
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 340

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

Deemed permission for public display where existing authority has been given

4.—(1) Where, on or after 1st September 2006—

- (a) possession of a part of a body is lawful by virtue of section 6 of the Act; and
- (b) authority under section 6(2) of the Act was given before 1st September 2006,

it shall be deemed, for the purposes of section 6A(4)(a) of the Act⁽¹⁾, that the request expressed by the deceased included permission for public display and was not withdrawn, unless the deceased stated otherwise in the request.

(2) Where, on or after 1st September 2006, possession of a part of a body is lawful by virtue of section 6 of the Act as a result of the operation of article 3(3), it shall be deemed for the purposes of section 6A(4)(a) of the Act that the request mentioned in that article included permission for public display and was not withdrawn, unless there is reason to believe that the deceased or the surviving spouse, surviving civil partner or any surviving relative objected to public display.

(3) Where, on or after 1st September 2006, an anatomical specimen is in the course of being used for anatomical examination in pursuance of an authority under section 4(2) of the Act that was given before 1st September 2006 it shall be deemed, for the purposes of section 6A(6)(a) of the Act, that the request expressed by the deceased under section 4(1) of the Act included permission for public display, unless the deceased stated otherwise in the request.

(4) Where, on or after 1st September 2006, an anatomical specimen is in the course of being used for anatomical examination in pursuance of an authority under section 4(2) of the Act as a result of the operation of article 3(2), it shall be deemed for the purposes of section 6A(6)(a) of the Act, that the request mentioned in that article included permission for public display and was not withdrawn, unless there is reason to believe that the deceased or the surviving spouse, surviving civil partner or any surviving relative objected to public display.

(1) Section 6A is inserted by the 2006 Act, section 53(9) with effect from 1st September 2006.