

*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

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## EXPLANATORY NOTES

### THE ACT – AN OVERVIEW

#### **Part 3: Tissue Sample Or Organs No Longer Required for Procurator Fiscal Purposes**

##### *Section 47 – Use of tissue sample removed before day on which section 38 comes into force*

112. *Section 47* deals with tissue samples removed from the body of a deceased person as a result of an examination carried out for the purposes of the functions or under the authority of the fiscal before section 38 comes into force and held immediately before that day for use for any of the purposes set out in section 39(b) (education, training or research) (whether or not held then also for the purposes of the functions of the fiscal). It provides that such a sample can be retained and used for any of those purposes after the new legislation comes into force without authorisation. Its use for purposes of education, training or research does not preclude its continued use for the purposes of the functions of the fiscal.