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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes transitional provision for the purposes, or in consequence of, the amendments made to the Anatomy Act 1984 (c. 14) (“the Act”) by section 53 of the [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#) (“the 2006 Act”).

Those amendments come into force on 1st September 2006, which is when the 2006 Act comes into force by virtue of the Human Tissue (Scotland) Act 2006 (Commencement) Order 2006 ([S.S.I. 2006/251](#)).

This Order also comes into force on that date.

Amongst other things, the 2006 Act amended the 1984 Act so that—

- (a) a new meaning of anatomical examination was substituted in section 1 of the Act;
- (b) new requirements were inserted into the Act as to the making of requests by a person that their body be used after death for anatomical examination and for the possession of parts of their body after anatomical examination concluded;
- (c) provisions of the Act which allowed authority to be given for the anatomical examination of a body (and the possession of parts of a body once anatomical examination concluded) if a person lawfully in possession of a body had no reason to believe that the deceased had expressed an objection to their body being so used, or that the surviving spouse, surviving civil partner or any surviving relative objected to the body being so used, were repealed;
- (d) controls on the public display of bodies and parts of bodies to be used for, in the course of being used for or that have been used for anatomical examination were introduced. These included, amongst other things, a condition, in certain circumstances, for public display that the deceased’s request that their body be used for anatomical examination includes permission for public display.

Article 2 of this order makes transitional provision in respect of existing requests made by a person under the Act before 1st September 2006 that their body be used after their death for anatomical examination, so that—

- (a) authority may be given by a person lawfully in possession of the person’s body after death for anatomical examination and for the possession of parts of their body after anatomical examination has concluded, whether or not the request continues to meet the new requirements contained in the Act;
- (b) the request is to be treated as a request that the persons body be used after their death for the new meaning of anatomical examination.

Article 3 of this Order makes transitional provision in respect of existing authorisations given under the Act before 1st September 2006 so that—

- (a) authority given by a person lawfully in possession of a body and who had no reason to believe that the deceased had expressed an objection to their body being so used, or the surviving spouse or relative objects to the body being so used, continues to have effect as if it were authority given under section 4(2) or 6(2) of the Act;
- (b) existing authorisation for anatomical examination is treated as being authorisation for the new meaning of anatomical examination.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Article 4 of this Order makes transitional provision so that where, before 1st September 2006, authority has been given for anatomical examination, or the possession of parts of a body once anatomical examination has concluded, the condition for public display that the deceased's request include permission for public display is treated as being met in certain circumstances.