

*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

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

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

Section 40 – Use of organ no longer required for procurator fiscal purposes

103. **Section 40** provides, in relation to examinations carried out for the purposes of the functions or under the authority of the procurator fiscal on or after the day this section comes into force, that an organ removed from the body during such an examination can be retained and used for education, training and research, once the manager of the relevant establishment receives notice from the fiscal that the organ is no longer required for the purposes of the functions of the fiscal; if the subsequent use of the organ for such purposes is authorised in the appropriate manner under Part 3; and if the use is research the research is in addition approved by such person (or persons) or group (or groups) of persons as the Scottish Ministers may specify by order under the section. The intention is that the order will specify a Research Ethics Committee.