

## **EXECUTIVE NOTE**

### **The Human Tissue (Scotland) Act 2006 (Anatomy Act 1984 Transitional Provisions) (Scotland) Order 2006 S.S.I. 2006/340**

The above Order is being made in exercise of the powers conferred by section 58 of the Human Tissue (Scotland) Act 2006 (“the 2006 Act”). This Order is subject to the negative resolution procedure.

#### **Policy Objectives**

The 2006 Act made a number of changes to the Anatomy Act 1984 (“the 1984 Act”). These included additional requirements as to the making of requests by persons that their body be used after death for anatomical examination before another person could, after that persons death, give authority for the body to be used for anatomical examination. The 2006 Act also repealed provisions in the 1984 Act which allowed authority for anatomical examination to be given where there had been no request by a deceased that their body be used for anatomical examination.

The policy intention of the Order is to ensure that existing requests and authorisations for anatomical examination or the possession of parts of a body once anatomical examination has concluded made or given before 1 September 2006, will continue to be valid despite additional requirements for the making of such requests, or the repeal of that form of authorisation in the 1984 Act by the 2006 Act.

The 2006 Act also amended the meaning of anatomical examination in the 1984 Act to allow the teaching, studying, training and research into surgical and clinical procedures. This Order allows such procedures to be carried out on bodies anatomically examined because of an existing request or authorisation.

The 2006 Act also amended the 1984 Act to introduce controls on the public display of anatomical specimens and bodies or parts of bodies which have been anatomically examined. The circumstances where public display is permissible, include, include in some cases a requirement that the deceased have given permission for public display. In relation to existing anatomical specimens or parts retained following anatomical examination, before these controls come into force, requests may well be silent or unclear as to the deceased’s views on public display. This order therefore makes provision so that in relation to existing anatomical specimens or parts which have been retained following anatomical examinations, that permission is deemed to have been given by the deceased, except where views to the contrary are known.

#### **Consultation**

There has been a short consultation on the terms of this Order. This consultation included HM Inspector of Anatomy for Scotland, all Scottish anatomists other interested parties.

#### **Financial Effects**

The Order itself has no financial effects on the Scottish Executive or any other organisation.

## **Regulatory Impact Assessment**

The Order has no impact on businesses, charities or voluntary bodies. The effectiveness of the new arrangements will be overseen by the HM Inspector of Anatomy for Scotland.

Scottish Executive Health Department  
7 June 2006