

2006 No. 334

ANATOMY

The Anatomy (Scotland) Regulations 2006

Made - - - - - *7th June 2006*

Laid before the Scottish Parliament *9th June 2006*

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

The Scottish Ministers, in exercise of the powers conferred by sections 3(5), 5(6), 6A(12), 8(1), and 11(4) and (7) of the Anatomy Act 1984(a), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Anatomy (Scotland) Regulations 2006 and shall come into force on 1st September 2006.

(2) In these Regulations—

“the Act” means the Anatomy Act 1984;

“a section 3(2) licence holder” means a person to whom a licence has been granted under section 3(2)(b) of the Act to have possession of anatomical specimens;

“a section 5(5) licence holder” means a person to whom a licence has been granted under section 5(5) of the Act(b) to have possession of bodies or parts of bodies; and

“a section 6A(9) licence holder” means a person to whom a licence has been granted under section 6A(9) of the Act to publicly display a body or a part of a body.

(3) These Regulations extend to Scotland only.

Application of these Regulations to existing bodies and parts of bodies

2.—(1) Regulations 3 and 4 of these Regulations shall not apply in relation to a body or a part of a body which was authorised for use for anatomical examination under section 4 of the Act(c) before the coming into force of these Regulations.

(2) Regulations 6 to 9 shall not apply in relation to the body of a person who died before the coming into force of these Regulations.

(a) 1984 c.14; section 5(6) was amended by the Human Tissue (Scotland) Act 2006 (asp 4) (“the 2006 Act”), section 53(7)(e); section 6A was inserted by the 2006 Act, section 53(9); section 8(1) was amended by the 2006 Act, section 53(12) and section 11(7) was amended by the Statute Law (Repeals) Act 1993 (c.50), Schedule 1 Part XIV and is prospectively amended by the Criminal Justice Act 2003 (c.44), Schedule 27, paragraph 5. The functions of the Secretary of State were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46).

(b) Section 5(5) was amended by the 2006 Act, section 53(7)(d).

(c) Section 4 was amended by the Regulation of Care (Scotland) Act 2001 (asp 8), schedule 3, paragraph 10, the Human Tissue Act 2004 (c.30), Schedule 6, paragraph 2, S.S.I. 2005/623 and the 2006 Act, section 53(5).

Records in relation to the possession of bodies

3.—(1) A section 3(2) licence holder shall compile records in a permanent form in accordance with this regulation in relation to each body to be used for, or in the course of being used for, anatomical examination which is—

- (a) in the section 3(2) licence holder's possession; or
- (b) in the possession of another person to whom the section 3(2) licence holder has given permission under section 3(4)(b) of the Act to have possession of the body,

which records shall contain the information specified in Parts A and B of Schedule 1.

(2) A section 3(2) licence holder shall retain records compiled in accordance with paragraph (1) above for—

- (a) a period of 5 years beginning with the disposal of the body; or
- (b) in the case where a part of the body is held in possession by virtue of section 6 of the Act^(a) after anatomical examination has concluded, a period of 5 years from the date of disposal of the last remaining part of the body possessed by virtue of that section.

(3) A section 5(5) licence holder shall compile records in a permanent form in accordance with this regulation in relation to each body, the possession of which is authorised under section 5(5) of the Act, and which is—

- (a) in the section 5(5) licence holder's possession; or
- (b) in the possession of another person to whom the section 5(5) licence holder has given permission under section 5(5)(b) of the Act to have possession of the body,

which records shall contain the information specified in Part A of Schedule 1.

(4) A section 5(5) licence holder shall retain records compiled in accordance with paragraph (3) above for a period of 5 years beginning with the disposal of the body.

Records in relation to the possession of parts of bodies

4.—(1) A section 3(2) licence holder shall compile records in a permanent form in accordance with this regulation in relation to each separated part of a body which is in the course of being used for anatomical examination and which part is—

- (a) in the section 3(2) licence holder's possession; or
- (b) in the possession of another person to whom the section 3(2) licence holder has given permission under section 3(4)(b) of the Act to have possession of the part,

which records shall contain the information in paragraphs 1 to 5 of Schedule 2.

(2) A section 3(2) licence holder shall retain records compiled in accordance with paragraph (1) above for—

- (a) in the case where the part is disposed of before or with the body from which it was removed, a period of 5 years beginning with the disposal of that body; or
- (b) in the case where a part of the body is held in possession by virtue of section 6 of the Act after anatomical examination has concluded, a period of 5 years from the date of disposal of the last remaining part of the body possessed by virtue of that section.

