



# Human Tissue (Authorisation) (Scotland) Act 2019

2019 asp 11

## PART 3

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

## CHAPTER 3

### AUTHORISATION BY OR ON BEHALF OF CHILD

#### **16 Authorisation by person with parental rights and responsibilities: child under 12 years of age**

- (1) Section 10 of the 2006 Act is amended as follows.
- (2) In subsection (1), after “section 3(1)” insert “where—
  - (a) the person has no actual knowledge that—
    - (i) the child's most recent view was that the child was unwilling for the part to be removed and used for the purpose in question, or
    - (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 the purpose in question, and
  - (b) the person, having had regard to any evidence referred to in section 16I(4)(a) and (b), is satisfied that—
    - (i) the child was not unwilling for the part to be removed and used for the purpose in question, and
    - (ii) the child would not be unwilling in the circumstances for the part to be removed and used for the purpose in question”.
- (3) After subsection (1), insert—

“(1A) An authorisation by virtue of subsection (1) must be—

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**Changes to legislation:** There are currently no known outstanding effects for the Human Tissue (Authorisation) (Scotland) Act 2019, Section 16. (See end of Document for details)

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- (a) in writing and signed, or
- (b) given orally to a health worker.

(1B) Subject to subsection (3), an authorisation by virtue of subsection (1) may be withdrawn by the person.

(1C) A withdrawal by virtue of subsection (1B) must be—

- (a) in writing and signed, or
- (b) given orally to a health worker.”.

(4) Subsection (2) is repealed.

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**Commencement Information**

**II** [S. 16](#) in force at 26.3.2021 by [S.S.I. 2021/108](#), **reg. 2**

**Changes to legislation:**

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