

Citizen Participation and Public Petitions Committee

7th Meeting, 2022 (Session 6), Wednesday 4
May 2022

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

Note by the Clerk

Lodged on 11 October 2021

Petitioner Ann McNair

**Petition
summary** Calling on the Scottish Parliament to urge the Scottish Government to review the Human Tissue (Scotland) Act 2006 and relevant guidance to ensure that all post-mortems—

- can only be carried out with permission of the next of kin;
- do not routinely remove brains; and
- offer tissues and samples to next of kin as a matter of course.

Webpage <https://petitions.parliament.scot/petitions/PE1911>

Introduction

1. The Committee last considered this petition at its meeting on [1 December 2021](#). At that meeting, the Committee agreed to write to the Scottish Government and the Royal College of Pathologists.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new responses from the Scottish Government, the Royal College of Pathologists, Melissa O'Sullivan, Dorothy Barr, Marion Odonnell, Yvonne Logan, Lydia Reid, Gerard Stark and the Petitioner which are set out in **Annexe C**.

4. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).
5. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
6. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).

Action

The Committee is invited to consider what action it wishes to take.

Clerk to the Committee

Annexe A

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

Petitioner

Ann McNair

Date lodged

11/10/2021

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to review the Human Tissue (Scotland) Act 2006 and relevant guidance to ensure that all post-mortems—

- can only be carried out with permission of the next of kin;
- do not routinely remove brains; and
- offer tissues and samples to next of kin as a matter of course.

Previous action

I contacted my local MSP who is taking up my individual case but is also supporting my petition to achieve wider change.

Background information

My child died suddenly at home. As a result, there was a post-mortem. I thought it was a Grant & View but discovered not only was it a post-mortem but that, the brain, throat and tongue had been removed. I was horrified.

In the event of a sudden or unexplained death the Procurator Fiscal provides authorisation for a post-mortem, not the next of kin. I believe that this must change. *I also believe that brains should not be routinely removed.*

I was advised that the tissue samples taken belonged to no particular person and would be held as part of Medical Records. When I tried to

retrieve them, I was sent on a wild goose chase for ten months, all whilst grieving.

This is different from *England/Ireland & Wales*, where loved ones are automatically offered the samples back (perhaps to add to caskets). People can decline the samples, but at least they are given a *choice*.

Annexe B

Extract from Official Report of last consideration of PE1911: Review of Human Tissue (Scotland) Act 2006 as it relates to post-mortems on 1st December 2021

The Convener: Our final petition is PE1911, which has been lodged by Ann McNair. It calls on the Scottish Parliament to urge the Scottish Government to review the Human Tissue (Scotland) Act 2006 and relevant guidance to ensure that all post mortems can be carried out only with the permission of the next of kin; that brains are not routinely removed; and that tissues and samples are offered to next of kin as a matter of course.

I would like to start by immediately acknowledging the very difficult circumstances in which the petitioner brings us her petition and which have been detailed in the petition and the submission. The petitioner's child died suddenly and underwent a post mortem that was much more extensive in nature than the petitioner had originally thought it would be, and which involved the removal of tissue from her child. The petitioner was told that tissue samples "belonged to no particular person" and would be held as part of medical records.

The petitioner also notes that it took her 10 months to locate her child's tissue samples and that "No-one seemed to know where these samples were being held". She also says: "I felt these tissue samples were still part of my child."

She highlights that practice in Scotland is different from that in the rest of the United Kingdom, where tissue samples are automatically offered back to the family.

The Scottish Government's submission sets out the different types of post-mortem examinations that are carried out in Scotland and explains how tissue samples are collected and stored. The submission states: "Tissue samples are a very small part of an organ" and are "chemically treated" to "produce a tissue block ... from which a very thin section can be cut by a biomedical scientist."

The Scottish Government also notes that, if a nearest relative requests the return of tissue blocks, "any reasonable request will be treated sympathetically by the Procurator Fiscal."

However, if there are "suspicious circumstances", the procurator fiscal might need to retain tissue for further investigation.

The committee has also received a submission from the Scottish Council of Jewish Communities on the petition, which is summarised in members' papers. Do members have any comments or observations?

Bill Kidd: This is not a throwaway comment, but I think that it is perfectly understandable that the relatives of a deceased person would want that person to be treated with as much dignity as possible.