(3) A section 5(5) licence holder shall compile records in a permanent form in accordance with this regulation in relation to each part of a body to which section 5 of the Act applies, and which is—

- (a) in the section 5(5) licence holder's possession; or
- (b) in the possession of another person to whom the section 5(5) licence holder has given permission under section 5(5)(b) of the Act to have such possession,

which records shall contain the information specified in paragraphs 1 to 4, and 6 or, as the case may be, 7 of Schedule 2.

(a) Section 6 was amended by the 2006 Act, section 53(8).

(4) A section 5(5) licence holder shall retain records compiled in accordance with paragraph (3) for—

- (a) in the case where the part of a body is held in possession by virtue of section 6 of the Act after anatomical examination has concluded, a period of 5 years beginning with the date of disposal of the last remaining part of the body possessed by virtue of that section; or
- (b) in other cases, a period of 5 years beginning with the date of disposal of the part of a body.

Records in relation to public display.

5.—(1) A section 6A(9) licence holder—

- (a) who publicly displays a body or a part of a body referred to in section 6A(1) of the Act; and
- (b) is not licensed under section 3(2) or, as the case may be, section 5(5) of the Act to have possession of such a body or part of a body,

shall compile a record in a permanent form in relation to each body or part of a body publicly displayed which shall contain the information specified in paragraph (2).

(2) The information referred to in paragraph (1) is—

- (a) a description of the body or part of the body; and
- (b) the name and address of the person licensed under section 3(2) or, as the case may be, section 5(5) of the Act, who gave the section 6A(9) licence holder permission under section 3(4)(b) or, as the case may be, section 5(5)(b) of the Act to have possession of the body or part of a body.

(3) A section 6A(9) licence holder shall retain records compiled in accordance with paragraph (1) for a period of 5 years beginning with the date on which the body or part of a body was no longer held in the possession of the section 6A(9) licence holder.

Examination and disposal of bodies and parts of bodies

6. A section 3(2) licence holder shall ensure that—

- (a) as soon as practicable after an anatomical specimen is received at the place where anatomical examination is to take place the anatomical specimen is subject to a suitable process for its preservation;
- (b) an anatomical specimen is held in possession only for such period as an adequate state of preservation of the anatomical specimen is maintained;
- (c) all anatomical specimens in the licence holder's possession are stored in an orderly and hygienic manner in suitably designed rooms equipped with adequate facilities for regulating temperatures;
- (d) where an anatomical examination is carried out by a person who is authorised to carry out the examination by virtue of section 3(3)(b) of the Act^(a) (“the authorised person”), the authorised person is adequately supervised by a person who is licensed under section 3(2)(a) of the Act unless the authorised person is sufficiently qualified and trained to carry out anatomical examinations in an orderly and efficient manner without such supervision; and
- (e) after anatomical examination of a body has been concluded its disposal shall, so far as practicable, be in accordance with any wishes expressed by the deceased or any surviving spouse, civil partner or surviving relative of the deceased and that separated parts of the body, other than those parts which are held in possession by virtue of section 6 of the Act, are, so far as practicable, disposed of with the body from which they were removed.

^(a) Section 3(3)(b) of the Act was amended by the 2006 Act, section 53(4).

Care of bodies and parts of bodies used for education, training and research

7. A section 5(5) licence holder shall ensure that bodies and parts of bodies, the possession of which is authorised under that section are—

- (a) stored in an orderly and hygienic manner in suitably designed rooms equipped with adequate facilities for regulating temperatures; and
- (b) suitably preserved and held in possession only for such period as an adequate state of preservation of the body or part of a body is maintained.

Care of and display of bodies and parts of bodies

8. A person to whom a licence has been granted under section 6A(9) of the Act to publicly display a body or a part of a body shall ensure that a body or part of a body is displayed in an orderly and hygienic manner.

Offences

9. A person who without reasonable excuse contravenes any provision of regulation 6, 7 or 8 shall be guilty of an offence against these Regulations and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Revocations

10.—(1) Subject to paragraphs (2) and (3), the following regulations are revoked—

- (a) the Anatomy Regulations 1988(a); and
- (b) the Anatomy (Amendment) Regulations 1988(b).

