NHS
Blood and Transplant

OPT OUT LEGISLATION

SUMMARY REPORT

ODR REGISTRATIONS AND CONSENT/AUTHORISATION RATES

PUBLISHED JUNE 2026

Key messages

- Deemed consent/authorisation legislation has been implemented in Wales (2015), Jersey (2019), England (2020), Scotland (2021), Guernsey (2023), Northern Ireland (2023) and the Isle of Man (2026). NHSBT worked closely with the Governments to support the legislation development and implementation.

- Northern Ireland and Scotland have the highest proportion of opt in registrations on the ODR, 58.1% and 52.9% of the population, respectively. UK opt in registrations on the ODR is 42.2%.

- Wales has the highest proportion of opt out registrations on the ODR, 6.1%. England and Scotland have a similar proportion of opt out registrations, 4.3% and 3.5%, respectively. UK opt out registrations on the ODR is 4.3%.

- UK consent/authorisation rates have continued to fall over the last five years, from a high of 65.7% in 2021/22 to 56.9% in 2025/26.

- Funnel plots for 2025/26 indicate that the deceased donor consent/authorisation rates are in line with the national average across all four nations, i.e., all nations are statistically similar.

- Separate DBD and DCD funnel plots demonstrate that DBD consent/authorisation rates in Scotland is higher than the national average whilst all other nations are in line with the national average. DCD consent/authorisation rates are in line with the national average across all four UK nations.

- Where deemed consent/authorisation applies, the UK consent/authorisation rate was 44.9%.

Introduction

This report presents information relating to the introduction of opt out legislation across the UK and includes data from the NHS Organ Donor Register (ODR) and the UK Potential Donor Audit (PDA).

ODR data includes all registrations as at the month end and data are recalculated each month.[1]

PDA data comprise all audited patient deaths in UK Intensive Care Units (ICUs) and Emergency Departments, excluding patients aged over 80 years and patients who died on a ward. Paediatric ICU data are included however neonatal ICU data have been excluded from this report.

This report tracks trends in ODR registrations and deceased donor consent/authorisation rates across the four UK nations following changes in legislation relating to organ donation in the UK. ODR registration data are provided in the Appendix for the Crown Dependencies (Jersey, Guernsey, Isle of Man) but data relating to PDA activity are too small to be published (<5).

Current legislation status

Nation	Current legislation	Implementation
Wales	Opt out - Deemed consent	1 December 2015
Jersey	Opt out - Deemed consent	1 July 2019
England	Opt out - Deemed consent	20 May 2020
Scotland	Opt out - Deemed authorisation	26 March 2021
Guernsey	Opt out - Deemed consent	1 January 2023
N. Ireland	Opt out - Deemed consent	1 June 2023
Isle of Man	Opt out - Deemed consent	1 January 2026

[1] If someone has asked to be removed from the register this will be accounted for. Removals data include deaths.

PDA definitions

Eligible donors after brain death (DBD) - patients confirmed dead by neurological death tests, with no absolute medical contraindications to solid organ donation.

Eligible donors after circulatory death (DCD) - patients who had treatment withdrawn and imminent (controlled) death was anticipated, with no absolute medical contraindications to solid organ donation.

Donation decision conversation - family of eligible donors asked to make or support patient's organ donation decision. This includes clarifying an opt out decision.

Consent/authorisation ascertained - family supported opt in decision, deemed consent/authorisation, or where applicable the family or nominated/appointed representative gave consent/authorisation for organ donation.

Consent/authorisation rate - the percentage of donation decision conversations where consent/authorisation was ascertained.

Deemed consent applies if a person who died in Wales, Jersey, England, Guernsey, Northern Ireland or Isle of Man has not expressed an organ donation decision either to opt in or opt out or nominate/appoint a representative, is aged 18 or over, has lived in the country in which they died for longer than 12 months and is ordinarily resident there, and had the capacity to understand the notion of deemed consent for a significant period before their death.

Deemed authorisation applies if a person who died in Scotland has not expressed, in writing, an organ donation decision either to opt in or opt out, is aged 16 or over, has lived in Scotland for longer than 12 months and is ordinarily resident there, and had the capacity to understand the notion of deemed authorisation for a significant period before their death. Note that, in Scotland, a patient who has verbally expressed an opt in decision is included as a deemed authorisation, whereas a patient who has verbally expressed an opt out decision is not included.

Consent/authorisation groups:

- Expressed opt in – patient had expressed an opt in decision. Opt in decisions can be expressed in writing or via the ODR in all nations and verbal opt in decisions are also included in Wales, England, Jersey, Guernsey, Northern Ireland and Isle of Man. Verbally expressed opt in decisions are not included in Scotland.
- Deemed consent/authorisation – patient meets deemed criteria specific to each nation as described above. In Scotland, this includes patients who have verbally expressed a decision to opt in.
- Expressed opt out – patient had expressed an opt out decision. Opt out decisions can be expressed verbally, in writing or via the ODR in all nations.
- Other – patient has expressed no decision and deemed criteria are not met. Paediatric patients are included in this group. In Scotland, this group includes patients who have verbally expressed a decision to opt in but do not meet deemed authorisation criteria.

Organ Donor Register (ODR)

The number of opt in and opt out ODR registrations per million population (pmp) are presented in **Figure 1**, comparing ODR activity across the UK nations. Population estimates are the latest Office for National Statistics (ONS) estimates based on the 2021 Census figures. The total number of opt in and opt out registrations in each nation, the proportion of the population registered and the number of registrations pmp are provided in **Table 1**. **Figure 2** shows the trends over time, since 1 April 2016, in the numbers of six monthly ODR registrations in the four UK nations. Equivalent data for the Crown Dependencies are included in the Appendix.

