



Anatomy Act 1984

1984 CHAPTER 14

F1

An Act to make provision about the use of bodies of deceased persons, and parts of such bodies, for anatomical examination and about the possession and disposal of bodies of deceased persons, and parts of such bodies, authorised to be used for anatomical examination, and for connection purposes. [24th May 1984]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Textual Amendments

F1 Act repealed (E.W.) (1.9.2006) by [Human Tissue Act 2004 \(c. 30\)](#), ss. 59(8)(9), 60(2), [Sch. 7 Pt. 1](#) (with s. 58); [S.I. 2006/1997](#), [art. 3\(2\)](#) (with arts. 4, 7, 8)

Introductory

1 Definitions, and scope of Act.

[^{F2}(1) In this Act, “anatomical examination” means macroscopic examination of a body for the purposes of teaching or studying, or training in or researching into, the gross structure of the human body or surgical or clinical procedures by—

- (a) dissection,
- (b) removal of, or carrying out a procedure on or in relation to, one or more parts of the body,
- (c) implanting into the body any—
 - (i) part of a body,
 - (ii) prosthesis, or
 - (iii) implant,

Changes to legislation: Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

and where any part of the body is separated in the course of its anatomical examination the examination includes the examination of the part for those purposes.]

- (2) In this Act “anatomical specimen” means—
- (a) a body to be used for anatomical examination, or
 - (b) a body in course of being used for anatomical examination (including separated parts of such a body).

[^{F3}(2A) An imported body is not an anatomical specimen until an authority for its anatomical examination has been given under section 4A(1).]

- (3) In this Act “body” means the body of a deceased person.
- (4) Nothing in this Act applies to anything done for the purposes of a post-mortem examination requested or required or directed to be made by a [^{F4}procurator fiscal] or [^{F5}a post-mortem examination as defined in section 23 of the Human Tissue (Scotland) Act 2006 (asp 4)].

[^{F6}(5) If a part of a body is authorised to be removed for transplantation, research, education, training [^{F7}, audit or quality assurance] under section 6, [^{F8}6D, 6E, 6F, 6G, 6H, 8, 8D, 10 or 10A] of the Human Tissue (Scotland) Act 2006 (asp 4), that Act (and not this Act) applies to the removal and use of the part, even if the transplantation, research, education, training [^{F7}, audit or quality assurance]] consists of or involves anatomical examination; but the preceding provisions of this subsection do not prevent this Act applying as regards the body after such removal or where no such removal is made.

Textual Amendments

- F2** S. 1(1) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(2)(a)**, 62(2); [S.S.I. 2006/251](#), art. 3
- F3** S. 1(2A) inserted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(2)(b)**, 62(2); [S.S.I. 2006/251](#), art. 3
- F4** Words in s. 1(4) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(2)(c)(i)**, 62(2); [S.S.I. 2006/251](#), art. 3
- F5** Words in s. 1(4) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(2)(c)(ii)**, 62(2); [S.S.I. 2006/251](#), art. 3
- F6** Words in s. 1(5) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(2)(d)**, 62(2); [S.S.I. 2006/251](#), art. 3
- F7** Words in s. 1(5) substituted (S.) (26.3.2021) by [Human Tissue \(Authorisation\) \(Scotland\) Act 2019 \(asp 11\)](#), **ss. 28(1)(a)**, 29(2); [S.S.I. 2021/108](#), reg. 2
- F8** Words in s. 1(5) substituted (S.) (26.3.2021) by [Human Tissue \(Authorisation\) \(Scotland\) Act 2019 \(asp 11\)](#), **ss. 28(1)(b)**, 29(2); [S.S.I. 2021/108](#), reg. 2

Modifications etc. (not altering text)

- C1** S. 1(1) extended (S.) (1.9.2006) by [The Human Tissue \(Scotland\) Act 2006 \(Anatomy Act 1984 Transitional Provisions\) Order 2006 \(S.S.I. 2006/340\)](#), arts. 1(1), 2, 3

Anatomical examination

2 Control of examinations and possession.

- (1) No person shall carry out an anatomical examination unless—

Changes to legislation: *Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) he carries it out on premises which at the time of the examination are licensed under section 3(1),
 - (b) he is authorised to carry it out under section 3(3),
 - (c) at the time the examination is carried out it is lawful by virtue of [^{F9}sections 4 to 4B], and
 - (d) death has been registered, in the case of the body concerned, under [^{F10}section 22 of the 1965 Act or, where the body concerned is an imported body, death has been registered or recorded (or the equivalent) under the law concerning such matters applicable in the country or territory in which the person died].
- (2) Subject to subsection (3), no person shall have an anatomical specimen in his possession unless—
- (a) he is authorised to have possession under section 3(4),
 - (b) anatomical examination of the specimen is at the time concerned lawful by virtue of [^{F11}sections 4 to 4B], and
 - (c) a certificate of cause of death has been [^{F12}attested], in the case of the body concerned, in accordance with [^{F13}section 24 of the 1965 Act or, where the body concerned is an imported body, a certificate or other document having the equivalent effect has been issued under the law concerning such matters applicable in the country or territory in which the person died].
- (3) Subsection (2) does not apply where a person come into lawful possession of a body immediately after death and retained possession prior to its removal to the place where anatomical examination is to take place.
- (4) In this section ^{F14}... “the 1965 Act” means the ^{M1}Registration of Births, Deaths and Marriages (Scotland) Act 1965.