On the back of what has already been stated, we should probably write to the Scottish Government to ask what consideration it has given or plans to give to the automatic return of tissue samples or to the seeking of authorisation for the retention of samples, in line with practice in other parts of the UK.

The Convener: It is that aspect of the petition that I think we would seek to explore, given that the legal position with regard to the procurator fiscal having to seek permissions and so on is not likely to proceed.

Alexander Stewart: There is real sympathy with the petitioner, and we need to take note of the harrowing nature of her experience and circumstances. I acknowledge what you have said about the position of the procurator fiscal, convener, but I think that there is scope for us to ask the Royal College of Pathologists and others for guidance on where the request in the petition would sit.

Paul Sweeney: I am sympathetic to the petitioner's requests, which are clearly personally significant. I note the legislative change with regard to organ donation, which has created an opt-out system, and I do not see why the same principle cannot apply to all forms of post mortems or physical interventions on the body. There could be a system of proactive consent, whereby the next of kin could express their desire that such things did not take place. That is what happens with organ donation, which people now have to opt out of, and we could have a look at how those two issues interact.

The Convener: Thank you. The clerks have noted those comments. Do members agree to keep the petition open and write as colleagues have suggested?

[Members indicated agreement].

Annexe C

Scottish Government submission of 5 January 2021

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

1. Thank you for your correspondence of 8 December 2021 to Craig McGill, the Committee liaison officer, seeking views on the submission by the Scottish Council of Jewish Communities (SCoJeC) in relation to Petition PE1911. I am responding as Interim Deputy Director for the Health Protection Division, with responsibility for the legislation and overarching policy governing the Human Tissue (Scotland) Act 2006.

2. In its submission, SCoJeC supports: a review of the Human Tissue (Scotland) Act 2006, and in particular, an amendment to bring disposal of tissue samples taken in the course of a procurator fiscal post-mortem in line with the disposal of organs similarly removed, i.e. to require authorisation for the retention of all body parts, organs and tissue. Furthermore, in order to evidence compliance, there should be a requirement to document disposal in the medical record, including, if any organs or tissue are retained, a copy of the written authorisation.

3. As the position set out by SCoJeC relates specifically to procurator fiscal post-mortems, we sought views from The Crown Office and Procurator Fiscal Service (COPFS) on this matter and the response is provided below.

COPFS is responsible for the investigation of all sudden, suspicious, accidental, unexpected and unexplained deaths in Scotland. Where tissue blocks and slides taken as part of a post mortem examination are requested to be returned by the nearest relative, any reasonable request will be treated sympathetically by the Procurator Fiscal. However, in certain cases, for example where suspicious circumstances cannot be excluded, it will be appropriate to retain tissue blocks and slides for possible further investigation. Similarly, in cases of Sudden Unexpected

Death in Infancy (SUDI) or Sudden Infant Death Syndrome (SIDS), there is no determinate cause of death and advances in medical knowledge may eventually provide a definite answer. Slides or blocks would therefore be retained in such cases to facilitate any further investigation. Accordingly, any change whereby samples are automatically returned to the nearest relative or where authorisation must be sought to retain them may, in relation to some deaths, impair our ability to fully investigate the circumstances surrounding the death or establish a definitive cause of death.

COPFS has well-established procedures in place for communicating with nearest relatives in relation to deaths where organs have been retained and, in relation to any changes to the legislation regarding tissue samples, would ensure similar clear guidance was published and highlighted to relevant members of staff.

4. In cases of a sudden, unexplained or suspicious death, post-mortem examinations instructed by the Procurator Fiscal have a vital role in establishing the medical cause of death and play an important role in understanding if criminality was involved in a death. It is essential that COPFS are able to undertake independent investigations into a cause of death, without which, the death cannot be registered. As such, the Procurator Fiscal cannot seek authorisation from the family before doing so. It is for this reason the Scottish Government does not intend to alter the Human Tissue Act 2006 in order for families to give consent to Procurator Fiscal post mortems.

The Royal College of Pathologists submission of 10 January 2022

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

Thank you for the opportunity to respond to this petition. Firstly, we were saddened to learn about the death of Ms McNair's child and we pass on our sincerest condolences. The related issues raised in this petition are on face value very important for the families of such cases but need to

be balanced against current legislation and the desire to establish the cause of death and the legal responsibilities that go with it, especially when criminal activities are being considered. Additionally, Pathology and Forensic services are not unlimited in their capacities and so legislation needs to pragmatically reflect such limitations.