Figure 1 - ODR registrations pmp by 31 March 2026

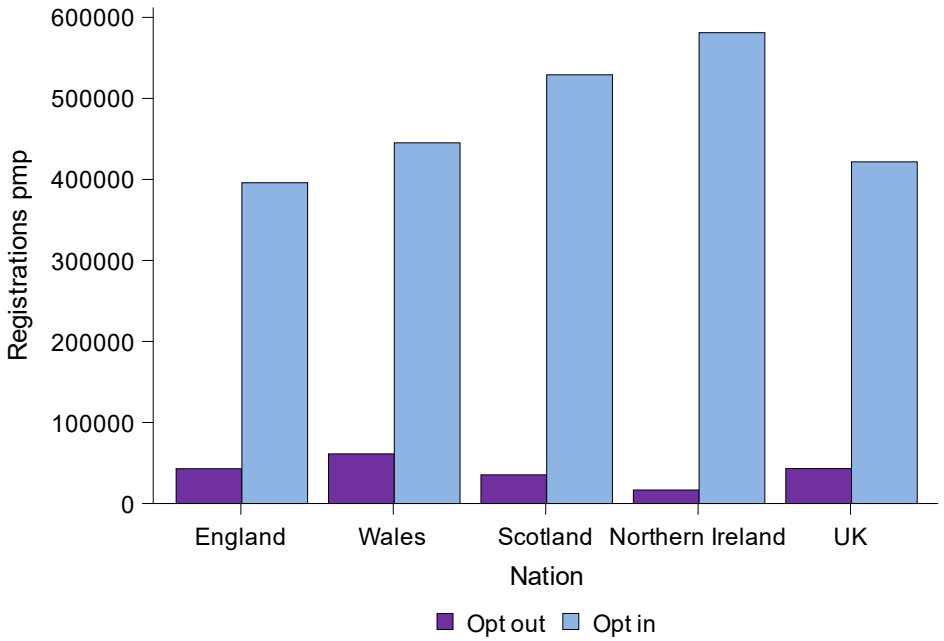
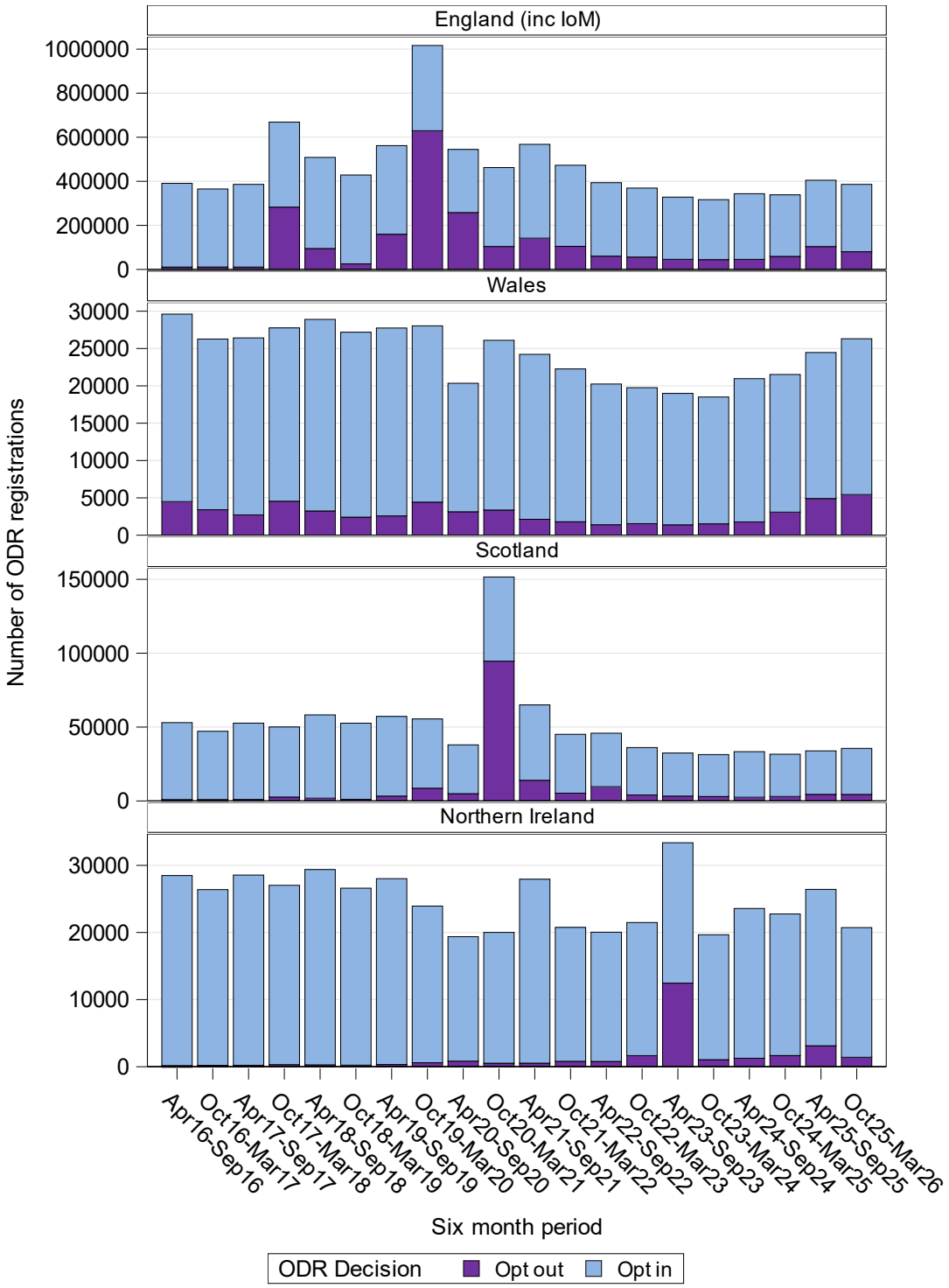


