

HUMAN TISSUE (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 2: Post-Mortem Examinations

Section 28 – Removal during examination and retention of organs and other parts of a body

68. **Section 26(1)** provides that where a post-mortem examination has been duly authorised, certain parts of the body of the deceased person may be removed from the body during examination for the purposes of the examination or for the purposes of audit, education, training or research; those parts may also be retained and used thereafter for any those purposes. Subsection (5) defines the parts of the body which can be removed during the examination or retained thereafter for any of the specified purposes. Subsection (6) provides that no other part of the body may be removed at post-mortem examination, and it follows therefore that no other part of the body could be retained as a result of a post-mortem examination. (These, and subsequent provisions relating to authorisation are based on the fact that authorisation of a hospital post-mortem examination includes authorisation of the removal and retention of tissue samples as part of the deceased person's medical record.)
69. Subsection (2) provides that an organ may be removed during a post-mortem examination for the purposes of audit, education training or research if the removal is duly authorised for the purpose in question under the relevant section of the Act. Similarly, an organ may be retained and used thereafter for any of these purposes only if the purpose in question has been duly authorised under the relevant section of the Act.
70. Subsection (3) provides that any part of the body of a deceased person (other than an organ) which is duly removed during a post-mortem examination by virtue of authorisation under the relevant section of the Act will form part of the medical records of the deceased person after its removal. Subsection (4) thereafter provides that where an organ has been removed in this manner, samples may, by virtue of that authorisation be taken from the organ and, if taken, will form part of the medical records of the deceased person.