

*These notes relate to the Human Tissue (Scotland) Act 2006
(asp 4) which received Royal Assent on 16 March 2006*

HUMAN TISSUE (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 1: Transplantation Etc.

Section 5 – Consent by procurator fiscal to removal of part of body

8. Subsection (1) is based on the equivalent provision in section 1(5) of the [Human Tissue Act 1961 \(c.54\)](#) and provides that where a person knows, or has reason to believe, that an examination of the body is or may be required for the purposes of the procurator fiscal, the person may not remove a body part, or authorise anyone else to remove a body part, for the purposes of section 3(1), except with the consent of the procurator fiscal. Subsection (2) provides that for the purposes of subsection (1), the fiscal's consent can be given verbally, provided it is confirmed in writing as soon as reasonably practicable.