



Human Tissue (Scotland) Act 2006

2006 asp 4

PART 1

TRANSPLANTATION ETC.

Use of part of body of deceased person for transplantation, research etc.

[^{F1}6A] Withdrawal of express authorisation: adult

- (1) An express authorisation may be withdrawn by the adult—
 - (a) in writing, or
 - (b) if the express authorisation was given to the register organisation, by giving the withdrawal to the register organisation orally or in writing.
- (2) Subsection (3) applies if—
 - (a) there is in force an express authorisation by an adult of removal and use of a part of the adult's body for a purpose referred to in section 3(1), and
 - (b) the adult makes an opt-out declaration as respects removal and use of the part for that purpose.
- (3) The express authorisation—
 - (a) is treated as withdrawn by the adult to the extent that it relates to removal and use of the part for that purpose, and
 - (b) otherwise remains in force.
- (4) Subsection (5) applies if—
 - (a) there is in force at the relevant time an express authorisation by an adult of removal and use of a part of the adult's body for a purpose referred to in section 3(1), and
 - (b) a person provides evidence to a health worker that would lead a reasonable person to conclude that—
 - (i) the adult's most recent view was that the adult was unwilling for the part to be removed and used for that purpose, or
 - (ii) if the adult were capable of making a decision about removal and use of the part, the adult would be unwilling in the circumstances for the part to be removed and used for that purpose.

Changes to legislation: There are currently no known outstanding effects for the Human Tissue (Scotland) Act 2006, Section 6A. (See end of Document for details)

- (5) The express authorisation—
- (a) is treated as withdrawn by the adult to the extent that it relates to removal and use of the part for that purpose,
 - (b) otherwise remains in force, and
 - (c) to the extent that it remains in force, is treated as being in force at the relevant time for the purposes of—
 - (i) section 6D(1)(a),
 - (ii) section 6E(1)(a)(i),
 - (iii) section 6F(1)(a)(i),
 - (iv) section 6H(1)(a)(i),
 - (v) section 16F(1)(d),
 - (vi) section 16H(2)(a)(i),
 - (vii) section 16H(3)(a).]

Textual Amendments

- F1** S. 6A inserted (26.3.2021) by [Human Tissue \(Authorisation\) \(Scotland\) Act 2019 \(asp 11\)](#), ss. **5(4)**, [29\(2\)](#); S.S.I. 2021/108, reg. 2

Changes to legislation:

There are currently no known outstanding effects for the Human Tissue (Scotland) Act 2006, Section 6A.