

HUMAN TISSUE (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 3: Tissue Sample Or Organs No Longer Required for Procurator Fiscal Purposes

Section 48 – Use of organ removed before day on which section 40 comes into force

113. *Section 48* deals with organs removed from the body of a deceased person as a result of an examination carried out for the purposes of the functions or under the authority of the fiscal before section 40 comes into force and held immediately before that day for use for the purposes of existing approved research (whether or not held then also for the purposes of the functions of the fiscal).
114. Subsection (1) provides that such an organ can be retained and used without authorisation for the purposes of the existing approved research or for the purposes of education, training or new approved research after the new legislation comes into force. Its use for purposes of education, training or research does not preclude its continued use for the purposes of the functions of the fiscal. Subsection (2) provides that “existing approved research” means research approved before the new legislation (section 40) comes into force by such person (or persons) or group (or groups) of persons as the Scottish Ministers may specify by order. “New approved research” means research approved after the new legislation (section 40) comes into force by such person (or persons) or group (or groups) of persons as the Scottish Ministers may specify by order. The intention is that the order will specify that such research is to be approved by a Research Ethics Committee.