

Peter Stark submission of 8 October 2022

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

I write in support of this petition.

I believe in medical research and carry an Organ Donor Card. I also believe that Organ Donorship should be an “opt out” system with consent as a default position.

However, I cannot believe in this day and age in Scotland, that tissue samples of the deceased following an inquest and post mortem, are not offered back to the parents (in this case) or next of kin. It is a common decency. I suspect most would agree to donate tissue samples to aid future research in any case.

There are many good examples of Scottish Law that differ from England. Sadly, this is not one of them

The law in England at present:-

It is not possible to predict in advance of a post-mortem examination whether histology and/or toxicology samples will need to be retained for testing at a later date but when discussing post-mortem examination arrangements the Coroner's Officer will speak to you about the possibility of this. The Human Tissue Act 2004 sets down strict regulations for samples and so the Coroner's Officer will ask you how you would wish any samples to be handled once testing is complete. You have a choice of four options;

A. The hospital should lawfully and sensitively dispose of any samples (which may include cremation)

B. The hospital should retain any samples EITHER as part of the deceased's clinical record only OR for use in education and training

C. The samples should be reunited with the body prior to the body being released for a funeral (which may delay funeral arrangements)

D. The samples should be returned to the family for a separate funeral at your own expense.

Surely it is time to make the alterations and improvements to Scottish Law.