

PARLIAMENT OF CEYLON

4th Session 1955



Corneal Grafting Act, No. 38 of 1955

Date of Assent : November 12, 1955

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AN ACT TO MAKE PROVISION WITH RESPECT TO THE USE
OF EYES OF DECEASED PERSONS FOR THERAPEUTIC
PURPOSES.

[Date of Assent: November 12, 1955]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Corneal Grafting Act, No. 38 of 1955.

Short title.

2. (1) If any person, either in writing at any time or orally in the presence of two or more witnesses during his last illness, has expressed a request that his eyes be used for therapeutic purposes after his death, the party lawfully in possession of his body after his death may, unless that party has reason to believe that the request was subsequently withdrawn, authorise the removal of the eyes from the body for use for those purposes.

Removal of eyes of deceased persons.

(2) Without prejudice to the foregoing sub-section, the party lawfully in possession of the body of a deceased person may authorise the removal of the eyes from the body for use for therapeutic purposes unless that party has reason to believe—

(a) that the deceased had expressed an objection to his eyes being so dealt with after his death, and had not withdrawn it; or

(b) that the surviving spouse or any surviving relative of the deceased objects to the deceased's eyes being so dealt with.

(3) An authority given under this section in respect of any deceased person shall be sufficient warrant for the removal of the eyes from the body and their use for therapeutic purposes; but no such removal shall be effected except by a medical practitioner registered under the Medical Ordinance, who must have satisfied himself by a personal examination of the body that life is extinct.

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(4) Authority for the removal of eyes shall not be given under this section if the party empowered to give such authority has reason to believe that an inquest may be required to be held on the body.

(5) No authority shall be given under this section in respect of the body of a deceased person by a person entrusted by another person with the body for the purpose only of its interment or cremation.

(6) In the case of a body lying in a hospital, any authority under this section may be given on behalf of the person having the control and management of the hospital by any officer or person designated in that behalf by the first-mentioned person.

(7) Nothing in this section shall be construed as rendering unlawful any dealing with the body, or any part of the body, of a deceased person which would have been lawful if this Act had not been passed.