



# Human Tissue (Scotland) Act 2006

## 2006 asp 4

### PART 3 **S**

#### TISSUE SAMPLE OR ORGANS NO LONGER REQUIRED FOR PROCURATOR FISCAL PURPOSES

#### **40** Use of organ no longer required for procurator fiscal purposes **S**

- (1) This section applies to an organ removed from the body of a deceased person during an examination of the body carried out on or after the day on which this section comes into force for the purposes of the functions, or under the authority, of the procurator fiscal.
- (2) The organ may be retained and used for the purposes of education, training or research if—
  - (a) the manager of the establishment in which an examination referred to in subsection (1) was carried out receives notice in writing from the procurator fiscal that an organ specified in the notice and removed from the body of a deceased person so specified is no longer required for the purposes of the functions of the procurator fiscal;
  - (b) the subsequent use of the organ for the purpose in question is authorised in accordance with section 42, 43, 44, 45 or, as the case may be, 46; and
  - (c) where the purpose in question is research, the research is approved in writing by such person (or persons), or group (or groups) of persons, as the Scottish Ministers may specify by order under this subsection.

#### **Commencement Information**

**I1** S. 40(1)(2)(a)(2)(b) in force at 1.9.2006 by [S.S.I. 2006/251](#), [art. 3](#)

**I2** S. 40(2)(c) in force at 1.9.2006 in so far as not already in force by [S.S.I. 2006/251](#), [arts. 2, 3](#), [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Human Tissue (Scotland) Act 2006, Section 40.