

Retained Organs – July 2016

The Lord Advocate has the sole authority in Scotland to investigate any death which requires further explanation.

When a person dies in Scotland, they cannot be buried or cremated until a medical certificate giving the cause of death has been issued. This certificate must be completed by a doctor, and must show the time, place and cause of death. Most deaths which are reported to the Procurator Fiscal are reported because a doctor is unable to confirm the cause of the death and is therefore unable to issue a death certificate.

COPFS receives reports of around 12, 000 deaths a year. Once a death has been reported to the Procurator Fiscal, the Procurator Fiscal has legal responsibility for the deceased's body, usually until a death certificate is completed by a doctor and given to the nearest relative.

In some cases a more detailed physical examination of the deceased's body, commonly referred to as an autopsy or post mortem examination, requires to be carried out by a pathologist on behalf of the Procurator Fiscal.

From time to time, in a very small number of these cases, pathologists advise us that they need to retain an organ for further scientific examination. This is due to the complexity of investigations into an unexplained death.

COPFS appreciates that the public will wish to be assured that processes are in place so that families affected by this requirement are aware of the position. Accordingly we will publish information to confirm the small numbers of cases where this has occurred annually.

As at 30th June 2016 there are only two cases in which organs have been retained. The family in each case has been advised of the position by the Procurator Fiscal and made aware of the reason for the retention.