



Human Tissue (Scotland) Act 2006

2006 asp 4

PART 2

POST-MORTEM EXAMINATIONS

- 32 Authorisation of post-mortem examination etc. as respects child 12 years of age or over by nominee or person with parental rights and parental responsibilities**
- (1) A child who is 12 years of age or over may nominate one or more persons to represent the child after the child's death as respects authorising in relation to the deceased child one or more of the matters referred to in section 31(1).
- (2) A person who immediately before the death of a child who died 12 years of age or over had parental rights and parental responsibilities in relation to the child (but who is not a local authority) may authorise one or more of the matters referred to in that section in relation to the deceased child if there is in force immediately before the death no authorisation by the child by virtue of that section of any of the matters referred to in it and no nomination by the child in accordance with subsection (1).
- (3) Where a child who died 12 years of age or over 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 child's death no such nomination by the child.
- (4) Authorisation by a person nominated by virtue of subsection (1) must be in writing signed by the person and witnessed by 2 witnesses (who must not be so nominated).
- (5) Authorisation by virtue of subsection (2) must be in writing signed by the person who gives the authorisation in accordance with that subsection and witnessed by 2 witnesses.
- (6) Authorisation—
- (a) by a person nominated by virtue of subsection (1);

Status: This is the original version (as it was originally enacted).

- (b) by virtue of subsection (2),
must state that the person giving the authorisation has no actual knowledge that the child was unwilling for a post-mortem examination to be carried out and, where the authorisation is of an activity referred to in section 31(1)(b) or (c), for the activity in question to be carried out (for the purpose in question).
- (7) Authorisation by a person nominated in accordance with subsection (1) may be withdrawn in writing signed by the person and witnessed by 2 witnesses (who must not be so nominated).
- (8) Authorisation by virtue of subsection (2) may be withdrawn in writing signed by the person who gave the authorisation in accordance with that subsection and witnessed by 2 witnesses.