

# **HUMAN TISSUE (SCOTLAND) ACT 2006**

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## **EXPLANATORY NOTES**

### **THE ACT – AN OVERVIEW**

#### **Part 2: Post-Mortem Examinations**

##### ***Section 34 – Nomination of person under section 30(1) or 32(1): additional provisions***

90. Subsection (1) sets out the additional formalities relating to the appointment of a nominee by an adult under section 30(1) (authorisation of post-mortem examination etc, by adult's nominee) or by a child 12 years of age or over under section 32(1) (authorisation of post-mortem examination etc as respects child 12 years of age or over by nominee). Such nominations must be both made and withdrawn by the adult or child in writing, signed by the adult or child in the presence of one witness. A witness cannot be another nominee.
91. Subsection (2) provides that a witness to a nomination by an adult under section 30(1) or by a child under 22(1) must at the time of witnessing certify that in their opinion, the adult or child understands the effect of the nomination and is not acting under undue influence in giving it.
92. Subsection (3) provides that a person nominated by an adult under section 30(1) or by a child 12 years of age or over in terms of section 32(1) cannot act under the nomination if the purported nominee is not an adult. A person nominated under those sections is entitled to renounce the nomination.
93. Subsection (4) provides that where more than one person is so nominated, authorisation can be given by any one of the nominees or by all of the nominees acting together.