

## Now a law that assumes you're an organ donor: Welsh Assembly bill means body parts will be used unless person had already opted out

- In Wales it will be presumed a person has agreed to donate their organs
- Bill passed means people will have to specifically opt out
- New law will come into force by 2015 and will apply to those over 18
- 10,000 people in the UK are on the list waiting for a donor
- Every day three people on the waiting list die

By [Jenny Hope](#)

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Organs are to be taken from the dead and used for transplant without consent for the first time in Britain. A Bill passed last night means that in Wales it will be presumed a person has agreed to donate their organs unless they specifically opted out before they died. Doctors would be able to make use of the body parts even if it was against the family's wishes.



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From 2015 doctors in Wales will presume a person has agreed to donate their organs unless they have opted out (file picture)



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The Bill passed last night means doctors will be able to make use of body parts even if it was against the family's wishes

The Welsh Assembly backed the move, a significant shift in the tradition of altruistic donation in the UK, despite opposition from churches and from within the Muslim and Jewish communities. The new law will come into force by 2015. It will apply to over-18s who die in Wales if they have lived there for more than 12 months. However, such a change is unlikely to be introduced in England after a taskforce recommended against an opt-out system five years ago. Under the current 'opt-in' system, people are asked to join the NHS organ donor register and if they fail to do so, relatives may be asked if they were aware of their loved one's wishes. In the UK, there are 10,000 people on the list for an organ. They wait an average of three years for a suitable donor and every day three people on the waiting list die. Currently 19.5 million – just under a third of the population – are signed up to the Organ Donor Register. The NHS is aiming to increase this to 25 million.



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Under the current 'opt-in' system, people are asked to join the NHS organ donor register and relatives may be asked if they were aware of their loved one's wishes if they fail to do so (file picture)

Of the 1,000 donors assisting people after their deaths each year, one-third are on the register. Ways of boosting the supply of organs have been hotly debated, with organisations including the British Medical Association calling for an opt-out system. The aim of the presumed consent law in Wales is to increase the number of organs available by 25 per cent.

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There are 10,000 people on the list for an organ in the UK and they wait an average of three years for a suitable donor while every day three people on the waiting list die (file picture)

Just over 30 per cent of organs donated in Wales are transplanted into people living there. Ministers would have a duty to publicise the new system. Welsh Assembly Health Minister Mark Drakeford said: 'The legislation makes it absolutely clear that if you are uncomfortable with being an organ donor you have an absolute right in the simplest way possible to opt out of the system.' 'You put your name on the organ donor register saying you don't want to be a donor and that is the end of the matter. There is nothing to be scared of.' The Kidney Wales Foundation has campaigned for the law change but a statement from faith leaders and health professionals called for a 'soft opt-out scheme' that would give families a say on donation if the deceased had neither opted in nor out. Dan Boucher, Wales public affairs officer for Christian charity CARE, said: 'If the Bill does not respect either the consent of the deceased or of their family, there is a real risk of this legislation backfiring as people feel pressurised by the state and withdraw from donation.' 'This would be a tragedy and needlessly put lives at risk.' A 2011 report from the Nuffield Council on Bioethics said donations had increased by 25 per cent in recent years, partly due to more efficient hospital systems. It recommended that organ donors should get their funeral expenses paid by the NHS. Spain and Belgium have opt-out laws but similar schemes in Australia and elsewhere are claimed to have deterred donors. In Northern Ireland a public consultation is underway over an opt-out system. In Scotland, ministers have said the option was 'not completely off the agenda'.



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