SCOTTISH STATUTORY INSTRUMENTS

2025 No. 139

HUMAN TISSUE

The Human Tissue (Supply of Information about Transplants) (Scotland) Regulations 2025

Made - - - -	*30th April 2025*
Laid before the Scottish Parliament	*2nd May 2025*
Coming into force - -	*1st July 2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 19(1) of the Human Tissue (Scotland) Act 2006(**a**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Human Tissue (Supply of Information about Transplants) (Scotland) Regulations 2025 and come into force on 1 July 2025.

Interpretation

2. In these Regulations—

"the Act" means the Human Tissue (Scotland) Act 2006,

"donor" means a person who donates one or more organs, whether donation occurs during lifetime or after death,

"recipient" means a person who receives a transplant of one or more organs,

"relevant clinician" means any of the following, whether practising as such a clinician in a transplant centre or a non-transplant centre—

(a) a specialist nurse involved in living donor care,

(b) a specialist nurse involved in recipient care,

(c) a transplant surgeon,

(d) a physician involved in living donor care,

(e) a physician involved in recipient care.

Supply of information regarding suspected offences

3.—(1) Notwithstanding any obligation of confidence owed by the relevant clinician, where a relevant clinician has reasonable suspicion that one or more of the offences in paragraph (2) may

(**a**) 2006 asp 4.

have been committed, the clinician must, as soon as reasonably practicable, supply to the Human Tissue Authority(**a**) such information specified in schedule 1 as is known by the relevant clinician.

(2) The offences are those contained in—

(a) section 17 (restrictions on transplants involving live donor) of the Act,

(b) section 20 (prohibition on commercial dealings in parts of a human body for transplantation etc.) of the Act,

(c) section 20A (offences under section 20 committed outside UK) of the Act,

(d) section 1 (offence of human trafficking) of the Human Trafficking and Exploitation (Scotland) Act 2015(**b**), where section 3(6) (exploitation for purposes of offence of human trafficking) of that Act applies in relation to the person.

(3) Paragraph (1) does not apply where—

(a) the reasonable suspicion arose other than in the course of the relevant clinician's profession,

(b) the relevant clinician has reason to believe that another relevant clinician has previously supplied information to the Human Tissue Authority in connection with the same suspected offence.

Supply of information about organ transplants performed outside the United Kingdom

4.—(1) Notwithstanding any obligation of confidence owed by the relevant clinician, where the conditions in paragraph (2) are met, the relevant clinician must, as soon as reasonably practicable, supply to the Human Tissue Authority such information specified in schedule 2 as is known by the relevant clinician.

(2) The conditions are—

(a) in the course of their profession, the relevant clinician becomes aware of an organ transplant having taken place outside the United Kingdom, and

(b) the recipient is—

(i) habitually resident in Scotland, whether they are a United Kingdom national or not, or

(ii) a United Kingdom national who is not habitually resident in Scotland.

(3) In this regulation "United Kingdom national" means an individual who is—

(a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen(**c**),

(b) a person who under the British Nationality Act 1981(**d**) is a British subject,

(c) a British protected person within the meaning of that Act.

(4) Paragraph (1) does not apply if the relevant clinician has reason to believe that another relevant clinician has previously supplied information to the Human Tissue Authority in connection with the same organ transplant as referred to in paragraph (2)(a).

JENNI MINTO
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
30th April 2025

(**a**) The Human Tissue Authority is a non-departmental public body of the Department of Health and Social Care, established by the Human Tissue Act 2004 (c. 30).
(**b**) 2015 asp 12.
(**c**) See the British Nationality Act 1981 (c. 61).
(**d**) 1981 c. 61.

SCHEDULE 1

Regulation 3(1)

Information in relation to suspected offences

1. The full name of the relevant clinician supplying the information to the Human Tissue Authority, their contact details, the position they hold and the place at which they hold it.

2. The offence or offences listed in regulation 3(2) that the relevant clinician reasonably suspects may have been committed.

3. The following information about the donor or potential donor, recipient or intended recipient, and any persons believed to be involved in the commission of an offence specified in regulation 3(2)—

(a) full name,

(b) whether the person is a donor or potential donor, recipient or intended recipient, or is believed to have other involvement in the commission of the offence,

(c) date of birth,

(d) home address,

(e) gender.

4. The relationship between the donor and recipient, or the relationship between the potential donor and intended recipient, if one exists.

5. A description of the organ believed to be transplanted or which is intended to be transplanted.

6. A description of the indicators that an offence specified in regulation 3(2) has been committed.

SCHEDULE 2

Regulation 4(1)

Information in relation to transplants outside the United Kingdom

1. The full name of the relevant clinician suppling the information to the Human Tissue Authority, their contact details, the position they hold and the place at which they hold it.

2. The following information about the recipient—

(a) full name,

(b) date of birth,

(c) home address,

(d) age at time of organ transplantation,

(e) gender,

(f) whether the recipient was treated at the relevant clinician's centre before travelling outside the United Kingdom for organ transplantation,

(g) status of the recipient on the United Kingdom organ transplant list when they travelled outside the United Kingdom for organ transplantation,

(h) whether the recipient was referred for organ transplantation outside the United Kingdom and, if such a referral took place, the reason or reasons for this,

(i) country or countries of legal citizenship or residency.

3. The following information about the donor—

(a) full name,

(b) whether the donor was living or deceased at the time of the organ donation,

(c) date of birth,

(d) age at the time of the organ donation,

(e) gender,

(f) country or countries of legal citizenship or residency.

4. The relationship between the donor and recipient, if one exists.

5. A description of the organ believed to have been transplanted.

6. The date of the organ transplantation.

7. The country, city and centre where the organ transplantation took place.

8. Contact details for the clinician who performed the organ transplantation or the centre where the organ transplantation took place.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify information that relevant clinicians must provide to the Human Tissue Authority in connection with organ transplants.

Regulation 3 imposes a duty on relevant clinicians to provide the information prescribed in schedule 1 (where it is known) to the Human Tissue Authority, where that relevant clinician has a reasonable suspicion that one or more of the offences listed in the regulation may have been committed. Regulation 3 also provides exceptions to the requirement to provide information, where the relevant clinician becomes aware of the information outside the course of their profession, or if they believe that another relevant clinician has already made a report in respect of that offence.

Regulation 4 imposes a duty on relevant clinicians to provide the information that is prescribed in schedule 2 (where it is known) to the Human Tissue Authority about organ transplants that have taken place outside of the United Kingdom where the recipient is a United Kingdom national (whether living in the United Kingdom or not) or is otherwise habitually resident in the United Kingdom. The duty applies where a clinician becomes aware of such a transplant in the course of their profession. Regulation 4 also creates an exception so that a relevant clinician is not required to supply the specified information if they believe another relevant clinician has already supplied information to the Human Tissue Authority in respect of the same organ transplant.

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