

HUMAN TISSUE (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 2: Post-Mortem Examinations

Section 29 – Authorisation of post-mortem examination etc.: adult

71. Subsection (1) enables an adult to authorise a hospital post-mortem examination of his or her body after his or her death. An adult may also authorise the removal from their body during the post-mortem examination of an organ, and the retention and use of an organ for one or more of the purposes specified in section 28(2)(a) (audit, education, training or research).
72. Subsection (2) provides that such an authorisation under subsection (1) must be in writing and signed, or expressed verbally by the adult. If expressed verbally, this must be done in the presence of 2 witnesses.
73. Subsection (3) provides that a written authorisation may be withdrawn by the adult provided that it is withdrawn in writing, signed by the adult, and that a verbal authorisation may be withdrawn by the adult either in writing and signed by the adult, or verbally by the adult in the presence of 2 witnesses.
74. Subsection (4) provides that if an adult is blind or unable to write, another adult can sign a written withdrawal of authorisation on their behalf in the presence of one witness.
75. Subsection (5) provides that a withdrawal of authorisation which is signed by a signatory on behalf of an adult who is blind or unable to write, must contain a statement, signed by the signatory and the witness in the presence of each other, which states that the adult expressed the intention to withdraw the authorisation and requested the signatory to sign the withdrawal on their behalf.
76. Subsection (6) provides that nothing in subsection (4) prevents an adult who is blind from withdrawing authorisation for a post-mortem examination and/ or removal, retention and use of an organ, in accordance with paragraph (a) of subsection (3).