

# **HUMAN TISSUE (SCOTLAND) ACT 2006**

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## **EXPLANATORY NOTES**

### **THE ACT – AN OVERVIEW**

#### **Part 3: Tissue Sample Or Organs No Longer Required for Procurator Fiscal Purposes**

##### ***Section 45 – Authorisation of use etc after examination: person with parental rights and responsibilities for child 12 years of age or over***

109. **Section 45(1)** provides that if there in force immediately before the death of a child who died 12 years of age or over no authorisation by the child of any of the matters referred to in section 44(1) (use of tissue sample or retention and use of an organ which is no longer required for the purposes of the fiscal) a person who immediately before the child's death had parental rights and responsibilities in relation to the child (but who is not a local authority) may authorise one or more of those matters. Authorisation is needed where the use relates to the purposes of education, training or research.
110. Subsections (2) and (3) provide that such authorisation by the person with parental rights and responsibilities in relation to the child must be in writing, signed by that person and witnessed by 2 witnesses and may be withdrawn in writing, signed by the person who gave the authorisation and witnessed by 2 witnesses. Subsection (2) also provides that, in providing authorisation, the person with parental rights and responsibilities must state that they have no actual knowledge that the child was unwilling for the matter in question to be authorised for the purpose in question.