Textual Amendments

- F9** Words in s. 2(1)(c) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\), ss. 53\(3\)\(a\)\(i\), 62\(2\); S.S.I. 2006/251, art. 3](#)
- F10** Words in s. 2(1)(d) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\), ss. 53\(3\)\(a\)\(ii\), 62\(2\); S.S.I. 2006/251, art. 3](#)
- F11** Words in s. 2(2)(b) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\), ss. 53\(3\)\(b\)\(i\), 62\(2\); S.S.I. 2006/251, art. 3](#)
- F12** Word in s. 2(2)(c) substituted (S.) (1.1.2007) by [The Registration Services \(Consequential Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/596\), arts. 1, 3](#)
- F13** Words in s. 2(2)(c) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\), ss. 53\(3\)\(b\)\(ii\), 62\(2\); S.S.I. 2006/251, art. 3](#)
- F14** Words in s. 2(4) repealed (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\), ss. 53\(3\)\(c\), 62\(2\); S.S.I. 2006/251, art. 3](#)

Marginal Citations

- M1** 1965 c. 49.

3 Licences.

- (1) The Secretary of State may grant a licence for the use of premises for carrying out anatomical examinations.

Changes to legislation: *Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (2) The Secretary of State may grant a licence to a person to do one or both of the following—
- (a) carry out anatomical examinations;
 - (b) have possession of anatomical specimens.
- (3) A person is authorised under this subsection to carry out an anatomical examination if—
- (a) at the time of the examination he is licensed to carry it out under subsection (2)(a), or
 - (b) he ^{F15}... has permission (general or particular) to carry out the examination from a person who is so licensed at the time of the examination.
- (4) A person is authorised under this subsection to have possession of an anatomical specimen if—
- (a) at the time he has possession he is licensed to do so under subsection (2)(b), or
 - (b) he has, from a person who is so licensed at that time, permission (general or particular) to have such possession.
- (5) A person to whom a licence has been granted under subsection (2) shall—
- (a) compile such records in relation to anatomical examinations and anatomical specimens as may be specified by regulations made by the Secretary of State, and
 - (b) retain for such period as may be so specified any records compiled in accordance with paragraph (a).
- (6) The power to make regulations under subsection (5) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F15 Words in s. 3(3)(b) repealed (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), ss. 53(4), 62(2); S.S.I. 2006/251, art. 3

4 Lawful examinations.

- (1) Subsection (2) applies if [^{F16}a person, who at the time the request is made is 12 years of age or over, requests] that his body be used after his death for anatomical examination.

[^{F17}(1A) A request by a person under subsection (1) must be in writing and—

- (a) signed by the person and subject to subsection (1C)(a), witnessed by an adult who is a witness to both the signature and the content of, and signs, the writing, or
- (b) subject to subsections (1C)(b) and (1D), if the person is blind or unable to write, signed by an adult (the signatory) on his behalf and witnessed by another adult who is a witness to both the signature and the content of, and signs, the writing.

- (1B) A request by a person under subsection (1) which is signed by a signatory on behalf of the person and witnessed as mentioned in subsection (1A)(b) must contain a statement

Changes to legislation: *Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

signed by both the signatory and the witness in the presence of the person and of each other that the person, in the presence of them both, expressed his intention to make the request and requested the signatory to sign the request on his behalf.

(1C) If the person making the request under subsection (1) is 12 years of age or over but not an adult—

- (a) in the circumstances mentioned in subsection (1A)(a)—
 - (i) the request must be witnessed by two adults who are present at the same time, and
 - (ii) each witness must, at the time of witnessing, certify (in writing signed by the witness) that, in the opinion of the witness, the person understood the effect of the request and was not acting under undue influence in making it,
- (b) in the circumstances mentioned in subsection (1A)(b)—
 - (i) the signatory must, at the time of signing on behalf of the person, certify (in writing signed by the signatory) that, in the opinion of the signatory, the person understands the effect of the request and is not acting under undue influence in making it, and
 - (ii) the witness must, at the time of witnessing, certify (in writing signed by the witness) that, in the opinion of the witness, the person understands the effect of the request and is not acting under undue influence in making it.

(1D) Nothing in paragraph (b) of subsection (1A) prevents a person who is blind from signing a request under subsection (1) in accordance with paragraph (a) of subsection (1A).]

(2) If the person lawfully in possession of the body after death has no reason to believe that the request was withdrawn, he may authorise the use of the body in accordance with the request.

^{F18}(3)

(4) Subject to [^{F19}subsection (6) and section 4B(1) and (2)], the anatomical examination of a body in accordance with an authority given in pursuance of this section is lawful by virtue of this section.

^{F20}(5)

(6) Where a person has reason to believe that an inquiry under the [^{F21}Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016] is to be held on any body or that a post-mortem examination of any body may be required by the procurator fiscal, he shall not, except with the procurator fiscal's consent—

- (a) give any authority under this section in respect of the body, or
- (b) act on such an authority given by any other person.

^{F22} ...

^{F23}(7)

^{F23}(8)

(9) In the case of a body lying in

[^{F24}(a)] a hospital[^{F25}, nursing home] or other institution[^{F26}; or

Changes to legislation: Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(b) accommodation provided by a care home service (as defined by ^{F27} paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010 (asp 8)], any authority under this section may be given on behalf of the person having the control and management of the institution [^{F28}or accommodation] by any officer or person designated for that purpose by the first-mentioned person.

^{F29}(9A) This section does not apply to the use of an imported body for anatomical examination.]

