



Department
of Health &
Social Care

*From Maria Caulfield MP
Parliamentary Under Secretary of State
Department of Health & Social Care*

*39 Victoria Street
London
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Miss Lorraine Harris, Area Coroner, for the coroner
area of East Riding of Yorkshire and
City of Kingston Upon Hull Coroner's Service,
The Guildhall
Alfred Gelder Street
Hull HU1 2AA

26 March 2024

Dear Miss. Harris,

Thank you for your letter of 3 January 2024 about the death of Mr. James Arthur Holgate. I am replying as Minister with responsibility for sponsorship of the Human Tissue Authority.

Firstly, I would like to say how saddened I was to read of the circumstances of Mr. Holgate's death, and I offer my sincere condolences to their family and loved ones. Your report describes the circumstances in which Mr Holgates body was declined for donation because it was subject to an inquest. I am grateful to you for bringing this matter to my attention.

In this case, the research establishment could have accepted Mr. Holgate's body for lawful storage if certain conditions had been met. The research establishment could have lawfully stored the body in anticipation of potentially using it for anatomical purposes, as per section 1(2) of the Human Tissue Act.

However, Section 11 of the Human Tissue Act 2004 provides that any of the activities specified under section 1 of the Act should not take place where a person knows or has reason to believe that the body is, or may be, required by a coroner unless the coroner consents.

The Department appreciates that the need for coroners' consent in section 11 of the Human Tissue Act could allow room for confusion with regards to the criteria for storage and use of a deceased body for anatomical purposes under Section 1, particularly where a coroner is holding an inquest but has released the body. We propose therefore to discuss with the Human Tissue Authority how they can ensure that their guidance and codes of practice provide

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clarity on the criteria required for the storage and use of bodies with regards to each of the specified activities as set out in Schedule 1 of the Human Tissue Act 2004, including anatomical examination, and its interaction with Section 11.

Lastly, I agree that body donation is a vital resource for training healthcare professionals and for research. I would recommend that for any further concerns relating to statutory interpretation of the Human Tissue Act, that you write to my officials at the Department of Health and Social Care (health.ethics@dhsc.gov.uk).

I hope this response is helpful. Thank you for bringing this matter to my attention.

Best Wishes,



MARIA CAULFIELD

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