



# Human Tissue (Authorisation) (Scotland) Act 2019

2019 asp 11

## PART 3

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

#### 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  - (c) in subsections (1), (2) and (3), the word “deceased” is repealed.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”,
  - (d) in subsection (3), for “immediately before the child’s death” substitute “at the relevant time”.

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*Status: This is the original version (as it was originally enacted).*

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- (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- (a) in paragraphs (d)(iii), (e)(iii), (f)(iii), (g)(iii), (h)(iii) and (i)(iii), the word “deceased” is repealed,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—
 

“(1A) The time is—

    - (a) in relation to Part 1, the relevant time, and

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**Status:** *This is the original version (as it was originally enacted).*

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- (b) in relation to section 30, immediately before the adult's death.”.