



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

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

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**Title:** Organ and Tissue Donation Legislative Competence Order

**Date:** 17 November 2010

**By:** Edwina Hart , Minister for Health and Social Services

I would like to provide you with an update on progress since the 13<sup>th</sup> July 2010, when the First Minister announced the inclusion of the Organ and Tissue Donation LCO in this final legislative programme of this Assembly Government.

As the First Minister said in his statement on 13<sup>th</sup> July, this government has held a number of public debates on this issue of organ donation including a formal consultation on options for changes to the organ donation system in Wales. The majority of responses to that consultation supported a change to a soft opt-out system. We are now taking this important issue forward.

This government believes it is important to seek the necessary powers to be able to implement a Welsh system of organ donation that best meets the needs and wishes of the people of Wales.

Legislative competence is being sought to enable legislation to be made to implement the Welsh Assembly Government's policy to introduce a "soft" Opt out system for donation, for people that live and die in Wales. This will allow for the removal of organs following death unless that individual has registered their objection and where the family of the deceased give their consent. Certain vulnerable groups in society will not be included in the Opt out system. These are likely to include all minors under 18 years of age and adults lacking capacity.

The purpose of this legislation is to increase the number of organs available across the UK, not only to improve the health but also the quality of life of people that need a transplant.

We hope to gain this competence with a view to providing the next Assembly with the opportunity to make new legislation for Wales.

The Assembly could use the new powers to introduce an Opt out system of consent for organ donation. This would be in addition to maintaining the current Opt in system of organ donation, which is operated at a UK level.

I believe passionately that we should do all that we can to limit the number of people that are dying each year while waiting on the transplant list for a suitable donor to become available.

However this is not going to be a quick-fix. Before any “soft” Opt out system is introduced, there will be further engagement with citizens of Wales, customers and stakeholders by way of consultation. Also, after legislation is passed, there will need to be an interim period when a comprehensive Communication Programme will be delivered, to ensure that all Welsh citizens are made aware of its planned introduction, in order to give citizens the opportunity to Opt out if they so wish. We are currently exploring options on how best to address these matters.

### **Progress to Date on LCO**

I am pleased to report that we are making good progress on seeking legislative competence. Since July this year, my officials have worked tirelessly to prepare policy and legal instructions to inform the preparation of the draft Legislative Competence Order (“LCO”). Discussions have also taken place with counterparts in Whitehall, both in the Wales Office and Department for Health and I have been reassured by the cooperative manner in which the Department of Health officials have engaged in this process.

I have written to the Secretary of State for Wales, requesting that she seeks clearance from the Attorney General and then the UK Cabinet in respect of the draft LCO and Explanatory Memorandum.

I am confident that the UK Government, and my colleagues in the Assembly, will do all that they can to expedite the progress of this LCO, whilst at the same time ensuring that we make good legislation for the benefit of all. I look in particular to the Secretary of State for Wales and her officials to help facilitate this.

While we are pursuing legislation to introduce a “soft” Opt out system, we are not standing still, and I have been delighted with the strides being made to increase the number of transplants being carried out under the current Opt in system. It is encouraging to note that Wales has seen a 20% increase in the number of organ donors in the past year and I would like to pay tribute to all those involved, particularly the Welsh Organ Donation Implementation Group (“WODIG”).

However we cannot afford to be complacent. Surveys show that 90% of people claim to support organ donation but only about 30% of the UK’s population are registered on the Organ Donation Register.

If you are one of the 90% in favour of organ and tissue donation, I urge you to do something about it, to speak with your family, let them know your wishes and most importantly to register your wishes on the Organ Donation Register today.