Express/Deemed authorisation
Opt out declaration
Family role in giving authorisation

Duty to inquire* – has the person (potential donor) put in force an:
- Express authorisation for donation for transplantation or
- Opt out declaration with regards to transplantation?

Duty to inquire* – is the person in an excepted category?
- Not in an excepted category
- Non-resident adult
- Adult with incapacity

Duty to inquire* – what are the person’s most recent views^ regarding removal and use of part of the person’s body for transplantation?
- If unwilling or not unwilling in the circumstances – Authorisation remains
- If willing or willing in the circumstances – Opt out declaration remains

Duty to inquire* – what are the person’s most recent views regarding removal and use of part of the person’s body for transplantation?
- If unwilling or not unwilling in the circumstances – Opt out declaration is withdrawn and donation is authorised
- If willing or willing in the circumstances – Authorisation cannot be deemed
- If not unwilling or not unwilling in the circumstances – Authorisation for transplantation of common types of organs can be deemed

Duty to inquire* – what were the person’s past wishes and feelings?

Non-resident adult
Adult with incapacity

Duty to inquire* – what are the person’s most recent views regarding removal and use of part of the person’s body for transplantation?

The Nearest Relative (provided for in s.50 of 2006 Act) may authorise donation for transplantation if they have:
- No actual knowledge/evidence the person’s most recent view was that the person was unwilling
- No actual knowledge/evidence that if adult were capable of making a decision they would be unwilling in the circumstances

* Duty to inquire
Inquiries are to be made of:
- Nearest relative
- Any person who has indicated to a health worker a wish to provide evidence of views
- Any other person the health worker considers appropriate

^Views
Evidence provided to a health worker of views must be capable of convincing a reasonable person