



Human Tissue (Authorisation) (Scotland) Act 2019

2019 asp 11

PART 3

AUTHORISATION OF REMOVAL AND USE OF PART OF BODY OF DECEASED PERSON

PROSPECTIVE

CHAPTER 1

TIMING OF AUTHORISATION

4 Timing of authorisation

- (1) The 2006 Act is amended as follows.
- (2) In section 7—
 - (a) in subsection (1), for “immediately before an adult's death no authorisation by the” substitute “ at the relevant time no authorisation by an ”,
 - (b) in subsections (2) and (3), for “immediately before an adult's death authorisation by the” substitute “ at the relevant time authorisation by an ”,
 - (c) in subsections (1), (2) and (3), the word “deceased” is repealed.
- (3) In section 9—
 - (a) before subsection (1), insert—

“(A1) Subsections (1) to (3) apply in relation to a child who is 12 years of age or over at the relevant time.”,
 - (b) in subsections (1) and (2), for “immediately before the death of a child who died 12 years of age or over” substitute “ at the relevant time ”,
 - (c) in subsections (1), (2) and (3), for “immediately before the death, had” substitute “ at the relevant time, has ”,

Status: This version of this chapter contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Human Tissue (Authorisation) (Scotland) Act 2019, Chapter 1. (See end of Document for details)

- (d) in subsection (3), for “immediately before the child's death” substitute “ at the relevant time ”.
- (4) The title of section 9 becomes “ **Authorisation by person with parental rights and responsibilities: child 12 years of age or over** ”.
- (5) In section 10—
- (a) before subsection (1), insert—
- “(A1) Subsection (1) applies in relation to a child who is under 12 years of age at the relevant time.”,
- (b) in subsection (1), for “immediately before the death of a child who died under 12 years of age had” substitute “ at the relevant time has ”.
- (6) The title of section 10 becomes “ **Authorisation by person with parental rights and responsibilities: child under 12 years of age** ”.
- (7) In section 11(5)—
- (a) in paragraphs (d)(iii), (e)(iii), (f)(iii), (g)(iii), (h)(iii) and (i)(iii), the word “deceased” is repealed,
- (b) in paragraphs (l)(i), (m)(i), (n)(i), (o)(i), (p)(i), (q)(i), (r)(i) and (s)(i), for the word “died” substitute “ at the relevant time was ”,
- (c) in paragraphs (l)(iii), (m)(iii), (n)(iii), (o)(iii), (p)(iii), (q)(iii), (r)(iii) and (s)(iii), for “immediately before the child's death” substitute “ at the relevant time ”.
- (8) In section 22—
- (a) in subsection (1), for “immediately before an adult's death authorisation by the” substitute “ at the relevant time authorisation by an ”,
- (b) in subsection (2), for “immediately before the death of a child who died twelve years of age or over authorisation by the” substitute “ at the relevant time authorisation by a ”,
- (c) in subsection (3)—
- (i) in the opening words, for “a deceased” substitute “ an ”,
- (ii) in paragraph (a), for “immediately before the adult's death” substitute “ at the relevant time ”,
- (d) in subsection (4)—
- (i) in the opening words, the word “deceased” is repealed,
- (ii) in paragraph (a), for “immediately before the child's death” substitute “ at the relevant time ”.
- (9) In section 50—
- (a) in subsections (1) and (2), for “sections 7 and 30” substitute “ Part 1 and section 30 ”,
- (b) in subsection (1)—
- (i) in the opening words, for “is the person who immediately before the adult's death was” substitute “ in relation to an adult is the person who, at the time mentioned in subsection (1A), is ”,
- (ii) in paragraph (b), for “was in hospital immediately before death” substitute “ is in hospital at the time mentioned in subsection (1A) ”,
- (c) after subsection (1), insert—

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“(1A) The time is—

- (a) in relation to Part 1, the relevant time, and
- (b) in relation to section 30, immediately before the adult's death.”.

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