While the details surrounding the death and subsequent interactions with services in this case are limited in the petition, it would primarily appear that most of the issues raised are already covered by existing legislation and we would suggest perhaps that there has been limited communication between the various agencies and the complainant – indeed all of the information regarding the post-mortem examination should have been made available by the agencies involved including specialist police services. We would however acknowledge that due to the complexities involved, authorisation and related forms are very complex (and dated) already, and so additional layers of legislation will simply add and potentially confuse matters.

With regards to the specific questions posed, we have added a response and provided some background information to clarify the current position.

“can only be carried out with permission of the next of kin” – Current legislation for hospital deaths, mean post-mortem examinations will only be carried out with permission of the next of kin or their nominated representative – this includes for child deaths. Such post-mortem examinations are relatively rare however, especially for child deaths. Most child death post-mortem examinations are those that come under the legal jurisdiction of the procurator fiscal (PF);(or Coroner system in England) – these occur mainly in the event of a sudden or unexplained death. This is important legally to retain, especially for child deaths given that the next of kin themselves can be involved in the factors leading to death of the child or indeed be the perpetrators. It would therefore be our strong view that the current system is appropriate and needs to be retained, as it is in the rest of the UK.

“do not routinely remove brains” – Again with regards to hospital, non-forensic post-mortem examinations, decisions to remove (to examine and sample) and retain whole organs (rare) need specific next of kin

authorisation – so legislation is already in place. Child deaths, especially those coming under the jurisdiction of the PF or coroner, will frequently implicate head injury as a causative or contributing factor in the death of a child, so it would be appropriate for post-mortem brain examination, and again this would be at the direction of the PF working with the forensic pathologist. In all cases, the decision to remove a brain for examination is not taken lightly but can be a vital part of the investigation. This can of course be avoided in circumstances where cause of death is obvious from other examinations and would not add anything. Additionally, again, it would be standard practice to only retain small tissue samples for subsequent examination and not retain whole organs.

“offer tissues and samples to next of kin as a matter of course” – For hospital post-mortem examinations, small tissue samples taken for microscopy and diagnostic purposes are retained as part of the medical clinical record in the same way that blood and other body fluids are retained and disposed of when appropriate. This should not be confused with the issue of whole organ retention which needs specific relative authorisation over retention and disposal. Small tissue samples and microscopic slides could theoretically be returned to relatives, but the gain would be marginal and would need traded off against further complexities in the authorisation and consent processes, which are already difficult. In addition, return of such tissues would mean future analyses (such as for molecular and DNA work) opportunities would be lost if they subsequently became important. For PF directed post-mortem examinations, the same issues as above, although the timing of return of such samples would be more prolonged given the legal aspects of such cases – occurring many months in some cases after bodies are released for burial/cremation. Additionally, return of such tissues would also need PF approval to ensure valuable legal material is not lost or indeed even when returned, acknowledged/accepted that future examination possibilities are then lost – which may not be in the best interests of the Crown Prosecution or the relatives in the long term. So, the current system of small tissue samples becoming part of the medical record would seem a sensible balance that avoids complexity and provides clarity for both professionals and relatives. Again, this should

not be confused with the legislation around whole organ retention as stated above.

The concept of automatically returning such small tissue samples and how that would work in practice needs consideration. In practice, automated return brings up the key issues of:

- a. Having to make a decision that the tissues are no longer of use (this is never the case with histology blocks – so this would need to be accepted).
- b. If the tissues must be buried or cremated with the body – the body needs to be kept until the tissues are finished with – will delay things considerably.
- c. If the tissues are not to be buried or cremated with the body, the options need to be explained and understood by those taking the consent – there are very few medical professionals who understand what the options mean currently – for instance, return to the relatives can mean return to the relative’s funeral director and subsequent additional cremation or burial expenses which the family may not have understood during the authorisation process.
- d. When the automatic return happens, the relatives need to sign disclaimers that they understand that future information that might be gleaned from such samples might be lost. If the PF is authorising the return of such samples, they need to understand that they may lose valuable evidence. All in all, a mountain of paperwork for no real return.
- e. Additional costs for such processes and related governance.

