



# Human Tissue (Scotland) Act 2006

## 2006 asp 4

### PART 3

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

#### **42 Authorisation of use etc. after examination: adult**

- (1) An adult may authorise—
  - (a) use of tissue sample removed from the adult's body after the adult's death during an examination of the body for the purposes of the functions, or under the authority, of the procurator fiscal;
  - (b) retention and use of an organ removed from the adult's body after the adult's death during such an examination,for one or more of the purposes referred to in section 39(b).
- (2) Authorisation by virtue of subsection (1)—
  - (a) must be in writing and—
    - (i) signed by the adult; or
    - (ii) subject to subsection (4), if the adult is blind or unable to write signed by another adult (a signatory) on the adult's behalf and witnessed by one witness;
  - (b) may be withdrawn in writing—
    - (i) signed by the adult; or
    - (ii) subject to subsection (4), if the adult is blind or unable to write signed by another adult (a signatory) on the adult's behalf and witnessed by one witness.
- (3) Authorisation by virtue of subsection (1), or withdrawal of such authorisation, which is signed by a signatory on behalf of the adult by virtue of subsection (2)(a)(ii) or (b)(ii) 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 give the authorisation or, as the case may be, withdraw the authorisation and requested the signatory to sign the authorisation or, as the case may be, the withdrawal on behalf of the adult.

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*Changes to legislation: There are currently no known outstanding effects for the Human Tissue (Scotland) Act 2006, Section 42. (See end of Document for details)*

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- (4) Nothing in subsection (2)(a)(ii) or (b)(ii) prevents an adult who is blind from signing an authorisation by virtue of subsection (1) in accordance with subsection (2)(a)(i) or a withdrawal of authorisation in accordance with subsection (2)(b)(i).

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**Commencement Information**

**II** [S. 42](#) 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 42.