

*These notes relate to the Human Tissue (Scotland) Act 2006  
(asp 4) which received Royal Assent on 16 March 2006*

# **HUMAN TISSUE (SCOTLAND) ACT 2006**

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## **EXPLANATORY NOTES**

### **THE ACT – AN OVERVIEW**

#### **Part 1: Transplantation Etc.**

#### ***Section 18 – Meaning of adult with incapacity for purposes of [section 17\(1\)\(c\)](#) and [\(2\)\(c\)](#)***

48. Subsection (1) provides that for the purposes of section 17(1)(c) and (2)(c), an adult with incapacity is an adult who is incapable in relation to a decision about the removal from the adult of regenerative tissue for the purposes of transplantation. In addition, Scottish Ministers must have issued a certificate in accordance with subsection (2) that they are of this opinion. Subsection (2) provides that such a certificate must specify the period during which it is in force, which can be a period of up to one year from the date of the certificate. Subsection (3) provides that “incapable” in this section has the same meaning as it has in section 1(6) of the Adults With Incapacity (Scotland) Act 2000.