Summary

Post-mortem examinations by their nature, and especially if being undertaken for forensic purposes, are invasive procedures. To the general public, this will inevitably seem gruesome and very disturbing, especially in the case of a child death. As stated above, it would be our view that current legislation that exists around hospital non-forensic and forensic instructed post-mortem examinations, while not perfect in every case, covers all of the areas of concern and is on the whole adequate – in particular, PF instructed post-mortem examinations need to be

retained, even if against the wishes of the next of kin and especially in the case of child death. In addition, current legislation around whole organ retention is appropriate, but not implicated necessarily in this case. Retention of small tissue samples and glass slides for microscopy as part of the clinical record would also seem appropriate, with the option of routinely returning these to relatives risking the loss of valuable future material for examination and adding considerable complexity to the consent process, which is already complicated and carried out in situations of extreme relative distress – especially when involving the death of a child. So, on balance, we would not support legislative change as suggested in the petition.

Finally, it is worth noting that, as with all parts of public service, there are significant pressures on pathology, post mortem and forensic services across Scotland. with grossly inadequate facilities and staffing levels being the reality of current provision. The recent failure of the Crown Office and Procurator Fiscal Service procurement exercise to identify compliant bidders for forensic services across Scotland, even from existing providers of such services, highlights the difficulties already faced. Introduction of further complexities to the system would therefore need to be carefully thought through before any legislative changes are considered, especially given the current limitations in the services provided.

Melissa O’Sullivan submission of 25 January 2022

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

I believe there should be an opt out system with post mortems, unless under suspicious circumstances of course. Just like the organ donation opt out system, this should apply to post mortems also. In keeping with this, post mortems should be standardised to torso only, anything beyond this should require consent from next of kin if applicable.

I am in favour for all tissue sample being offered back to next of kin in all circumstances, as in keeping with UK Government standards.

I am a nurse practitioner, I understand the need for research, however consent should always be given from the next of kin if these samples are to be used for research. We have choices for everything we do in life, so why do we not have a choice when it comes to human tissues?

Please change this law!

Marion Odonnell submission of 9 February 2022

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

I am supporting the above petition on post-mortems and tissue samples. Until recently I didn't know anything about post-mortems, didn't think of it until recently when a friend went through this terrible ordeal of having this happen to their loved one.

I understand the need for post-mortems when someone dies suddenly and unexpectedly. However, when I found out what it entails, the removal of the brain, throat and tongue and then these are put back into the stomach, it is horrendous. I feel strongly that the next of kin should be told about this and given the option of getting a torso only post-mortem.

Not only does this happen but tissue samples are taken without the consent of the next of kin and these are kept for research and not returned to the next of kin. This only happens in Scotland and not in the rest of the U.K, as we are part of the U.K this should not happen and the law should be changed. I am all for research but only with the consent of the next of kin.

After families going through this terrible ordeal for some people the death certificate has unascertained on it, I feel strongly that this should not be used and cause uncertain would be more appropriate.

I hope that you will support this petition and get things changed, so families do not have to go through this terrible ordeal.

Dorothy Barr submission of 9 February 2022 PE1911/I – Review of Human Tissue (Scotland) Act 2006 as it relates to post-mortems

I am taken aback that while we have an opt out for organ donation, we do not have an opt out for post mortem. I am very supportive that we move to an opt out for post mortem, reducing any additional stress to families of loved ones who have died.

I do realise the procurator fiscal may be involved where it is necessary to carry out a post mortem. Surely if this is required, it should be on the torso only.

I have heard there is a scanner now being used down south which has been 99% more accurate, therefore reducing the need to cut the deceased.

Why are we not aligned with the rest of the UK to return the tissue samples back to the family? Respectfully, Scotland should be offering tissue samples back to families, they belong to the deceased and the families who all have the same rights.

I sincerely hope the world we live in will support change in how we look after our loved ones who have a choice, even in death to opt out of post mortem.

Yvonne Logan submission of 15 February 2022

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

I wish to express my support for the law to be changed on the handling of post-mortems and tissue samples.

I think that it is important that there is an opt out of post-mortems, as there is with organ donation, where there is no involvement with the Procurator Fiscal. Where possible this should be restricted to the torso only and consent obtained, in the first instance, from next of kin for any requirement beyond that.