^{F30}(10)

^{F31}(11)

Textual Amendments

- F16** Words in s. 4(1) substituted (S.) (1.9.2006) by Human Tissue (Scotland) Act 2006 (asp 4), **ss. 53(5)(a)**, 62(2); S.S.I. 2006/251, **art. 3**
- F17** S. 4(1A)-(1D) inserted (S.) (1.9.2006) by Human Tissue (Scotland) Act 2006 (asp 4), **ss. 53(5)(b)**, 62(2); S.S.I. 2006/251, **art. 3**
- F18** S. 4(3) repealed (S.) (1.9.2006) by Human Tissue (Scotland) Act 2006 (asp 4), **ss. 53(5)(c)**, 62(2); S.S.I. 2006/251, **art. 3**
- F19** Words in s. 4(4) substituted (S.) (1.9.2006) by Human Tissue (Scotland) Act 2006 (asp 4), **ss. 53(5)(d)**, 62(2); S.S.I. 2006/251, **art. 3**
- F20** S. 4(5) repealed (1.9.2006) by Human Tissue Act 2004 (c. 30), **ss. 59(8)(9)**, 60(2), **Sch. 7 Pt. 1**; S.I. 2006/1997, **art. 3(2)** (with arts. 4, 7, 8)
- F21** Words in s. 4(6) substituted (S.) (15.6.2017) by Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), s. 42(2), **sch. 2 para. 4**; S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)
- F22** Words in s. 4(6) repealed (S.) (1.9.2006) by Human Tissue (Scotland) Act 2006 (asp 4), **ss. 53(5)(e)**, 62(2); S.S.I. 2006/251, **art. 3**
- F23** S. 4(7)(8) repealed (S.) (1.9.2006) by Human Tissue (Scotland) Act 2006 (asp 4), **ss. 53(5)(f)**, 62(2); S.S.I. 2006/251, **art. 3**
- F24** Words in s. 4(9) renumbered as s. 4(9)(a) (S.) (1.4.2002) by 2001 asp 8, s. 79, **Sch. 3 para. 10(b)**; S.S.I. 2002/162, **arts. 1(2)**, 2(h) (subject to arts. 3-13)
- F25** Words in s. 4(9) repealed (S.) (1.4.2002) by 2001 asp 8, s. 79, **Sch. 3 para. 10(a)**; S.S.I. 2002/162, **arts. 1(2)**, 2(h) (subject to arts. 3-13)
- F26** S. 4(9)(b) and word inserted (S.) (1.4.2002) by 2001 asp 8, s. 79, **Sch. 3 para. 10(c)**; S.S.I. 2002/162, **arts. 1(2)**, 2(h) (subject to arts. 3-13)
- F27** Words in s. 4(9)(b) substituted (28.10.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 (S.I. 2011/2581), art. 1(2)(b), **Sch. 2 para. 3**
- F28** Words in s. 4(9) inserted (S.) (1.4.2002) by 2001 asp 8, s. 79, **Sch. 3 para. 10(d)**; S.S.I. 2002/162, **arts. 1(2)**, 2(h) (subject to arts. 3-13)
- F29** S. 4(9A) inserted (S.) (1.9.2006) by Human Tissue (Scotland) Act 2006 (asp 4), **ss. 53(5)(g)**, 62(2); S.S.I. 2006/251, **art. 3**
- F30** S. 4(10) repealed (S.) (1.9.2006) by Human Tissue (Scotland) Act 2006 (asp 4), **ss. 53(5)(h)**, 62(2); S.S.I. 2006/251, **art. 3**
- F31** S. 4(11) repealed (S.) (1.9.2006) by Human Tissue (Scotland) Act 2006 (asp 4), **ss. 53(5)(h)**, 62(2); S.S.I. 2006/251, **art. 3**

Modifications etc. (not altering text)

- C2** S. 4(2) applied (S.) (1.9.2006) by The Human Tissue (Scotland) Act 2006 (Anatomy Act 1984 Transitional Provisions) Order 2006 (S.S.I. 2006/340), arts. 1(1), **2**, 3

Changes to legislation: *Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[^{F32}4A Lawful examinations: imported bodies

- (1) Subject to subsection (2), the person lawfully in possession of an imported body may authorise use of the body for anatomical examination if—
 - (a) the body is imported for use for anatomical examination in Scotland,
 - (b) either—
 - (i) there has been no previous examination of the imported body outwith Scotland (being anatomical examination or examination which has the characteristics of anatomical examination), or
 - (ii) there has been such an examination of it but only for the purpose of removing and retaining one or more parts of the body for the purposes of education, training or research, and
 - (c) no more than three years have elapsed since the date of death.
- (2) The person may only authorise such use if licensed under section 3(2) to—
 - (a) carry out anatomical examinations, and
 - (b) have possession of anatomical specimens.
- (3) Subject to section 4B(1) and (2), the anatomical examination of an imported body in accordance with an authority given in pursuance of this section is lawful by virtue of this section.

Textual Amendments

F32 Ss. 4A, 4B inserted (S.) (12.5.2006 for specified purposes, 1.9.2006 in so far as not already in force) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), ss. **53(6)**, 62(2); S.S.I. 2006/251, arts. 2, 3, sch.

4B Lawful examinations: additional provision

- (1) No authority may be given under section 4(2) or 4A(1) in respect of a body by a person entrusted with the body for the purpose only of its interment or cremation.
- (2) Authority under section 4(2) or 4A(1) expires at the end of the statutory period (even if the person lawfully in possession of the body concerned authorises its use under section 4(2) or, as the case may be, 4A(1) for a longer or a shorter period or for no particular period).
- (3) In subsection (2), “the statutory period” means the period of 3 years (or such other period as the Scottish Ministers may from time to time by order specify for the purposes of this subsection) beginning with the date of the deceased’s death.
- (4) The power to make an order under subsection (3) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament; and no such order shall apply in relation to the body of a person who died before the coming into force of the order.]

Textual Amendments

F32 Ss. 4A, 4B inserted (S.) (12.5.2006 for specified purposes, 1.9.2006 in so far as not already in force) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), ss. **53(6)**, 62(2); S.S.I. 2006/251, arts. 2, 3, sch.

Changes to legislation: Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Possession after examination

5 Control of possession after examination.

[^{F33}(1) This section applies where—

- (a) authority under section 4(2) or, as the case may be, 4A(1) to use a body for anatomical examination has expired,
- (b) the anatomical examination of a body has been concluded before the expiry of such authority, or
- (c) a body has been used for examination outwith Scotland (being anatomical examination or examination which has the characteristics of anatomical examination) except in a case where—
 - (i) that examination was only for the purpose of removing or retaining one or more parts of the body for the purposes of education, training or research,
 - (ii) the body is imported for use for anatomical examination in Scotland, and
 - (iii) no more than three years have elapsed since the date of death,

whether or not the body or part of the body has undergone any process to preserve it.]

