

EXECUTIVE NOTE

The Anatomy (Specified Persons and Museums for Public Display) (Scotland) Order 2006 S.S.I. 2006/328

The above instrument is being made in exercise of the powers conferred by section 6A(2) of the Human Tissue (Scotland) Act 2006 (“the 2006 Act”). This instrument is subject to the negative resolution procedure.

Policy Objectives

Recently, there has been public concern over the use of bodies and body parts in public exhibitions under the guise of education or art. An attempt was made to display bodies as part of the 2003 Edinburgh Festival Fringe, and considerable controversy was raised by “Bodyworks” exhibition which displayed dissected freeze-dried corpses. However, the Anatomy Act 1984 (“the 1984 Act”) as presently framed did not allow any action to be taken to prevent such displays.

To address this concern the 2006 Act amended the 1984 Act to insert a new section 6A which places controls on the public display of anatomical specimens, bodies or parts of bodies which have been used for anatomical examination and bodies and parts of bodies which have been used out with Scotland for anatomical examination or examination which has the characteristics of anatomical examination. The new controls allow display to take place in certain circumstances. Those circumstances include a requirement that the Scottish Ministers licence the public display in the interest of education, training or research.

Section 6A(2) however allows persons responsible for the operation or control of museums to be exempt from the need to be licensed by Scottish Ministers if specified by order.

This order specifies the persons, and the museums they are responsible for, that are exempt from the need to be licensed by the Scottish Ministers. The persons specified are ones which because of their nature, traditions of display of human remains or existing collections are considered appropriate to exempt from the requirement to apply for such a licence from the Scottish Ministers.

Consultation

There has been a short consultation on the terms of these regulations. This consultation included HM Inspector of Anatomy for Scotland, all Scottish anatomists, The Scottish Museums Council and other interested parties.

Financial Effects

The instrument itself has no financial effects on the Scottish Executive or any other organisation.

Regulatory Impact Assessment

The draft Regulations have no impact on businesses, charities or voluntary bodies. The effectiveness of the new arrangements will be overseen by the HM Inspector of Anatomy for Scotland.

Scottish Executive Health Department
7 June 2006