

**The law
around organ
and tissue
donation in
Scotland is
changing to
an 'opt out'
system.**

The facts about the law change in Scotland



**Healthier
Scotland**
Scottish
Government

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

From March 2021, a new law on organ and tissue donation will apply across Scotland. It means that if you die in circumstances where you can donate, you will be considered to be a donor when you die, unless you have chosen to opt out or are in an excluded group - see 'who will the law change effect' section below.

Your loved ones will still be consulted about your views to ensure that donation does not proceed if you would not have wanted it to. Organ and tissue donation remains a personal decision and you have a choice.

Why is the law around organ and tissue donation changing in Scotland?

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

- Every year 40-50 people die in Scotland in need of a transplant
- In Scotland, more than 500 people are waiting for a transplant at any time. But there aren't enough donors to help all of these people.
- Although 77% of people in Scotland support donation, many don't record this decision on the NHS Organ Donor Register.
- Only around 1% of people die in a way that makes organ donation possible, which usually means dying in a hospital. So, every opportunity for donation is very precious.

How is the law changing?

- The law is changing to introduce a new system of 'deemed authorisation'. This is often referred to as an 'opt out' system.
- This means that if you have not opted out when you die, the law allows for the donation of certain organs and tissue for transplantation.
- This does not apply if you are in an excluded group or it has been established that this would be against your views.
- You can still choose to register your support for donating your organs if you choose. By doing this it can make it easier for your loved ones to honour your decision when you die.
- The opt out system does not include donation of less commonly transplanted parts of the body, such as hands.

Who will the law change affect?

The law change will apply to most adults who are resident in Scotland, however it will not apply to these groups:

- Children (under 16).
- Adults who lack the capacity to understand the new law and to take the necessary actions.
- 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, then their next of kin will always be asked whether they wish to authorise donation.

What do I need to do?

Donation is a personal decision and you have a choice.

You can register your decision to opt out of donation on the NHS Organ Donor Register

- This means that you are opting out of donation of all organs and tissue.

If you want to be a donor, you can register your decision to be on the NHS Organ Donor Register

- By doing this, it will make it much easier for your family to honour your decision.
- It will also make it easier for the organ donation medical team when they talk with your family.
- 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 organ donor register.

You can choose to do nothing

- If you do nothing under the new law, it will be considered that you agree to donate certain organs and tissue for transplantation.

- With this option your family will still be asked to confirm that you would be happy to donate.
- As noted in the previous page, the decision for certain excluded groups of people (e.g. for children) will always be made by the next of kin.

If you don't want to record a decision on the NHS Organ Donor Register

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, so it's unlikely that your decision would be identified in time.

Get answers to some of the key questions around the law change and organ and tissue donation in Scotland at:

[www.organdonationscotland.org/law-change-faqs.](http://www.organdonationscotland.org/law-change-faqs)

Medical procedures and tests

- As part of the donation process, certain routine procedures and tests will be carried out shortly before death to check that transplantation is likely to be safe, successful and a suitable match for somebody on the transplant waiting list.
- These may be carried out shortly before death and typically include blood tests, urine tests and x-rays. Without these tests and procedures taking place, donation won't be able to proceed in many cases.
- If you have either registered a decision to be a donor or you haven't registered to opt out, it will be assumed that you are willing for these tests and procedures to be carried out. However, specialist staff will speak to family and friends to check that you would not have been unwilling for this to happen.

The law is changing

- From March 2021 the law on organ and tissue donation in Scotland is changing.
- From that date, there will be an opt out system.
- This means you will be considered to have agreed to be a donor when you die, unless you have chosen to opt out.

You have three choices after the law changes

- Opt out.
- Register to confirm that you DO wish to be a donor.
- Do nothing – meaning you will be regarded, under the law, to have given authorisation to be a donor.

Whatever you decide, tell your family and friends

- Your nearest relative will be asked to confirm your decision.
- Sharing your wishes with your family and friends makes it much easier for them to honour your choice.

To register your donation decision

- Visit: www.organdonationscotland.org
- Phone: 0300 123 23 23
(Calls charged at local call rates depending on your provider).

Talk to us about the opt out system

Phone: 0300 303 2094
Mon – Fri: 8am - 8pm
Sat and Sun: 8am - 4pm

For more information on organ
and tissue donation visit:
www.organdonationscotland.org

Information leaflets for faith groups

Visit: www.organdonationscotland.org/organ-donation-and-religion