

2006 No. 309

HUMAN TISSUE

**The Human Tissue (Specification of Posts) (Scotland)
Order 2006**

Made - - - - - *6th June 2006*

Laid before the Scottish Parliament *7th June 2006*

Coming into force - - - *1st September 2006*

The Scottish Ministers, in exercise of the powers conferred by sections 41(2)(b) and 59(1)(b) of the Human Tissue (Scotland) Act 2006(a), and all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Human Tissue (Specification of Posts) (Scotland) Order 2006.

(2) This Order shall come into force on 1st September 2006.

Specification of person or holder of post who is the manager of an establishment which is a university or other establishment

2. The posts specified for the purposes of section 41(2)(b) of the Human Tissue (Scotland) Act 2006 are—

- (a) in the case of a university, the post of head of forensic pathology; and
- (b) in the case of any other establishment, the post of manager of that establishment.

LEWIS MACDONALD

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
6th June 2006

EXPLANATORY NOTE

(This note is not part of the Order)

Section 41(2)(b) of the Human Tissue (Scotland) Act 2006 (“the Act”) enables the Scottish Ministers to specify by Order the person or holder of the post of manager of an establishment which is a university or any other establishment (other than a health service hospital), to whom the procurator fiscal should send notification for the purposes of section 38(2) or 40(2)(a) of the Act. Section 38(2) of the Act provides that a tissue sample will become, and fall to be retained as, part of the medical records of a deceased person where the manager of an establishment where a post-mortem examination was carried out on the instructions of the fiscal has been notified by the fiscal that the tissue sample retained from that examination is no longer required for the fiscal’s purposes. Section 40(2)(a) of the Act makes similar provision in relation to organs removed from the body of a deceased person during a post-mortem examination carried out on the instructions of the fiscal.

Article 2(a) of this Order specifies in the case of a university the post of head of forensic pathology of a university to be the manager of an establishment (for the purposes of sections 38(2) and 40(2)(a) of the Act). Article 2(b) specifies in that regard in the case of any other establishment (namely an establishment which is not a health service hospital or a university) the post of manager of that establishment to be the manager of an establishment .

This Order comes into force on 1st September 2006, being the date on which the Act comes into force (by S.S.I. 2006/251).

£3.00

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