

HUMAN TISSUE (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 2: Post-Mortem Examinations

Section 33 – Authorisation of post-mortem examination etc as respects child under 12 years of age

88. **Section 33** relates to a child who dies under 12 years of age. Subsection (1) enables a person who had parental rights and responsibilities in relation to such a child immediately before the child's death (but who is not a local authority) to authorise a post-mortem on the child after the child's death. Such a person can also authorise the removal and retention of organs for the purposes of section 28(2)(a) (audit, education, training or research).
89. Subsection (2) provides that where such authorisation is given by a person with parental rights and responsibilities in relation to the child, that authorisation must be in writing, signed by the person and witnessed by 2 witnesses. Authorisation may be subsequently withdrawn in writing, signed by the person who gave the authorisation and witnessed by one witness.