Table 1 - ODR registrations pmp at 31 March 2026

Nation	Opt-in registrations			Opt-out registrations		
	N	%	pmp*	N	%	pmp*
England	23208310	39.6	395911	2519430	4.3	42979
Wales	1420156	44.5	445190	195487	6.1	61281
Scotland	2936653	52.9	529127	196536	3.5	35412
N. Ireland	1121576	58.1	581127	32216	1.7	16692
UK	28790588	42.2	421717	2947729	4.3	43178

***** Population estimates are the mid-2024 estimates based on ONS 2021 Census figures

Figure 2 - ODR registrations by decision, April 2016 to March 2026



Potential Donor Audit

In this section, data from the PDA are presented.

- **Figures 3a** to **3d** provide, for each nation, a breakdown of the number of donation decision conversations by whether consent/authorisation was ascertained or not. The overall consent/authorisation rate is also presented. There is greater variation in the six-monthly rates for Wales, Scotland, and Northern Ireland due to the smaller number of donation decision conversations compared to England.
- **Table 2** provides consent/authorisation rates for the last five years by nation.
- **Figure 4** provides DBD and DCD consent/authorisation rates by each nation for the same time period.
- **Table 3** provides consent/authorisation rates for the four consent/ authorisation groups for the most recent period. It is noteworthy that, in Scotland, patients who have verbally expressed an opt in decision are recorded as deemed authorisations but expressed opt in decisions elsewhere in the UK.

Figure 3a – Six-monthly deceased donor consent rates in England, April 2019 to March 2026

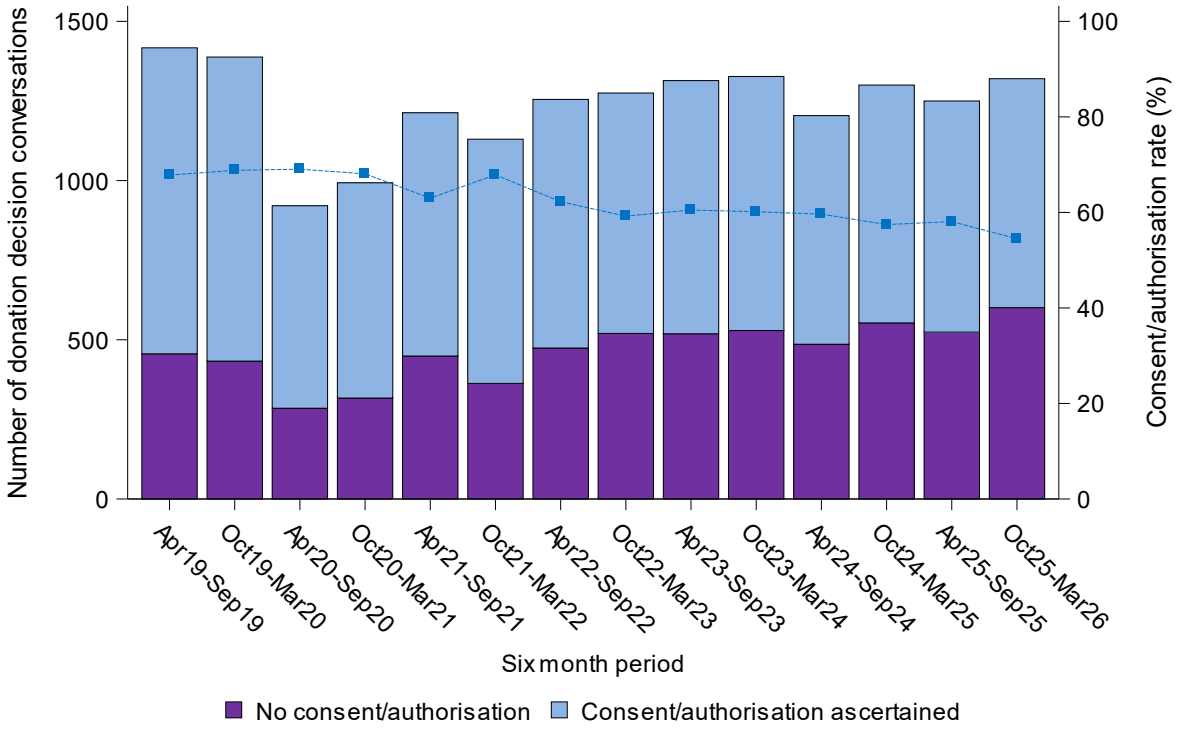


Figure 3b – Six-monthly deceased donor consent rates in Wales, April 2019 to March 2026

