



Human Tissue (Scotland) Act 2006

2006 asp 4

PART 1

TRANSPLANTATION ETC.

Use of part of body of deceased person for transplantation, research etc.

10 **[^{F1}Authorisation by person with parental rights and responsibilities: child under 12 years of age]**

[^{F2}(A1) Subsection (1) applies in relation to a child who is under 12 years of age at the relevant time.]

(1) A person who [^{F3}at the relevant time has] parental rights and parental responsibilities in relation to the child ^{F4}... may authorise removal and use of a part of the body of the child for one or more of the purposes referred to in section 3(1) [^{F5}where—

- (a) the person has no actual knowledge that—
 - (i) the child's most recent view was that the child was unwilling for the part to be removed and used for the purpose in question, or
 - (ii) if the child were capable of making a decision about removal and use of the part, the child would be unwilling in the circumstances for the part to be removed and used for the purpose in question, and
- (b) the person, having had regard to any evidence referred to in section 16I(4)(a) and (b), is satisfied that—
 - (i) the child was not unwilling for the part to be removed and used for the purpose in question, and
 - (ii) the child would not be unwilling in the circumstances for the part to be removed and used for the purpose in question].

[^{F6}(1A) An authorisation by virtue of subsection (1) must be—

- (a) in writing and signed, or
- (b) given orally to a health worker.

(1B) Subject to subsection (3), an authorisation by virtue of subsection (1) may be withdrawn by the person.

Changes to legislation: There are currently no known outstanding effects for the Human Tissue (Scotland) Act 2006, Section 10. (See end of Document for details)

(1C) A withdrawal by virtue of subsection (1B) must be—

- (a) in writing and signed, or
- (b) given orally to a health worker.]

^{F7}(2)

(3) To the extent that authorisation by virtue of subsection (1) is for the purposes of transplantation, it may not be withdrawn.

Textual Amendments

- F1** S. 10 title substituted (26.3.2021) by Human Tissue (Authorisation) (Scotland) Act 2019 (asp 11), **ss. 4(6), 29(2)**; S.S.I. 2021/108, reg. 2
- F2** S. 10(A1) inserted (26.3.2021) by Human Tissue (Authorisation) (Scotland) Act 2019 (asp 11), **ss. 4(5)(a), 29(2)**; S.S.I. 2021/108, reg. 2
- F3** Words in s. 10(1) substituted (26.3.2021) by Human Tissue (Authorisation) (Scotland) Act 2019 (asp 11), **ss. 4(5)(b), 29(2)**; S.S.I. 2021/108, reg. 2
- F4** Words in s. 10(1) repealed (26.3.2021) by Human Tissue (Authorisation) (Scotland) Act 2019 (asp 11), **ss. 18(2), 29(2)**; S.S.I. 2021/108, reg. 2
- F5** Words in s. 10(1) inserted (26.3.2021) by Human Tissue (Authorisation) (Scotland) Act 2019 (asp 11), **ss. 16(2), 29(2)**; S.S.I. 2021/108, reg. 2
- F6** S. 10(1A)-(1C) inserted (26.3.2021) by Human Tissue (Authorisation) (Scotland) Act 2019 (asp 11), **ss. 16(3), 29(2)**; S.S.I. 2021/108, reg. 2
- F7** S. 10(2) repealed (26.3.2021) by Human Tissue (Authorisation) (Scotland) Act 2019 (asp 11), **ss. 16(4), 29(2)**; S.S.I. 2021/108, reg. 2

Commencement Information

- I1** S. 10 in force at 1.9.2006 by S.S.I. 2006/251, **art. 3**

Changes to legislation:

There are currently no known outstanding effects for the Human Tissue (Scotland) Act 2006, Section 10.