



**Healthier  
Scotland**  
Scottish  
Government



# The law on organ and tissue donation is changing

**From 26 March 2021, Scotland will have an opt out system.**

Organ and tissue donation remains a personal decision and you have a choice. So please read this booklet carefully. It explains:

- How the law is changing
- How the law affects you
- What choices you have
- How to record your donation decision
- What happens when someone becomes a donor

# The law is changing... but you still have a choice

[Please note that page number references throughout refer to the standard print document only.]

From **26 March 2021**, a new law on organ and tissue donation will apply across Scotland.

The law is changing to introduce a new system of 'deemed authorisation'. This is often referred to as an 'opt out' system. We're doing this to save and improve lives. Only around 1% of people die in a way that makes organ donation possible, so every opportunity for donation is very precious.

The new system means that if you have not opted out when you die, the law allows for the donation of certain organs and tissue for transplantation. You can read more about what will happen if you become a donor on page 8.

The law does not apply to certain groups of people (see page 3) or if donation would be against your views. If you support donation, you can still choose to actively record your decision to be a donor. By doing this it can make it easier for your family and friends, and help to ensure that your decision is honoured.

The opt out system will only apply to the donation of commonly transplanted parts of the body such as kidneys, heart, lungs, liver and tendons.

Your family and friends will still be consulted about your views to ensure that donation does not proceed if you would not have wanted it to.

**The law is changing to help save and improve lives.**

# Who will the law change affect?

---

**The new law will apply to most adults who are resident in Scotland.**

It will **not apply** to these groups:

- **Children (under 16s).**
- **Adults who lack the capacity to understand the new law.**
- **Adults who have lived in Scotland for less than 12 months before their death.**

If a person in one of these groups dies in a way that means they could donate, and they haven't already recorded a donation decision, then their closest family member will be asked whether they wish to authorise donation.

# What do I need to do?

---

Donation is a personal decision and you have a choice about whether or not you want to donate.

## Your choices

- ✓ **You can record your decision to opt out of donation on the NHS Organ Donor Register (see page 7)**
  - This means that you are opting out of donation of all organs and tissue.
  
- ✓ **If you want to be a donor, you can record your decision on the NHS Organ Donor Register (see page 7)**
  - By doing this, it will make it easier for your family and help to ensure your donation decision is honoured.
  - If you would be willing to donate some types of organs and tissue, but not others, you can make your choices clear when you record your decision on the NHS Organ Donor Register.
  - Recording your decision to be a donor will also mean that you agree to certain medical tests and procedures that may be carried out before your death as part of the donation process. Specialist nurses will speak to your family before these take place. Find out more about what these medical tests and procedures involve on page 9.

## ✓ **You can choose to do nothing**

- If you do nothing under the new law, it will be assumed that you agree to donate certain organs and tissue for transplantation.
- Your family and friends will still be asked your latest views to ensure donation doesn't go ahead if you wouldn't have wanted it to.
- The new law won't apply to certain groups of people (e.g. children) – see page 3.
- If you do nothing it will also mean you agree to certain medical tests and procedures that may be carried out before your death as part of the donation process. Specialist nurses will speak to your family before these take place. Find out more about what these medical tests and procedures involve on page 9.

**You can record your donation decision before or after the law changes on 26 March 2021.**

**Donation is a personal decision and you have a choice whether or not you want to donate.**

**Whatever you decide, you should also tell family and friends about your donation decision to help ensure that it is honoured.**

# To record your decision on the NHS Organ Donor Register

---

Recording your decision on the NHS Organ Donor Register is simple and only takes a few minutes. You can also change or confirm your previous decision, or update your details.

Go online at [www.organdonationscotland.org](http://www.organdonationscotland.org)

If you would prefer to call to register your decision or have a query on the law change, phone **0300 303 2094**

Calls will be charged at local call rates depending on your phone provider.

Text relay: **18001 0300 1232323**

## **I don't want to record my decision on the NHS Organ Donor Register. What should I do?**

The clearest way to record your decision is on the NHS Organ Donor Register. However, if you don't want to do that, you can make a declaration in writing and tell your family and friends, so they know your decision. Please don't rely on recording your decision in your will. Wills are not usually read until after donation is possible, as donation has to take place very shortly after death.