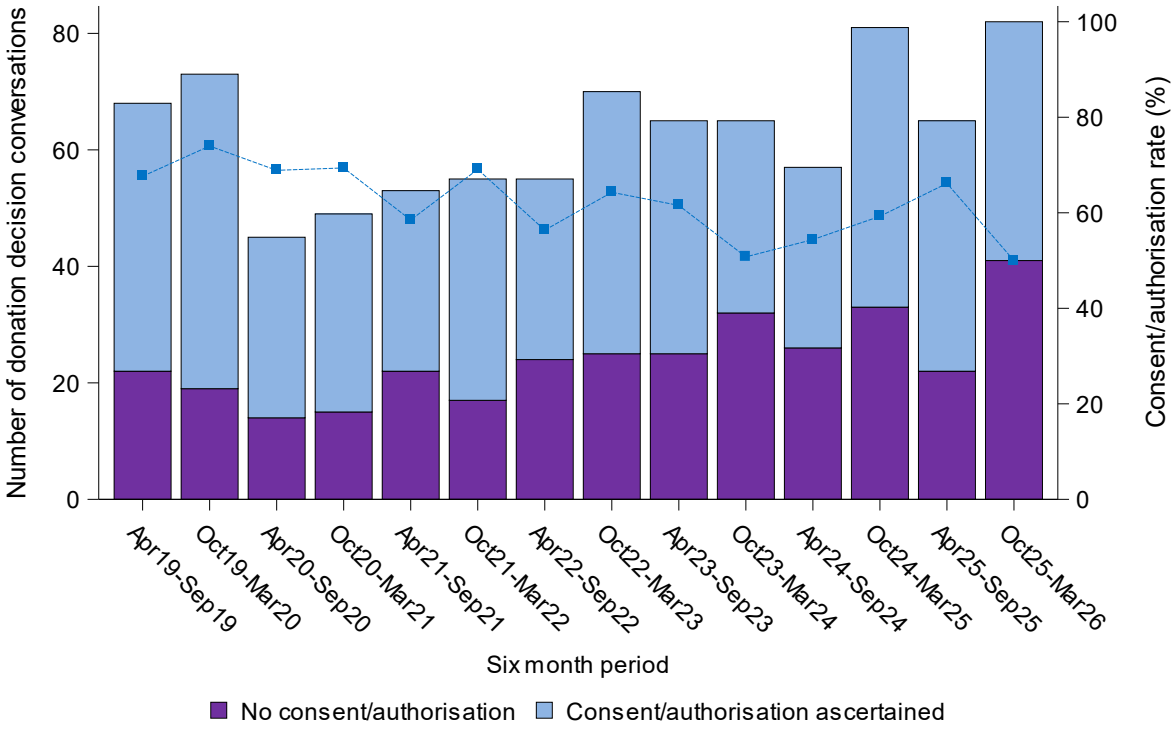


Figure 3c – Six-monthly deceased donor authorisation rates in Scotland, April 2019 to March 2026

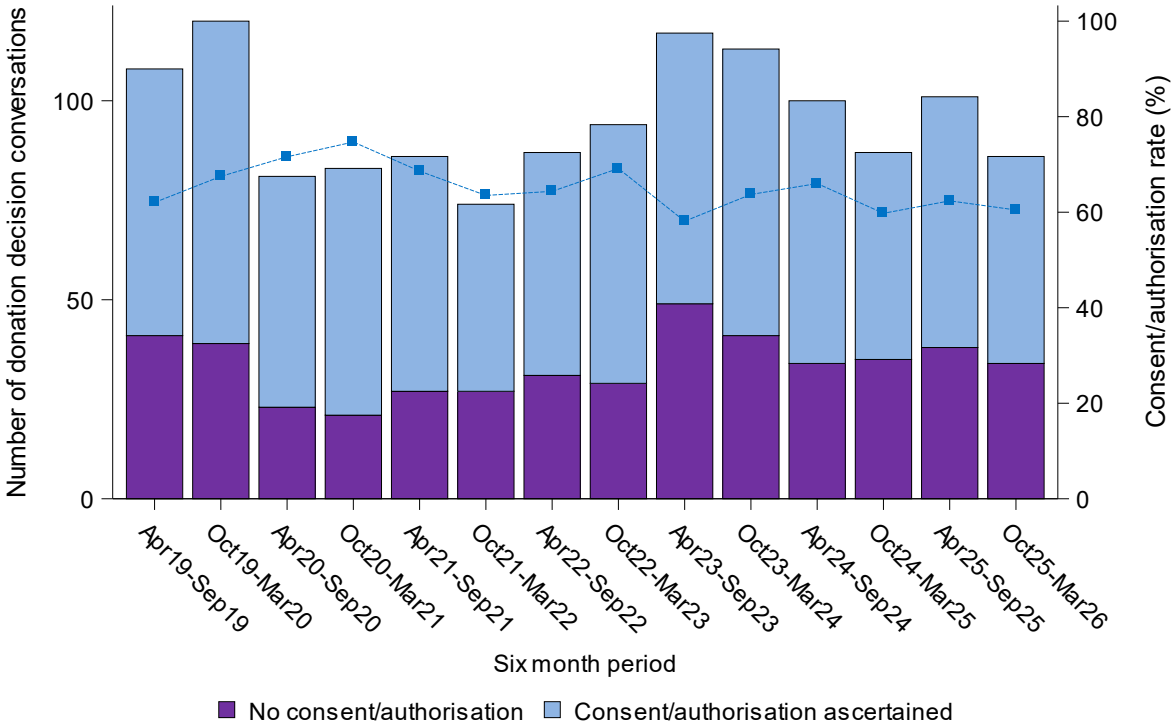


Figure 3d – Six-monthly deceased donor consent rates in Northern Ireland, April 2019 to March 2026

