

*These notes relate to the Human Tissue (Scotland) Act 2006
(asp 4) which received Royal Assent on 16 March 2006*

HUMAN TISSUE (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 2: Post-Mortem Examinations

Section 26 – Consent by procurator fiscal to post-mortem examination

66. Subsection (1) equates to the provision in section 1(5) of the [Human Tissue Act 1961 \(c.54\)](#) with regard to post-mortem examinations. Where the person proposing to undertake a post-mortem examination knows, or has reason to believe, that the fiscal's purposes may require an examination of the body, the post-mortem examination may not be carried out unless the consent of the fiscal has been obtained. Subsection (2) provides that for the purposes of subsection (1) the fiscal may give consent verbally, provided it is confirmed in writing as soon as is reasonably practicable.