



Human Tissue (Scotland) Act 2006

2006 asp 4

PART 1

TRANSPLANTATION ETC.

Authorisation for transplantation to have priority

22 Authorisation by virtue of Part 1 for transplantation to have priority

- (1) If there is in force immediately before an adult's death authorisation by the adult by virtue of section 6(1) of removal and use of any part of the adult's body for transplantation, the authorisation takes priority as respects the part over—
 - (a) any authorisation by the adult by virtue of section 29(1), or any request by the adult by virtue of section 4(1) of the Anatomy Act 1984 (c. 14) ("the 1984 Act"), which is also in force at that time;
 - (b) any right of any other person to give authorisation as respects the deceased adult by virtue of section 30(1) or (2).
- (2) If there is in force immediately before the death of a child who died twelve years of age or over authorisation by the child by virtue of section 8(1) of removal and use of a part of the child's body for transplantation, the authorisation takes priority as respects the part over—
 - (a) any authorisation by the child by virtue of section 31(1), or any request by the child by virtue of section 4(1) of the 1984 Act, which is also in force at that time;
 - (b) any right of any other person to give authorisation as respects the deceased child by virtue of section 32(1) or (2).
- (3) Any right of any other person to authorise, by virtue of section 7(1), (2) or (3), removal and use of a part of a deceased adult's body for transplantation takes priority as respects the part over—
 - (a) any authorisation by the adult by virtue of section 29(1), or any request by the adult by virtue of section 4(1) of the 1984 Act, which is in force immediately before the adult's death;
 - (b) any right of any other person to give authorisation as respects the deceased adult by virtue of section 30(1) or (2).

Status: This is the original version (as it was originally enacted).

- (4) Any right of any other person to authorise, by virtue of section 9(1), (2) or (3) or 10(1) removal and use of a part of a deceased child's body for transplantation takes priority as respects the part over—
- (a) any authorisation by the child by virtue of section 31(1), or any request by the child by virtue of section 4(1) of the 1984 Act, which is in force immediately before the child's death;
 - (b) any right of another person to give authorisation as respects the deceased child by virtue of section 32(1) or (2).