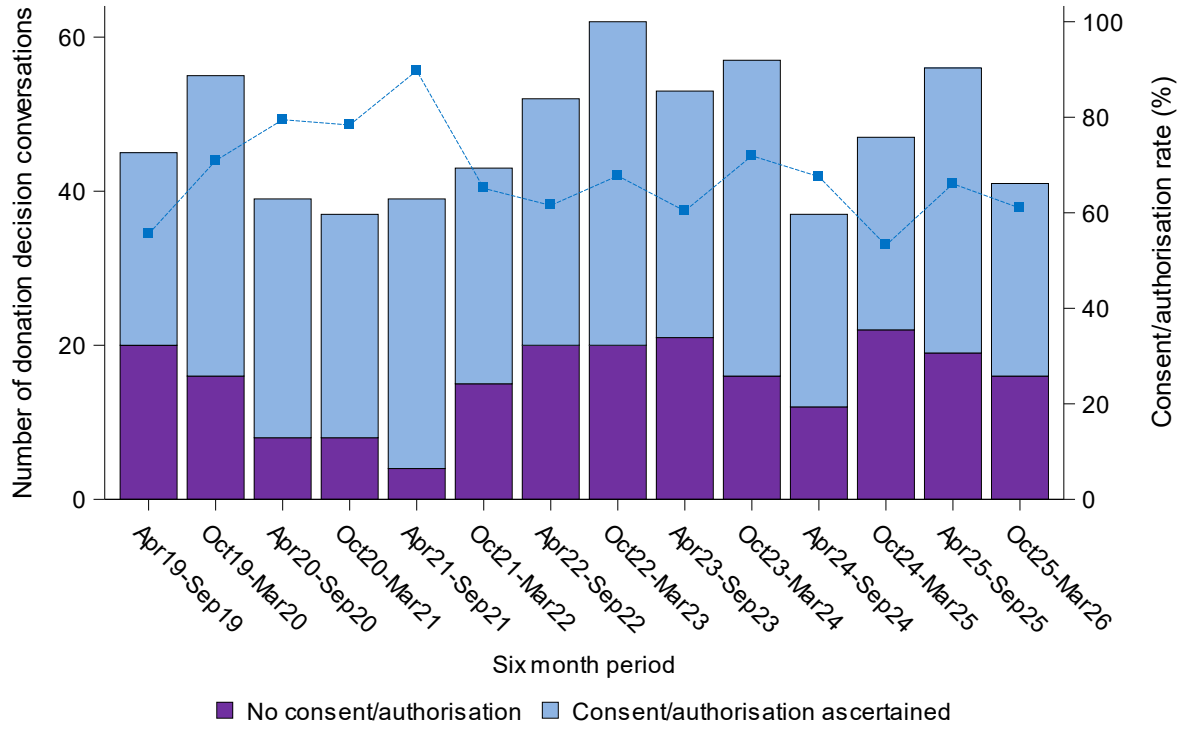


Table 2 - Donation decision conversations and consent/authorisation rate, by nation and financial year, April 2021 to March 2026

Nation	2021/22		2022/23		2023/24		2024/25		2025/26	
	N	%	N	%	N	%	N	%	N	%
England	2343	65.3	2530	60.7	2641	60.3	2504	58.5	2570	56.2
Scotland	160	66.3	181	66.9	230	60.9	187	63.1	187	61.5
Wales	108	63.9	125	60.8	130	56.2	138	57.2	147	57.1
N. Ireland	82	76.8	114	64.9	110	66.4	84	59.5	97	63.9
UK*	2696	65.7	2954	61.3	3114	60.4	2915	58.8	3009	56.9

*Includes cases from the Crown Dependencies reported in **Appendix A1**.

Figure 4 – Six-monthly DBD/DCD consent/authorisation rates, April 2019 to March 2025