(2) Subject to subsections (3) [^{F34}, (4) and (4A)], no person shall have the body or part of the body in his possession.

(3) Subsection (2) does not apply where a person has possession of the body or part for the purpose only of its decent disposal.

[^{F35}(4) Subsection (2) does not apply—

- (a) where—
 - (i) a person has possession of a part of a body whose anatomical examination has been concluded before the expiry of the authority under section 4(2) or, as the case may be, 4A(1),
 - (ii) the part is such that the person from whose body it came cannot be recognised simply by examination of the part,
 - (iii) the person with possession is authorised to have possession under subsection (5), and
 - (iv) possession of the part is lawful by virtue of section 6, nor
- (b) where—
 - (i) a person has possession of a part of a body which has been used for examination outwith Scotland (being anatomical examination or examination which has the characteristics of anatomical examination),
 - (ii) the part was removed from the body during the course of the examination,
 - (iii) the death of the person from whose body the part has come has been registered or recorded (or the equivalent) under the law applicable in the country or territory in which the person died,
 - (iv) the part is such that the person from whose body it came cannot be recognised simply by examination of the part, and
 - (v) the person with possession is authorised to have possession under subsection (5).

Changes to legislation: *Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4A) Subsection (2) does not apply where—
- (a) a person has possession of a body which has been used for examination outwith Scotland (being anatomical examination or examination which has the characteristics of anatomical examination),
 - (b) the death of the deceased has been registered or recorded (or the equivalent) under the law applicable in the country or territory in which the deceased died,
 - (c) the body was not imported for use for anatomical examination in Scotland; and is not so used at any time,
 - (d) the body is such that the deceased cannot be recognised simply by examination of the body, and
 - (e) the person with possession of the body is authorised to have possession under subsection (5).]
- (5) If the Secretary of State thinks it desirable to do so in the interests of education^[F36, training] or research, he may grant a licence to a person to have possession of parts of ^[F37]bodies or, as the case may be,] bodies, and a person is authorised under this subsection to have possession of a part of ^[F38]a body or] a body if—
- (a) at the time he has possession he is licensed to do so under this subsection, or
 - (b) he has, from a person who is so licensed at that time, permission (general or particular) to have such possession.
- (6) A person to whom a licence has been granted under subsection (5) shall—
- (a) compile such records in relation to ^[F39]bodies or] parts of bodies as may be specified by regulations made by the Secretary of State, and
 - (b) retain for such period as may be so specified any records compiled in accordance with paragraph (a).
- (7) The power to make regulations under subsection (6) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F33** S. 5(1) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(7)(a)**, 62(2); [S.S.I. 2006/251](#), art. 3
- F34** Words in s. 5(2) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(7)(b)**, 62(2); [S.S.I. 2006/251](#), art. 3
- F35** S. 5(4)(4A) substituted for s. 5(4) (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(7)(c)**, 62(2); [S.S.I. 2006/251](#), art. 3
- F36** Word in s. 5(5) inserted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(7)(d)(i)**, 62(2); [S.S.I. 2006/251](#), art. 3
- F37** Words in s. 5(5) inserted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(7)(d)(ii)**, 62(2); [S.S.I. 2006/251](#), art. 3
- F38** Words in s. 5(5) inserted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(7)(d)(iii)**, 62(2); [S.S.I. 2006/251](#), art. 3
- F39** Words in s. 5(6)(a) inserted (S.) (12.5.2006 for specified purposes, 1.9.2006 in so far as not already in force) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(7)(e)**, 62(2); [S.S.I. 2006/251](#), arts. 2, 3, sch.

Changes to legislation: Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

6 Lawful possession.

- (1) Subsection (2) applies if ^{F40}... a request as mentioned in section 4(1), [^{F41}includes] permission for possession of parts (or any specified parts) of [^{F42}the person's] body to be held after its anatomical examination is concluded.
- (2) If the person lawfully in possession of the body after death has no reason to believe that the permission was withdrawn, he may, in giving authority under section 4(2), give authority for possession to be held in accordance with the permission.
- [^{F43}(3) Authority given under section 4A(1) for the use of an imported body for anatomical examination may include authority for possession of parts (or any specified parts) of the body to be held in accordance with the authority after the examination is concluded.]
- (4) It is lawful by virtue of this section to have possession of part of a body if possession is held in accordance with an authority given in pursuance of this section.

Textual Amendments

- F40** Words in s. 6(1) repealed (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\), ss. 53\(8\)\(a\)\(i\), 62\(2\); S.S.I. 2006/251, art. 3](#)
- F41** Word in s. 6(1) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\), ss. 53\(8\)\(a\)\(ii\), 62\(2\); S.S.I. 2006/251, art. 3](#)
- F42** Words in s. 6(1) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\), ss. 53\(8\)\(a\)\(iii\), 62\(2\); S.S.I. 2006/251, art. 3](#)
- F43** S. 6(3) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\), ss. 53\(8\)\(b\), 62\(2\); S.S.I. 2006/251, art. 3](#)

Modifications etc. (not altering text)

- C3** S. 6(2) applied (S.) (1.9.2006) by [The Human Tissue \(Scotland\) Act 2006 \(Anatomy Act 1984 Transitional Provisions\) Order 2006 \(S.S.I. 2006/340\), arts. 1\(1\), 2, 3](#)

[^{F44}Control of public display

Textual Amendments

- F44** S. 6A and cross-heading inserted (S.) (12.5.2006 for specified purposes, 1.9.2006 in so far as not already in force) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\), ss. 53\(9\), 62\(2\); S.S.I. 2006/251, arts. 2, 3, sch.](#)

6A Control of public display

- (1) Subject to subsections (2) to (8), no person shall publicly display—
 - (a) an anatomical specimen,
 - (b) a body or part of a body which has been used for anatomical examination, or
 - (c) a body or part of a body which has been used outwith Scotland for anatomical examination or examination which has the characteristics of anatomical examination,
 whether or not it has undergone a process to preserve it.

