



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}8A **Withdrawal of authorisation: child 12 years of age or over**

- (1) An authorisation by virtue of section 8(1) may be withdrawn by the child—
 - (a) in writing, or
 - (b) if the 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 authorisation by virtue of section 8(1) by a child of removal and use of a part of the child's body for a purpose referred to in section 3(1), and
 - (b) the child makes a declaration by virtue of section 8B(1) as respects removal and use of the part for that purpose.
- (3) The authorisation by virtue of section 8(1)—
 - (a) is treated as withdrawn by the child to the extent that it relates to removal and use of the part for that purpose, and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 authorisation by virtue of section 8(1) by a child of removal and use of a part of the child'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 child's most recent view was that the child was unwilling for the part to be removed and used for that purpose, or

Changes to legislation: There are currently no known outstanding effects for the Human Tissue (Scotland) Act 2006, Section 8A. (See end of Document for details)

- (ii) if the child were capable of making a decision about removal and use of the part, the child would be unwilling in the circumstances for the part to be removed and used for that purpose.
- (5) The authorisation by virtue of section 8(1)—
 - (a) is treated as withdrawn by the child to the extent that it relates to removal and use of the part for that purpose,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 8D(1)(a)(i),
 - (ii) section 16F(1)(e),
 - (iii) section 16I(2)(a)(i).]

Textual Amendments

- F1** S. 8A inserted (26.3.2021) by [Human Tissue \(Authorisation\) \(Scotland\) Act 2019 \(asp 11\)](#), **ss. 13(4)**, [29\(2\)](#); [S.S.I. 2021/108](#), [reg. 2](#)

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