In regards to tissue samples, these should always be offered back to the next of kin, in all cases, and not retained. The law in Scotland should be in line with the rest of the UK. It is offensive that tissue samples 'belong' to the procurator fiscal or pathologists for research, without consent. They belong to the deceased or next of kin and should be returned.

The word 'un-ascertained' should not be used on death certificates. It would be preferable to many people, who have suffered the loss of a loved one, that 'cause uncertain' is used as this is a more meaningful description and provides better understanding to next of kin.

Thank you for your time and I hope that meaningful change can be brought about for the next of kin, who have suffered, due to the current practices in place in Scotland.

Lydia Reid submission of 24 April 2022

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

1999 when the first organ scandal was discovered.

We fought hard for a new law to protect bodies of babies and loved ones. We still do.

My son's whole body is missing from his grave, Gary Paton. I worked at the new law until my oldest son was ill with cancer he died and for a while I did not have strength to fight.

It was agreed though by COPFS/NHS that each relative would have the procedure gently explained IF wanted, it would be truthful. It is obvious from the petitioner this does not happen. It was agreed if blocks/slides were to be returned that they would be given the respect. Due to a body

being picked up by an undertaker, that choice is not given. Try to put yourself in the shoes of a relative.

Just coming out of the awful phase of grief where everything seems to be happening in a cloud and a person in an office hands you a box with parts of your loved one's body in it. Parts of our children.

When I returned I was truly horrified and terrified at laws made/what was happening.

12 year old children giving authorisation for organ donation and post mortems without parental supervision.

1 member of staff taking authorisation for anything to do with organ donation or post mortem without proof/signature.

The person could be in a coma, proof ?? The Procurator Fiscal taking what they wanted from bodies for research and worse, denying this. Blocks and slides were taken and used for research without family authorisation.

Bodies under the auspices of the Procurator Fiscal used as a teaching tool bodies stripped to use for research without authorisation.

Full and unnecessary full post mortem. Literally everything removed from the body. Relatives who believe in training agree to that with some positive and informative publicity. It is totally wrong without authorisation. Many relatives will suffer the most awful mental health issues because of the state of the body of their loved one because they were not told what is to happen. Please remember the Procurator Fiscal has our full support in discovering the cause of death when there may well be foul play that is necessary for justice for everyone that dies at the hands of another human being/industrial happening/fault of a person.

Any part of a body wanted for medical research must have authorisation from the next of kin if there is no next of kin/no authorisation. Bodies do not and should not belong to/pathologist/Procurator Fiscal/The Crown Office. They should and do belong to the next of kin. These are parts of the bodies of our loved ones.

So many people are left with terrible nightmares once they know the true extent of the macabre raiding of the bodies of their loved ones. If that is agreed by the relatives as long as there is honesty, how could we object to that? Discovered at a later time, the shock and horror of what has

been done 2 bodies of their loved ones causes such awful mental health issues.

I listen to these stories, I have done for many years. NOTHING has changed.

The pain is quite simply awful and unnecessary. People are affected for life. In some cases I have watched people lose jobs and spiral into awful mental health issues. We have had parents who were truly suicidal. They could not cope with the lies/deception because if you lie even once you lose their trust/respect. Often a post mortem could be done with a scanner. It seems this is so. Why do our departments not have scanners? Blood urine stomach contents/swabs must be also taken to test for obnoxious substances that does not involve opening and destroying a body in many cases.

There may well be some situations when the cause of death cannot be solved with a scanner and a full post mortem may well be needed but not the number currently carried out.

Very often parts of bodies are removed or examined when there is no reason to do so.

In the case of the petitioner's son, a simple camera or flashlight could have examined the throat/tongue without removing it. Was this body used as a teaching tool for trainee pathologists? Why was the PM was so unreasonably extensive?

This may well provide experience for our future pathologists but where are the rights of the young man on the table or his relatives or the mental health of his relatives? During the organs scandal in 1999 it was discovered that thousands of brains were removed and sent to the Western General in Edinburgh to carry out research into CJD.

We were told this did not happen by the SCOTTISH GOVERNMENT and Audit Scotland. Until we discovered a document that showed the brain of one of the babies whose mother is in our organisation was sent to this department.

