



# Human Tissue (Scotland) Act 2006

## 2006 asp 4

### PART 1

#### TRANSPLANTATION ETC.

*Use of part of body of deceased person for transplantation, research etc.*

#### **8 Authorisation: child 12 years of age or over**

- (1) A child who is 12 years of age or over may authorise the removal and use of a part of the child's body after the child's death for one or more of the purposes referred to in section 3(1).
- (2) Subject to subsections (3) to (5), authorisation by virtue of subsection (1)—
  - (a) must be in writing;
  - (b) may be withdrawn in writing.
- (3) If the child is blind or unable to write, authorisation by virtue of subsection (1) and withdrawal of such authorisation may be signed by an adult (a "signatory") on the child's behalf and if it is so signed it must be witnessed by one witness.
- (4) Authorisation by virtue of subsection (1), or withdrawal of such authorisation, which is signed by a signatory on behalf of a child by virtue of subsection (3) 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.
- (5) Authorisation by virtue of subsection (1) which is signed by a signatory on behalf of a child by virtue of subsection (3) must contain or be accompanied by—
  - (a) certification in writing signed by the signatory that, in the opinion of the signatory;
  - (b) certification 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.

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*Status: This is the original version (as it was originally enacted).*

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- (6) Nothing in subsection (3) prevents a child who is blind from giving authorisation by virtue of subsection (1) in accordance with subsection (2)(a) or withdrawing, in accordance with subsection (2)(b), any authorisation by the child by virtue of subsection (1) (including authorisation signed by a signatory in accordance with subsection (3)).
- (7) In subsection (2)(a), “writing” includes, in relation to the requirement there for authorisation to be in writing, but only where the authorisation in writing is not signed by a signatory on behalf of the child, representation of a character in visible form.