Changes to legislation: *Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (2) Subsections (3)(c), (5)(e), (7)(d) and (8)(d) do not apply to such persons as the Scottish Ministers may by order specify; being persons responsible for the operation or control of such museums as they may so specify.
- (3) Where—
- (a) a person is authorised under section 5(5) to have possession of a part of a body,
 - (b) possession of the part is lawful by virtue of section 6, and
 - (c) the display is authorised under subsection (9),
- subsection (1) does not apply as respects the public display of the part if the condition in subsection (4) is met.
- (4) The condition is that where the lawful possession of the part by virtue of section 6 is—
- (a) in pursuance of a request under section 4(1), that request also includes permission for public display (and there is no reason to believe that permission was withdrawn), or
 - (b) in pursuance of an authority under section 4A(1), that authorisation also includes authority for public display.
- (5) Where—
- (a) a person is authorised under section 3(4) to have possession of an anatomical specimen,
 - (b) the anatomical specimen is in the course of being used for anatomical examination in pursuance of an authority under section 4(2) or 4A(1),
 - (c) the body or a part of the body is such that the deceased cannot be recognised simply by examination of the body or, as the case may be, the part,
 - (d) the statutory period referred to in section 4B(2) has not expired, and
 - (e) the display is authorised under subsection (9),
- subsection (1) does not apply as respects the public display of the body or, as the case may be, the part of the body, if the condition in subsection (6) is met.
- (6) The condition is that where the anatomical examination is—
- (a) in pursuance of a request under section 4(1), that request also includes permission for public display (and there is no reason to believe that permission was withdrawn), or
 - (b) in pursuance of an authority under section 4A(1), that authorisation also includes authority for public display.
- (7) Where—
- (a) a person is authorised under section 5(5) to have possession of a part of a body,
 - (b) the part is a part of a body which has been used outwith Scotland for anatomical examination or examination which has the characteristics of anatomical examination,
 - (c) the part was removed from the body during the course of that examination, and
 - (d) the display is authorised under subsection (9),
- subsection (1) does not apply as respects the public display of the part.
- (8) Where—
- (a) a person is authorised under section 5(5) to have possession of a body,
 - (b) the body has been used outwith Scotland for anatomical examination or examination which has the characteristics of anatomical examination,

Changes to legislation: *Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (c) the body was not imported for use for anatomical examination in Scotland; and is not so used at any time, and
 - (d) the display is authorised under subsection (9),
- subsection (1) does not apply as respects the public display of the body.
- (9) If the Scottish Ministers think it desirable to do so in the interests of education, training or research, they may grant a licence to a person to publicly display the body or, as the case may be, the part, and a person is authorised under this subsection to so display a body or a part of a body if, at the time of the display he is licensed under this subsection.
- (10) No person, whether the holder of a licence granted under subsection (9) or not, may publicly display a body or a part of a body while—
- (a) any procedure in relation to an anatomical examination, or
 - (b) any similar procedure,
- is being carried out.
- (11) In subsection (10)(a) the reference to “procedure” includes dissection, removal and implantation.
- (12) A person to whom a licence has been granted under subsection (9) shall—
- (a) compile such records as may be specified by regulations made by the Scottish Ministers, and
 - (b) retain for such period as may be so specified any records compiled in accordance with paragraph (a).
- (13) For the purposes of this section, public display, in relation to the body or part of the body of a deceased person (including an anatomical specimen) does not include—
- (a) display of the body or part for the purposes of enabling people to pay their final respects to the deceased or which is incidental to the deceased's funeral,
 - (b) use of the body or part for the purpose of public display at a place of public religious worship, or at a place associated with such a place, if there is a connection between the body or, as the case may be, the part and the religious worship which takes place at the place in question.
- (14) The power to make an order under subsection (2) or regulations under subsection (12) (a) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.]

Modifications etc. (not altering text)

- C4** S. 6A(4)(a) modified (S.) (1.9.2006) by [The Human Tissue \(Scotland\) Act 2006 \(Anatomy Act 1984 Transitional Provisions\) Order 2006 \(S.S.I. 2006/340\)](#), arts. 1(1), **4(1)**
- C5** S. 6A(6)(a) modified (S.) (1.9.2006) by [The Human Tissue \(Scotland\) Act 2006 \(Anatomy Act 1984 Transitional Provisions\) Order 2006 \(S.S.I. 2006/340\)](#), arts. 1(1), **4(3)**

Miscellaneous

7 Licences: general provisions.

- (1) Applications for licences under this Act shall be made in such manner as the Secretary of State may decide.

Changes to legislation: *Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (2) A licence under this Act may be granted to such person as the Secretary of State thinks suitable, and a licence under section 3(1) may be granted in respect of such premises as he thinks suitable.
- (3) The Secretary of State may require the payment of such fee as he thinks fit in respect of any application for a licence under this Act.
- (4) Where the Secretary of State decides not to grant a licence under this Act he shall take reasonable steps to secure that the applicant is notified in writing of his decision and of the reasons for it.
- (5) A licence under this Act may be granted subject to such conditions as the Secretary of State thinks necessary or desirable, but no condition may be imposed in relation to a matter dealt with by regulations under section 8.
- (6) A Licence under this Act shall be effective for such period as the Secretary of State may stipulate when he grants it, except that—
 - (a) he may (subject to subsection (7)) revoke a licence if he thinks it reasonable to do so;
 - (b) he may at any time accept the surrender of a licence from the person to whom it was granted;
 - (c) if the person to whom the licence was granted dies the licence shall then expire (subject to subsection (9)).
- (7) Where the Secretary of State decides to revoke a licence under this Act^[F45], subject to subsection (7A),] the revocation shall be ineffective unless he gives to the person to whom the licence was granted a written notice stating—
 - (a) that he proposes to revoke the licence on a date which is specified in the notice and is at least 28 days after the date of the notice, and
 - (b) the reasons for his decision.

