



# Human Tissue (Scotland) Act 2006

## 2006 asp 4

### PART 1

#### TRANSPLANTATION ETC.

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

#### **13 Preservation for transplantation**

- (1) Where part of the body of a deceased person lying in premises to which this section applies is or may be suitable for use for transplantation, the managers of the premises may—
  - (a) take steps for the purpose of preserving the part for use for transplantation;
  - (b) retain the body for that purpose,but may not move the part or body to other premises.
- (2) Authority under subsection (1)(a) extends only to—
  - (a) the taking of the minimum steps necessary for the purpose mentioned in that paragraph;
  - (b) the use of the least invasive procedure.
- (3) Authority under subsection (1)—
  - (a) extends to any person authorised to act under the authority by the managers of the premises in question;
  - (b) ceases to apply once it has been established that authorisation for removal of the part for transplantation has not been, and will not be, given.
- (4) The premises to which this section applies are—
  - (a) a health service hospital;
  - (b) premises in which a registered independent health care service is provided.
- (5) In this section—
  - <sup>F1</sup> ...“health service hospital” has the meaning given by section 108(1) of that Act;  
“managers” means—

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*Changes to legislation: There are currently no known outstanding effects for the Human Tissue (Scotland) Act 2006, Section 13. (See end of Document for details)*

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(a) where the body is lying in a health service hospital, the Health Board or Special Health Board responsible for the administration of the hospital;

(b) where the body is lying in premises in which a registered independent health care service is provided, the person providing the service;

“registered independent health care service” means an independent health care service (as defined in [<sup>F2</sup>section 10E of the National Health Service (Scotland) Act 1978 (c. 29)] registered under section 10P of that Act;]

<sup>F3</sup>  
...

#### Textual Amendments

- F1** Words in s. 13(5) repealed (26.3.2021) by [Human Tissue \(Authorisation\) \(Scotland\) Act 2019 \(asp 11\)](#), [ss. 27\(6\), 29\(2\)](#); S.S.I. 2021/108, [reg. 2](#)
- F2** Words in s. 13(5) substituted (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 17 para. 34](#); S.S.I. 2010/321, art. 3, Sch.; S.S.I. 2011/122, art. 2, Sch.
- F3** Words in s. 13(5) repealed (26.3.2021) by [Human Tissue \(Authorisation\) \(Scotland\) Act 2019 \(asp 11\)](#), [ss. 27\(6\), 29\(2\)](#); S.S.I. 2021/108, [reg. 2](#)

#### Commencement Information

- I1** S. 13 in force at 1.9.2006 by [S.S.I. 2006/251](#), [art. 3](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Human Tissue (Scotland) Act 2006, Section 13.