Organ Donation (Deemed Consent) Bill 2017-19

House of Lords, Second Reading
Friday 23 November

About the BMA
The BMA (British Medical Association) is a professional association and trade union representing and negotiating on behalf of all doctors and medical students in the UK. It is a leading voice advocating for outstanding health care and a healthy population. It is an association providing members with excellent individual services and support throughout their lives.

The BMA has been lobbying for an organ donation opt-out system for more than 18 years.¹ We are delighted to see recent developments, across the UK, that show important progress is being made on this front.

We urge Peers to support this Bill to create the opportunity for the UK Government to deliver on its commitment to enact a life-saving shift and introduce an opt-out model for organ donation in England by 2020².

Key points

- **We welcome the Government’s pivotal commitment to implement an opt-out model, with safeguards, in England.** Furthermore, we welcome the Prime Minister’s continued commitment³ to supporting this Bill, the Organ Donation (Deemed Consent) Bill, as the vehicle to establish this life saving change in legislation.

- **The BMA has long advocated an opt-out system for organ donation and would like to see it introduced across the UK, without delay.** We believe this model, which has already been implemented in Wales and is being introduced in Scotland, is the best option for the UK to reduce the shortage of organs and save lives.

- **The Bill includes an important safeguard.** The ‘soft’ opt-out would ensure that the loved ones of a person who has died would have the opportunity to make known any unregistered objection to organ donation that the individual may have had. Thus, any person who had a known objection to organ donation, recorded or otherwise, would not be a donor.

- **The BMA gives its overwhelming support to the Organ Donation (Deemed Consent) Bill.** We urge Peers to support its passage in Parliament so that it gains Royal Assent, enshrining a life-saving shift in law, without delay.

¹ The BMA has a longstanding interest in public policy on organ donation. You can view the timeline of our lobbying on the BMA’s website, here: https://www.bma.org.uk/collective-voice/policy-and-research/ethics/organ-donation

² Department of Health & Social Care, "New system of consent for organ and tissue donation announced". Available at: https://www.gov.uk/government/news/new-system-of-consent-for-organ-and-tissue-donation-announced

³ Theresa May speaking at Prime Minister’s Question Time (Wednesday 5 September). Available at: https://hansard.parliament.uk/commons/2018-09-05/debates/3fb14697-57e7-4c9c-9897-44425c4bcc77/OralAnswersToQuestions
Organ Donation: the need for an opt-out system

Under an opt-out system, everyone is presumed to be an organ donor unless they opt out during their lifetime. Crucially, this model provides individuals with exactly the same choice as an opt-in organ donation system (England’s current model) – to donate or not to donate – it is simply the default position that changes.

So, why the need for change? Studies show that 80% of people support organ donation ‘in principle’\(^4\) but only 39% of the UK population have registered their wish to donate on the organ donor register. Organs that could have saved lives are buried or cremated – not because the individual didn’t want to donate but because they never got around to making their views known.

Doctors would like to see an end to patients dying because of a lack of organs when we know that more can be done. The BMA believes it must be made as easy as possible for an individual to donate their organs after death, if that is their wish.

We believe a shift to an opt-out system, supported by publicity and engagement with the public, will save lives.

A ‘soft’ opt-out

The Organ Donation (Deemed Consent) Bill includes an important safeguard that would ensure the loved ones of a person who has died have the opportunity to make known any unregistered objection to organ donation that the individual may have had.

Under this Bill, any person who had a known objection to organ donation, recorded or otherwise, would not be a donor.

Donation rates: the impact of an opt-out model

The BMA believes that introducing an opt-out model in England would increase donation rates, whilst also respecting the wishes and autonomy of those who donate. In spite of the difficulties of extrapolating from the experiences of other countries, systematic reviews of data have found that opt-out is one of a number of factors that is positively associated with higher donation rates.\(^5\)

In addition, although it is too early to tell the impact of the introduction of opt-out in Wales, the early signs are positive with the latest data (for the year 2017/18) showing an increase from 61 to 74 deceased donors, compared with the previous twelve months.\(^6\)

Furthermore, we believe this important shift in approach would, over time, promote a more positive attitude towards donation within society, which we would welcome. Qualitative research from Wales shows strong support for the new system amongst the public and health professionals.\(^7\)

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\(^5\) See, for example, the review conducted by the University of York: Organ Donation Taskforce (2008) The potential impact of an opt out system for organ donation in the UK. A report from the Organ Donation Taskforce. Supporting information, Annex 1, p.9.


Public opinion
There is strong public support for a shift to an opt-out system. In January 2017, the BMA commissioned a public opinion poll in England, Scotland and Northern Ireland. We asked if individuals would support an opt-out system, like that implemented in Wales, being introduced in other parts of the UK. Overall, 65% said that they would support such a shift.¹

The BMA gives its overwhelming support to the Organ Donation (Deemed Consent) Bill and urges the House of Lords to support its passage through Parliament, without delay.

We have long advocated a ‘soft’ opt-out system for organ donation and would like to see it implemented across the UK. We believe an opt-out, as has been implemented in Wales and is being introduced in Scotland, is the best option for the UK to reduce the shortage of organs and save lives.

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