those entries to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery.

[2/2008]

(3) If —

- (a) in any proceedings before a court for an offence under this Act, the court, after full inquiry into the case, is satisfied that an informer wilfully made a material statement which he knew or believed to be false or did not believe to be true; or
- (b) in any other proceedings, the court is of the opinion that justice cannot be fully done between the parties thereto without the disclosure of the name of an informer,

the court may permit inquiry and require full disclosure concerning the informer.

[2/2008]

Obstruction of inspectors, etc.

15K. Any person who —

- (a) refuses or fails to comply with any requirement of an inspector under section 15G(1)(a) or (b);
- (b) refuses to answer any question put to him by an inspector under section 15H(1)(a) or gives a false answer to such question; or

- (c) wilfully obstructs an inspector in the exercise of his authority under this Part,

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.

[2/2008]

PART V

MISCELLANEOUS

Act does not prevent specified removal of organ, etc.

16. 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 an 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 an 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) for the purpose of administering and enforcing this Act;
- (b) for the purpose of referring any complaint or information concerning any registered medical practitioner under section 39(1) of the Medical Registration Act (Cap. 174);
- (c) in pursuance of an order of a Court or when otherwise required by law;
- (d) for the purposes of hospital administration or bona fide medical research;
- (e) with the consent of the person to whom the information relates; or
- (f) when the circumstances in which the disclosure is made are such that the disclosure is or would be privileged.

[2/2008]

(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.

[ACT Transplantation and Anatomy 1977, s. 47]

Offences by bodies corporate, etc.

18A.—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any neglect on his part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[2/2008]

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

[2/2008]

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[2/2008]

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[2/2008]

(5) In this section —

“body corporate” includes a limited liability partnership which has the same meaning as in section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“officer” —

- (a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of such a committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

[2/2008]

(6) The Minister may, by regulations, provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

[2/2008]

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 any other committee for purposes relating to the welfare and protection of organ donors and their families;
- (c) the preparation and the submission of such documents as may be prescribed; and
- (d) the regulation of organ transplant arrangements, the regulation or administration of payment of costs, expenses and loss of earnings in relation to the removal of any organ for the purpose of transplantation, and the operation of schemes granting medical benefits or privileges under section 14(3).

[1/2004; 14/2009]

FIRST SCHEDULE**Section 2****ORGANS FOR THE PURPOSES OF ACT OTHER THAN PARTS IV AND IVA**

- (1) The kidney.
- (2) The liver.

FIRST SCHEDULE — *continued*

- (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 SOURCE KEY
HUMAN ORGAN TRANSPLANT ACT
(CHAPTER 131A)

Unless otherwise stated, the abbreviations used in the references to other Acts and statutory provisions are references to the following Act 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 Ordinance 1977 (Bill)		Territory, Anatomy
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LEGISLATIVE HISTORY

HUMAN ORGAN TRANSPLANT ACT (CHAPTER 131A)

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

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

Date of First Reading	: 27 October 1986 (Bill No. 26/86 published on 31 October 1986)
Date of Second Reading	: 9 December 1986
Date Committed to Select Committee	: 9 December 1986
Date of Presentation of Select Committee Report	: 19 January 1987 (Parl. 2 of 1987)
Date of Third Reading	: 20 May 1987
Date of commencement	: 16 July 1987

2. 1988 Revised Edition — Human Organ Transplant Act (Chapter 131A)

Date of operation	: 30 April 1988
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3. Act 22 of 1998 — Interpretation (Amendment) Act 1998

(Consequential amendments made to Act by)

Date of First Reading	: 19 November 1997 (Bill No. 17/97 published on 20 November 1997)
Date of Second Reading	: 14 January 1998
Date Committed to Select Committee	: 14 January 1998
Date of Presentation of Select Committee Report	: 1 June 1998 (Parl. 3 of 1998)
Date of Third Reading	: 30 June 1998
Date of commencement	: 2 November 1998

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

Date of First Reading	: 10 November 2003 (Bill No. 33/2003 published on 11 November 2003)
Date of Second and Third Readings	: 6 January 2004

Date of commencement : 1 July 2004

5. 2005 Revised Edition — Human Organ Transplant Act (Chapter 131A)

Date of operation : 31 July 2005

6. Act 2 of 2008 — Human Organ Transplant (Amendment) Act 2008

Date of First Reading : 12 November 2007
(Bill No. 47/2007 published on
13 November 2007)

Date of Second and Third Readings : 21 January 2008

Dates of commencement : 28 May 2008 (section 4)
1 August 2008 (except section 4)

7. Act 21 of 2008 — Mental Health (Care and Treatment) Act 2008

(Consequential amendments made to Act by)

Date of First Reading : 21 July 2008
(Bill No. 11/2008 published on
22 July 2008)

Date of Second and Third Readings : 16 September 2008

Date of commencement : 1 March 2010 (Item 1(19) of the
Second Schedule – Amendment
of Human Organ Transplant Act)

8. Act 14 of 2009 — Human Organ Transplant (Amendment) Act 2009

Date of First Reading : 19 January 2009
(Bill No. 3/2009 published on
19 January 2009)

Date of Second and Third Readings : 24 March 2009

Date of commencement : 1 November 2009

9. Act 14 of 2010 — Coroners Act 2010

(Consequential amendments made to Act by)

Date of First Reading : 26 April 2010
(Bill No. 10/2010 published on
26 April 2010)

Date of Second and Third Readings : 19 May 2010

Date of commencement : 2 January 2011

COMPARATIVE TABLE
HUMAN ORGAN TRANSPLANT ACT
(CHAPTER 131A)

The following provisions in the 2005 Revised Edition of the Human Organ Transplant Act have been renumbered by the Law Revision Commissioners in this 2012 Revised Edition.

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

2012 Ed.	2005 Ed.
5—(1)	5—(1)
(2)(a) to (c)	(2)(a) to (c)
(d) [<i>Deleted by Act 14/2009</i>]	(d)
(e)	(e)
<i>omitted</i>	(f)
(3)	(3)
12	12—(1)
<i>omitted</i>	(2)
16	16—(1)

COMPARATIVE TABLE
HUMAN ORGAN TRANSPLANT ACT
(CHAPTER 131A)

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

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

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