

**The law
around
organ and
tissue
donation in
Scotland is
changing**

The facts about the law change in Scotland



**Healthier
Scotland**
Scottish
Government

What is changing?

From autumn 2020, the law in Scotland will change to a new system of 'deemed authorisation' for organ and tissue donation for transplantation. This is commonly referred to as an 'opt out' system.

This means that if you haven't recorded a decision about donation, it may be assumed that you are willing to become an organ and tissue donor when you die.

Why is the law changing?

The law is changing in Scotland to help save and improve lives. There are on average 550 people waiting for an organ transplant at any one time and every year around 40-50 people who are in need of a transplant in Scotland die.

This is because not everyone's organs can be donated after they die. 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 if someone dies in an intensive care unit in hospital.

When is the law changing?

The law will change in autumn 2020.

Who will this change affect?

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

It will not apply to:

- Those aged under 16
- Adults who lack capacity to understand deemed authorisation
- Adults who have lived in Scotland for less than 12 months before their death

If a person in one of these groups dies in circumstances where they could donate and they haven't recorded a decision about donation, then their family will be asked whether they wish to authorise donation on their behalf.

What do I have to do?

You have a choice about organ and tissue donation:

1. Make a decision and record this on the NHS Organ Donor Register

The easiest way to record your donation decision, whether it is to opt in or opt out, is on the NHS Organ Donor Register. This makes it easier for your decision to be known if you die in circumstances where you could donate.

The only way you will be added to the NHS Organ Donor Register is if you register yourself – you will not be automatically added.

What are my options?

If you want to be a donor:

If you want to be a donor, you can register your decision on the [NHS Organ Donor Register](#) or call 0300 123 23 23.

You can choose which organs and tissue you want to donate. If there are only particular organs or tissue you want to donate, you should select only those ones on the NHS Organ Donor Register. [Find out more about what organs and tissue you can donate.](#)

It is important to tell your family about your donation decision because if you die in circumstances where donation is possible, they will be approached and asked about your latest views.

For donation to happen, certain tests are routinely carried out to check if donated organs or tissue can be matched to a suitable recipient, that transplantation is likely to be safe for the recipient and to increase the chances of successful transplantation. Without these tests donation may not be able to proceed.

These typically include blood tests, urine tests and x-rays. These are a routine part of the donation process and if you've opted in to donation it will be assumed that you are willing for them to be carried out. These tests will always be discussed with your family before they are carried out.

If you do not want to be donor:

If you do not want to be a donor, you can opt out on the [NHS Organ Donor Register](#) or call 0300 123 23 23.

It is important to tell your family about your donation decision so that they know you don't want to donate.

What happens if you don't record a decision?

If you do not record a donation decision, it may be assumed that you are willing to become a donor. Your family will be asked about your latest views to ensure donation doesn't proceed if it would be against your wishes.

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2. Importance of sharing your decision with your family

Once you have registered your decision to either opt in or opt out of donation, you should tell your family what you have decided.

This is because if you die in circumstances where organ or tissue donation is possible, your family will be approached about donation. A specialist nurse will always check the NHS Organ Donor Register and your family will be told about any decision you have recorded, to check it reflects your latest views.

If you decide not to register a decision you should tell your family your views about donation.

If you have previously registered as a donor

- If you want to update your details or reaffirm your decision, complete the [amend your details form](#) or call 0300 123 23 23.
- If you have changed your mind and now want to withdraw your registration and opt out, complete the [amend your details form](#) or call 0300 123 23 23.

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

[READ OUR FAQ'S](#)