

Human Organ Transplant Regulations 2004

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FIRST SCHEDULE

SECOND SCHEDULE

HUMAN ORGAN TRANSPLANT ACT (CHAPTER 131A)

HUMAN ORGAN TRANSPLANT REGULATIONS 2004

In exercise of the powers conferred by sections 15A (3) and 19 of the Human Organ Transplant Act, Mr Khaw Boon Wan, Senior Minister of State, Ministry of Finance, charged with the responsibility of the Minister for Health, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Human Organ Transplant Regulations 2004 and shall come into operation on 1st July 2004.

Definitions

2. In these Regulations, unless the context otherwise requires —

“donor”, in relation to a living donor organ transplant, means the person from whom a specified organ is or will be removed for the purpose of its transplantation into the body of another living person;

“recipient”, in relation to a living donor organ transplant, means the person into whose body a specified organ is or will be transplanted.

Forms for Parts II and III of Act

3.—(1) The form for authorising the removal of any organ from the body of a person under section 5(1) of the Act shall be in Form 1 in the First Schedule.

(2) The form for the objection to the removal of any organ under section 9(1) of the Act shall be in Form 2 in the First Schedule.

(3) The form for the acknowledgment of receipt of the objection to the removal of any organ under section 9(2) of the Act shall be in Form 3 in the First Schedule.

(4) The form for the withdrawal of the objection to the removal of any organ under section 11(1) of the Act shall be in Form 4 in the First Schedule.

(5) The form for the acknowledgment of the withdrawal of the objection to the removal of any organ under section 11(2) of the Act shall be in Form 5 in the First Schedule.

Approval and appointment of transplant ethics committees

4.—(1) For the purpose of enabling transplant ethics committees to be appointed under Part IVA of the Act —

- (a) the licensee of a hospital shall, with the approval of the Director, establish a panel of not less than 3 persons, who shall be medical practitioners employed or otherwise connected with the hospital; and
- (b) the Director shall establish —
 - (i) a panel of medical practitioners; and
 - (ii) a panel of lay persons,
comprising such numbers of medical practitioners and lay persons,
respectively, as the Director may determine.

[S 439/2009 wef 01/11/2009]

(1A) A member of any of the panels in paragraph (1) shall be appointed for a term of not more than 2 years and —

- (a) he may be re-appointed with the approval of the Director; and
- (b) his appointment may at any time be terminated by the Director.

[S 439/2009 wef 01/11/2009]

(2) The licensee of a hospital shall, when applying for the approval of the Director under sub-paragraph (a) of paragraph (1), submit to the Director the names and curriculum vitae of the persons nominated for the panel referred to in that sub-paragraph.

[S 439/2009 wef 01/11/2009]

(3) Subject to paragraphs (3A) and (4), the licensee of a hospital shall, from time to time as the circumstances may require, appoint a transplant ethics committee comprising —

- (a) one member from the panel referred to in paragraph (1)(a);
- (b) one member from the panel referred to in paragraph (1)(b)(i) who shall not be employed or otherwise connected with the hospital; and
- (c) one member from the panel referred to in paragraph (1)(b)(ii).

[S 439/2009 wef 01/11/2009]

(3A) Where it comes to the notice of the licensee of a hospital in which any living donor organ transplant is intended to be carried out, whether from the information provided in the application form for the written authorisation of the transplant ethics committee of the hospital or otherwise, that —

- (a) a prior application for written authorisation under section 15A(1) of the Act has been made to a transplant ethics committee in respect of the same prospective donor and prospective recipient; and

- (b) the transplant ethics committee referred to in sub-paragraph (a) has refused to grant written authorisation,

the licensee shall —

- (i) seek the approval of the Director if the licensee desires to proceed with the appointment of a transplant ethics committee under paragraph (3); and
- (ii) decline to appoint a transplant ethics committee if the Director does not grant his approval.

[S 439/2009 wef 01/11/2009]

(4) The licensee of a hospital may, with the approval of the Director, appoint one or more additional members to the transplant ethics committee.

(5) Subject to the provisions of the Act and these Regulations, a transplant ethics committee may make rules to regulate its own procedure.

(6) The licensee of a hospital may, with the approval of the Director, change the membership of the panel referred to in paragraph (1)(a).

[S 439/2009 wef 01/11/2009]

Procedures of transplant ethics committees

5.—(1) Every transplant ethics committee shall assess and give its written assessment, in a timely manner, of an application for its written authorisation of a living donor organ transplant under section 15A(1) of the Act.

(2) The quorum of any meeting of a transplant ethics committee shall be 3 members, of whom —

- (a) one shall be a medical practitioner employed or otherwise connected with the hospital;
- (b) one shall be a medical practitioner not employed or otherwise connected with the hospital; and
- (c) one shall be a lay person,

and no decision shall be made unless such a quorum is present.

(3) Subject to paragraph (6)(b), where an application for the written authorisation of a transplant ethics committee is assessed at a meeting of the transplant ethics committee, a person —

- (a) who is directly involved in the care of the donor or the recipient; or
- (b) who will be involved in the removal of any specified organ from the body of the donor or the transplantation of the specified organ to the body of the

recipient,
shall not be present at the meeting.

(4) A decision at any meeting of a transplant ethics committee shall be adopted by a consensus of the members present.

(5) Every transplant ethics committee shall —

- (a) submit a copy of the report of every decision made by it in authorising any living donor organ transplant or otherwise to the Director within 7 days of the date of the decision; and
- (b) keep and maintain every report referred to in sub-paragraph (a).

(6) A transplant ethics committee may, when assessing any application for the written authorisation of a living donor organ transplant —

- (a) request for such additional information or document to be provided by the applicant as it may consider necessary; or
- (b) interview the donor, the recipient or any other person in relation to the application.

Additional considerations for giving of written authorisations

6. Every transplant ethics committee shall, in addition to the considerations specified in section 15A(2) of the Act, have regard to the considerations of public interest and community values when assessing an application for its written authorisation of a living donor organ transplant.

Review of decisions by transplant ethics committee

6A.—(1) An applicant for review who is aggrieved by the decision of a transplant ethics committee to refuse to grant written authorisation under section 15A(1) of the Act may make a written application to the Director to require the transplant ethics committee to review its decision.

(2) The applicant for review shall make the written application to the Director —

- (a) within a period of 21 days after the date on which the decision of the transplant ethics committee first comes to the notice of the applicant for review; or
- (b) within such further period as the Director allows, either before or after the end of that 21-day period.

(3) The applicant for review shall, in his written application to the Director, set out