

## Proposed Organ and Tissue Donation (Scotland) Bill

### Proposed Organ and Tissue Donation (Scotland) Bill Consultation

This consultation seeks to canvass views on changing the system of organ and tissue donation registration from an opt-in system to a soft opt-out system in Scotland.

The basis of the proposed soft opt-out system would be that organs and tissues could be removed posthumously from an adult whom had not registered or expressed an objection during their lifetime. This is in contrast to the current opt-in system of organ and tissue donation whereby those wishing to become a donor are encouraged to register on the NHS Organ Donation Register.

The key features of the soft opt-out system proposed are:

1. All adults aged 16 or over who reside in Scotland would have the right to register an objection to some or all of their organs being used for transplantation after their deaths
2. The family of a deceased person will be consulted at the time of death to establish any objection of the deceased that had not been registered
3. Young persons under 16 years not covered by the opt-out system will continue to be able to opt in as potential donors
4. The proposal will only cover donation of organs and tissue for transplantation; uses for research or other purposes will not be covered

Each day 3 people in the UK die waiting for a transplant . Research shows organ donation rates increases by approximately 25-30% in countries where an opt-out system is introduced . This Bill would help to increase the number of organs available for transplantation, thereby saving lives and improving quality of life for others.

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If you wish to have any part of your response treated as confidential, please state it clearly beside your response and it will not be published.

**1. The overarching purpose of my proposal is to move from the current opt-in system to a soft opt-out system of organ donation. Do you support this move? Please indicate "yes/no/undecided" and explain the reasons for your response.**

Yes

No

Undecided

Please give your reasons for your response:

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**2. How essential is it to change the law (from an opt-in to a soft opt-out system) in order to achieve the intended benefits (increased transplant rates, reduced waiting lists)? Are there other (non-legislative) measures that could achieve similar outcomes without the need for legislation?**

**3. I believe the role of the family should be limited to being consulted on whether they are aware of any (unregistered) objection by the deceased rather than asking for their consent. Do you agree? Please indicate "yes/no/undecided" and explain the reasons for your response.**

- Yes  
 No  
 Undecided

Please give reasons for your response:

**4. Do you think an individual should be able to appoint a proxy to make the final decision regarding transplantation on their behalf? Please indicate "yes/no/undecided" and explain the reasons for your response.**

- Yes  
 No  
 Undecided

Please give reasons for your response:

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**5. My proposal is that only adults should be automatically opted-in to be a donor. Younger persons would have to register to be a donor, by themselves or with parental consent as they currently do. This approach is I believe the best way to safeguard children and young people. Do you agree? Please indicate "yes/no/undecided" and explain the reasons for your response.**

- Yes  
 No  
 Undecided

Please give reasons for your response:

**6. Do you agree the age limit for an adult should be set at 16 years old? Please indicate "yes/no/undecided" and explain the reasons for your response.**

- Yes  
 No  
 Undecided

If you answered no, what would you consider a more appropriate age?

**7. Do you agree the soft opt-out system should apply to people who have been resident in Scotland for a minimum period of 1 year prior to their death? Please indicate "yes/no/undecided" and explain the reasons for your response.**

- Yes  
 No  
 Undecided

Please give reasons for your response:

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8. If you answered no to the above how long, if any, should this period of residency last before they become subject to the soft opt-out system? Would this residency need to be for a continuous period?

9. Do you think 6 months is a long enough period to run a campaign prior to change over?

10. What is your assessment of the likely financial implications (if any) of the proposed Bill to you or your organisation? What (if any) other significant financial implications are likely to arise?

11. Is the proposed Bill likely to have any substantial positive or negative implications for equality? If it is likely to have a substantial negative implication, how might this be minimised or avoided?

12. Do you have any other comments on or suggestions relevant to the proposal?

### Contact Details

To help inform debate on the matter covered by the consultation, all responses will be published online and provided to the Scottish Parliament's Information Centre.

13. If you wish your response, or any part of it, to be treated as anonymous and/or confidential, please check the appropriate box. If not, then please go to question 14.

Anonymous

Confidential