



Human Tissue (Scotland) Act 2006

2006 asp 4

PART 2

POST-MORTEM EXAMINATIONS

30 Authorisation of post-mortem examination etc. by adult's nominee or nearest relative

- (1) An adult may nominate one or more persons to represent the adult after the adult's death as respects authorising in relation to the deceased adult one or more of the matters referred to in section 29(1).
- (2) The nearest relative of a deceased adult may authorise one or more of the matters referred to in that section in relation to the deceased adult if there is in force immediately before the adult's death no authorisation by the adult by virtue of that section of any of the matters referred to in it and no nomination by the adult in accordance with subsection (1).
- (3) Where an adult has nominated a person by virtue of subsection (1), the nomination is to be disregarded if—
 - (a) no one is able to give authorisation under it; or
 - (b) it is not reasonably practicable to communicate with the person in the time available,and where the nomination falls under this subsection to be disregarded, subsection (2) applies as if there were in force immediately before the adult's death no such nomination by the adult.
- (4) Authorisation by a person nominated by virtue of subsection (1) must be in writing signed by the person and witnessed by one witness (who must not be so nominated).
- (5) Authorisation by virtue of subsection (2) must be in writing signed by the nearest relative and witnessed by one witness.
- (6) Authorisation—
 - (a) by a person nominated by virtue of subsection (1);
 - (b) by virtue of subsection (2),

Status: This is the original version (as it was originally enacted).

must state that the person giving the authorisation has no actual knowledge that the adult was unwilling for a post-mortem examination to be carried out and, where the authorisation is of an activity referred to in section 29(1)(b) or (c), for the activity in question to be carried out (for the purpose in question).

- (7) Authorisation by a person nominated by virtue of subsection (1) may be withdrawn in writing signed by the person and witnessed by one witness (who must not be so nominated).
- (8) Authorisation by virtue of subsection (2) may be withdrawn in writing signed by the person and witnessed by one witness.