



# Human Tissue (Scotland) Act 2006

## 2006 asp 4

### 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)**
- (1) The Scottish Ministers may make arrangements with a public authority in the United Kingdom for the authority to assist them (directly or indirectly) in relation to any of their functions under section 1, 2, 17(3), (4) or (5) (except the Ministers' powers under that section to make regulations), 18 (except the Ministers' power under that section to make regulations), 19(2) or 20(3).
  - (2) Assistance under such arrangements may take the form of the carrying out by the authority of the function.
  - (3) Arrangements under this section do not affect the responsibility for the carrying out of the Scottish Ministers' functions.
- 55 Power to give effect to Community obligations**
- (1) The Scottish Ministers may by regulations amend this Act for the purpose of—
    - (a) implementing a relevant obligation or enabling a relevant obligation to be implemented;
    - (b) dealing with matters arising out of or related to a relevant obligation.
  - (2) The power under subsection (1) includes—
    - (a) (in particular) power to add or omit provisions;
    - (b) power consequentially to amend or repeal any other enactment and any instrument made under an enactment.
  - (3) In this section, “relevant obligation” means a Community obligation of the United Kingdom relating to material which consists of, includes or is derived from human cells.

**56 Bodies corporate etc.**

- (1) Where an offence under section 16(1), 17, 19(4), 20(1) or (2) or 37(1) which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to, any neglect on the part of—
- (a) a director, manager or secretary, member or other similar officer of the body corporate; or
  - (b) any person who was purporting to act in any such capacity,
- that person, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) Where an offence under section 16(1), 17, 19(4), 20(1) or (2) or 37(1) which has been committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to, any neglect on the part of—
- (a) a partner; or
  - (b) a person who was purporting to act in any such capacity,
- that person, as well as the partnership, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) Where an offence under section 16(1), 17, 19(4), 20(1) or (2) or 37(1) which has been committed by an unincorporated association other than a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a person who is concerned in the management or control of the association; or
  - (b) any person who was purporting to act in any such capacity,
- that person, as well as the unincorporated association, is guilty of the offence and liable to be proceeded against and punished accordingly.

**57 Amendment of the Adults with Incapacity (Scotland) Act 2000**

- (1) The Adults with Incapacity (Scotland) Act 2000 (asp 4) is amended as follows.
- (2) In section 16(6) (creation and exercise of welfare power of attorney)—
- (a) the word “or” at the end of paragraph (a) is repealed;
  - (b) after paragraph (b), insert “;
  - (c) make, on behalf of the granter, a request under section 4(1) of the Anatomy Act 1984 (c. 14);
  - (d) give, on behalf of the granter, an authorisation under, or by virtue of, section 6(1), 17, 29(1) or 42(1) of the Human Tissue (Scotland) Act 2006 (asp 4); or
  - (e) make, on behalf of the granter, a nomination under section 30(1) of that Act”.
- (3) In section 64(2) (functions and duties of guardian)—
- (a) the word “or” at the end of paragraph (a) is repealed;
  - (b) after paragraph (b), insert “;
  - (c) make, on behalf of the adult, a request under section 4(1) of the Anatomy Act 1984 (c. 14);
  - (d) give, on behalf of the adult, an authorisation under, or by virtue of, section 6(1), 17, 29(1) or 42(1) of the Human Tissue (Scotland) Act 2006 (asp 4); or

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*Status: This is the original version (as it was originally enacted).*

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- (e) make, on behalf of the adult, a nomination under section 30(1) of that Act”.