

Ministear airson Slàinte Phoblach is Slàinte
Bhoireannach
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Clare Haughey MSP,
Convener,
Health, Social Care and Sport Committee,
The Scottish Parliament
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27 May 2025

Dear Clare,

Thank you for your letter of 20 May 2025 concerning the Human Tissue (Supply of Information about Transplants) (Scotland) Regulations 2025, which the Committee considered at its meeting on the same day.

In line with arrangements already in place in the rest of the UK, one aim of these Regulations is to give relevant clinicians in Scotland clarity around when and to whom they should report suspicions about organ donation and transplant-related offences which may have been committed under Human Tissue or Modern Slavery legislation. Since the Human Tissue Act 2004 (Supply of Information about Transplants) Regulations 2024, which apply to the rest of the UK, came into force, an increasing number of reports have been made to the HTA, and from the HTA to the police. The expectation is therefore that these new Regulations will serve further to increase the safety of those under threat of being victims of transplant-related offences.

As noted by Ms Harper, another aim of these Regulations is to introduce a statutory duty on relevant clinicians to report all organ transplants which have taken place outside the UK to the Human Tissue Authority (HTA). This was considered the most effective way to capture data on where UK nationals and residents are receiving transplants, given that no such reporting has been mandated before. Placing a mandatory duty on relevant clinicians to supply information (including in relation to both the donor and recipient; the relationship between the donor and recipient, if one exists; and the organ believed to have been transplanted) was judged the most effective means of information-gathering in this area.

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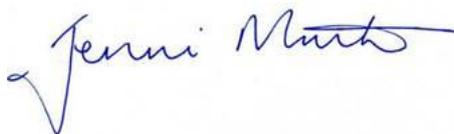


These Regulations will ensure that in future such information is gathered by the HTA across the whole of the UK. Over time, the expectation is that this will help create a deeper understanding of where patients receive organ transplants abroad.

I very much agree with Ms Harper's second point and can confirm that the Scottish Government will support relevant clinicians to ensure they are aware of the new Regulations. We carried out extensive consultation ahead of laying these Regulations, including via the Scottish Donation and Transplant Group, which brings together clinicians and other stakeholders, and also via an online consultation event in June 2024. The HTA will produce updated guidance to take account of the Scottish position ahead of any coming into force of these Regulations. Finally, I can confirm that the Scottish Government will issue a letter, drawing attention to the new guidance, to NHS Chief Executives, Medical Directors, and all relevant staff, in order to ensure that everyone who could have to report something is aware in advance.

I hope this response is helpful, but please let me know if you have any further questions.

Yours sincerely,



Jenni Minto MSP

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