



Human Tissue (Scotland) Act 2006

2006 asp 4

PART 2

POST-MORTEM EXAMINATIONS

37 Offences: post-mortem examinations

- (1) A person commits an offence if—
 - (a) the person carries out any of the following activities—
 - (i) a post-mortem examination;
 - (ii) the removal, for a purpose referred to in section 28(2)(a), of an organ during a post-mortem examination;
 - (iii) the retention, for such a purpose, of an organ removed during a post-mortem examination; and
 - (b) the activity is not authorised in accordance with section 29, 30, 31, 32 or, as the case may be, 33.
- (2) Where a person is charged with an offence under subsection (1) it is a defence for the person to show that, at the time of carrying out the activity, the person reasonably believed that the activity was authorised in accordance with section 29, 30, 31, 32 or, as the case may be, 33.
- (3) A person guilty of an offence under subsection (1) is liable—
 - (a) on summary conviction, to—
 - (i) imprisonment for a term not exceeding 12 months;
 - (ii) a fine not exceeding the statutory maximum; or
 - (iii) both;
 - (b) on conviction on indictment, to—
 - (i) imprisonment for a term not exceeding 3 years;
 - (ii) a fine; or
 - (iii) both.