

**NHS BLOOD AND TRANSPLANT  
ORGAN AND TISSUE DONATION AND TRANSPLANTATION  
NATIONAL ORGAN DONATION COMMITTEE**

**Deemed Legislation Update**

**1. Background**

- 1.1 Deemed legislation has now been implemented in four of the seven jurisdictions covered by NHSBT, most recently by Scotland on 26<sup>th</sup> March 2021.
- 1.2 The remaining three jurisdictions continue to progress their proposed legislations which NHSBT will provide ongoing support.
- 1.3 This paper serves to provide an update to NODC on current progress and latest developments in relation to deemed legislation implementation.

**2. Update**

- 2.1 Wales – Welsh Government have consulted on a revision to the excluded relevant materials regulations. The amendments will mean the Welsh and English excluded relevant materials list will be the same. The proposed changes are awaiting approval in the Senedd once Assembly time has been given for debate and approval.
- 2.2 England – The first anniversary of deemed consent legislation in England passed on 20<sup>th</sup> May 2021. The programme supporting deemed implementation has now closed.
- 2.3 Jersey – Nothing to update the group.
- 2.4 Scotland – The final Scottish Opt Out Legislation implementation team meeting was held last week with acknowledgement of the collaborative approach taken with successful introduction of organ and tissue donation in Scotland as well as providing a full statutory basis for pre-death procedures. The focus for the operational team is to ensure the legislation is embedding in business as usual practice; debriefs and regular reviews will form part of that ongoing cycle.
- 2.5 Isle of Man – The Human Tissue and Organ Donation Bill has passed through the legislative process on the Isle of Man and has been submitted for Royal Assent. NHSBT is working in collaboration with IOM Government, ManxCare and local teams to develop and deliver the implementation plan.
- 2.6 Guernsey – The Human Tissue and Transplantation Act is in place on the island but there are further legislative processes to complete before an implementation date can be announced.
- 2.7 Northern Ireland – [At the time of writing] Approval to introduce the Organ Donation Bill to the Assembly is being sought from the Northern Ireland Executive. If this is given, the legislative process will continue after the summer recess.
- 2.8 Project Management – Whilst the Opt Out Programme has closed, a Project Team has been established to support the remaining jurisdictions through their legislation and implementation stages, as well as monitoring progress in England and Scotland to identify and address any issues.

**Phil Walton**  
Legislation Project Lead

**Susan Hannah**  
Regional Manager - Scotland

**June 2021**