



Human Tissue (Scotland) Act 2006

2006 asp 4

PART 1

TRANSPLANTATION ETC.

Restrictions on transplants involving live donor

18 Meaning of adult with incapacity for purposes of section 17(1)(c) and (2)(c)

- (1) This section applies to an adult—
 - (a) who, in the opinion of the Scottish Ministers, is an adult who is incapable in relation to a decision about the removal from the adult of regenerative tissue for transplantation; and
 - (b) in respect of whom a certificate has been issued by the Ministers in accordance with subsection (2) that they are of this opinion.
- (2) A certificate for the purposes of subsection (1) is to be in a form prescribed in regulations by the Scottish Ministers and is to specify the period during which the certificate is in force, being a period which—
 - (a) the Scottish Ministers consider appropriate to the condition or circumstances of the adult; but
 - (b) does not exceed one year from the date of the certificate.
- (3) In this section, “incapable” has the same meaning as it has in section 1(6) of the Adults with Incapacity (Scotland) Act 2000.