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.â€‹ 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).

Tracy Mackenzie

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.
My husband was murdered in June 2016, we only had to wait for two weeks for the second post mortem but were told it could take up to 3 months. It's unnaceptable to ask families to wait several weeks especially given the cause of death my kids not being able to see their dad because he had been taken in and out of the fridge constantly and was already decomposing. They got to spend a few minutes with him in the mortuary but that's not enough.

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

On the day after the Crown PME is completed, or when defence counsel is appointed for an accused person, whichever is the later

Please explain the reasons for your response.
Having to wait on the results of the pm is bad enough never mind knowing the defence have instructed a second one whilst the family is waiting to see the body is soul destroying. There has to be time limits set realistically set so families can get as much time with their loved ones as humanly possible

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

7 days (1 week)

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

Please explain the reasons for your response.
The earlier the defence team get the second post mortem done the more time we would have to spend with our loved one saying goodbye. My children were deprived of this because my husband had been in and out of the fridge it's just not fair. I understand the accused has rights but it seems they have way more rights than their victims families.

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 (no longer than the original period)

Please explain the reasons for your response.
I feel giving them a further 7 days of an extension would be fair so the body can be released within the 2 weeks and funeral arrangements can be made. I was lucky I only had to wait 2 weeks for Scott to be released I couldn't have coped mentally or physically had I to wait longer neither could our 3 children never mind Scott's extended family.

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.
The defence team should pick up any increase they're the ones holding things up so they should pay for it.

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

Surely having strict timeframes in place would greatly reduce costs both on the crown prosecution service and the victims families?

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?

Positive

Please explain the reasons for your response.
It would have a positive impact the families are suffering enough plus we don't get to know the full extent of the injuries until the trial. I was always wondering did scott suffer how long would it have taken him to die those sort of things never mind not being able to bury him. I feel it could only benefit the victims families positively yeah we still won't get all the details laid out but at least we can have a funeral and say our goodbyes as well as see them one last time.

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

No Response

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.
It can only have a positive impact and surely even defence lawyers would agree? Having strict timeframes in place would also be good for the crown service and would surely save money by not having to hold onto the victims for extended periods of time.

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

No Response