We have NEVER been able to retrieve that or any other brain sent there.

Is this the reason so many brains are removed during post mortems? Why not do spot checks to find out if brains/organs are put back into the tummy of the deceased?

If a person from "Crown Office" will refuse and prevaricate over a list of blocks and slides, I see no reason why we should believe this at all. We have experienced that.

In the past it was discovered that that leg bones were removed from many children to see if there were effects from Chernobyl never returned Thymus's taken from LIVE and dead children, sold and sent around the world.

These are our loved ones. How would you feel if it were your child your loved one? Look round the committee room/Parliament. I doubt there is 1 person who has not benefited from research. However, that does not mean a doctor/pathologist has the right to annihilate and disrespect the body of our loved ones to achieve their aim.

They do not own or should not own our bodies. As has just been proven in a case against COPFS where they had to pay compensation. These parts are presently being used for research without authorisation.

Where the cause of death has been established, blocks and slides are being kept used for research.

I repeat our bodies do not belong to COPFS or a pathologist consider the number of babies who have tragically died from cot death or SIDS. The number of blocks and slides must exceed any possibility that they all must or can be used to decide the cause of death. Enough exist for any possible future research.

We need an investigation carried out to discover how many blocks and slides have been used for research after a Procurator Fiscal post-mortem. Figures may well be frightening. Enough is enough. Parents are suffering. Whole families devastated.

This petitioner is living proof of how a lack of explanation affects relatives. Back to a situation where Hospitals/COPFS/pathologists feel the less they say the better.

This is no way to treat our bodies or the bodies of our loved ones. It may be your body one day. I truly hope it never happens, but it may be the body of your child or loved one.

How would you feel? Would you sit back and say ah well it must be done? Please feel free to check the information given in this letter. Links

exist.

We were asked by the petitioner who submitted petition PE1911 to write in support of her petition. The only disagreement we have is that we fully support the right of the Procurator Fiscal to do a post mortem to discover the cause of death but would note some may be able to use scanning and never should a body be used as a teaching tool without the authorisation of the relatives.

Petitioner submission of 27 April 2022

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

Richard's law

The law/procedures & policies need to be changed.

It is not acceptable to be removing the brains, throats & tongues from the deceased. There is certainly no respect or dignity given to the deceased or their next of kin...**this is butchering**.

I was advised by a world, renowned medical professional to start a campaign to have the law/policies & procedures changed, others in the medical profession are shocked at what does go on in post-mortems and regarding tissue samples being retained for research without consent. Again, they advised things need to change. Everyone should go out of this world intact with **ALL** of their body parts and tissue samples! Unless consent has been given by the next of kin for research, it is truly a disgrace the things that are going on and all without consent.

I am now left with the nightmares of what happened to my son, I will never get over this and I will never forgive the Procurator Fiscal for allowing this type of post-mortem to be performed, which in the opinion of others was a training exercise carried out by the pathologist. Oddly enough there was a student present at our meeting with the pathologist.

I trusted the Procurator Fiscal with my very precious son and look at what they allowed in this PM, would they have had this performed on

their own...I doubt it. I was under the impression this PM was a grant & view as this was recorded on the police report. My son was butchered there is no other word for it. It was only his arms and legs that weren't touched.

Where Procurator Fiscal need post-mortems performed, they should be done by Scanner were possible, scanners are more than 99% accurate – or a very good reason should be put forward to the next of kin for any other type of PM. If a PM is performed it should only be on the Torso only along with toxicology, unless next of kin give consent to anything else. It is not acceptable to mutilate the body of someone's loved one.

Any samples taken should automatically be offered back to the next of kin, and the next of kin should have the **choice to collect them personally if they wish.** Many people may decline the samples, at that point they can give consent for them to be used for research, but we should **always be given the CHOICE.** I am not against research, but I am against the way this is being done...it is dishonest & stealing, and changing the law/policies & procedures is the only way going forward to stop these barbaric procedures.

For someone to tell a grieving mother that the samples, of **her child** belongs to **no particular person is the cruellest thing I have ever heard, and I will never forget this**, then being told they are part of medical records. The deceased do not need medical records, when investigating the cause of death that should be recorded and the samples should be returned to the next of kin. Medical Records advised they **do not** keep tissue samples they only retain paperwork. This is an excuse to hold onto samples for research. Richard's brain samples were in Edinburgh and the rest of the samples were in Glasgow. Do you have any idea what this does to the next of kin and family.

