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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 390**

**The Human Organ and Tissue Live  
Transplants (Scotland) Regulations 2006**

**PART 5**

**DECISION MAKING PROCESS**

**Right to reconsideration of Scottish Ministers' decision**

6.—(1) The Scottish Ministers may at their own instance reconsider any decision made by them under regulations 2(5), 3(7), 4(8) or 5(9)—

- (a) at any time before or after they give notice of that decision under regulations 2(10), 3(13), 4(15) or 5(16);
- (b) on the ground that—
  - (i) any information given for the purpose of the decision was in any material respect false or misleading;
  - (ii) new information (including information relating to a change of circumstances), which is relevant and material to their decision, becomes available to them; or
  - (iii) their decision was made in ignorance of, or was based on a mistake as to, some material fact.

(2) A specified person may in any case require the Scottish Ministers to reconsider any decision made by them which is notified to that specified person under regulations 2(10), 3(13), 4(15) or 5(16).

(3) The right under paragraph (2) is exercisable by giving to the Scottish Ministers, in such manner as they may direct, notice of exercise of the right.

(4) A notice under paragraph (3) shall contain or be accompanied by such other information as the Scottish Ministers may reasonably require.

(5) On receipt of the information required by paragraph (4), the Scottish Ministers shall provide to the person requiring the reconsideration—

- (a) a copy of each report made under regulation 2(4), 3(6), 4(7) or 5(8) of the interviews that were conducted in the case; and
- (b) a statement of the Scottish Ministers' reasons for their decision.

(6) The person requiring the reconsideration may also make prior to the reconsideration such written representations and comments as that person considers to be relevant to the reconsideration.

(7) Paragraphs (1) to (6) do not apply to a decision made by the Scottish Ministers on reconsideration in pursuance of a notice under this regulation.

(8) For the purposes of paragraph (2) a “specified person” is the recipient of a notice under regulation 2(10), 3(13), 4(15) or 5(16) or any person acting on the recipient’s behalf.