

Katy Clark MSP submission of 15 December 2022

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

I am writing following discussion with a constituent who is campaigning in favour of Petition PE1911 concerning reform of the Human Tissue (Scotland) Act.

Like many of the examples the committee has heard about, my constituent has been through a particularly stressful and traumatic process which was only exacerbated by a post-mortem process which she did not consent to. As raised on the committee, there has recently been a legislative change regarding organ donation, which has created an opt-out system, and my constituent does not see why the same principle cannot apply to all forms of post-mortems or physical interventions on the body. Indeed, in England and Wales, next of kin are given a choice about how they would like small tissue samples to be handled.

I noted with concern the correspondence from the Royal College of Pathologists, who noted there are “significant pressures on pathology, post-mortem and forensic services across Scotland” and poor staffing levels. I believe if it is the case that their position is being informed by these resourcing issues, this is all the more reason to gather key evidence and not reject the petition’s proposal.

I also note that the committee has committed to obtaining more information about the use of body scanners, which is considered a far less invasive way to undertake a post-mortem. Would you be able to provide any update on whether this issue has been taken up with the Crown Office or if there has been any other progress?

I look forward to your reply so I may furnish my constituent with information.