



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

Establishment and maintenance of register

- 2A Establishment and maintenance of register
- 2B Delegation of function of establishing and maintaining Register
- 2C Disclosure of information
- 2D Power to make provision about Register

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 Express authorisation: adult
- 6A Withdrawal of express authorisation: adult
- 6B Opt-out declaration: adult
- 6C Withdrawal of opt-out declaration: adult
- 6D Deemed authorisation for transplantation: adult
- 6E Non-resident adult: authorisation for transplantation by nearest relative
- 6F Adult incapable of understanding deemed authorisation: authorisation for transplantation by nearest relative
- 6G Excepted body parts: authorisation for transplantation by nearest relative
- 6H Authorisation for purpose other than transplantation by nearest relative
- 6I Review of section 1(1)(d) and (e) and sections 6(1A), 6B and 6D

Status: Point in time view as at 26/03/2021.

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

- 7 Authorisation by adult's nearest relative
- 8 Authorisation: child 12 years of age or over
- 8A Withdrawal of authorisation: child 12 years of age or over
- 8B Opt-out declaration: child 12 years of age or over
- 8C Withdrawal of opt-out declaration: child 12 years of age or over
- 8D Authorisation by person with parental rights and responsibilities: 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 by person with parental rights and responsibilities: child under 12 years of age
- 10A Authorisation by other persons: children
- 10B Local authority with parental rights and responsibilities in relation to child: consultation
- 10C Power to make provision about decisions
- 10D Withdrawal by person who is blind or unable to write
- 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.

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
- 16H Duty to inquire: adult
- 16I Duty to inquire: child
- 16J Meaning of “health worker”
- 16K Interpretation and meaning of “relevant time”

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

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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
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

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

SCHEDULE — Repeals

Status:

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Changes to legislation:

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