



Human Tissue (Scotland) Act 2006

2006 asp 4

PART 1

TRANSPLANTATION ETC.

General functions of the Scottish Ministers

1 Duties of the Scottish Ministers as respects transplantation, donation of body parts etc.

[^{F1}(1)] It is the duty of the Scottish Ministers to—

- (a) promote, support and develop programmes of transplantation;
- (b) promote information and awareness about the donation for transplantation of parts of a human body;
- (c) promote the taking of any necessary measures relating to the quality and safety, storage and use of any such part donated for that purpose [^{F2};
- (d) promote information and awareness about how transplantation may be authorised (including, in particular, how authorisation of transplantation may be deemed to be given);
- (e) promote information and awareness about the nature of pre-death procedures, when they may be carried out and how they may be authorised].

[^{F3}(2) The duty under subsection (1)(d) must be carried out at least once in every calendar year.

(3) The Scottish Ministers must, in carrying out the duty under subsection (1)(d), have regard to the need to—

- (a) provide information to the public about—
 - (i) how authorisation of transplantation may be deemed to be given,
 - (ii) how to give an express authorisation or make an opt-out declaration,
- (b) provide information in health care settings about—
 - (i) how authorisation of transplantation may be deemed to be given,
 - (ii) how to give an express authorisation or make an opt-out declaration.

Status: Point in time view as at 26/03/2021.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, Cross Heading: General functions of the Scottish Ministers. (See end of Document for details)

- (4) In subsection (3)(b), “health care settings” means any place where a service is provided for or in connection with the prevention, detection or treatment of illness, other than an independent health care service (within the meaning of section 10F of the National Health Service (Scotland) Act 1978).]

Textual Amendments

- F1** S. 1 renumbered as s. 1(1) (26.3.2021) by [Human Tissue \(Authorisation\) \(Scotland\) Act 2019 \(asp 11\)](#), [ss. 2\(2\)](#), 29(2); [S.S.I. 2021/108](#), [reg. 2](#)
- F2** S. 1(1)(d)(e) inserted (26.3.2021) by [Human Tissue \(Authorisation\) \(Scotland\) Act 2019 \(asp 11\)](#), [ss. 2\(1\)](#), 29(2); [S.S.I. 2021/108](#), [reg. 2](#)
- F3** S. 1(2)-(4) inserted (26.3.2021) by [Human Tissue \(Authorisation\) \(Scotland\) Act 2019 \(asp 11\)](#), [ss. 2\(3\)](#), 29(2); [S.S.I. 2021/108](#), [reg. 2](#)

Commencement Information

- I1** S. 1 in force at 1.9.2006 by [S.S.I. 2006/251](#), [art. 3](#)

2 Assistance and support

- (1) The Scottish Ministers may provide assistance and support to any person providing, or proposing to provide, a service relating to transplantation.
- (2) Assistance and support provided under subsection (1) is to be provided on such terms, including terms as to payment, as the Scottish Ministers think fit.
- (3) In this section, “assistance” includes financial assistance.

Commencement Information

- I2** S. 2 in force at 1.9.2006 by [S.S.I. 2006/251](#), [art. 3](#)

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,
Cross Heading: General functions of the Scottish Ministers.