



Human Tissue (Scotland) Act 2006

2006 asp 4

HUMAN TISSUE (SCOTLAND) ACT 2006

PART 1

TRANSPLANTATION ETC.

General functions of the Scottish Ministers

- 1 Duties of the Scottish Ministers as respects transplantation, donation of body parts etc.
- 2 Assistance and support

Establishment and maintenance of register

- 2A Establishment and maintenance of register
- 2B Delegation of function of establishing and maintaining Register
- 2C Disclosure of information
- 2D Power to make provision about Register

Use of part of body of deceased person for transplantation, research etc.

- 3 Use of part of body of deceased person for transplantation, research etc.
- 4 Disapplication of sections 3, 6 to 11 and 16 in certain circumstances
- 5 Consent by procurator fiscal to removal of part of body
- 6 Express authorisation: adult
- 6A Withdrawal of express authorisation: adult
- 6B Opt-out declaration: adult
- 6C Withdrawal of opt-out declaration: adult
- 6D Deemed authorisation for transplantation: adult
- 6E Non-resident adult: authorisation for transplantation by nearest relative
- 6F Adult incapable of understanding deemed authorisation: authorisation for transplantation by nearest relative
- 6G Excepted body parts: authorisation for transplantation by nearest relative
- 6H Authorisation for purpose other than transplantation by nearest relative
- 6I Review of section 1(1)(d) and (e) and sections 6(1A), 6B and 6D

Changes to legislation: There are currently no known outstanding effects for the Human Tissue (Scotland) Act 2006. (See end of Document for details)

- 7 Authorisation by adult's nearest relative
- 8 Authorisation: child 12 years of age or over
- 8A Withdrawal of authorisation: child 12 years of age or over
- 8B Opt-out declaration: child 12 years of age or over
- 8C Withdrawal of opt-out declaration: child 12 years of age or over
- 8D Authorisation by person with parental rights and responsibilities: child 12 years of age or over
- 9 Authorisation as respects child who dies 12 years of age or over by person with parental rights and responsibilities
- 10 Authorisation by person with parental rights and responsibilities: child under 12 years of age
- 10A Authorisation by other persons: children
- 10B Local authority with parental rights and responsibilities in relation to child: consultation
- 10C Power to make provision about decisions
- 10D Withdrawal by person who is blind or unable to write
- 11 Removal of part of body of deceased person: further requirements
- 12 Removal of tissue sample to determine viability of transplantation
- 13 Preservation for transplantation
- 14 Part of body removed before day on which section 3 comes into force
- 15 Existing request by adult not acted on before commencement of sections 3 and 6
- 16 Offences: removal or use of part of body of deceased person for transplantation, research etc.

Pre-death procedures relating to transplantation

- 16A Meaning of “pre-death procedure”, “Type A procedure” and “Type B procedure”
- 16B Type A procedures
- 16C Type B procedures
- 16D Restrictions on carrying out of pre-death procedures
- 16E Carrying out of Type A and Type B procedures
- 16F Authorisation of Type A procedures
- 16G Authorisation of Type A procedures: transitory provision
- 16H Duty to inquire: adult
- 16I Duty to inquire: child
- 16J Meaning of “health worker”
- 16K Interpretation and meaning of “relevant time”

Restrictions on transplants involving live donor

- 17 Restrictions on transplants involving live donor
- 18 Meaning of adult with incapacity for purposes of section 17(1)(c) and (2)(c)

Records, information etc.: removal and use of parts of human bodies for transplantation etc.

- 19 Records, information etc.: removal and use of parts of human bodies for transplantation etc.

Trafficking

- 20 Prohibition of commercial dealings in parts of a human body for transplantation

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20A Offences under section 20 committed outside UK

Summary proceedings for offences under section 17, 19(4) or 20(2)

21 Summary proceedings for offences under section 17, 19(4) or 20(2)

Authorisation for transplantation to have priority

22 Authorisation by virtue of Part 1 for transplantation to have priority

PART 2

POST-MORTEM EXAMINATIONS

23 Meaning of post-mortem examination for purposes of Act

24 Disapplication of sections 23 and 27 to 37 as respects procurator fiscal

25 Disapplication of sections 27 to 35 and 37: bodies of persons dead for at least 100 years

26 Consent by procurator fiscal to post-mortem examination

27 Requirements for carrying out post-mortem examination

28 Removal during examination and retention of organs and other parts of a body

29 Authorisation of post-mortem examination etc.: adult

30 Authorisation of post-mortem examination etc. by adult's nominee or nearest relative

31 Authorisation of post-mortem examination etc.: child 12 years of age or over

32 Authorisation of post-mortem examination etc. as respects child 12 years of age or over by nominee or person with parental rights and parental responsibilities

33 Authorisation of post-mortem examination etc. as respects child under 12 years of age

34 Nomination of person under section 30(1) or 32(1): additional provision

35 Post-mortem examination and removal and retention of organs: further requirements

36 Organ or tissue sample removed before day on which section 27 comes into force

37 Offences: post-mortem examinations

PART 3

TISSUE SAMPLE OR ORGANS NO LONGER REQUIRED FOR PROCURATOR FISCAL PURPOSES

38 Tissue sample becoming part of medical records of deceased person

39 Use of tissue sample which has become part of deceased's medical records

40 Use of organ no longer required for procurator fiscal purposes

41 Notice under section 38(2) or 40(2)(a): further provision

42 Authorisation of use etc. after examination: adult

43 Authorisation of use etc. after examination: adult's nearest relative

44 Authorisation of use etc. after examination: child 12 years of age or over

45 Authorisation of use etc. after examination: person with parental rights and parental responsibilities for child 12 years of age or over

46 Authorisation of use etc. after examination: person with parental rights and responsibilities for child under 12 years of age

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- 47 Use of tissue sample removed before day on which section 38 comes into force
- 48 Use of organ removed before day on which section 40 comes into force

PART 4

PARTS 1 TO 3: SUPPLEMENTARY PROVISION

- 49 Conditions attached to authorisation
- 50 Nearest relative
- 51 Witnesses: additional provision
- 52 Power to prescribe forms and descriptions of persons who may act as a witness

PART 5

AMENDMENT OF THE ANATOMY ACT 1984

- 53 Amendment of the Anatomy Act 1984

PART 6

MISCELLANEOUS

- 54 Arrangements by the Scottish Ministers for assistance with functions under section 1, 2, 17(3), (4) or (5), 18, 19(2) or 20(3)
- 55 Power to give effect to EU obligations
- 56 Bodies corporate etc.
- 57 Amendment of the Adults with Incapacity (Scotland) Act 2000

PART 7

GENERAL

- 58 Ancillary provision
- 59 Regulations or orders
- 60 Interpretation
- 61 Repeals
- 62 Short title and commencement

SCHEDULE — Repeals

Changes to legislation:

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