
STATUTORY INSTRUMENTS

2006 No. 1659

The Human Tissue Act 2004 (Persons who Lack Capacity to Consent and Transplants) Regulations 2006

PART 2

PERSONS WHO LACK CAPACITY TO CONSENT

Analysis of DNA

Purposes for which DNA may be analysed without consent: Scotland

7.—(1) This regulation applies for the purposes of paragraph 12 of Schedule 4 to the Act.

(2) In any case falling within sub-paragraph (1)(a)(ii) and (b) of that paragraph (DNA manufactured by the body of a person who under the law of Scotland is an adult with incapacity), the purposes for which DNA manufactured by the body of an adult (“P”) with incapacity may be analysed are—

- (a) any purpose for which the person carrying out the analysis has obtained the consent of any person who has authority to consent to analysis of P’s DNA by virtue of—
 - (i) a welfare power of attorney within the meaning of section 16(2),
 - (ii) an intervention order under section 53, or
 - (iii) a guardianship order under section 58,of the Adults with Incapacity (Scotland) Act 2000;
- (b) a clinical trial which is authorised and conducted in accordance with the clinical trials regulations; or
- (c) surgical, medical, nursing, dental or psychological research which is permitted under section 51 of the Adults with Incapacity (Scotland) Act 2000⁽¹⁾.