



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

18 Functions of local authority with parental rights and responsibilities

- (1) The 2006 Act is amended as follows.
- (2) In section 10(1), the words “(but who is not a local authority)” are repealed.
- (3) After section 10A insert—

“10B Local authority with parental rights and responsibilities in relation to child: consultation

- (1) Subsection (2) applies if—
 - (a) there is in force at the relevant time—
 - (i) an authorisation by virtue of section 8(1) by a child of removal and use of a part of the child's body for a purpose referred to in section 3(1), or
 - (ii) a declaration by virtue of section 8B(1) by a child as respects removal and use of a part of the child's body for a purpose referred to in section 3(1), and
 - (b) a local authority with parental rights and parental responsibilities in relation to the child is consulted about the child's most recent views by a health worker by virtue of section 16I(2)(b).

Changes to legislation: *There are currently no known outstanding effects for the Human Tissue (Authorisation) (Scotland) Act 2019, Section 18. (See end of Document for details)*

- (2) The local authority must, in so far as it is reasonably practicable to do so, ascertain the child's most recent views by consulting—
 - (a) the child's parents, and
 - (b) such other persons as the local authority considers appropriate.
- (3) Subsections (4) and (5) apply if a local authority with parental rights and parental responsibilities in relation to a child is deciding whether to give authorisation by virtue of section 8D or 10 as respects the child.
- (4) The local authority must, in so far as it is reasonably practicable to do so, ascertain the views of—
 - (a) the child,
 - (b) the child's parents, and
 - (c) any other person whose views the local authority considers to be relevant.
- (5) The local authority must have regard to the views of—
 - (a) the child,
 - (b) the child's parents, and
 - (c) any other person whose views the local authority considers to be relevant.”.

Commencement Information

11 S. 18 in force at 26.3.2021 by [S.S.I. 2021/108](#), **reg. 2**

Changes to legislation:

There are currently no known outstanding effects for the Human Tissue (Authorisation) (Scotland) Act 2019, Section 18.