The PM was performed in Glasgow in June 2019, brain samples were in Edinburgh in November 2020 – that says it all. I have asked the Procurator Fiscal if I have all the parts/samples of my son back...I am still awaiting a reply. The rest of his brain could still be in Edinburgh?

I have heard many stories recently regarding other families and they are horrifying!

These samples **DO NOT** belong to the Procurator Fiscal nor Pathologists – they belong to the next of kin of the deceased. You have no idea the added level of pain all of the above brings on top of the grief of losing someone especially your child, it takes the pain to other level. Samples being retained and horrific PM's being performed.

Pathologists are being given carte blanche to samples, as they are covered by the law. This law needs to be changed, and like any other job, you are accountable for your actions and some sort of restriction should be put in place for any pathologist helping themselves to body parts/samples without consent from the next of kin.

We are given the choice to vote, free speech etc as part of human rights, where are our rights here?

Where are the rights of the deceased?

There should also be an opt out of PM's – if you do not wish one performed as there is with Organ Donation, the cause "Uncertain" should be recorded on the death certificate. Again, listening to others their loved ones have gone through PM's and have the wrong cause of death on their certificates....so pointless putting someone through a PM. This is all in the name of research which is wrong unless consent is given.

Would you want all of the above performed on your loved one?

The general public are now being made aware of what is happening, and **we need the support of all MSPs to change this law/policies & procedures,** making Scotland a better place to live in and to make us proud to be Scottish. We need to get rid of the dishonesty and these horrific PM's.

The above is just horrific, it is like something from a horror movie and there is no excuse for what is being performed on bodies. My own life is now ruined by the nightmares of what was performed on my son, and it was only because I went digging that I discovered the extent of this invasive post mortem that was performed on my child. These pathologists don't lose sleep due to the nightmares they have caused. **They wouldn't perform this on their own loved ones – believe me**

I cannot have another mother/family going through this unbearable heartache & pain – enough is enough this have to change. It is a bad day when even medical professionals feel the same.

A person is granted Power of Attorney, acts on the wishes of that person. Yet a Next of Kin has no rights regarding their deceased loved one – what is the point in the word next of kin when it appears to be meaningless. What kind of world are we living in were people are afraid of what will happen to them when they die, as people can help themselves into their inner body parts/samples and their loved ones have no say.

Please help to change the law/policies & procedures to prevent other families suffering the pain & grief that we are.

Gerard Stark submission of 17 February 2022

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

I wish to record my full support for this petition.

The term “Unascertained” is meaningless and provides no insight as to the circumstances of a person’s death. There is a feeling that “Unascertained” means “we looked but could not be bothered to investigate further – so this saves us a lot of bother”.

It would make more sense and give solace to those family members to ask for the deceased’s medical history and the circumstances in which the death occurred so that a more informed opinion could be given.

The term “Cause uncertain” at least shows that there was more than one possibility that was considered and “Cause uncertain” should be used on death certificates.

The new legislation of Organ donation where you can opt out should you wish to should apply to post-mortems too, giving people the choice of what they want.

The idea that Procurator fiscal can allow pathologists can create a supply-chain of tissue samples for others to study without reference to the deceased's next of kin's wishes is abhorrent. Furthermore, they make no effort to accurately record where those samples are sent or their exact whereabouts.

There is a culture of "it's not our department – try someone else". I am strongly of the opinion that the interpretation of the Organ donation legislation is being abused and gives Pathologists, carte blanche to do as they please without accountability to anyone. Whilst I support organ donation and the option to opt out, this should also apply to tissue samples and ought to be offered to next of kin before any decision is made as to how they are disposed of. Where a PF authorises Post-Mortems then they should only be carried out on the torso or be subject to a Scan such as they have in England.

Invasive operations to remove throats, brains, tongues and other organs where there is no obvious requirement should be stopped and legislated against. The present system is without accountability and responsibility. It must be changed now. Where is the dignity for the deceased in this type of post-mortem, truly disgraceful, and soul destroying to the family.

The Scottish Public must be assured that these procedures are done in accordance with appropriate care and attention to the wishes of the next of kin.