^[F46](7A) Subsection (7) does not apply in relation to a decision of the Scottish Ministers to revoke a licence under this Act if the Ministers consider that there would be a risk to public health if the requirements of that subsection were to apply, and where the Scottish Ministers consider that to be the case they shall notify the person to whom the licence was granted of the revocation and that for the reasons mentioned in this subsection the revocation takes effect on the date specified in the notification.]

- (8) A notice under subsection (7) ^[F47]or (7A)] may be given by post.
- (9) Where a person holding a licence under this Act dies, any permission given by him under section 3(3)(b) or (4)(b) or 5(5)(b) (as the case may be), and effective immediately before his death, shall continue to be effective for a period of 21 days commencing with the date of his death; but if the period for which the licence was granted would have expired before the expiry of the 21 days, the permission shall expire when the licence would have expired.

Textual Amendments

- F45** Words in s. 7(7) inserted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(10)(a)**, 62(2); [S.S.I. 2006/251](#), art. 3
- F46** S. 7(7A) inserted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(10)(b)**, 62(2); [S.S.I. 2006/251](#), art. 3

Changes to legislation: *Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F47 Words in s. 7(8) inserted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(10)(c), 62(2)**; [S.S.I. 2006/251](#), art. 3

[^{F48}7A Appeal to sheriff principal against licence decision

- (1) This section applies to a decision of the Scottish Ministers under—
- (a) section 3(1) refusing to grant a licence for the use of premises for carrying out anatomical examinations,
 - (b) section 3(2) refusing to grant a licence to a person to—
 - (i) carry out anatomical examinations, or
 - (ii) have possession of anatomical specimens,
 - (c) section 5(5) refusing to grant a licence to a person to have possession of a body or a part of a body,
 - (d) section 6A(9) refusing to grant a licence to a person to publicly display a body or a part of a body,
 - (e) section 7(5) granting a licence subject to conditions,
 - (f) section 7(6)(a) revoking a licence.
- (2) The—
- (a) applicant, in the case of a decision referred to in subsection (1)(a), (b), (c), (d) or (e), and
 - (b) person to whom the licence was granted, in the case of a decision referred to in subsection (1)(f),
- may, before the expiry of the period of 21 days beginning with the day the decision is made, appeal under this section to the sheriff principal against the decision on one or more of the grounds mentioned in subsection (3).
- (3) The grounds are that the Scottish Ministers in arriving at their decision—
- (a) erred in law,
 - (b) based their decision on any incorrect material fact,
 - (c) acted contrary to natural justice, or
 - (d) exercised their discretion in an unreasonable manner.
- (4) An appeal to the sheriff principal under this section is to be—
- (a) where the appeal is against a decision under—
 - (i) section 3(1),
 - (ii) section 7(5) or 7(6)(a) in respect of a licence for the use of premises, to the sheriff principal of the sheriffdom in which the premises are situated;
 - (b) in any other case, to—
 - (i) the sheriff principal of the sheriffdom in which the appellant resides, or
 - (ii) the sheriff principal of the Sheriffdom of Lothian and Borders at Edinburgh.
- (5) In allowing an appeal under this section, the sheriff principal—
- (a) shall set aside the decision, and
 - (b) shall—
 - (i) if he considers that he can do so on the facts considered to be established by the Scottish Ministers, substitute his own decision, or

Changes to legislation: *Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(ii) remit the case to the Scottish Ministers for consideration anew.]

Textual Amendments

F48 S. 7A inserted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(11)**, 62(2); S.S.I. 2006/251, art. 3

8 Regulations.

- (1) The Secretary of State may make regulations—
 - (a) in relation to bodies the anatomical examination of which is lawful by virtue of section 4 [^{F49}or section 4A], with a view to securing their efficient and orderly examination and the decent disposal of the bodies (and parts of them) after their examination has been concluded;
 - (b) in relation to [^{F50}bodies or] parts of bodies the possession of which is [^{F51}authorised under section 5(5)], with a view to securing that they are decently cared for [^{F52};
 - (c) in relation to bodies or parts of bodies the display of which is authorised under section 6A(9) with a view to securing that the bodies or parts are decently cared for and displayed with appropriate respect].
- (2) The regulations may make different provision for different cases or descriptions of case, including different provision for different areas.
- (3) No regulations under this section shall apply in relation to the body of a person who died before the coming into force of the regulations.
- (4) The power to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F49** Words in s. 8(1)(a) inserted (S.) (12.5.2006 for specified purposes, 1.9.2006 in so far as not already in force) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(12)(a)**, 62(2); S.S.I. 2006/251, arts. 2, 3, sch.
- F50** Words in s. 8(1)(b) inserted (S.) (12.5.2006 for specified purposes, 1.9.2006 in so far as not already in force) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(12)(b)(i)**, 62(2); S.S.I. 2006/251, arts. 2, 3, sch.
- F51** Words in s. 8(1)(b) substituted (S.) (12.5.2006 for specified purposes, 1.9.2006 in so far as not already in force) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(12)(b)(ii)**, 62(2); S.S.I. 2006/251, arts. 2, 3, sch.
- F52** S. 8(1)(c) inserted (S.) (12.5.2006 for specified purposes, 1.9.2006 in so far as not already in force) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(12)(c)**, 62(2); S.S.I. 2006/251, arts. 2, 3, sch.

