



# Human Tissue (Scotland) Act 2006

## 2006 asp 4

### HUMAN TISSUE (SCOTLAND) ACT 2006

#### PART 1

##### TRANSPLANTATION ETC.

###### *General functions of the Scottish Ministers*

- 1 Duties of the Scottish Ministers as respects transplantation, donation of body parts etc.
- 2 Assistance and support

###### *Use of part of body of deceased person for transplantation, research etc.*

- 3 Use of part of body of deceased person for transplantation, research etc.
- 4 Disapplication of sections 3, 6 to 11 and 16 in certain circumstances
- 5 Consent by procurator fiscal to removal of part of body
- 6 Authorisation: adult
- 7 Authorisation by adult's nearest relative
- 8 Authorisation: child 12 years of age or over
- 9 Authorisation as respects child who dies 12 years of age or over by person with parental rights and responsibilities
- 10 Authorisation as respects child who dies under 12 years of age
- 11 Removal of part of body of deceased person: further requirements
- 12 Removal of tissue sample to determine viability of transplantation
- 13 Preservation for transplantation
- 14 Part of body removed before day on which section 3 comes into force
- 15 Existing request by adult not acted on before commencement of sections 3 and 6
- 16 Offences: removal or use of part of body of deceased person for transplantation, research etc.

###### *Restrictions on transplants involving live donor*

- 17 Restrictions on transplants involving live donor

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- 18 Meaning of adult with incapacity for purposes of section 17(1)(c) and (2)(c)

*Records, information etc.: removal and use of parts of human bodies for transplantation etc.*

- 19 Records, information etc.: removal and use of parts of human bodies for transplantation etc.

#### *Trafficking*

- 20 Prohibition of commercial dealings in parts of a human body for transplantation

*Summary proceedings for offences under section 17, 19(4) or 20(2)*

- 21 Summary proceedings for offences under section 17, 19(4) or 20(2)

*Authorisation for transplantation to have priority*

- 22 Authorisation by virtue of Part 1 for transplantation to have priority

### **PART 2**

#### POST-MORTEM EXAMINATIONS

- 23 Meaning of post-mortem examination for purposes of Act
- 24 Disapplication of sections 23 and 27 to 37 as respects procurator fiscal
- 25 Disapplication of sections 27 to 35 and 37: bodies of persons dead for at least 100 years
- 26 Consent by procurator fiscal to post-mortem examination
- 27 Requirements for carrying out post-mortem examination
- 28 Removal during examination and retention of organs and other parts of a body
- 29 Authorisation of post-mortem examination etc.: adult
- 30 Authorisation of post-mortem examination etc. by adult's nominee or nearest relative
- 31 Authorisation of post-mortem examination etc.: child 12 years of age or over
- 32 Authorisation of post-mortem examination etc. as respects child 12 years of age or over by nominee or person with parental rights and parental responsibilities
- 33 Authorisation of post-mortem examination etc. as respects child under 12 years of age
- 34 Nomination of person under section 30(1) or 32(1): additional provision
- 35 Post-mortem examination and removal and retention of organs: further requirements
- 36 Organ or tissue sample removed before day on which section 27 comes into force
- 37 Offences: post-mortem examinations

### **PART 3**

#### TISSUE SAMPLE OR ORGANS NO LONGER REQUIRED FOR PROCURATOR FISCAL PURPOSES

- 38 Tissue sample becoming part of medical records of deceased person
- 39 Use of tissue sample which has become part of deceased's medical records

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- 40 Use of organ no longer required for procurator fiscal purposes
- 41 Notice under section 38(2) or 40(2)(a): further provision
- 42 Authorisation of use etc. after examination: adult
- 43 Authorisation of use etc. after examination: adult's nearest relative
- 44 Authorisation of use etc. after examination: child 12 years of age or over
- 45 Authorisation of use etc. after examination: person with parental rights and parental responsibilities for child 12 years of age or over
- 46 Authorisation of use etc. after examination: person with parental rights and responsibilities for child under 12 years of age
- 47 Use of tissue sample removed before day on which section 38 comes into force
- 48 Use of organ removed before day on which section 40 comes into force

#### **PART 4**

##### PARTS 1 TO 3: SUPPLEMENTARY PROVISION

- 49 Conditions attached to authorisation
- 50 Nearest relative
- 51 Witnesses: additional provision
- 52 Power to prescribe forms and descriptions of persons who may act as a witness

#### **PART 5**

##### AMENDMENT OF THE ANATOMY ACT 1984

- 53 Amendment of the Anatomy Act 1984

#### **PART 6**

##### MISCELLANEOUS

- 54 Arrangements by the Scottish Ministers for assistance with functions under section 1, 2, 17(3), (4) or (5), 18, 19(2) or 20(3)
- 55 Power to give effect to Community obligations
- 56 Bodies corporate etc.
- 57 Amendment of the Adults with Incapacity (Scotland) Act 2000

#### **PART 7**

##### GENERAL

- 58 Ancillary provision
- 59 Regulations or orders
- 60 Interpretation
- 61 Repeals
- 62 Short title and commencement

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SCHEDULE — Repeals

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 13(5) text amended by [2010 asp 8 Sch. 17 para. 34](#)
- s. 17(1)(a) excluded by [S.S.I. 2006/390 reg. 5](#)
- s. 17(1)(b) excluded by [S.S.I. 2006/390 reg. 2](#)
- s. 17(1)(b) excluded by [S.S.I. 2006/390 reg. 3](#)
- s. 17(1)(c) excluded by [S.S.I. 2006/390 reg. 4](#)
- s. 17(2)(a) excluded by [S.S.I. 2006/390 reg. 5](#)
- s. 17(2)(b) excluded by [S.S.I. 2006/390 reg. 2](#)
- s. 17(2)(b) excluded by [S.S.I. 2006/390 reg. 3](#)
- s. 17(2)(c) excluded by [S.S.I. 2006/390 reg. 4](#)

**Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:**

- Blanket amendment text amended by [S.I. 2011/1043 art. 3 6](#)

**Commencement Orders yet to be applied to the Human Tissue (Scotland) Act 2006:**

Commencement Orders bringing provisions within this Act into force:

- [S.S.I. 2006/251 art. 2 3](#) commences ([2006 asp 4](#))

Commencement Orders bringing legislation that affects this Act into force:

- [S.S.I. 2010/321 art. 3](#) commences ([2010 asp 8](#))
- [S.S.I. 2011/122 art. 2 3](#) commences ([2010 asp 8](#))