



Human Tissue (Scotland) Act 2006

2006 asp 4

PART 1

TRANSPLANTATION ETC.

Use of part of body of deceased person for transplantation, research etc.

13 Preservation for transplantation

- (1) Where part of the body of a deceased person lying in premises to which this section applies is or may be suitable for use for transplantation, the managers of the premises may—
 - (a) take steps for the purpose of preserving the part for use for transplantation;
 - (b) retain the body for that purpose,but may not move the part or body to other premises.
- (2) Authority under subsection (1)(a) extends only to—
 - (a) the taking of the minimum steps necessary for the purpose mentioned in that paragraph;
 - (b) the use of the least invasive procedure.
- (3) Authority under subsection (1)—
 - (a) extends to any person authorised to act under the authority by the managers of the premises in question;
 - (b) ceases to apply once it has been established that authorisation for removal of the part for transplantation has not been, and will not be, given.
- (4) The premises to which this section applies are—
 - (a) a health service hospital;
 - (b) premises in which a registered independent health care service is provided.
- (5) In this section—

“Health Board” means a board constituted by order under section 2(1)(a) of the National Health Service (Scotland) Act 1978 (c. 29);

“health service hospital” has the meaning given by section 108(1) of that Act;

Status: This is the original version (as it was originally enacted).

“managers” means—

- (a) where the body is lying in a health service hospital, the Health Board or Special Health Board responsible for the administration of the hospital;
- (b) where the body is lying in premises in which a registered independent health care service is provided, the person providing the service;

“registered independent health care service” means an independent health care service (as defined in section 2(5) of the Regulation of Care (Scotland) Act 2001 (asp 8)) registered under Part 1 of that Act;

“Special Health Board” means a board constituted by order under section 2(1)(b) of the National Health Service (Scotland) Act 1978 (c. 29).