



Human Tissue (Scotland) Act 2006

2006 asp 4

PART 2

POST-MORTEM EXAMINATIONS

29 Authorisation of post-mortem examination etc.: adult

- (1) An adult may authorise—
 - (a) a post-mortem examination of the adult's body after the adult's death;
 - (b) the removal from the body during the post-mortem examination of an organ for one or more of the purposes referred to in section 28(2)(a);
 - (c) the retention and use of an organ after the post-mortem examination for one or more of such purposes.
- (2) Authorisation by virtue of subsection (1) must be either—
 - (a) in writing and signed by the adult; or
 - (b) expressed verbally in the presence of 2 witnesses.
- (3) Authorisation by virtue of subsection (1) which is—
 - (a) in writing and signed may be withdrawn in writing signed by the adult;
 - (b) expressed verbally in the presence of 2 witnesses may be withdrawn—
 - (i) in writing signed by the adult; or
 - (ii) verbally by the adult in the presence of 2 witnesses.
- (4) If the adult is blind or unable to write, withdrawal of authorisation by virtue of subsection (3)(a) may be signed by another adult (a "signatory") on the adult's behalf and if it is so signed it must be witnessed by one witness.
- (5) Withdrawal of authorisation which is signed by a signatory on behalf of an adult by virtue of subsection (4) must contain a statement signed by both the signatory and the witness in the presence of the adult and of each other that the adult, in the presence of them both, expressed the intention to withdraw the authorisation and requested the signatory to sign the withdrawal on behalf of the adult.
- (6) Nothing in subsection (4) prevents an adult who is blind from withdrawing, in accordance with subsection (3)(a), any authorisation by virtue of subsection (1).