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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 390**

**The Human Organ and Tissue Live  
Transplants (Scotland) Regulations 2006**

**PART 1**

**PRELIMINARY**

**Citation, interpretation and commencement**

**1.—(1)** These Regulations may be cited as the Human Organ and Tissue Live Transplants (Scotland) Regulations 2006.

**(2)** In these Regulations—

“the Act” means the Human Tissue (Scotland) Act 2006;

“the 2000 Act” means the Adults with Incapacity (Scotland) Act 2000<sup>(1)</sup>;

“the 2003 Act” means the Mental Health (Care and Treatment) (Scotland) Act 2003<sup>(2)</sup>;

“adult with incapacity” is—

- (a)** for the purposes of regulation 2 a person who is incapable within the meaning of section 1(6) of the 2000 Act in relation to the nature of the medical procedure for, and the risk involved in, the removal of the organ or part of an organ in question;
- (b)** for the purposes of regulation 3, an adult in respect of whom section 47 of the 2000 Act<sup>(3)</sup> applies in relation to the domino organ transplant operation in question; and
- (c)** for the purposes of regulation 4, an adult to whom section 18 of the Act applies.

“continuing attorney” shall be construed in accordance with section 15 of the 2000 Act;

“directed donation” means the removal of an organ or part of an organ from a donor on condition that the organ or part of an organ in question is used for transplantation into a recipient specified in advance by the donor and agreed by the recipient;

“donor” means a living person from whom it is proposed to remove an organ, part of an organ or any tissue;

“named person” has the meaning given by section 329 of 2003 Act;

“nearest relative” has the meaning given by section 254 of the 2003 Act;

“primary carer” has the meaning given by section 87 of the 2000 Act<sup>(4)</sup>;

“recipient” means a person into whom it is proposed to transplant an organ, part of an organ or any tissue; and

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<sup>(1)</sup> 2000 asp 4.

<sup>(2)</sup> 2003 asp 13.

<sup>(3)</sup> Section 47 of the 2000 Act was amended by the 2003 Act, Schedule 4, paragraph 9 and Schedule 5, Part 1 and the [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), section 35(2)(f).

<sup>(4)</sup> Section 87 of the 2000 Act was amended by the 2003 Act, Schedule 5, Part 1, the Civil Partnership Act 2004 (c. 33), Schedule 30, and [S.S.I. 2005/465](#), Schedule 1, paragraph 28.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- “welfare attorney” shall be construed in accordance with section 16 of the 2000 Act.
- (3) These Regulations shall come into force on 1st September 2006.