

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify medical procedures which may be carried out on a person for the purpose of increasing the likelihood of successful transplantation of a part of the person's body after the person's death and which are not for the primary purpose of safeguarding or promoting the physical or mental health of the person, known under the Human Tissue (Scotland) Act 2006 ("the Act") as "pre-death procedures" (see section 16A inserted by section 23 of the Human Tissue (Authorisation) (Scotland) Act 2019).

A pre-death procedure may only be carried out on a person if it has been specified as either a Type A procedure or Type B procedure (see section 16D of the Act).

These Regulations specify the "Type B procedures". Type B procedures are those pre-death procedures which the Scottish Ministers consider are appropriate to be subject to provision about the circumstances in which Type B procedures may be carried out; the way in which the carrying out of Type B procedures can be authorised; the process for authorisation of Type B procedures and the carrying out of Type B procedures.

Regulation 2 states that the Type B procedures are those specified in the schedule.

Regulation 3 describes the circumstances in which Type B procedures may be carried out. Regulation 4 makes provision about the ways in which Type B procedures can be authorised and the process for authorisation.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.