

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

##### *Section 43 – Authorisation of use etc after examination: adult's nearest relative*

106. **Section 43(1)** provides that where no authorisation by the adult of any of the matters referred to in section 42(1) (use of tissue sample or retention and use of an organ which is no longer required for the purposes of the fiscal) is in force immediately before the adult's death, the nearest relative of the deceased adult may authorise one or more of those matters. Authorisation is needed where the use relates to the purposes of education, training or research (sections 39(b)).
107. Subsections (2) and (3) provide that such authorisation by the nearest relative must be in writing, signed by the nearest relative and witnessed by one witness. The authorisation may be withdrawn in writing, signed by the nearest relative and witnessed by one witness. Subsection (2) also provides that, in providing authorisation, the nearest relative must state that they have no actual knowledge that the adult was unwilling for the matter in question to be authorised for the purpose in question.