

PE1911/BBB: Review of Human Tissue (Scotland) Act 2006 as it relates to post-mortems

Monica Lennon MSP written submission, 19 November 2025

I am submitting this statement in support of Petition PE1911, lodged by my constituent Ann Stark, on 11 October 2021.

In those 4 years, Ann Stark has uncovered troubling practices within a system that is outdated and out of step with the rest of the UK and other countries. These circumstances are unknown to families until they are suddenly bereaved and begin asking questions. Ann Stark's persistence has brought to light many concerns about the lack of consent, transparency and dignity in the handling of post-mortems and non-suspicious deaths in Scotland.

Ann Stark's petition calls for a review of the Human Tissue (Scotland) Act 2006, particularly in relation to the conduct of post-mortems in cases of non-suspicious deaths. Ann has courageously shared the deeply distressing experience of her family following the death of her 25-year-old son, Richard, in 2019. Despite evidence suggesting a seizure as the likely cause of death, Richard underwent a full post-mortem and tissue samples were retained without the family's consent. Had Richard died in hospital, these samples would not have been taken, driven by this, Ann Stark's petition challenges how non-suspicious deaths are handled in Scotland.

If Richard had died elsewhere in the UK, we have learned that his body may not have been subjected to an invasive post-mortem. The Stark family uncovered that they would have been treated with more dignity, offered choices and spared the trauma of discovering, piece by piece, what tissues samples had been taken from their son without their knowledge or consent. Ann Stark says the emotional toll on families subjected to invasive post-mortems in non-suspicious deaths is profound. She continues to experience trauma and anxiety from what she has uncovered.

Current post-mortem practices allow exemptions for religious groups, where invasive post-mortems are limited or avoided entirely. If Richard belonged to a particular religious group, his body would likely have been treated differently. No family should be denied the same dignity and consideration based on their background or beliefs.

The Committee has made significant progress in investigating these issues, and I commend its commitment to listening to the Stark family. However, the Scottish Government's response to date has been inadequate. There remains a lack of leadership and accountability.

Ann Stark's petition has forced long-overdue attention on a broken system. Though limited progress has been made, much more is needed to deliver reform. Scotland must lead with compassion, transparency and respect for human dignity.

I urge the committee to keep Petition PE1911 open and to continue pressing for legislative and procedural reform. The changes proposed by Ann Stark and supported by thousands of petitioners (3,435 signatures) are reasonable, humane and necessary.