

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

Minister for Public Health and Women's Health written submission, 19 September 2024

Thank you for your letter of 8 August 2024 seeking views on Petition PE1911.

I am responding as the Minister for Public Health and Women's Health with portfolio responsibility for hospital arranged post-mortem examinations.

As your letter is primarily concerned with improvements to forensic pathology, my response includes views from the Office of the Chief Medical Officer (CMO), and the Crown Office and Procurator Fiscal Service (COPFS).

I am very sorry to hear of the loss of Mrs Stark's son, Richard, and echo the sincere sympathies expressed by others in previous correspondence to Mrs Stark personally and to the Committee.

The Scottish Government has responded to the Committee's call for a review of the Human Tissue (Scotland) Act 2006 ("the 2006 Act"), in particular with regards to tissue sample handling, in the submissions of [15 November 2021](#) and [5 January 2022](#). The position has not changed as it is essential that COPFS are able to undertake independent investigations into a cause of death, without which, the death cannot be registered.

The Scottish Government agrees with the views of The Royal College of Pathologists in [their submission](#) of 10 January 2022, and does not support legislative change to offer tissues and samples to next of kin as a matter of course.

You may be aware that concerns about the current provision of forensic pathology services were also raised with the Scottish Government by the Criminal Justice Committee in March of this year, following HM Inspector of Prosecution's Annual Report 2022-23. The Scottish Government has taken careful note of the comments and concerns raised and officials are currently undertaking, in partnership with colleagues in COPFS and other interested parties, an assessment of the present arrangements, to consider whether and how they might be improved.

COPFS is currently progressing with a co-design process to prepare a business case for the future of forensic pathology services, underpinned by a financial model, which they intend to submit to the Scottish Government later this year. In the meantime, COPFS is continuing to work with pathology, mortuary and toxicology service providers and other stakeholders to identify areas where improvements can be made.

The officials leading on this work have [undertaken to write to the Criminal Justice Committee in due course](#) with their conclusions and, when they do so, will copy that letter to the Participation and Public Petitions Committee for information.

Yours sincerely/Regards,

Jenni Minto MSP