
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 340

The Human Tissue (Scotland) Act 2006 (Anatomy Act 1984 Transitional Provisions) Order 2006

Existing authorisations

3.—(1) Where, before 1st September 2006, a person lawfully in possession of a body after death has given authority for its anatomical examination under section 4(2) of the Act, but that authority has not yet expired, that authority shall be authority on and after that date for anatomical examination within the meaning of section 1(1) of the Act as substituted by section 53(2)(a) of the 2006 Act.

(2) Where, before 1st September 2006, a person lawfully in possession of a body after death has authorised its anatomical examination in accordance with section 4(3) of the Act (authorisation of use of a body for anatomical examination where there is no objection)(1), but that authority has not yet expired, that authority shall on and after that date—

- (a) be treated for the purposes of the Act as if given under section 4(2) of the Act in pursuance of a request under section 4(1) and have effect until expiry of that authority; and
- (b) be authority for anatomical examination within the meaning of section 1(1) of the Act as substituted by section 53(2)(a) of the 2006 Act.

(3) Where, in giving authority under section 4(3) of the Act before 1st September 2006, authority has been given under section 6(3) of the Act (authorisation for possession of parts where there is no objection)(2), that authority shall, on and after that date, have effect and be treated for the purposes of the Act as if given under section 6(2) of the Act in pursuance of permission included in a request under section 4(1).

(1) Section 4(3) was amended by [S.S.I. 2005/623](#) and is repealed by the 2006 Act, section 53(5)(c) with effect from 1st September 2006.

(2) Section 6(3) was amended by [S.S.I. 2005/623](#) and is substituted by the 2006 Act, section 53(8)(b) with effect from 1st September 2006.