



# Human Tissue (Scotland) Act 2006

## 2006 asp 4

### PART 3

#### TISSUE SAMPLE OR ORGANS NO LONGER REQUIRED FOR PROCURATOR FISCAL PURPOSES

#### **43 Authorisation of use etc. after examination: adult's nearest relative**

- (1) The nearest relative of a deceased adult may authorise one or more of the matters referred to in section 42(1) 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.
- (2) Authorisation by virtue of subsection (1) must—
  - (a) be in writing signed by the nearest relative and witnessed by one witness;
  - (b) state that the person giving the authorisation has no actual knowledge that the adult was unwilling for the matter in question to be authorised (for the purpose in question).
- (3) Authorisation by virtue of subsection (1) may be withdrawn in writing signed by the nearest relative and witnessed by one witness.