

Proposed Post-Mortem Examinations (Defence Time-Limit) (Scotland) Bill

Page 1: Introduction

A proposal for a Bill to make the right of defence counsel for a person accused of homicide to instruct a post-mortem examination of the alleged victim subject to an extendable time-limit in order to minimise delays and uncertainty for victims' families. The consultation runs from 9 January 2018 to 4 April 2019. All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (*) require an answer. All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: [Consultation document](#) [Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used

Page 2: About you

Are you responding as an individual, or on behalf of an organisation? Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Member of the public

Please select the category which best describes your organisation

No Response

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Lynda Greig

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

Page 8: Aim and Approach

Q1. The proposed Bill would set a time-limit for the instruction of a second post-mortem examination (PME), by the defence, in relation to a suspicious death. Which of the following best expresses your view of the proposal?

Fully supportive

Please explain the reasons for your response.

Been affected by this my father was murdered

Q2. Which of the following best expresses your view of when any time-limit should begin?

Other (please specify)

Please explain the reasons for your response.

It should be completed as soon as physically possible and the information kept to be given to the defence when the accused is caught. Let the family start to rebuild their lives no matter the outcome of the trial they must do this so allow this to start as soon as possible.

Q3. How long a time-period do you think should be available to the defence in which to instruct a second PME?

14 days (2 weeks)

Please explain the reasons for your response.

Nothing is done overnight, but the family continues to suffer while people who are not emotionally connected make decisions about their life.

Q4. The proposed Bill would allow the defence to apply to the courts for the time limit to be extended by up to the same amount as originally allowed, and on more than one occasion. Which of the following best expresses your view of this element of the proposal?

there should be scope for only a single extension (shorter than the original period - please specify)

Please explain the reasons for your response.

1 extra week if absolutely necessary must be strict regulations for allowing extension. Dragging out the grieving process is unnecessary and cruel.

Page 12: Financial Implications

Q5. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly cost-neutral	Some reduction in cost	Significant reduction in cost	Unsure
(a) prosecuting authorities (COPFS)		X				
(b) the courts (SCTS)				X		
(c) victims' families					X	
(d) the accused/defence				X		

Please explain the reasons for your response.

Same amount of work needs to be done, just needs to be done quicker. This may mean longer working days but less extensions and court time wasted for cases to be put back will balance out the savings. The savings to the families allows the regulation of their mental health much quicker allowing them to continue to be functioning adults who can contribute to society, instead of leaving broken adults with no faith in the system.

Q6. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

The faster the process the less body's have to be stored in expensive to run facilities.

Page 14: Equalities

Q7. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, race, religion and belief, sex, sexual orientation?

Neutral (neither positive nor negative)

Q7. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, race, religion and belief, sex, sexual orientation?

Please explain the reasons for your response.

Death do not discriminate, anyone can die at the hands of others and as such they all deserve to be buried with dignity no matter who they are.

Q8. In what ways could any negative impact of the Bill on equality be minimised or avoided?

Providing a faster service to allow families of victims to rebuild their lives will have no negative effect on equality.

Page 16: Sustainability

Q9. Do you consider that the proposed Bill can be delivered sustainably i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes

Please explain the reasons for your response.

The bill will improve the social impact for the family of the deceased allowing them a chance to say goodbye to their loved ones allowing them to continue with their life.

Q10. Do you have any other comments or suggestions on the proposal?

When your life is touched by sudden death at the hands of someone. You know you can't change what will happen to the accused or bring back the dead but having the funeral allows you to start to get used to the new norm. Collect the required evidence and let the family grieve while the justice system does their job. Don't delay the inevitable.