

This Scottish Statutory Instrument has been made in consequence of a defect in S.S.I. 2006/343 and is being issued free of charge to all known recipients of that instrument.

SCOTTISH STATUTORY INSTRUMENTS

2006 No. 368

HUMAN TISSUE

**The Adults with Incapacity (Removal of
Regenerative Tissue for Transplantation) (Form of
Certificate) (Scotland) (No. 2) Regulations 2006**

<i>Made</i>	- - - -	<i>27th June 2006</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>28th June 2006</i>
<i>Coming into force</i>	- -	<i>1st September 2006</i>

The Scottish Ministers, in exercise of the powers conferred by section 18(2) of the Human Tissue (Scotland) Act 2006⁽¹⁾, and all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Adults with Incapacity (Removal of Regenerative Tissue for Transplantation) (Form of Certificate) (Scotland) (No. 2) Regulations 2006 and shall come into force on 1st September 2006.

Revocation

2. The Adults with Incapacity (Removal of Regenerative Tissue for Transplantation (Form of Certificate) (Scotland) Regulations 2006⁽²⁾ are revoked.

Form of certificate

3. The form of certificate prescribed for the purposes of section 18(1) of the Human Tissue (Scotland) Act 2006 (meaning of adult with incapacity for purposes of section 17(1)(c) and (2)(c)) is the form of certificate set out in the Schedule to these Regulations.

(1) 2006 asp 4.
(2) S.S.I. 2006/343.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House,
Edinburgh
27th June 2006

ANDREW P KERR
Authorised to sign by the Scottish Ministers

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SCHEDULE

Regulation 3

Certificate of Incapacity for the purposes of section 18(1) of the Human Tissue (Scotland) Act 2006 (Removal of Regenerative Tissue from an Adult with Incapacity)

Opinion of the Scottish Ministers as to incapacity of adult

We, the Scottish Ministers, hereby certify that we are of the opinion that

..... (name)

of (address)/...../..... (date of birth)

is incapable within the meaning of section 1(6) of the Adults with Incapacity (Scotland) Act 2000 in relation to a decision about the removal from *him/her of the following regenerative tissue for transplantation

.....
.....

Note on nature of incapacity

.....
.....

This certificate of incapacity in relation to the removal of the regenerative tissue described above shall remain in force until/...../..... (a date which does not exceed one year from the date of this certificate).

Authorised to sign by the Scottish Ministers

Date

*delete as appropriate

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Adults with Incapacity (Removal of Regenerative Tissue for Transplantation) (Form of Certificate) (Scotland) Regulations 2006 ([S.S.I. 2006/343](#)), which makes an erroneous reference in the Schedule to revocation of the certificate of incapacity.

These Regulations prescribe, for the purposes of section 18(1) of the Human Tissue (Scotland) Act 2006 (“the Act”), the form of certificate to be issued by the Scottish Ministers in accordance with section 18(2) of the Act that they are of the opinion that the adult is incapable in relation to a decision about the removal from the adult of regenerative tissue for transplantation (regulation 3 and the Schedule). The certificate may subsist for a period of up to one year.

This instrument is being issued free of charge to all known recipients of [S.S.I. 2006/343](#)