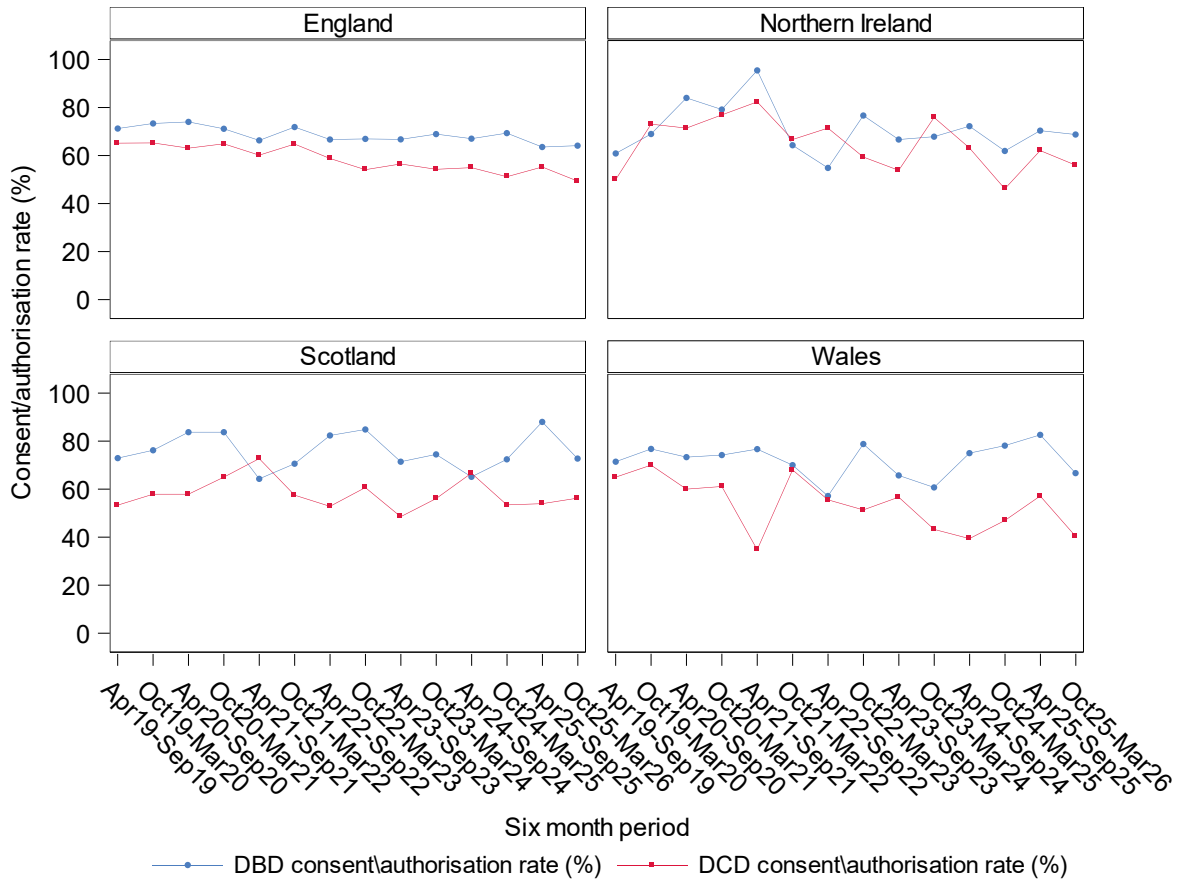


Table 3 - Donation decision conversations and consent/authorisation rate, by nation and consent/authorisation group, April 2025 to March 2026

Nation	All expressed opt in		Expressed ODR opt in (subset of all)		Deemed consent/ authorisation		Expressed opt out		Other	
	N	%	N	%	N	%	N	%	N	%
England	1082	87.5	965	87.0	950	42.9	280	0.0	258	34.9
Scotland*	86	81.4	84	82.1	57	56.1	23	0.0	21	61.9
Wales	61	85.2	56	85.7	44	52.3	28	0.0	14	64.3
N. Ireland	43	83.7	33	81.8	36	61.1	11	0.0	7	57.1
UK**	1274	86.9	1138	86.5	1092	44.9	342	0.0	301	38.5

* 13 patients who expressed a verbal opt in decision are included as deemed authorisation in Scotland. In Scotland a verbally expressed opt-in is recorded as a deemed authorisation. Relative to England, Wales and Northern Ireland the adjusted all expressed opt in rate in Scotland is 82.7% and the adjusted deemed authorisation rate is 45.5%.

**Total numbers include cases from the Crown Dependencies.

A funnel plot is displayed in **Figure 5a** comparing the deceased donor consent/authorisation rate between the four UK nations. Each nation is represented on the plot as a blue dot. The UK rate is shown on the plot as a green horizontal dashed line, together with 95% and 99.8% confidence limits for this rate. These limits form a 'funnel', which is shaded using the gold, silver, bronze, amber, and red (GoSBAR) colour scheme. If a point lies within the 95% limits, shaded bronze, then that nation has a rate that is statistically consistent with the UK rate. If a point lies outside the 95% confidence limits, shaded silver or amber, this serves as an alert that the nation may have a rate that is significantly different than the UK rate. When a point lies above the upper 99.8% limit, shaded gold, this indicates that the nation has a rate that is significantly higher than the UK rate, while a point that lies below the lower limit, shaded red, has a rate that is significantly lower than the UK.

It is important to note that, in these plots, the UK rate is dominated by the consent rate in England, such that these funnel plot compare rates in Wales, Scotland and Northern Ireland with the equivalent rate in England. Additionally, these are unadjusted funnel plots so any differences in patient mix, between the four nations, have not been accounted for.

Equivalent funnel plots are also presented, in **Figures 5b** and **5c**, comparing separate DBD and DCD consent/authorisation rates, respectively.

Figure 5a - All deceased donor consent/authorisation rates by nation, April 2025 to March 2026

