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**Changes to legislation:** Human Fertilisation and Embryology Act 2008, Cross Heading: Age of Legal Capacity (Scotland) Act 1991 (c. 50) is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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## SCHEDULES

### SCHEDULE 7

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Age of Legal Capacity (Scotland) Act 1991 (c. 50)*

- 16 In section 2 of the Age of Legal Capacity (Scotland) Act 1991, after subsection (4) (which provides for an exception to the general rule about the age of legal capacity in relation to surgical, medical or dental procedure or treatment) insert—
- “(4ZA) For the purposes of subsection (4), the storage of gametes in accordance with the Human Fertilisation and Embryology Act 1990 is to be treated as a medical procedure.
- (4ZB) A person under the age of 16 years shall have legal capacity to consent to the use of the person's human cells in accordance with Schedule 3 to the Human Fertilisation and Embryology Act 1990 for the purposes of a project of research where the person is capable of understanding the nature of the research; and in this subsection “human cells” has the same meaning as in that Schedule.”

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 55(3)(e) and word inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 75\(b\)](#)