

*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 6: Miscellaneous

Section 57 – Amendment of the Adults with Incapacity (Scotland) Act 2000

143. This provision will ensure that a welfare attorney or welfare guardian does not have powers under the Adults with Incapacity Act 2000 to make any requests on behalf of an adult under the Anatomy Act 1984, to give any authorisation on behalf of an adult for transplantation, hospital post-mortem or retention of organs or tissues from fiscal post mortem, or to make any nomination on behalf of the adult for a hospital post mortem. The intention in relation to authorisations for the post-death situation is to put beyond doubt that welfare attorneys and welfare guardians do not have powers under the 2000 Act to authorise on behalf of the adult (for example, to sign a kidney donor card for the adult). In relation to live transplants authorised under the Act, the intention is that these types of donation (organs in the context of a domino organ transplant operation and regenerative tissue) are to be considered instead under the procedures being set up by the Human Tissue Authority.