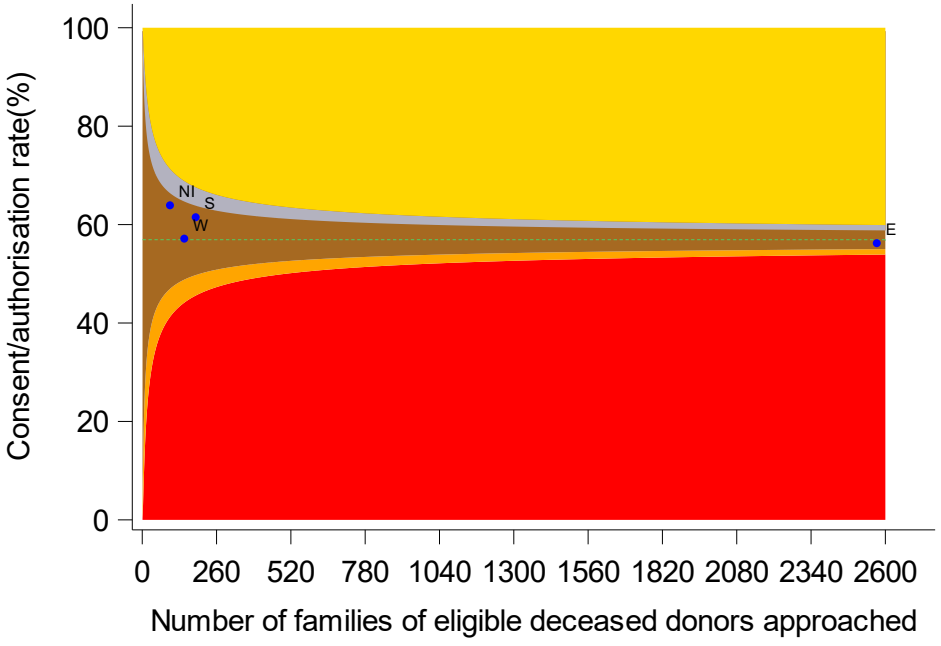


Figure 5b - DBD consent/authorisation rates by nation, April 2025 to March 2026

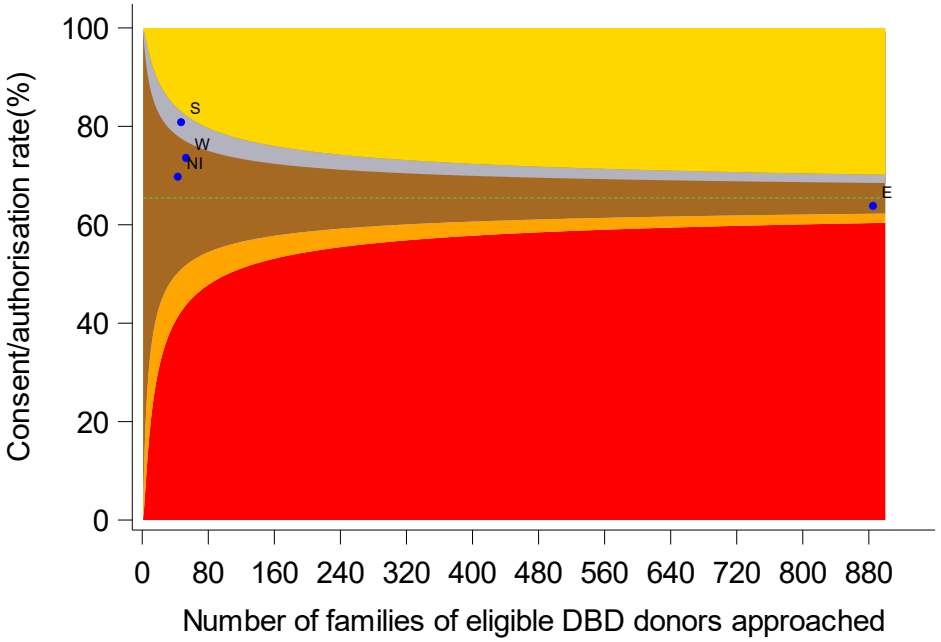
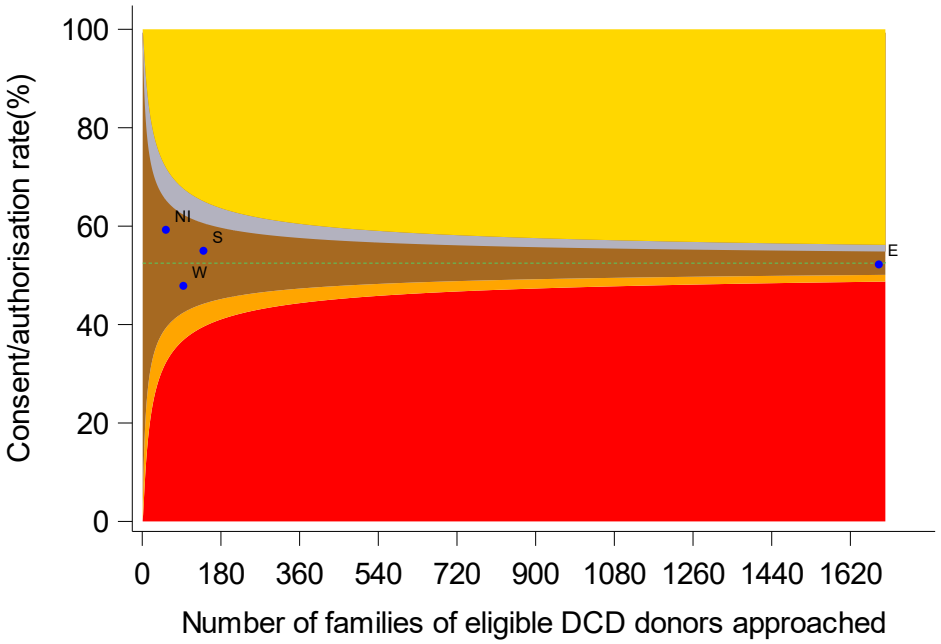


