



Human Tissue (Scotland) Act 2006

2006 asp 4

PART 1

TRANSPLANTATION ETC.

Trafficking

20 Prohibition of commercial dealings in parts of a human body for transplantation

- (1) A person commits an offence if the person—
- (a) gives or receives a reward for the supply of, or for an offer to supply, any part of a human body for transplantation;
 - (b) seeks to find a person willing to supply any part of a human body for transplantation for reward;
 - (c) offers to supply any part of a human body for transplantation for reward;
 - (d) initiates or negotiates an arrangement involving the giving of a reward for the supply of, or for an offer to supply, any part of a human body for transplantation;
 - (e) takes part in the management or control of a body corporate or a group of persons whose activities consist of or include the initiation or negotiation of such arrangements.
- (2) Without prejudice to subsection (1)(b) and (c), a person commits an offence if the person causes to be published or distributed, or knowingly publishes or distributes, an advertisement—
- (a) inviting persons to supply, or offering to supply, any part of a human body for transplantation for reward; or
 - (b) indicating that the advertiser is willing to initiate or negotiate an arrangement referred to in subsection (1)(d).
- (3) A person who engages in an activity to which subsection (1) or (2) applies does not commit an offence under that subsection if the person is designated by the Scottish Ministers for the purposes of this subsection as a person who may lawfully engage in the activity.

Status: This is the original version (as it was originally enacted).

- (4) A person guilty of an offence under subsection (1) is liable—
- (a) on summary conviction, to—
 - (i) imprisonment for a term not exceeding 12 months;
 - (ii) a fine not exceeding the statutory maximum; or
 - (iii) both;
 - (b) on conviction on indictment, to—
 - (i) imprisonment for a term not exceeding 3 years;
 - (ii) a fine; or
 - (iii) both.
- (5) A person guilty of an offence under subsection (2) is liable on summary conviction to—
- (a) imprisonment for a term not exceeding 12 months;
 - (b) a fine not exceeding level 5 on the standard scale; or
 - (c) both.
- (6) In this section—
- “advertisement” includes any form of advertising whether to the public generally, to any section of the public or individually to selected persons;
 - “reward” has the same meaning as in section 17.