



Human Tissue (Scotland) Act 2006

2006 asp 4

PART 1

TRANSPLANTATION ETC.

Trafficking

20 Prohibition of commercial dealings in parts of a human body for transplantation

- (1) A person commits an offence if the person—
- gives or receives a reward for the supply of, or for an offer to supply, any part of a human body for transplantation;
 - seeks to find a person willing to supply any part of a human body for transplantation for reward;
 - offers to supply any part of a human body for transplantation for reward;
 - initiates or negotiates an arrangement involving the giving of a reward for the supply of, or for an offer to supply, any part of a human body for transplantation;
 - takes part in the management or control of a body corporate or a group of persons whose activities consist of or include the initiation or negotiation of such arrangements.
- (2) Without prejudice to subsection (1)(b) and (c), a person commits an offence if the person causes to be published or distributed, or knowingly publishes or distributes, an advertisement—
- inviting persons to supply, or offering to supply, any part of a human body for transplantation for reward; or
 - indicating that the advertiser is willing to initiate or negotiate an arrangement referred to in subsection (1)(d).
- (3) A person who engages in an activity to which subsection (1) or (2) applies does not commit an offence under that subsection if the person is designated by the Scottish Ministers for the purposes of this subsection as a person who may lawfully engage in the activity.

Changes to legislation: There are currently no known outstanding effects for the Human Tissue (Scotland) Act 2006, Cross Heading: Trafficking. (See end of Document for details)

- (4) A person guilty of an offence under subsection (1) is liable—
- (a) on summary conviction, to—
 - (i) imprisonment for a term not exceeding 12 months;
 - (ii) a fine not exceeding the statutory maximum; or
 - (iii) both;
 - (b) on conviction on indictment, to—
 - (i) imprisonment for a term not exceeding 3 years;
 - (ii) a fine; or
 - (iii) both.
- (5) A person guilty of an offence under subsection (2) is liable on summary conviction to—
- (a) imprisonment for a term not exceeding 12 months;
 - (b) a fine not exceeding level 5 on the standard scale; or
 - (c) both.
- (6) In this section—
- “advertisement” includes any form of advertising whether to the public generally, to any section of the public or individually to selected persons;
- “reward” has the same meaning as in section 17.

Commencement Information

II S. 20 in force at 1.9.2006 by [S.S.I. 2006/251](#), [art. 3](#)

[^{F1}20A Offences under section 20 committed outside UK

- (1) If—
- (a) a person who is habitually resident in Scotland, or who is a UK national and not habitually resident in Northern Ireland, does an act outside the United Kingdom, and
 - (b) the act, if done in Scotland, would constitute an offence under section 20(1), and
 - (c) the part of the human body to which the act relates consists of or includes a human organ,
- the person is guilty in Scotland of that offence.
- (2) In this section “United Kingdom national” means an individual who is—
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
 - (b) a person who under the British Nationality Act 1981 is a British subject, or
 - (c) a British protected person within the meaning of that Act.
- (3) Where a person outside the United Kingdom commits an offence under section 20(1) the person may be prosecuted, tried and punished for the offence—
- (a) in a sheriff court district in which the person is apprehended or in custody, or
 - (b) in a sheriff court district determined by the Lord Advocate,
- as if the offence had been committed in that district.

Changes to legislation: There are currently no known outstanding effects for the Human Tissue (Scotland) Act 2006, Cross Heading: Trafficking. (See end of Document for details)

- (4) Where subsection (3) applies, the offence is, for all purposes incidental to or consequential on the trial and punishment, deemed to have been committed in that district.
- (5) In this section “sheriff court district” is to be construed in accordance with section 307(1) of the Criminal Procedure (Scotland) Act 1995 (interpretation).]

Textual Amendments

- F1** S. 20A inserted (1.7.2022) by Health and Care Act 2022 (c. 31), ss. 170(2), 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Changes to legislation:

There are currently no known outstanding effects for the Human Tissue (Scotland) Act 2006,
Cross Heading: Trafficking.