(2) The repeal of the regulations referred to in paragraph (1) shall not apply to regulations 2 and 3 of the Anatomy Regulations 1988 in relation to a body or part of a body which was authorised for use for anatomical examination under section 4 of the Act before the coming into force of these Regulations.

(3) The repeal of the regulations referred to in paragraph (1) shall not apply to regulations 4 and 5 of the Anatomy Regulations 1988 in relation to the body of a person who died before the coming into force of these Regulations.

LEWIS MACDONALD

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
7th June 2006

(a) S.I. 1988/44.
(b) S.I. 1988/198.

Specified information to be contained in records compiled in relation to bodies.

Part A: Information in relation to all bodies

1. Full name of the deceased person.
2. Sex of the deceased person.
3. Date of death of the deceased person.
4. The place of death where the deceased died in Scotland or the place of death is included in the registration or recording (or the equivalent) under the law concerning such matters applicable in the country or territory where the person died.
5. Age of the deceased person at death.
6. Cause of death of the deceased person.
7. The date, time and place at which the body was received by the section 3(2) or section 5(5) licence holder.
8. Where a section 3(2) licence holder gives permission under section 3(4)(b) of the Act, or a section 5(5) licence holder gives permission under section 5(5)(b) of the Act, to a person to have possession of the body—
 - (a) the date and time on which the body became held in the possession of that person;
 - (b) the name of that person and address at which the body is held in possession by that person; and
 - (c) the date and time on which the body was returned to the possession of the section 3(2) or, as the case may be, section 5(5) licence holder.
9. Particulars of any wishes expressed by the deceased person or the surviving spouse, civil partner or any surviving relative of the deceased person in relation to the disposal of the body.
10. The date, method and place of disposal of the body.

Part B: Information in relation to bodies for anatomical examination.

11. Whether authority for anatomical examination of the body was given in pursuance of section 4(2) or 4A(1) of the Act^(a).
12. The name and address of the person lawfully in possession of the body who authorised the use of the body for anatomical examination in accordance with section 4(2) or 4A(1) of the Act.
13. In the case where authority for anatomical examination of the body was given in pursuance of section 4(2) of the Act whether—
 - (a) authority for possession of parts (or any specified parts, and, if so, which parts) of the body to be held after anatomical examination has been concluded has been given in accordance with section 6(2) of the Act; and

(a) Section 4A was inserted by the 2006 Act, section 53(6).

- (b) the request of the deceased person under section 4(1) of the Act also includes permission for public display and there is no reason to believe that permission was withdrawn.
14. In the case where authority for anatomical examination of the body was given in pursuance of section 4A(1) of the Act, whether–
- (a) authority for the possession of parts (or any specified parts, and, if so, which parts) of the body to be held after anatomical examination has been concluded has been given in accordance with section 6(3) of the Act; and
 - (b) that authorisation also includes authority for public display.
15. In the case where parts of the body are to be held in possession by virtue of section 6 of the Act after anatomical examination has concluded, information identifying each such part to be so held in possession.

Specified information to be contained in records in relation to parts of bodies.

Part A: Information in relation to a part of a body

1. A description of the part of a body.
2. Where a section 3(2) licence holder gives permission under section 3(4)(b) of the Act, or a section 5(5) licence holder gives permission under section 5(5)(b) of the Act, to a person to have possession of the part of a body—
 - (a) the date and time on which the part of a body became held in the possession of that person;
 - (b) the name of that person and address at which the part of a body is held in possession by that person; and
 - (c) the date and time on which the part of a body was returned to the possession of the section 3(2) or, as the case may be, section 5(5) licence holder.
3. Particulars of any wishes expressed by the deceased person or the surviving spouse, civil partner or any surviving relative of the deceased person in relation to the disposal of the part of a body.
4. The date and method and place of disposal of the part of the body.

Part B: Information required in the case of certain parts of a body

5. In the case of a separated part of a body in the course of being used for anatomical examination—
 - (a) information identifying the body from which the part was separated;
 - (b) in the case where authority for anatomical examination of that body was given in pursuance of section 4(2) of the Act whether—
 - (i) authority for possession of the part of the body to be held after anatomical examination has been concluded has been given in accordance with section 6(2) of the Act; and
 - (ii) the request of the deceased person under section 4(1) of the Act also includes permission for public display of the body or part of the body and there is no reason to believe that permission was withdrawn; and
 - (c) in the case where authority for anatomical examination of that body was given in pursuance of section 4A(1) of the Act whether—
 - (i) authority for the possession of the part of the body to be held after anatomical examination has been concluded has been given in accordance with section 6(3) of the Act; and
 - (ii) that authorisation also includes authority for public display.
6. In the case 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) of the Act—

