

Interpretation (Amendment) Bill

Table of Contents

Bill No: 17/1997

Read the first time: 19th November 1997

Long Title

Enacting Formula

1 Short title and commencement

2 New section 2A

3 Amendment of Human Organ Transplant Act

4 Amendment of Medical (Therapy, Education and Research) Act

Explanatory Statement

Expenditure of Public Money

Interpretation (Amendment) Bill

Bill No. 17/1997

Read the first time on 19th November 1997.

An Act to amend the Interpretation Act (Chapter 1 of the 1997 Revised Edition), and to make consequential amendments to the Human Organ Transplant Act (Chapter 131A of the 1988 Revised Edition) and the Medical (Therapy, Education and Research) Act

(Chapter 175 of the 1985 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Interpretation (Amendment) Act 1997 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

New section 2A

2. The Interpretation Act is amended by inserting, immediately after section 2, the following section:

“Criteria for determining death

2A.—(1) For all purposes, a person has died when there has occurred either —

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

(2) The determination of the irreversible cessation of circulation of blood and respiration in the body of a person shall, subject to subsection (4), be made in accordance with the ordinary standards of current medical practice; and the determination of the total and irreversible cessation of all functions of the brain of a person shall, subject to subsections (3) and (5), be made in accordance with the prescribed criteria.

(3) Except in the circumstances referred to in subsection (5), the determination of the total and irreversible cessation of all functions of the brain of a person shall be certified in the prescribed form by 2 medical practitioners —

- (a) at least one of whom has not been involved in the care or treatment of the person so certified; and
- (b) who possess the prescribed postgraduate medical qualifications.

(4) If the death of a person from whose body an organ is to be removed after his death as authorised under the Human Organ Transplant Act (Cap. 131A) or the Medical (Therapy, Education and Research) Act (Cap. 175) is determined by the irreversible cessation of circulation of blood and respiration in the body of that person, his death shall be certified in the prescribed form by 2 medical practitioners —

- (a) who have not been involved in the care or treatment of the person so certified;
- (b) who do not belong to the team of medical practitioners which will effect the removal of the organ from the body;
- (c) who have not been involved in the selection of the proposed recipient of the organ; and
- (d) who will not be involved in the care or treatment of the proposed recipient of the organ during his hospitalisation for the purpose of the transplant.

(5) If the death of a person from whose body an organ is to be removed after his death as authorised under the Human Organ Transplant Act (Cap. 131A) or the Medical (Therapy, Education and Research) Act (Cap. 175) is determined by the total and irreversible cessation of all functions of the brain of that person, his death shall be certified in the prescribed form by 2 medical practitioners —

- (a) who have not been involved in the care or treatment of the person so certified;
- (b) who do not belong to the team of medical practitioners which will effect the removal of the organ from the body;
- (c) who have not been involved in the selection of the proposed recipient of the organ;
- (d) who will not be involved in the care or treatment of the proposed recipient of the organ during his hospitalisation for the purpose of the transplant; and
- (e) who possess the prescribed postgraduate medical qualifications.

(6) The Minister may, for the purposes of all laws or any specified written law, by regulations prescribe —

- (a) the criteria for determining the total and irreversible cessation of all functions of the brain of a person referred to in subsections (1)(b) and (2); and
- (b) the postgraduate medical qualifications and form of the death certificate for the purposes of subsection (3), (4) or (5).

(7) Nothing in this section shall —

- (a) affect the operation of section 110 of the Evidence Act (Cap. 97)