



# Human Tissue (Scotland) Act 2006

## 2006 asp 4

### PART 3

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

#### **45 Authorisation of use etc. after examination: person with parental rights and parental responsibilities for child 12 years of age or over**

- (1) A person who immediately before the death of a child who died 12 years of age or over had parental rights and parental responsibilities in relation to the child (but who is not a local authority) may authorise one or more of the matters referred to in section 44(1) in relation to the deceased child if there is in force immediately before the death no authorisation by the child by virtue of that section of any of the matters referred to in it.
- (2) Authorisation by virtue of subsection (1) must—
  - (a) be in writing signed by the person who gives the authorisation in accordance with that subsection and witnessed by 2 witnesses;
  - (b) state that the person giving the authorisation has no actual knowledge that the child was unwilling for the matter in question to be authorised (for the purpose in question).
- (3) Authorisation by virtue of subsection (1) may be withdrawn in writing signed by the person who gave the authorisation in accordance with that subsection and witnessed by 2 witnesses.