
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 390

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

PART 5

DECISION MAKING PROCESS

Procedure on reconsideration

7.—(1) Reconsideration shall be by way of fresh decision made by the Scottish Ministers.

(2) Reconsideration shall take place as soon as reasonably practicable after the provision of the reports and statement required by regulation 6(5) and the provision of any written representations and comments allowed by regulation 6(6), having regard to the need to allow time for the information contained in that material to be taken into account.

(3) On reconsideration—

- (a) the person by whom the reconsideration is required under regulation 6(2) shall be entitled to require that they or their representative be given an opportunity to appear before and be heard by the Scottish Ministers at the time that the decision is reconsidered; and
- (b) the Scottish Ministers shall consider any written representations and comments provided to them under regulation 6(6).

(4) The Scottish Ministers shall give a notice of their decision—

- (a) to the person who required the reconsideration and to each of the persons mentioned in regulations 2(10), 3(13), 4(15) or 5(16) where the reconsideration was required under regulation 6(2); and
- (b) to the persons mentioned in regulations 2(10), 3(13), 4(15) or 5(16) where the Scottish Ministers initiated the reconsideration under regulation 6(1),

and a notice under this regulation is to be treated as if it were a decision under regulation 2(5), 3(7), 4(8) or 5(9) as the case may be.

(5) If on reconsideration the Scottish Ministers uphold their previous decision, the notice under paragraph (4) shall include a statement of the reasons for their decision.

(6) “Reconsideration” means reconsideration under regulation 6.