Figure 5c - DCD consent/authorisation rates by nation, April 2025 to March 2026



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Appendix

Figure A1 – Crown Dependency ODR registrations pmp by 31 March 2026

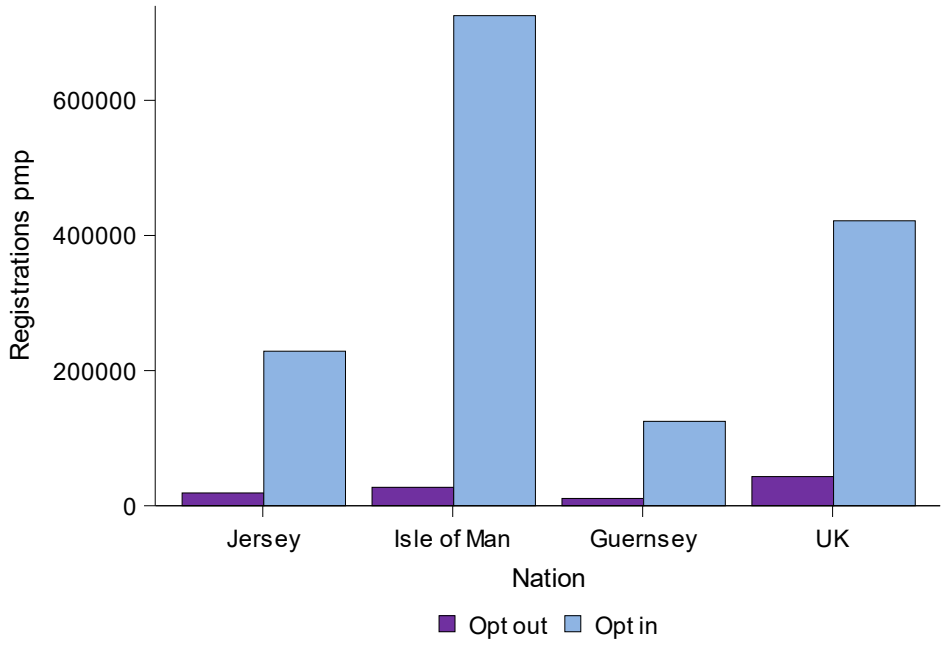
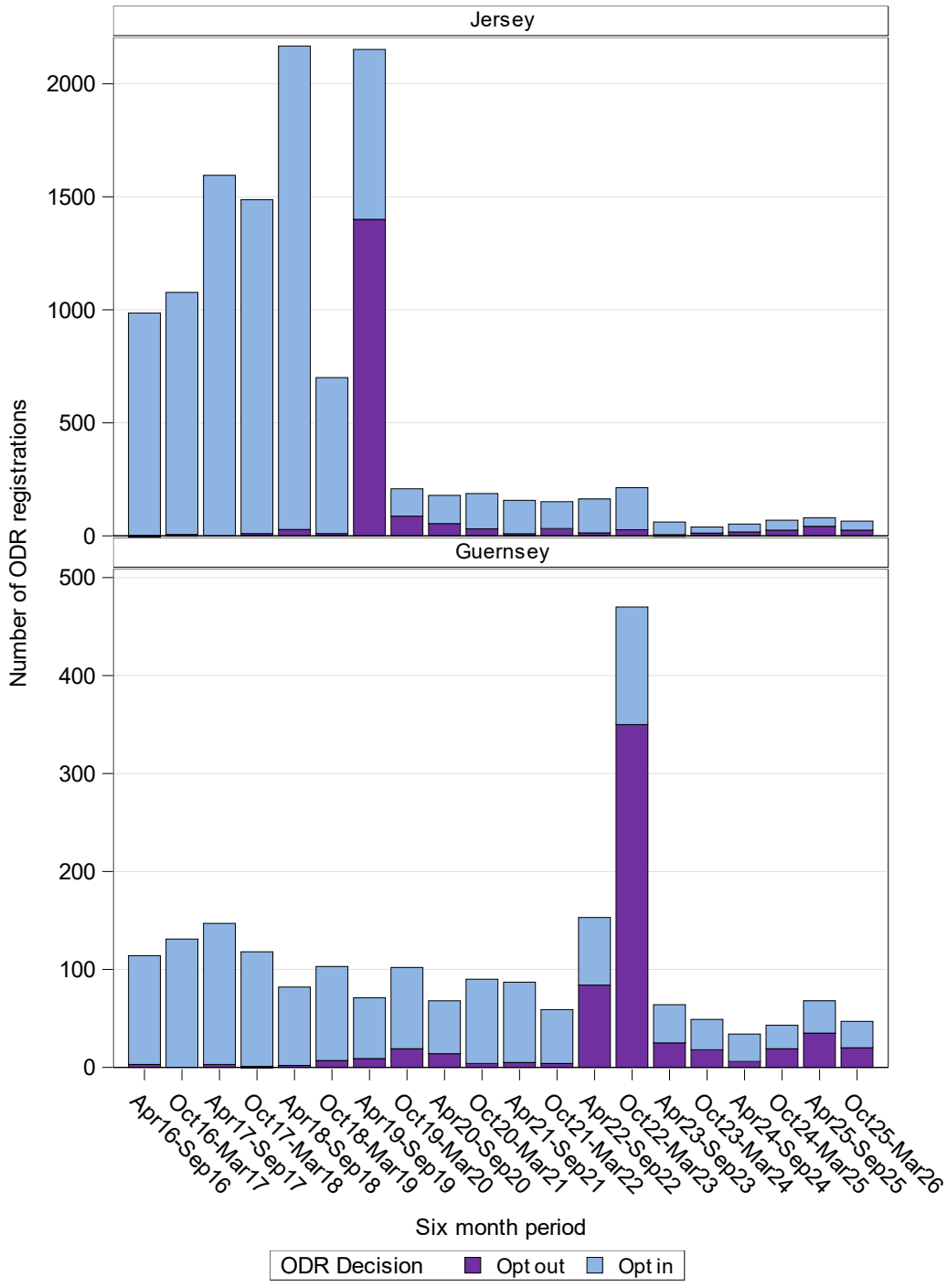


Table A1 - Crown Dependency ODR registrations pmp at 31 March 2026

Crown dependency	Opt-in registrations			Opt-out registrations		
	N	%	pmp*	N	%	pmp*
Jersey	22873	22.9	228730	1894	1.9	18940
Isle of Man	58028	72.5	725350	2184	2.7	27300
Guernsey	7496	12.5	124933	649	1.1	10817
UK	28790588	42.2	421717	2947729	4.3	43178

***** Population estimates are the mid-2024 estimates based on ONS 2021 Census figures

Figure A2 - Crown Dependency ODR registrations by decision, April 2016 to March 2026



Consent rate data for the Crown Dependencies are excluded due to small numbers. Since the introduction of opt out legislation in Jersey, there have been 10 out of 26 donation decision conversations where criteria for deemed consent were met and 2 out of 2 in the Isle of Man.

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