



# Human Tissue (Authorisation) (Scotland) Act 2019

2019 asp 11

## PART 4

### GENERAL AND FINAL PROVISIONS

#### 28 Minor and consequential modifications

- (1) In section 1(5) of the Anatomy Act 1984—
  - (a) for “or audit” in each place where it occurs substitute “, audit or quality assurance”,
  - (b) for “7, 8, 9 or 10” substitute “6D, 6E, 6F, 6G, 6H, 8, 8D, 10 or 10A”.
- (2) The Adults with Incapacity (Scotland) Act 2000 is amended as follows—
  - (a) in section 16(6)—
    - (i) in paragraph (d), after “section 6(1),” insert “16F(1)(a)”,
    - (ii) after paragraph (d), insert—
      - “(da) withdraw an authorisation, on behalf of the granter, by virtue of section 6A(1) of that Act;
      - (db) make, on behalf of the granter, an opt-out declaration by virtue of section 6B(1) of that Act;
      - (dc) withdraw an opt-out declaration, on behalf of the granter, by virtue of section 6C(1) of that Act;”,
  - (b) in section 64(2)—
    - (i) in paragraph (d), after “section 6(1),” insert “16F(1)(a)”,
    - (ii) after paragraph (d), insert—
      - “(da) withdraw an authorisation, on behalf of the adult, by virtue of section 6A(1) of that Act;
      - (db) make, on behalf of the adult, an opt-out declaration by virtue of section 6B(1) of that Act;
      - (dc) withdraw an opt-out declaration, on behalf of the adult, by virtue of section 6C(1) of that Act;”.
- (3) The 2006 Act is amended as follows—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in section 3(2)(a), for “7, 8, 9 or, as the case may be, 10” substitute “6D, 6E, 6F, 6G, 6H, 8, 8D, 10 or, as the case may be, 10A”,
- (b) in section 12, for “6(1), 7(1), (2) or (3), 8(1), 9(1), (2) or (3) or 10(1)” substitute “6, 6D, 6E, 6F, 6G, 8, 8D, 10 or, as the case may be, 10A”,
- (c) in section 15(1)—
  - (i) for the words “expressed verbally” in both places where they occur substitute “given orally”,
  - (ii) for “expressed” in both places where it occurs substitute “given”,
  - (iii) for “authorisation by the adult in accordance with section 6(1)” substitute “an express authorisation by the adult”,
- (d) in section 16(1)(a), for “7, 8, 9 or, as the case may be, 10” substitute “6D, 6E, 6F, 6G, 6H, 8, 8D, 10 or, as the case may be, 10A”,
- (e) in section 22—
  - (i) in subsection (1), for “authorisation by an adult by virtue of section 6(1)” substitute “an express authorisation by an adult”,
  - (ii) after subsection (1), insert—
    - “(1A) Where an adult is deemed to have authorised the removal and use of a part of the adult’s body for transplantation by virtue of section 6D(1), the authorisation takes priority as respects the part over—
    - (a) any authorisation by the adult by virtue of section 29(1), or any request by the adult by virtue of section 4(1) of the 1984 Act, which is in force at the relevant time,
    - (b) any right of any other person to give authorisation as respects the deceased adult by virtue of section 30(1) or (2).”
  - (iii) subsection (3) is repealed,
  - (iv) in subsection (4), for “9(1), (2) or (3) or 10(1)” substitute “8D, 10 or 10A”,
- (f) in section 49(1)(a), for “7(1), 9(1) or 10(1)” substitute “6H, 8D, 10 or 10A”,
- (g) in section 51(1), for “6(3), 8(3)” substitute “10D”.