

HUMAN TISSUE (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 3: Tissue Sample Or Organs No Longer Required for Procurator Fiscal Purposes

Section 42 – Authorisation of use etc after examination: adult

105. **Section 42(1)** provides that an adult may authorise the use of tissue sample, or the retention and use of an organ, which is removed from the adult's body after the adult's death when that sample or organ was removed but is no longer required for the purposes of the functions of the fiscal. The requirement of authorisation applies to use for the purposes of education, training or research. Subsection (2) provides that such authorisation must be in writing and signed by the adult and may be withdrawn in writing signed by the adult. Alternatively, if the adult is blind or unable to write, such authorisation and the withdrawal of such authorisation may be signed by another adult on behalf of the adult who is blind or unable to write. If it is so signed it must be witnessed by one witness. Subsection (3) provides that where a signatory signs authorisation or withdraws authorisation on behalf of an adult in this way, the authorisation or withdrawal must contain a statement signed by the signatory and the witness that the adult expressed the intention to either give or withdraw the authorisation and requested the signatory to sign on his or her behalf. Subsection (4) provides that nothing in the provisions in subsection (2) dealing with authorisation or withdrawal signed by a signatory on the adult's behalf prevents an adult who is blind from giving or withdrawing authorisation without such a signatory under subsection (2).