



Human Tissue (Scotland) Act 2006

2006 asp 4

PART 1 **S**

TRANSPLANTATION ETC.

Authorisation for transplantation to have priority

22 Authorisation by virtue of Part 1 for transplantation to have priority **S**

- (1) If there is in force [^{F1}at the relevant time][^{F2}an express authorisation by an adult]] of removal and use of any part of the adult's body for transplantation, the authorisation takes priority as respects the part over—
- (a) any authorisation by the adult by virtue of section 29(1), or any request by the adult by virtue of section 4(1) of the Anatomy Act 1984 (c. 14) (“the 1984 Act”), which is also in force at that time;
 - (b) any right of any other person to give authorisation as respects the deceased adult by virtue of section 30(1) or (2).

[^{F3}(1A) Where an adult is deemed to have authorised the removal and use of a part of the adult's body for transplantation by virtue of section 6D(1), the authorisation takes priority as respects the part over—

- (a) any authorisation by the adult by virtue of section 29(1), or any request by the adult by virtue of section 4(1) of the 1984 Act, which is in force at the relevant time,
- (b) any right of any other person to give authorisation as respects the deceased adult by virtue of section 30(1) or (2).]

- (2) If there is in force [^{F4}at the relevant time authorisation by a] child by virtue of section 8(1) of removal and use of a part of the child's body for transplantation, the authorisation takes priority as respects the part over—

- (a) any authorisation by the child by virtue of section 31(1), or any request by the child by virtue of section 4(1) of the 1984 Act, which is also in force at that time;
- (b) any right of any other person to give authorisation as respects the deceased child by virtue of section 32(1) or (2).

Changes to legislation: There are currently no known outstanding effects for the Human Tissue (Scotland) Act 2006, Section 22. (See end of Document for details)

^{F5}(3)

- (4) Any right of any other person to authorise, by virtue of section [^{F6}8D, 10 or 10A] removal and use of a part of a ^{F7}... child's body for transplantation takes priority as respects the part over—
- (a) any authorisation by the child by virtue of section 31(1), or any request by the child by virtue of section 4(1) of the 1984 Act, which is in force [^{F8}at the relevant time];
 - (b) any right of another person to give authorisation as respects the deceased child by virtue of section 32(1) or (2).

Textual Amendments

- F1** Words in s. 22(1) substituted (26.3.2021) by [Human Tissue \(Authorisation\) \(Scotland\) Act 2019 \(asp 11\)](#), **ss. 4(8)(a)**, 29(2); S.S.I. 2021/108, reg. 2
- F2** Words in s. 22(1) substituted (26.3.2021) by [Human Tissue \(Authorisation\) \(Scotland\) Act 2019 \(asp 11\)](#), **ss. 28(3)(e)(i)**, 29(2); S.S.I. 2021/108, reg. 2
- F3** S. 22(1A) inserted (26.3.2021) by [Human Tissue \(Authorisation\) \(Scotland\) Act 2019 \(asp 11\)](#), **ss. 28(3)(e)(ii)**, 29(2); S.S.I. 2021/108, reg. 2
- F4** Words in s. 22(2) substituted (26.3.2021) by [Human Tissue \(Authorisation\) \(Scotland\) Act 2019 \(asp 11\)](#), **ss. 4(8)(b)**, 29(2); S.S.I. 2021/108, reg. 2
- F5** S. 22(3) repealed (26.3.2021) by [Human Tissue \(Authorisation\) \(Scotland\) Act 2019 \(asp 11\)](#), **ss. 28(3)(e)(iii)**, 29(2); S.S.I. 2021/108, reg. 2
- F6** Words in s. 22(4) substituted (26.3.2021) by [Human Tissue \(Authorisation\) \(Scotland\) Act 2019 \(asp 11\)](#), **ss. 28(3)(e)(iv)**, 29(2); S.S.I. 2021/108, reg. 2
- F7** Words in s. 22(4) repealed (26.3.2021) by [Human Tissue \(Authorisation\) \(Scotland\) Act 2019 \(asp 11\)](#), **ss. 4(8)(d)(i)**, 29(2); S.S.I. 2021/108, reg. 2
- F8** Words in s. 22(4)(a) substituted (26.3.2021) by [Human Tissue \(Authorisation\) \(Scotland\) Act 2019 \(asp 11\)](#), **ss. 4(8)(d)(ii)**, 29(2); S.S.I. 2021/108, reg. 2

Commencement Information

- I1** S. 22 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 22.