[^{F53}8A Code of practice

- (1) The Scottish Ministers may prepare a code of practice for the purpose of—
 - (a) giving practical guidance to persons—
 - (i) licensed under section 3(2) to carry out anatomical examinations or to have possession of anatomical specimens,

Changes to legislation: *Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (ii) authorised under section 5(5) to have possession of a body or parts of a body,
 - (iii) authorised under section 6A(9) to publicly display a body or parts of a body, and
 - (b) laying down standards expected in relation to such activities.
- (2) A code of practice prepared under subsection (1) may not be given effect unless and until it has been—
- (a) confirmed by order, and
 - (b) brought into force on a day appointed by order,
- by the Scottish Ministers.
- (3) The Scottish Ministers shall, before confirming a code of practice by order under subsection (2)(a)—
- (a) consult such persons as they see fit, and
 - (b) lay a draft of the code before the Scottish Parliament.
- (4) The Scottish Ministers shall publish a code of practice so confirmed in such way as, in their opinion, is likely to bring it to the attention of those interested in it.
- (5) The Scottish Ministers shall—
- (a) keep a code of practice confirmed by order under subsection (2)(a) under review, and
 - (b) prepare a revised code of practice where appropriate.
- (6) Subsections (2) to (4) apply to a revised code of practice prepared under subsection (5) (b) as they apply to a code of practice prepared under subsection (1).
- (7) Any person licensed or authorised as mentioned in subsection (1)(a) shall have regard to the provisions of a code of practice published under subsection (4) for the time being in force (so far as the provisions are applicable to the activity the person is licensed or, as the case may be, authorised to carry out); but a failure on the part of any such person to observe any provision of such code of practice shall not of itself render the person liable to any proceedings.
- (8) The Scottish Ministers may, in carrying out their functions under this Act with respect to licences, take into account any relevant observance of, or failure to observe, a code of practice published under subsection (4), so far as dealing with an application for a licence under section 3(2), 5(5) or 6A(9).
- (9) The power to make an order under subsection (2)(a) or (b) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.]

Textual Amendments

F53 S. 8A inserted (S.) (12.5.2006 for specified purposes, 1.9.2006 in so far as not already in force) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\), ss. 53\(13\), 62\(2\); S.S.I. 2006/251, arts. 2, 3, sch.](#)

9 Inspectors of anatomy.

- (1) The Secretary of State may appoint such persons as he thinks fit to be inspectors, each to be known as ^{F54}... Her Majesty's Inspector of Anatomy for Scotland.

Changes to legislation: *Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (2) An inspector shall be appointed—
 - (a) to advise the Secretary of State on the exercise of his functions under this Act;
 - (b) for the purpose mentioned in paragraph (a), to inspect premises in respect of which licences are sought under section 3(1), in order to ascertain whether the premises are suitable;
 - (c) for the purpose mentioned in paragraph (a), to examine applications for licences under this Act, in order to ascertain whether the applicants are suitable;
 - (d) to inspect premises, in order to ascertain whether any offence has been or is being committed under section 11(1) or (2) or against regulations under section 8 (as mentioned in section 11(4)).
- (3) The Secretary of State shall pay to an inspector such remuneration as the Secretary of State may decide.
- (4) An inspector shall be appointed on such other terms and conditions as the Secretary of State may determine.
- (5) The Secretary of State may in the case of such of the inspectors as he may determine—
 - (a) pay such pensions, allowances or gratuities to or in respect of them as may be so determined,
 - (b) make such payments towards the provision of pensions, allowances or gratuities to or in respect of any of them as may be so determined, or
 - (c) provide and maintain such schemes (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of them as may be so determined.

Textual Amendments

F54 Words in s. 9(1) repealed (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), ss. **53(14)**, **62(2)**; [S.S.I. 2006/251](#), art. **3**

10 Power to inspect records and premises.

- (1) An inspector duly authorised in writing by the Secretary of State may (subject to subsections (3) and (4)) require the production of, and inspect and take copies of, any records which a person is required to retain by virtue of section 3(5)^{F55}, 5(6) or 6A(12)].
- (2) Where—
 - (a) an inspector has reasonable cause to believe that an offence under ^{F56}section 11(1)] or (2) or against regulations under section 8 (as mentioned in section 11(4)) has been or is being committed on any premises, and
 - (b) he is duly authorised in writing by the Secretary of State to enter and inspect the premises with a view to ascertaining whether the offence has been or is being committed,he may (subject to subsections (3) to (5)) enter and inspect the premises for that purpose.

Changes to legislation: Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) An inspector who proposes to require the production of records or enter premises in exercise of a power under this section shall, if so required, produce evidence of his authority before making the requirement or entering.
- (4) A power under this section may only be exercised at a reasonable time.
- ^{F57}(5)
- (6) Information (including information in records) obtained by any person in pursuance of this section shall not be disclosed except—
- (a) with the written consent of the person by whom the information was provided, or
 - (b) to any Minister of the Crown, or
 - (c) in the form of a summary of similar information obtained from a number of persons, where the summary is so framed as not to enable particulars relating to any one person or undertaking to be ascertained from it, or
 - (d) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings, or
 - (e) for the purposes of a report of any criminal proceedings.
- (7) In this section “inspector” means a person appointed under section 9.

Textual Amendments

- F55** Words in s. 10(1) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(15)(a), 62(2)**; [S.S.I. 2006/251](#), **art. 3**
- F56** Words in s. 10(2)(a) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(15)(b), 62(2)**; [S.S.I. 2006/251](#), **art. 3**
- F57** S. 10(5) repealed (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(15)(c), 62(2)**; [S.S.I. 2006/251](#), **art. 3**

11 Offences.

- (1) A person who—
- (a) carries out an anatomical examination in contravention of section 2(1), or
 - (b) has in his possession an anatomical specimen in contravention of section 2(2),
^{F58} ...
 - (c) has in his possession a body or part of a body in contravention of section 5(2),
^{F59} or
 - (d) publicly displays a body or part of a body in contravention of section 6A(1) or (10),]
- shall be guilty of an offence.
- (2) A person who contravenes a condition attached to a licence granted to him under this Act shall be guilty of an offence.
- (3) Where a person is charged with an offence under subsection (1) or (2), it shall be a defence to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (4) Regulations under section 8 may provide that a person who without reasonable excuse contravenes any specified provision of the regulations shall be guilty of an

Changes to legislation: *Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

offence against the regulations; and references in this section to an offence against the regulations shall be construed accordingly.

