



THE STATUTES OF THE REPUBLIC OF SINGAPORE

HUMAN ORGAN TRANSPLANT ACT 1987

2020 REVISED EDITION

This revised edition incorporates all amendments up to and including 1 December 2021 and comes into operation on 31 December 2021.

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT 1983

Informal Consolidation – version in force from 1/5/2023

Human Organ Transplant Act 1987

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY

Section

1. Short title
2. Interpretation
3. Designated officers

PART 2

REMOVAL OF ORGAN AFTER DEATH

4. Authorities may remove organ after death
5. Coroner's consent
6. Organ to be removed and transplanted by authorised medical practitioners
7. Operation of other laws

PART 3

REGISTRATION OF OBJECTION

8. Persons may register their objection
9. Director-General to maintain register
10. Persons may withdraw their objection
11. Proposed recipients of organ
12. Appointment of a committee

PART 4

PROHIBITION OF TRADING IN ORGANS AND BLOOD

13. Buying or selling of organs or blood prohibited and void
14. Advertisements relating to buying or selling of organs or blood prohibited

PART 4A

LIVING DONOR ORGAN TRANSPLANTS

Section

15. Donation of organs by living persons
16. Appointment and functions of transplant ethics committees
17. Regulation of transplant ethics committees
18. Director-General may issue directions

PART 4B

ENFORCEMENT

19. Interpretation of this Part
20. Appointment of inspectors
21. Power of entry, inspection, search, seizure, etc.
22. Power to examine and secure attendance
23. Powers of arrest
24. Protection of informers
25. Obstruction of inspectors, etc.

PART 5

MISCELLANEOUS

26. Act does not prevent specified removal of organ, etc.
27. Offences in relation to removal of organ
28. Disclosure of information
29. Offences by bodies corporate, etc.
30. Composition of offences
31. Amendment of Second Schedule
32. Regulations
 - First Schedule — Organs for the purposes of Act other than Parts 4 and 4A
 - Second Schedule — Specified Organs for the purposes of Part 4A

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.

[16 July 1987]

PART 1

PRELIMINARY

Short title

1. This Act is the Human Organ Transplant Act 1987.

Interpretation

2. In this Act, unless the context otherwise requires —

“designated officer”, in relation to a hospital, means a person appointed under section 3 to be the designated officer of the hospital;

[Deleted by Act 11 of 2023 wef 01/05/2023]

“Director-General” means the Director-General of Health;

[Act 11 of 2023 wef 01/05/2023]

“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 of the Act;

“licensee”, in relation to a hospital, means a person —

- (a) to whom a licence has been issued under the Private Hospitals and Medical Clinics Act 1980* in respect of the hospital; or
- (b) who is authorised to provide an acute hospital service under a licence granted under the Healthcare Services Act 2020;

[Act 3 of 2020 wef 03/01/2022]

“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 1997;

“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 4 and 4A, 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 16(1).

*[*Updated to be consistent with the 2020 Revised Edition]*

Designated officers

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

[4

[Act 11 of 2023 wef 01/05/2023]

PART 2

REMOVAL OF ORGAN AFTER DEATH

Authorities may remove organ after death

4.—(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 may be given under subsection (1) for the removal of the organ from the body of any deceased person —

- (a) who has during the deceased person’s lifetime registered his or her objection with the Director-General to the removal of the organ from his or her body after his or her death;

[Act 11 of 2023 wef 01/05/2023]

- (b) who is neither a citizen nor a permanent resident of Singapore;
 - (c) who is below 21 years of age unless the deceased person's parent or guardian has consented to such removal; or
 - (d) whom the designated officer, after making such inquiries as are reasonable in the circumstances, has reason to believe was mentally disordered, unless the deceased person's parent or guardian has consented to such removal.
- (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 the person's period of residence in Singapore imposed under the Immigration Act 1959.
- [5]

Coroner's consent

5.—(1) If the designated officer of the hospital has reason to believe that the circumstances applicable to the death of a 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 must not authorise the removal of any organ from the body of the deceased person unless the Coroner has given the Coroner's 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 must be confirmed in writing.

(4) In this section, "Coroner" means the State Coroner or a Coroner appointed under the Coroners Act 2010.

[6]

Organ to be removed and transplanted by authorised medical practitioners

6.—(1) No person other than an authorised medical practitioner in a hospital is to remove any organ which is authorised to be removed pursuant to section 4 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-General to remove any organ pursuant to section 4 or to transplant any such organ.