**Your name will not be on the NHS Organ Donor Register until you record a decision.**

# What happens if I become a potential donor?

---

## Doctors and nurses will do all they can to save your life

- Doctors and nurses care for a patient and are committed to doing everything possible to save a person's life.
- Only when they've discussed and agreed with your family that nothing more can be done, will a sensitive discussion start to take place about the possibility of donation.

## Checking the NHS Organ Donor Register

- Specialist nurses not involved in your care will check the NHS Organ Donor Register to see if you had recorded a donation decision.
- They then share this information with your family and close friends, so they know what you wanted and to check if this was your latest view.

## What medical tests need to take place before donation can happen?

- As part of the donation process, certain routine medical tests and procedures may be carried out in the intensive care unit, shortly before death. These can only take place if they will help doctors to check that transplantation is likely to be safe, successful and a suitable match for somebody on the transplant waiting list.

- These medical tests and procedures are carried out with the same care as any other treatment in hospital, so can only take place if they are unlikely to cause you harm or discomfort. Without some of these medical tests and procedures taking place, donation would not be able to go ahead.
- These include:
  - Taking samples of fluids for testing, such as blood or urine
  - X-rays or ultrasound scans that are taken at the bedside
  - Monitoring of your heart and breathing
  - Giving medication or other fluids (for example, sometimes blood) through a drip.
- It will be assumed that you are willing for these routine medical tests and procedures to be carried out unless you have opted out of donation. However, specialist nurses will speak to your family and friends to make sure that these tests don't go ahead if you wouldn't have wanted them to happen.
- On very rare occasions there may be a need to carry out further, more invasive medical tests and procedures, but only if the routine tests mentioned above would not give enough information for a safe and successful transplant. These other tests or procedures might include a small skin biopsy, scans carried out away from the bedside, using a device to internally examine your lungs and airways, or using a swab to take a small sample from inside the body. **However, it won't be assumed that you agree to these procedures, which means they will only go ahead with your family's agreement.**

**For more information on the opt out system of organ and tissue donation please go to [www.organdonationscotland.org](http://www.organdonationscotland.org)**



# **Will my religion, faith or beliefs be taken into consideration before donation goes ahead?**

---

**Yes, you can record whether your faith or beliefs are important on the NHS Organ Donor Register and this will be considered as part of the donation discussion with your family.**

They will be asked about your views to ensure that donation would not go ahead if it wasn't what you wanted, and to ensure that it only goes ahead when it is in line with your faith or beliefs.

**Further information about faith and beliefs and organ and tissue donation can be viewed at:**

**[www.organdonationscotland.org/faith-and-beliefs](http://www.organdonationscotland.org/faith-and-beliefs)**

It is very important that people from all backgrounds donate organs and tissue, as there is a much better success rate when someone receives a transplant from a donor within the same ethnic group. For example, black and Asian people are more likely to need a kidney transplant than white people, so there is an even greater need for more black and Asian donors.

**You can record whether your faith or beliefs are important on the NHS Organ Donor Register**

# **The law is changing... but you still have a choice**

**From 26 March 2021, the law on organ and tissue donation in Scotland is changing. It means that you will be considered to have agreed to be a donor when you die, unless you have chosen to opt out. Donation remains a personal decision and you have a choice.**

For more information on organ and tissue donation and the law change visit: **[www.organdonationscotland.org](http://www.organdonationscotland.org)**

## **Record your donation decision on the NHS Organ Donor Register**

Online:

**[www.organdonationscotland.org/your-decision/how-register](http://www.organdonationscotland.org/your-decision/how-register)**

Phone: If you would prefer to call to register your decision or if you have a query about the law change, please call the helpline to speak to a trained advisor on **0300 303 2094**.

Calls will be charged at local call rates depending on your phone provider.

Text relay: **18001 0300 1232323**

Text chat: **07860 034343**

This leaflet is available in other formats and multiple languages.

Scan the QR code below or visit

**[www.organdonationscotland.org/resources](http://www.organdonationscotland.org/resources)**

[Please refer to standard print document for QR code.]



**Healthier  
Scotland**  
Scottish  
Government



00656948\_SGV Organ Donation Opt Out A5 12pp Mailer.indd

Whilst every effort has been taken to ensure the accuracy of this text, the original documentation should be relied upon as the true and accurate version.