HEALTH AND SPORT COMMITTEE

HUMAN TISSUE (AUTHORISATION) (SCOTLAND) BILL

SUBMISSION FROM PROFESSOR STEVEN D HEYS, UNIVERSITY OF ABERDEEN

Thank you for giving us the opportunity to review this Bill. I discussed this document with my colleague, Professor Graeme Murray, Professor of Pathology.

The bill amends the existing Human Tissue (Scotland) Act (2006) which provides the current regulatory framework for Anatomy, post-mortems and transplantation and is based around an explicit consent/opt-in model of consent. The existing act specifically excluded surplus human tissue from surgical procedures. The new bill proposes introducing an implied consent/opt-out procedure specifically for transplantation with the aim of increasing the number available for transplantation. We don’t think there are any direct implications for Pathology as we don’t have any direct involvement in transplantation. However it raises the issue that if the bill is passed then individual functions of the Human Tissue Act are regulated by different types of consent and this might have the potential to raise or cause confusion. If the opt-out system for transplantation is accepted and successfully implemented then might it be useful to consider an opt-out system for tissue donation to biorepositories?

We would be happy to discuss the matter further.