

# The law around organ and tissue donation is going to change.

This factsheet explains your choices.

ORGAN  
DONATION  
**SCOTLAND**

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## Why is the law around donation changing in Scotland?

In 2018, 44 people in Scotland died because not enough organs were available for transplant. Only 1% of people die in circumstances where they could become an organ donor. Organs have to be transplanted very soon after someone dies and they can only be donated in specific circumstances if they die in hospital.

Most people support organ and tissue donation in principle and would be willing to donate after their death. However, many people do not make this decision clear either by signing on to the NHS Organ Donor Register or telling their family. Moving to an opt out system will help to change the culture around donation to reflect this support.

## When is the law around organ and tissue donation changing?

The law won't change for some time. There will be at least 12 months before the new system is introduced to ensure that people have information about the new system and what their choices are. The awareness raising campaign which will be launching later this year.

## What is changing?

The law will change to introduce a new system of 'deemed authorisation' for organ and tissue donation for transplantation purposes. This is commonly referred to as an 'opt out' system.

This means that if you have not confirmed whether you want to be a donor – for example by recording a decision on the [NHS Organ Donor Register](#) it will be assumed that you are willing to donate your organs/tissue when you die and your authorisation for donation may be deemed to have been given.

This system applies to most adults apart from those who are in one of the groups to whom this law does not apply (see 'Who will this change affect?'). If donation is possible when you die, your family or friends will be asked what your views were to ensure donation doesn't go ahead where it would be against your wishes

(see 'Will my family still be involved under the opt out system?'). Donation remains an act of great generosity. You will still be able to choose whether or not to be a donor by opting in or opting out.

## Who will this change affect?

The new opt out system will apply to most adults in Scotland, who are resident in Scotland and who die in Scotland.

It will not apply to:

- People under 16
- People who lack capacity (e.g. someone with dementia) to understand the new arrangements and take the necessary action
- People who have lived in Scotland for less than 12 months before their death

As is the case now, any person (from age 12) can opt in or opt out of donation. If a person in one of these excluded groups dies in circumstances where they could donate and they haven't opted in or opted out, then a family member will be asked whether they wish to authorise donation.

## What do I have to do?

We want everybody to decide whether they want to be a donor and, as importantly, to share their decision with their family.

- If you do want to be a donor, you can register on the [NHS Organ Donor Register](#).
- If you do not want to be a donor, you can opt-out by registering your not to be a donor decision on the [NHS Organ Donor Register](#).

## Can I opt-out now?

Yes. The ability to [register an opt-out decision](#) has been available to all Scottish residents since July 2015.

## I want to donate and I am already registered as a donor. Do I need to do anything?

If you've already registered on the NHS Organ Donor Register, and have not yet told your family, please let them know.

If you have previously registered as an organ donor and want to update your details or reaffirm your decision, you can complete the [amend your details](#) form online.

Alternatively, you can amend your details by phoning:  
**0300 123 23 23**

It is important to share your decision to be a donor with your family. This will give them more confidence that they know that you wanted to donate and make it easier for them to honour your decision.

## I am registered as a donor but I now want to opt out. What should I do?

You can change your decision by completing the online form to [amend your details](#).

Your new registration record will be matched with your old one and updated.

## I want to opt out but I don't want to join a register. What should I do?

The best way to record your opt out decision is on the [NHS Organ Donor Register](#) but if you prefer not to, you can make a declaration in writing that you don't wish to donate and you should tell your family about it so they know.

If you die in circumstances where organ or tissue donation is possible, your family will be asked about your views.

## Will my family still be involved?

Yes, the role of the family will be as important when the law changes as it is now. The family of a potential donor will be approached to discuss the option of organ and tissue donation. Your family will be told about any decision you had recorded on the NHS Organ Donor Register to check it is your latest known decision. If you haven't recorded a decision they will be asked about your views to ensure donation doesn't proceed if it would be against your wishes.

A specialist nurse will work with the family to help ensure your choices are respected. Your family can tell us about any particular requests or requirements you may have had to help ensure that donation only goes ahead if it is in line with your faith or beliefs.

Your family provide important information about your medical, travel and social history too. This information helps to check that your organs/tissue can safely be given to someone else.

## Will you automatically take my organs or tissue if I don't opt out and will they become the property of the Government?

No. Organ and tissue donation remains an act of great generosity. You will still be able to choose whether or not to be a donor by opting in or opting out. Your family will be approached if donation is possible when you die and they will be asked about your views on donation.

This is why it is really important that you choose whether you want to become a donor and discuss your decision with your family so they can help ensure your choice is honoured.

## I understand that medical tests might take place before organ donation can happen? What are they?

As organ donation has to take place quickly after death, certain procedures, including tests, are routinely carried out to check that transplantation is likely to be safe for the recipient and to increase the chances of success. These typically include blood tests, urine tests and x-rays.