



LegalWatch

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The National Health Act, 2003.

Member hospitals please note and distribute as you deem necessary.

Sections 55 and 56 of the National Health Act, relating to the removal of blood or other tissue, together with section 68 which permits the Minister of Health to make regulations relating to tissue, cells, organs, blood, blood products and gametes, has been promulgated. (In other words, has become law, as of the 17th of May 2010). See at this web address:

<http://www.info.gov.za/view/DownloadFileAction?id=122568>

See section 55, 56 and 68 below in blue:

Removal of tissue, blood, blood products or gametes from living persons

55. A person may not remove tissue, blood, a blood product or gametes from the body of another living person for the purpose referred to in section 56 unless it is done-

- (a) **with the written consent of the person from whom the tissue, blood, blood product or gametes are removed granted in the prescribed manner; and**
- (b) **in accordance with prescribed conditions.**

Use of tissue, blood, blood products or gametes removed or withdrawn from living persons

56. (1) A person may use tissue or gametes removed or blood or a blood product withdrawn from a living person only for such medical or dental purposes as may be prescribed.

(2) (a) Subject to paragraph (b), the following tissue, blood, blood products or gametes may not be removed or withdrawn from a living person for any purpose

contemplated in subsection (1):

- (i) Tissue, blood, a blood product or a gamete from a person who is mentally ill within the meaning of the Mental Health Care Act, 2002 (Act No. 17 of 2002);
- (ii) tissue which is not replaceable by natural processes from a person younger than 18 years;
- (iii) a gamete from a person younger than 18 years; or
- (iv) placenta, embryonic or foetal tissue, stem cells and umbilical cord, excluding umbilical cord progenitor cells.

(b) The Minister may authorise the removal or withdrawal of tissue, blood, a blood product or gametes contemplated in paragraph (a) and may impose any condition which may be necessary in respect of such removal or withdrawal.

The Minister of Health has also in terms of the National Health Act promulgated Regulations (which became operational on the 17 May 2010) pertaining to the withdrawal of blood from a living person for testing:

Copies of those regulations are available from HASA upon request. Members can also obtain an electronic copy at the following web address:

<http://www.info.gov.za/view/DownloadFileAction?id=122555>

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