[Act 11 of 2023 wef 01/05/2023]

(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.

[7]

Operation of other laws

7. Nothing in this Part prevents the removal of any organ from the bodies of deceased persons in accordance with any other written law.

[8]

PART 3

REGISTRATION OF OBJECTION

Persons may register their objection

8.—(1) Any person who objects to the removal of any organ from the person’s body after the person’s death for the purpose mentioned in section 4(1) may register the person’s objection in respect of that organ with the Director-General in the prescribed form.

[Act 11 of 2023 wef 01/05/2023]

(2) Upon receipt of the written objection of a person under subsection (1), the Director-General must issue to that person an acknowledgment in the prescribed form.

[9]

[Act 11 of 2023 wef 01/05/2023]

Director-General to maintain register

9.—(1) The Director-General must establish and maintain a register in which must be entered the objection of all persons lodged in accordance with section 8.

[Act 11 of 2023 wef 01/05/2023]

(2) The register mentioned in subsection (1) is not open to inspection by the public.

(3) Any person who wilfully destroys, mutilates or makes any unauthorised alteration in the register mentioned 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.

[10

[Act 11 of 2023 wef 01/05/2023]

Persons may withdraw their objection

10.—(1) Any person who has registered the person's objection with the Director-General under section 8 in respect of any organ may withdraw the person's objection in the prescribed form.

[Act 11 of 2023 wef 01/05/2023]

(2) Upon receipt of the withdrawal of a person under subsection (1), the Director-General must issue to that person an acknowledgment in the prescribed form and must remove the objection from the register mentioned in section 9(1).

[11

[Act 11 of 2023 wef 01/05/2023]

Proposed recipients of organ

11. In the selection of a proposed recipient of any organ removed pursuant to section 4 —

- (a) a person who has not registered any objection with the Director-General under section 8(1) in respect of that organ has priority over a person who has registered such objection; and

[Act 11 of 2023 wef 01/05/2023]

- (b) a person who has registered the person's objection with the Director-General under section 8(1) in respect of that organ

but who has withdrawn such objection under section 10(1) has 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-General, at the expiry of 2 years from the date of receipt of the withdrawal by the Director-General provided the person has not registered again any such objection since that date.

[12

[Act 11 of 2023 wef 01/05/2023]

Appointment of a committee

12. The Director-General may appoint a committee consisting of at least 5 members to be in charge of matters relating to the selection of proposed recipients of any organ removed pursuant to section 4 and such other matters as may be directed by the Director-General from time to time.

[13

[Act 11 of 2023 wef 01/05/2023]

PART 4

PROHIBITION OF TRADING IN ORGANS AND BLOOD

Buying or selling of organs or blood prohibited and void

13.—(1) Subject to subsections (4) and (5), a contract or an arrangement under which a person agrees, for valuable consideration, whether given or to be given to himself or herself or to another person, to the sale or supply of any organ or blood from his or her body or from the body of another person, whether before or after his or her death or the death of the other person (as the case may be) is void.

(2) A person who enters into a contract or an arrangement of the kind mentioned 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) 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 or her 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 or her 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 mentioned 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.

(4) Subsections (1) and (3) do 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 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 that person's 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 that person supplying any organ from that person's body.

(5) The Minister may, by notification in the *Gazette*, declare that subsection (1) or (3) does 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.

(6) 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 any such product which is of a class declared under subsection (5), 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.

(7) Nothing in this section renders 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 pursuant to 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 mentioned in subsection (1) or (3).

(8) For the purposes of this section, the donation by a living donor (Donor A) of any organ from his or her 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 4 or otherwise,

does not, of itself, constitute valuable consideration if the donors have given their consent and the provisions of Part 4A (as applicable) are complied with.

[14

Advertisements relating to buying or selling of organs or blood prohibited

14.—(1) No person is to 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 is to 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.

[15

PART 4A

LIVING DONOR ORGAN TRANSPLANTS

Donation of organs by living persons

15.—(1) No person is to 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 or her consent to the removal of the specified organ from his or her body and has not revoked or withdrawn the consent.

(2) The transplant ethics committee of a hospital must 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 the person's consent to such removal;
- (b) the person is not mentally disordered and, despite the person's age, is able to understand the nature and consequence of the medical procedures the person has to undergo as a result of the person's donation of the specified organ; and
- (c) the consent mentioned in paragraph (a) —
 - (i) is not given pursuant to any contract or arrangement that is prohibited under section 13; and
 - (ii) is not given or obtained by virtue of any fraud, duress or undue influence.

