



# Human Tissue (Scotland) Act 2006

## 2006 asp 4

### HUMAN TISSUE (SCOTLAND) ACT 2006

#### PART 1

##### TRANSPLANTATION ETC.

###### *General functions of the Scottish Ministers*

- 1 Duties of the Scottish Ministers as respects transplantation, donation of body parts etc.
- 2 Assistance and support

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

- 3 Use of part of body of deceased person for transplantation, research etc.
- 4 Disapplication of sections 3, 6 to 11 and 16 in certain circumstances
- 5 Consent by procurator fiscal to removal of part of body
- 6 Authorisation: adult
- 6D Deemed authorisation for transplantation: adult
- 7 Authorisation by adult's nearest relative
- 8 Authorisation: child 12 years of age or over
- 9 Authorisation as respects child who dies 12 years of age or over by person with parental rights and responsibilities
- 10 Authorisation as respects child who dies under 12 years of age
- 11 Removal of part of body of deceased person: further requirements
- 12 Removal of tissue sample to determine viability of transplantation
- 13 Preservation for transplantation
- 14 Part of body removed before day on which section 3 comes into force
- 15 Existing request by adult not acted on before commencement of sections 3 and 6
- 16 Offences: removal or use of part of body of deceased person for transplantation, research etc.

*Status: Point in time view as at 11/10/2019.*

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

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*Pre-death procedures relating to transplantation*

- 16A Meaning of “pre-death procedure”, “Type A procedure” and “Type B procedure”
- 16B Type A procedures
- 16C Type B procedures
- 16D Restrictions on carrying out of pre-death procedures
- 16E Carrying out of Type A and Type B procedures
- 16F Authorisation of Type A procedures
- 16G Authorisation of Type A procedures: transitory provision

*Restrictions on transplants involving live donor*

- 17 Restrictions on transplants involving live donor
- 18 Meaning of adult with incapacity for purposes of section 17(1)(c) and (2)(c)

*Records, information etc.: removal and use of parts of human bodies for transplantation etc.*

- 19 Records, information etc.: removal and use of parts of human bodies for transplantation etc.

*Trafficking*

- 20 Prohibition of commercial dealings in parts of a human body for transplantation

*Summary proceedings for offences under section 17, 19(4) or 20(2)*

- 21 Summary proceedings for offences under section 17, 19(4) or 20(2)

*Authorisation for transplantation to have priority*

- 22 Authorisation by virtue of Part 1 for transplantation to have priority

**PART 2**

POST-MORTEM EXAMINATIONS

- 23 Meaning of post-mortem examination for purposes of Act
- 24 Disapplication of sections 23 and 27 to 37 as respects procurator fiscal
- 25 Disapplication of sections 27 to 35 and 37: bodies of persons dead for at least 100 years
- 26 Consent by procurator fiscal to post-mortem examination
- 27 Requirements for carrying out post-mortem examination
- 28 Removal during examination and retention of organs and other parts of a body
- 29 Authorisation of post-mortem examination etc.: adult
- 30 Authorisation of post-mortem examination etc. by adult's nominee or nearest relative
- 31 Authorisation of post-mortem examination etc.: child 12 years of age or over
- 32 Authorisation of post-mortem examination etc. as respects child 12 years of age or over by nominee or person with parental rights and parental responsibilities
- 33 Authorisation of post-mortem examination etc. as respects child under 12 years of age

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- 34 Nomination of person under section 30(1) or 32(1): additional provision
- 35 Post-mortem examination and removal and retention of organs: further requirements
- 36 Organ or tissue sample removed before day on which section 27 comes into force
- 37 Offences: post-mortem examinations

### **PART 3**

#### TISSUE SAMPLE OR ORGANS NO LONGER REQUIRED FOR PROCURATOR FISCAL PURPOSES

- 38 Tissue sample becoming part of medical records of deceased person
- 39 Use of tissue sample which has become part of deceased's medical records
- 40 Use of organ no longer required for procurator fiscal purposes
- 41 Notice under section 38(2) or 40(2)(a): further provision
- 42 Authorisation of use etc. after examination: adult
- 43 Authorisation of use etc. after examination: adult's nearest relative
- 44 Authorisation of use etc. after examination: child 12 years of age or over
- 45 Authorisation of use etc. after examination: person with parental rights and parental responsibilities for child 12 years of age or over
- 46 Authorisation of use etc. after examination: person with parental rights and responsibilities for child under 12 years of age
- 47 Use of tissue sample removed before day on which section 38 comes into force
- 48 Use of organ removed before day on which section 40 comes into force

### **PART 4**

#### PARTS 1 TO 3: SUPPLEMENTARY PROVISION

- 49 Conditions attached to authorisation
- 50 Nearest relative
- 51 Witnesses: additional provision
- 52 Power to prescribe forms and descriptions of persons who may act as a witness

### **PART 5**

#### AMENDMENT OF THE ANATOMY ACT 1984

- 53 Amendment of the Anatomy Act 1984

### **PART 6**

#### MISCELLANEOUS

- 54 Arrangements by the Scottish Ministers for assistance with functions under section 1, 2, 17(3), (4) or (5), 18, 19(2) or 20(3)
- 55 Power to give effect to EU obligations
- 56 Bodies corporate etc.
- 57 Amendment of the Adults with Incapacity (Scotland) Act 2000

### **PART 7**

#### GENERAL

- 58 Ancillary provision

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- 59 Regulations or orders
- 60 Interpretation
- 61 Repeals
- 62 Short title and commencement

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SCHEDULE — Repeals

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