- (a) information identifying the body from which the part was separated;
 - (b) the name and address of the person that gave authority in accordance with section 6(2) or, as the case may be, section 6(3) of the Act for possession of the part;
 - (c) where authority for anatomical examination of the body from which the part was separated was given in pursuance of section 4(2) of the Act, whether the request of the deceased person under section 4(1) of the Act also includes permission for public display and there is no reason to believe that permission was withdrawn; and
 - (d) where authority for anatomical examination of the body from which the part was separated was given in pursuance of section 4A(1) of the Act, whether that authorisation also includes authority for public display.
7. In the case of a part of a body which has been used for examination outwith Scotland (being anatomical examination or examination which has the characteristics of an anatomical examination) and was removed from the body during the course of that examination—
- (a) the date of death of the deceased person from whose body the part was removed;
 - (b) the place of death of that deceased person, if included in the registration or recording (or the equivalent) under the law concerning such matters applicable in the country or territory where the person died;
 - (c) age of that deceased person at death;
 - (d) the cause of death of that deceased person; and
 - (e) the date, time and place at which the part of a body was received by the section 5(5) licence holder.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Anatomy Regulations 1988 (“the 1988 Regulations”) with changes of substance, following amendments made to the Anatomy Act 1984 (“the Act”) by the Human Tissue (Scotland) Act 2006. These Regulations come into force on 1st September 2006.

These Regulations make provision as to the compilation and retention of records by persons to whom a licence has been granted under the Act, and in relation to the examination, disposal, care and display of bodies and parts of bodies under the Act.

Regulation 2–

- (a) specifies that the provisions of regulations 3 and 4 of these Regulations (which deal with the compilation and retention of records in relation to bodies and parts of bodies) do not apply in relation to a body or a part of a body which was authorised for use for anatomical examination before 1st September 2006;
- (b) sets out that the provisions of regulations 6 to 9 of these Regulations do not apply in relation to the body of a person who died before 1st September 2006.

Regulation 3, and Schedule 1 to these Regulations, specify the records that must be compiled by–

- (a) a person to whom a licence to have possession of anatomical specimens has been granted, in relation to bodies which are to be used for, or are in the course of being used for anatomical examination; and
- (b) a person to whom a licence has been granted in the interests of education, training and research to have possession of bodies and parts of bodies, in relation to bodies which may be possessed under the authority of such a licence.

Regulation 3 also specifies the period for which such records must be retained.

Regulation 4, and Schedule 2 to these Regulations, specify the records that must be compiled by–

- (a) a person to whom a licence to have possession of anatomical specimens has been granted, in relation to parts separated from a body in the course of being used for anatomical examination;
- (b) a person to whom a licence has been granted in the interests of education, training and research to have possession of bodies and parts of bodies, in relation to parts of bodies which may be possessed under the authority of such a licence.

Regulation 4 also specifies the period for which such records must be retained.

Regulation 5 specifies the records that must be compiled by a person to whom a licence has been granted to publicly display a body or part of a body and who is not also licensed under the Act to have possession of anatomical specimens or to have possession of bodies and parts of bodies in the interests of education, training and research, and specifies the period for which such records must be retained.

Regulation 6 makes provision for the examination and disposal of bodies of persons, the anatomical examination of which is lawful by virtue of section 4 or 4A of the Act.

Regulation 7 makes provision for the care of bodies or parts of bodies of persons, the possession of which is authorised under section 5(5) of the Act.

Regulation 8 makes provision for the care and display of bodies and parts of bodies of persons, the display of which is authorised under section 6A(9) of the Act.

Regulation 9 provides that a person who without reasonable excuse contravenes the provisions of regulation 5, 6 or 7 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Regulation 10 revokes the 1988 Regulations and the Anatomy (Amendment) Regulations 1988 but makes provision so that—

- (a) regulations 2 and 3 of the 1988 Regulations, which specify the records to be compiled and the period of retention of records in relation to a body and parts of body, shall continue to have effect where the body was authorised for use for anatomical examination before 1st September 2006;
- (b) regulations 4 and 5 of the 1988 Regulations, which make provision for the examination and disposal of bodies and the care of parts of bodies, shall continue to have effect in relation to bodies and parts of bodies of persons who died before 1st September 2006.

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