HEALTH AND SPORT COMMITTEE

HUMAN TISSUE (AUTHORISATION) (SCOTLAND) BILL

SUBMISSION FROM Scottish Independent Advocacy Alliance

Deemed Authorisation

8. The Bill proposes to allow someone to be considered as a potential organ or tissue donor when they have not registered their wishes on the NHS Organ Donor Register or in some other way. This would be known as ‘deemed authorisation’ (sometimes known as ‘presumed consent’)

Please indicate your level of agreement with this proposal

Strongly Agree

Opting Out

9. The Organ Donor Register already allows you to record your wish not to be a donor but the Bill would provide a legal basis for ‘opting out’. Those who did not want to opt-out would still be able to ‘opt in’ as a potential donor

Please indicate your level of agreement with this proposal

Strongly Agree

Exceptions to deemed authorisation

10. Deemed authorisation would not apply to people aged under 16.

Please indicate your level of agreement with this proposal

Disagree

11. Deemed authorisation would not apply to people who have not had the capacity to understand deemed authorisation for some time (e.g. depending on the circumstances, someone with dementia)

Please indicate your level of agreement with this proposal

Strongly Agree

Comments:

People with dementia may well have given consent for donation before becoming unwell.

12. Deemed authorisation would not apply to people who had been resident in Scotland for less than 12 months.

Please indicate your level of agreement with this proposal
Strongly Agree

13. Please add any other comments you have on exceptions to deemed authorisation (optional)

Comments:

**Timing of authorisation**

14. Under the Bill, some donations would still require the authorisation of the nearest relative or a person with parental rights and responsibilities for a child. The Bill would allow there to be more flexibility around when these authorisations could take place.

At the moment this happens once the person has died but the Bill would allow authorisation to happen before a potential donor dies in cases where their death is expected soon.

Please indicate your level of agreement with this proposal

Strongly Agree

**Children**

15. Children aged 12 or over would be allowed to record a decision to opt-out of donating. The law currently allows them to opt-in.

Please indicate your level of agreement with this proposal

Strongly Agree

**Role of the family and next of kin**

16. The Bill has no proposals to allow the wishes of the next of kin to overrule the wishes of the deceased (as recorded in the Organ Donor Register or otherwise)

Please indicate your level of agreement with this proposal

Disagree

17. The Bill would allow someone’s next of kin to stop authorisation being deemed if they had information that it was against the wishes of the deceased.

Please indicate your level of agreement with this proposal

Strongly Agree

19. If the deceased person had registered their wishes but had since changed their mind without recording this anywhere, the Bill would allow the next of kin to provide information that their wishes had changed and his would supersede their previously recorded decision.

Please indicate your level of agreement with this proposal
Agree

20. Please add any other comments you have about the role of the family and the next of kin (optional)

Comments:

**Pre-death procedures**

21. The Bill would set out when certain procedures, including tests, can be carried out shortly before a person dies in order to help facilitate and prepare them for donation. The Bill calls this ‘pre-death procedures’.

These pre-death procedures are important when a potential donor is expected to die from circulatory death (i.e. after their heart has stopped beating rather than from brain death). This is because in non-heart beating donations, the organs have to be removed immediately.

Under the Bill, some types of pre-death procedure could be carried out on people whose authorisation is deemed (i.e. they have not opted in or out of being a donor)

Please indicate your level of agreement with this proposal

Agree

22. The Bill would also provide that, where someone has opted in to bring a donor, this is also authorisation for pre-death procedures.

Agree

23. Please add any other comments you have about pre-death procedures (optional).

**Donor Intentions**

24. If the Bill’s proposals become law, do you think it would affect your views on being a donor?