



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—

Status: This is the original version (as it was originally enacted).

- (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(1B) Subject to subsection (3), an authorisation by virtue of subsection (1) may be withdrawn by the person.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(4) Subsection (2) is repealed.