



Human Tissue (Scotland) Act 2006

2006 asp 4

PART 2

POST-MORTEM EXAMINATIONS

31 Authorisation of post-mortem examination etc.: child 12 years of age or over

- (1) A child who is 12 years of age or over may authorise—
 - (a) a post-mortem examination of the deceased child's body after the child's death;
 - (b) the removal from the body during the post-mortem examination of an organ for one or more of the purposes referred to in section 28(2)(a);
 - (c) the retention and use of an organ after the post-mortem examination for one or more of such purposes.
- (2) Authorisation by virtue of subsection (1)—
 - (a) must be in writing—
 - (i) signed by the child and witnessed by 2 witnesses; or
 - (ii) subject to subsections (3) and (4), if the child is blind or unable to write signed by an adult (a "signatory") on the child's behalf and witnessed by one witness;
 - (b) may be withdrawn in writing—
 - (i) signed by the child; or
 - (ii) subject to subsections (3) and (4), if the child is blind or unable to write signed by an adult (a "signatory") on the child's behalf and witnessed by one witness.
- (3) Authorisation by virtue of subsection (1), or withdrawal of such authorisation, which is signed by a signatory on behalf of the child by virtue of subsection (2)(a)(ii) or (b)(ii) must contain a statement signed by both the signatory and the witness in the presence of the child and of each other that the child, in the presence of them both, expressed the intention to give the authorisation or, as the case may be, withdraw the authorisation and requested the signatory to sign the authorisation or, as the case may be, the withdrawal on behalf of the child.

Status: This is the original version (as it was originally enacted).

- (4) Authorisation by virtue of subsection (1) which is signed by a signatory on behalf of a child by virtue of subsection (2)(a)(ii) must contain or be accompanied by certification in writing signed by the signatory that, in the opinion of the signatory, the child understands the effect of the authorisation and is not acting under undue influence in giving it.
- (5) Nothing in subsection (2)(a)(ii) or (b)(ii) prevents a child who is blind from signing an authorisation by virtue of subsection (1) in accordance with subsection (2)(a)(i) or a withdrawal of authorisation in accordance with subsection (2)(b)(i).
- (6) Each witness to authorisation by a child by virtue of subsection (1) (whether it is signed by the child or by a signatory on behalf of the child), must at the time of witnessing certify (in writing signed by the witness) that, in the opinion of the witness, the child understands the effect of the authorisation and is not acting under undue influence in giving it.