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

[Act 11 of 2023 wef 01/05/2023]

(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.

[15A

Appointment and functions of transplant ethics committees

16.—(1) The licensee of a hospital in which any living donor organ transplant is intended to be carried out must, with the approval of the Director-General, appoint a transplant ethics committee.

[Act 11 of 2023 wef 01/05/2023]

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

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

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

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

(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-General, in good faith for the purposes of the exercise of the functions of the transplant ethics committee or in accordance with this Act, does not subject the member or person personally to any action, liability, claim or demand.

[Act 11 of 2023 wef 01/05/2023]

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

[15B

Regulation of transplant ethics committees

17.—(1) Where the Director-General 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-General 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.

[Act 11 of 2023 wef 01/05/2023]

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

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

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

[Act 11 of 2023 wef 01/05/2023]

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

[Act 11 of 2023 wef 01/05/2023]

(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.

[15C

Director-General may issue directions

18.—(1) The Director-General 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.

[Act 11 of 2023 wef 01/05/2023]

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

[Act 11 of 2023 wef 01/05/2023]

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

[15D]

[Act 11 of 2023 wef 01/05/2023]

PART 4B ENFORCEMENT

Interpretation of this Part

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

[15E]

Appointment of inspectors

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

[Act 11 of 2023 wef 01/05/2023]

(2) Every inspector —

- (a) must be furnished with such identification card as the Director-General may direct to be carried by inspectors; and

[Act 11 of 2023 wef 01/05/2023]

- (b) must, when exercising any powers under this Part, on demand, declare the inspector’s office and produce such identification card to the person affected by the exercise of those powers.

(3) Every inspector appointed under subsection (1) is deemed to be a public servant within the meaning of the Penal Code 1871.

[15F]

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

21.—(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 written order 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 of the premises, 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 or her powers under this section.

(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 is deemed to have complied with the requisition if the person causes the information to be furnished or causes the document, record or thing to be produced instead of attending personally to furnish or produce the same.

(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 the premises and every part of the premises;
or
- (c) remove by force any obstruction to the inspector's entry.

(4) A woman or girl must not be searched under subsection (1)(f) except by a woman.

[15G

Power to examine and secure attendance

22.—(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 written order require the attendance before the inspector 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 must attend as so required.

(2) The person mentioned in subsection (1)(a) must state truly the facts and circumstances with which the person is acquainted concerning an offence under this Act, except that the person may decline to make with regard to any fact or circumstance, a statement

which would have a tendency to expose the person to a criminal charge, penalty or forfeiture.

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

(a) must be reduced to writing and read over to the person; and

(b) must, after correction, be signed by the person.

(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 then issue a warrant to secure the attendance of that person as required by the order.

[15H

Powers of arrest

23.—(1) An inspector authorised by the Director-General in that behalf may —

(a) arrest without warrant any person whom the inspector 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.

[Act 11 of 2023 wef 01/05/2023]

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

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

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

(5) A woman or girl must not be searched under subsection (1)(b) except by a woman.

(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 must be released on bail by any inspector in such cases as are specified in orders issued by the Director-General or by that court.

[Act 11 of 2023 wef 01/05/2023]

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

[15I]

Protection of informers

24.—(1) Except as provided in subsection (3) —

- (a) no information for an offence under this Act is to be admitted in evidence in any civil or criminal proceedings; and
- (b) no witness in any civil or criminal proceedings is 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) 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 the informer's discovery, the court is to cause those entries to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery.

(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 the informer 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 to the proceedings without the disclosure of the name of an informer,

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

[15J]

Obstruction of inspectors, etc.

25. Any person who —

- (a) refuses or fails to comply with any requirement of an inspector under section 21(1)(a) or (b);
- (b) refuses to answer any question put to the person by an inspector under section 22(1)(a) or gives a false answer to such question; or
- (c) wilfully obstructs an inspector in the exercise of the inspector's 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.

[15K]

PART 5

MISCELLANEOUS

Act does not prevent specified removal of organ, etc.

26. Nothing in this Act applies 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 person's health, 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 person's life;

- (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.

[16]

Offences in relation to removal of organ

27.—(1) No person is to remove any organ from the body of a deceased person for the purpose mentioned in section 4(1) except pursuant to the authority given under Part 2.

(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.

[17]

Disclosure of information

28.—(1) Subject to this section, a person must 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) does 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 1997;
- (c) pursuant to 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.

