HUMAN TISSUE (SCOTLAND) ACT 2006

PART 1

TRANSPANTATION 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
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.

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

SCHEDULE — Repeals
Changes to legislation:
Human Tissue (Scotland) Act 2006 is up to date with all changes known to be in force on or before 24 August 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to:
- s. 3(1)(d) words inserted by 2019 asp 11 s. 21
- s. 3(2)(a) words substituted by 2019 asp 11 s. 28(3)(a)
- s. 6 title substituted by 2019 asp 11 s. 5(3)
- s. 6(1) words inserted by 2019 asp 11 s. 5(2)(a)
- s. 6(2) repealed by 2019 asp 11 s. 5(2)(c)
- s. 6(3)-(5) repealed by 2019 asp 11 s. 20(3)
- s. 6(6) repealed by 2019 asp 11 s. 27(5)(a)
- s. 7 repealed by 2019 asp 11 s. 11(3)
- s. 7(1) word repealed by 2019 asp 11 s. 4(2)(c)
- s. 7(1) words substituted by 2019 asp 11 s. 4(2)(a)
- s. 7(2) word repealed by 2019 asp 11 s. 4(2)(c)
- s. 7(2) words substituted by 2019 asp 11 s. 4(2)(b)
- s. 7(3) word repealed by 2019 asp 11 s. 4(2)(c)
- s. 7(3) words substituted by 2019 asp 11 s. 4(2)(b)
- s. 8(2) repealed by 2019 asp 11 s. 13(3)
- s. 8(3)-(6) repealed by 2019 asp 11 s. 20(4)
- s. 8(7) repealed by 2019 asp 11 s. 27(5)(b)
- s. 9 repealed by 2019 asp 11 s. 15(3)
- s. 9 title substituted by 2019 asp 11 s. 4(4)
- s. 9(1) words substituted by 2019 asp 11 s. 4(3)(b)
- s. 9(1) words substituted by 2019 asp 11 s. 4(3)(c)
- s. 9(2) words substituted by 2019 asp 11 s. 4(3)(b)
- s. 9(2) words substituted by 2019 asp 11 s. 4(3)(c)
- s. 9(3) words substituted by 2019 asp 11 s. 4(3)(c)
- s. 9(3) words substituted by 2019 asp 11 s. 4(3)(d)
- s. 10 title substituted by 2019 asp 11 s. 4(6)
- s. 10(1) words inserted by 2019 asp 11 s. 16(2)
- s. 10(1) words repealed by 2019 asp 11 s. 18(2)
- s. 10(1) words substituted by 2019 asp 11 s. 4(5)(b)
- s. 10(2) repealed by 2019 asp 11 s. 16(4)
- s. 11(1)(b) words inserted by 2019 asp 11 s. 22(2)
- s. 11(2) words inserted by 2019 asp 11 s. 22(3)
- s. 11(3)(b) repealed by 2019 asp 11 s. 22(4)
- s. 11(4) words repealed by 2019 asp 11 s. 22(5)(a)
- s. 11(4)(a) words inserted by 2019 asp 11 s. 22(5)(b)
- s. 11(4)(c) words inserted by 2019 asp 11 s. 22(5)(d)(i)
- s. 11(4)(c) words substituted by 2019 asp 11 s. 22(5)(d)(ii)
- s. 11(5) repealed by 2019 asp 11 s. 22(7)
- s. 11(5)(d)(iii) word repealed by 2019 asp 11 s. 4(7)(a)
- s. 11(5)(e)(iii) word repealed by 2019 asp 11 s. 4(7)(a)
- s. 11(5)(f)(iii) word repealed by 2019 asp 11 s. 4(7)(a)
- s. 11(5)(g)(iii) word repealed by 2019 asp 11 s. 4(7)(a)
- s. 11(5)(h)(iii) word repealed by 2019 asp 11 s. 4(7)(a)
- s. 11(5)(i)(iii) word repealed by 2019 asp 11 s. 4(7)(a)
- s. 11(5)(l)(i) words substituted by 2019 asp 11 s. 4(7)(b)
- s. 11(5)(l)(ii) words substituted by 2019 asp 11 s. 4(7)(c)
- s. 11(5)(m)(i) words substituted by 2019 asp 11 s. 4(7)(b)
- s. 11(5)(m)(ii) words substituted by 2019 asp 11 s. 4(7)(c)
- s. 11(5)(n)(i) words substituted by 2019 asp 11 s. 4(7)(b)
- s. 11(5)(n)(ii) words substituted by 2019 asp 11 s. 4(7)(c)
Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(d)(e) inserted by 2019 asp 11 s. 2(1)
- s. 1(1) s. 1 renumbered as s. 1(1) by 2019 asp 11 s. 2(2)
- s. 1(2)-(4) inserted by 2019 asp 11 s. 2(3)
- s. 2A-2D and cross-heading inserted by 2019 asp 11 s. 3(2)
- s. 6(1A) inserted by 2019 asp 11 s. 5(2)(b)
- s. 6A inserted by 2019 asp 11 s. 5(4)
- s. 6B6C inserted by 2019 asp 11 s. 6
- s. 6D inserted by 2019 asp 11 s. 7(2)
- s. 6E inserted by 2019 asp 11 s. 8
- s. 6F inserted by 2019 asp 11 s. 9
- s. 6G inserted by 2019 asp 11 s. 10
- s. 6H inserted by 2019 asp 11 s. 11(2)
- s. 6I inserted by 2019 asp 11 s. 12
- s. 8(1A)(1B) inserted by 2019 asp 11 s. 13(2)
- s. 8A inserted by 2019 asp 11 s. 13(4)
- s. 8B8C inserted by 2019 asp 11 s. 14
- s. 8D inserted by 2019 asp 11 s. 15(2)
- s. 9(A1) inserted by 2019 asp 11 s. 4(3)(a)
- s. 10(A1) inserted by 2019 asp 11 s. 4(5)(a)
- s. 10(1A)-(1C) inserted by 2019 asp 11 s. 16(3)
- s. 10A inserted by 2019 asp 11 s. 17
– s. 10B inserted by 2019 asp 11 s. 18(3)
– s. 10C inserted by 2019 asp 11 s. 19(2)
– s. 10D inserted by 2019 asp 11 s. 20(2)
– s. 11(4)(ab) inserted by 2019 asp 11 s. 22(5)(c)
– s. 11(4A)-(4C) inserted by 2019 asp 11 s. 22(6)
– s. 14(5) words repealed by 2019 asp 11 s. 27(6)
– s. 16A-16G and cross-heading inserted by 2019 asp 11 s. 23(1)
– s. 16H16I inserted by 2019 asp 11 s. 24
– s. 16J inserted by 2019 asp 11 s. 27(2)
– s. 16K inserted by 2019 asp 11 s. 27(4)
– s. 22(1A) inserted by 2019 asp 11 s. 28(3)(e)(ii)
– s. 50(1A) inserted by 2019 asp 11 s. 4(9)(c)
– s. 59(3)(aa) inserted by 2019 asp 11 s. 3(3)
– s. 59(3)(ab) inserted by 2019 asp 11 s. 7(3)
– s. 59(3)(ac) inserted by 2019 asp 11 s. 19(3)
– s. 59(3)(ad) inserted by 2019 asp 11 s. 23(2)
– s. 59(3)(ae) inserted by 2019 asp 11 s. 27(3)