

*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 46 – Authorisation of use etc after examination: person with parental rights and responsibilities for child under 12 years of age***

111. **Section 46(1)** provides that where a child dies under 12 years of age, authorisation of one or more of the matters referred to in section 44(1) (use of tissue sample or retention and use of an organ which is no longer required for the purposes of the fiscal) can be given by a person who immediately before the death of the child had parental rights and responsibilities in relation to the child (but who is not a local authority). Authorisation is needed where the use relates to the purposes of education, training or research. Subsection (2) provides that authorisation by the person with parental rights and responsibilities must be in writing, signed by that person and witnessed by 2 witnesses and may be withdrawn in writing, signed by the person who gave authorisation and witnessed by one witness.