(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.

[18

Offences by bodies corporate, etc.

29.—(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 of the body corporate; or
- (b) to be attributable to any neglect on the officer's 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) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

(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 the partner's 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.

(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.

(5) In this section —

“body corporate” includes a limited liability partnership which has the meaning given by section 2(1) of the Limited Liability Partnerships Act 2005;

“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.

(6) The Minister may, by regulations, provide for the application of any provision of this section, with any modifications that the Minister

considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

[18A]

Composition of offences

30.—(1) The Director-General may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$2,000.

[Act 11 of 2023 wef 01/05/2023]

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

[19]

Amendment of Second Schedule

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

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

[20]

Regulations

32.—(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.

(2) Without limiting 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 13(4).

[21]

FIRST SCHEDULE

Section 2

ORGANS FOR THE PURPOSES OF ACT OTHER THAN PARTS 4 AND 4A

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

SECOND SCHEDULE

Sections 2 and 31(1)

SPECIFIED ORGANS FOR THE PURPOSES OF PART 4A

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

LEGISLATIVE HISTORY

HUMAN ORGAN TRANSPLANT ACT 1987

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

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

Bill	:	26/1986
First Reading	:	27 October 1986
Second Reading	:	9 December 1986
Select Committee Report	:	Parl. 2 of 1987
Third Reading	:	20 May 1987
Commencement	:	16 July 1987

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

Operation	:	30 April 1988
-----------	---	---------------

3. Act 22 of 1998 — Interpretation (Amendment) Act 1998 (Amendments made by section 3 of the above Act)

Bill	:	17/1997
First Reading	:	19 November 1997
Second Reading	:	14 January 1998
Select Committee Report	:	Parl. 3 of 1998
Third Reading	:	30 June 1998
Commencement	:	2 November 1998 (section 3)

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

Bill	:	33/2003
First Reading	:	10 November 2003
Second Reading	:	5 January 2004
Third Reading	:	6 January 2004
Commencement	:	1 July 2004

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

Operation	:	31 July 2005
-----------	---	--------------

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

Bill	:	47/2007
First Reading	:	12 November 2007
Second and Third Readings	:	21 January 2008
Commencement	:	28 May 2008 (section 4) 1 August 2008 (except section 4)

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

Bill	:	3/2009
First Reading	:	19 January 2009
Second Reading	:	23 March 2009
Third Reading	:	24 March 2009
Commencement	:	1 November 2009

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

(Amendments made by section 33 read with item 1(19) of the Second Schedule to the above Act)

Bill	:	11/2008
First Reading	:	21 July 2008
Second and Third Readings	:	15 September 2008
Commencement	:	1 March 2010 (section 33 read with item 1(19) of the Second Schedule)

9. Act 14 of 2010 — Coroners Act 2010

(Amendments made by section 50 read with item 1 of the Fourth Schedule to the above Act)

Bill	:	10/2010
First Reading	:	26 April 2010
Second and Third Readings	:	19 May 2010
Commencement	:	2 January 2011 (section 50 read with item 1 of the Fourth Schedule)

10. 2012 Revised Edition — Human Organ Transplant Act (Chapter 131A)

Operation	:	31 July 2012
-----------	---	--------------

11. 2020 Revised Edition — Human Organ Transplant Act 1987

Operation	:	31 December 2021
-----------	---	------------------

12. Act 3 of 2020 — Healthcare Services Act 2020

Date of First Reading	:	4 November 2019 (Bill No. 37/2019)
Date of Second and Third Readings	:	6 January 2020
Date of commencement	:	3 January 2022

13. Act 11 of 2023 — Healthcare Services (Amendment) Act 2023
(Amendments made by the above Act)

Bill	:	6/2023
First Reading	:	6 February 2023
Second and Third Readings	:	6 March 2023
Commencement	:	1 May 2023

Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)

COMPARATIVE TABLE

HUMAN ORGAN TRANSPLANT ACT 1987

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2012 Ed.
—	3 [<i>Repealed by Act 22 of 1998</i>]
3	4
4	5
5	6
6	7
7	8
8	9
9	10
10	11
11	12
12	13
13	14
(3)	(2A)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
14	15
15	15A
16	15B
17	15C
18	15D

2020 Ed.	2012 Ed.
19	15E
20	15F
21	15G
22	15H
23	15I
24	15J
25	15K
26	16
27	17
28	18
29	18A
30	19
31	20
32	21