- (5) A person who—
- (a) fails without reasonable excuse to comply with section 3(5)^{F60}, 5(6) or 6A(12)], or
 - (b) in purported compliance with section 3(5)^{F61}, 5(6) or 6A(12)] compiles a record which he knows is false in a material particular, or
 - (c) alters a record compiled in compliance with section 3(5)^{F62}, 5(6) or 6A(12)] so that the record becomes to his knowledge false in a material particular, or
 - (d) fails without reasonable excuse to comply with a requirement imposed by virtue of section 10(1), or
 - (e) intentionally obstructs an inspector in the exercise of his powers under section 10(1) or (2), or
 - (f) discloses information in contravention of section 10(6),
- shall be guilty of an offence.
- (6) A person guilty of an offence under subsection (1)
- or (2) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale^{F63} . . . or to imprisonment for a term not exceeding 3 months.
- (7) Regulations under section 8 may provide that a person guilty of an offence against the regulations shall be liable on summary conviction to a fine not exceeding an amount which is specified in the regulations in relation to the offence concerned and which does not exceed level 3 on the standard scale^{F63} . . .; and they may further provide that he may instead be liable on summary conviction to imprisonment for a term not exceeding 3 months.
- (8) A person guilty of an offence under subsection (5)
- shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale^{F63} . . .
- (9) Where an offence under this section or against regulations under section 8 is committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, ^{F64}member,] manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- ^{F65}(9A) Where an offence under this section or against regulations under section 8 is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a partner or a person who was purporting to act in such capacity, that person, as well as the partnership, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (9B) Where an offence under this section or against regulations under section 8 is committed by an unincorporated association other than a Scottish partnership and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a person who is concerned in the management or control of the association or a person who was purporting to act in any such capacity, that

Changes to legislation: *Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

person, as well as the unincorporated association, is guilty of the offence and liable to be proceeded against and punished accordingly.]

- (10) If a person carries out an anatomical examination or has possession of an anatomical specimen or of a body falling within section 5(1) or part of such a body, and the circumstances are such that he commits no offence under subsection (1) or (2) above or against regulations under section 8, he shall be guilty of no other offence of carrying out such examination or having such possession.

Textual Amendments

- F58** Word in s. 11(1) repealed (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(16)(a)(i)**, 62(2); S.S.I. 2006/251, art. 3
- F59** S. 11(1)(d) and word inserted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(16)(a)(ii)**, 62(2); S.S.I. 2006/251, art. 3
- F60** Words in s. 11(5)(a) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(16)(b)**, 62(2); S.S.I. 2006/251, art. 3
- F61** Words in s. 11(5)(b) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(16)(b)**, 62(2); S.S.I. 2006/251, art. 3
- F62** Words in s. 11(5)(c) substituted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(16)(b)**, 62(2); S.S.I. 2006/251, art. 3
- F63** Words in s. 11(6)(7)(8) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XIV** Group 2.
- F64** Word in s. 11(9) inserted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(16)(c)**, 62(2); S.S.I. 2006/251, art. 3
- F65** S. 11(9A)(9B) inserted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(16)(d)**, 62(2); S.S.I. 2006/251, art. 3

[^{F66}11A Interpretation

In this Act—

“adult” means a person who is 16 years of age or over,

“imported body” means the body of a deceased person who died outwith Scotland (and whose normal or usual place of residence immediately before his death was outwith Scotland) which is imported into Scotland from a place outside Scotland; and any reference to “imported” shall be construed accordingly.]

Textual Amendments

- F66** S. 11A inserted (S.) (1.9.2006) by [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#), **ss. 53(17)**, 62(2); S.S.I. 2006/251, art. 3

General

12 Finance.

- (1) Any expenses of the Secretary of State incurred in consequence of this Act shall be paid out of money provided by Parliament.
- (2) Any sums received by the Secretary of State under this Act shall be paid into the Consolidated Fund.

Changes to legislation: *Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

13 Short title, etc

- (1) This Act may be cited as the Anatomy Act 1984.
- (2) The following are repealed:—
 - (a) the ^{M2}Anatomy Act 1832;
 - (b) the ^{M3}Anatomy Act 1871;
 - (c) sections 2(1) and 3 of the ^{M4}Human Tissue Act 1961.
- (3) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be appointed for different provisions or different purposes.
- (4) Nothing in this Act affects anything done in relation to the body or part of the body of a person who died before the coming into force of section 4.
- (5) An order under subsection (3)
may include such transitionals or savings as appear to the Secretary of State to be necessary or expedient in connection with the provisions brought into force by the order, but nothing shall be so included if it would conflict with subsection (4).
- (6) This Act does not extend to Northern Ireland.

Modifications etc. (not altering text)

C6 S. 13(3) : power of appointment conferred by section 13(3) fully exercised: 14.2.1988 appointed by S.I. 1988/81

Marginal Citations

M2 1832 c. 75.

M3 1871 c. 16.

M4 1961 c. 54.

Changes to legislation:

Anatomy Act 1984 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 11(6) words substituted by [2003 c. 44 Sch. 26 para. 31](#)
- s. 11(7) words substituted by [2003 c. 44 Sch. 27 para. 5\(2\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11(7A) inserted by [2003 c. 44 Sch. 27 para. 5\(3\)](#)