

**National Assembly for Wales**  
**Constitutional and Legislative Affairs Committee**  
**Statutory Instruments with Clear Reports**  
21 September 2015

**CLA576 -The Agricultural Holdings (Units of Production) (Wales)  
(No.2) Order 2015**

Procedure: Negative

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This Order prescribes units of production for the assessment of the productive capacity of agricultural land situated in Wales. It sets out the amount which is to be regarded as the net annual income from each such unit for the year 12 September 2014 to 11 September 2015 for certain purposes of the Agricultural Holdings Act 1986. This Order revokes the Agricultural Holdings (Units of Production) (Wales) Order 2015 (S.I. 2015/1020 (W.73)) (“the 2015 Order”). The figures contained in the Schedule to this Order differ from those in the Schedule to the 2015 Order. This Order relates to the same period as the 2015 Order.

**CLA577 - The Proxy Purchasing of Tobacco, Nicotine products etc  
(fixed penalty notice) (Wales) Regulations 2015**

Procedure: Negative

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These regulations provide for the Penalty Notice form to be used where an adult is alleged to have committed the offence of purchasing tobacco, cigarette papers or a relevant nicotine product on behalf of a person under the age of 18.

**CLA578 -The Human Transplantation (Excluded Relevant Material)  
(Wales) Regulations 2015**

Procedure: Affirmative

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The Human Transplantation (Wales) Act 2013 (“the Act”) provides a change to the way in which consent, for the purposes of transplantation, is to be given for organ and tissue donation in Wales.

The Act introduces two concepts: that of “express consent” and that of “deemed consent”.

The Act does not specify the types of tissues and organs which are to be donated but refers to “relevant material”. Certain material - gametes, embryos outside the body, hair and nails form the body of a living person – are not considered to be “relevant material” for the purposes of the Act but all other material is included.



The Act provides that material may be excluded from the deemed consent regime such as material used in novel forms of transplants. In these instances express consent will be required.

The Regulations define excluded composite tissues and excluded relevant material. They set out those parts of excluded composite tissues which are not to be regarded as excluded relevant material.

## CLA579 -The Human Transplantation (Persons who Lack Capacity to Consent) (Wales) Regulations 2015

### Procedure: Affirmative

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The Human Transplantation (Wales) Act 2013 (“the Act”) provides for exceptions to deemed consent including those persons who lack capacity to understand the notion of deemed consent; in such a case, express consent is required.

These Regulations ensure that the arrangements for living persons who lack the capacity to consent to organ or tissue donation will remain the same after the commencement of the Act as the current arrangements under the Human Tissue Act 2014, i.e an activity involving the storage or use of relevant material from a human body for the purposes of transplantation which involves material from the body of a person who lacks capacity to consent (“P”) will be deemed to have been undertaken with P’s consent where the activity was undertaken by a person who is acting in what he or she reasonably believes to be in P’s best interests.

## CLA580 - The Human Transplantation (Appointed Representatives) (Wales) Regulations 2015

### Procedure: Affirmative

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The Human Transplantation (Wales) Act 2013 (“the Act”) provides that a person may appoint a representative whose role it would be to make a decision on organ donation after the death of the person making the appointment.

These Regulations make provision as to the description of persons who may not act as an appointed person for the purposes of the Act.

## CLA581 -The Human Authority Code of Practice 2015 on the Human Transplantation (Wales) Act 2013

### Procedure: Affirmative

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This Code of Practice has been prepared by the Human Tissue Authority to provide advice and guidance on the circumstances in which consent is deemed under section 4 of the Human Transplantation (Wales) Act 2013. It is intended for use by specialist nurses for organ donation and other clinicians and professionals working in the transplantation sector in Wales.



The Assembly may approve or reject the code but may not amend it. If approved by the Assembly the Code is required to be approved by the UK Parliament.

The Code has been prepared by the Human Tissues Authority in English only. It is understood that following confirmation of the UK Parliament's approval, a Welsh translation will be prepared.

