



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **Consultation on the draft Human Transplantation (Wales) Bill**

**DATE**            **18 June 2012**

**BY**                **Lesley Griffiths AM, Minister for Health and Social Services**

Following the consultation on our White Paper which set out proposals for legislation on organ and tissue donation, I am pleased to publish today the draft Human Transplantation (Wales) Bill for consultation. This is a major step forwards in implementing a soft opt-out system of consent to donation in Wales, leading the way in saving lives through increasing the number of organs and tissues for transplantation.

This public consultation will close on 10 September 2012.

Accompanying the draft Bill, is a consultation document and a detailed draft Explanatory Memorandum, setting out how we see the new system operating. The Explanatory Memorandum includes a Regulatory Impact Assessment showing the strong cost/benefit case for the changes, an Equality Impact Assessment and Privacy Impact Assessment.

The effect of this Bill will be to change the way in which consent is to be given to deceased organ and tissue donation in Wales for the purposes of transplantation. The main change will be in respect of adults who live and die in Wales, where consent to donation will be deemed to have been given if they had not expressed a wish for or against donation. Deemed consent will not apply to everyone - there will be safeguards for children, people who lack capacity and people who do not live in Wales.

In practice, people will be given the opportunity to either formally make a decision to be a donor (to opt in), or not to be a donor (to opt out), by placing their name on a register. If they choose to do neither, despite having had the opportunity to opt out, they will have effectively made a decision to have their consent deemed, and this will have legal standing. It will be treated as a wish of the deceased to be a donor and a decision which families will be sensitively encouraged to accept.

I am also publishing an information leaflet for members of the public containing a short summary of the proposed change in the law and signposting the way to the Bill and the more detailed documents. I am making arrangements for all Assembly Members to have a number of copies and it will also be circulated through GP surgeries, libraries and other public areas.

I will introduce the Human Transplantation (Wales) Bill into the Assembly within the 2012-13 session after considering consultation responses on the draft Bill. I envisage the new soft opt-out system will be implemented in 2015, two years following the passage of the legislation through the Assembly, to allow for a comprehensive public awareness and communication campaign to take place.