DRAFT REGULATIONS UNDER THE HUMAN TRANSPLANTATION (WALES) ACT 2013

Consultation by Welsh Government

Response from BMA Cymru Wales

15 January 2015

INTRODUCTION

BMA Cymru Wales is pleased to provide a response to the Welsh Government consultation on draft regulations under the Human Transplantation (Wales) Act 2013

The British Medical Association represents doctors from all branches of medicine all over the UK; and has a total membership of over 150,000 including more than 3,000 members overseas and over 19,000 medical student members.

The BMA is the largest voluntary professional association of doctors in the UK, which speaks for doctors at home and abroad. It is also an independent trade union.

BMA Cymru Wales represents some 7,000 members in Wales from every branch of the medical profession.

RESPONSE

BMA Cymru Wales is happy to support each of these regulations as they have been drafted. We provide further information in the commentary below:

The Human Transplantation (Excluded Relevant Material) Wales Regulations 2015

BMA Cymru Wales argued strongly during the consultation phases of the Bill for some organs/tissue to be excluded from the deemed consent model. This was to cover new developments such as face or limb transplants which might cause concern amongst the public and which, if included within the new system,
might lead to people opting out of donation altogether. We argued that for these type of transplants, express consent should continue to be required.

These Regulations specify the organs/tissues which are excluded from the deemed consent model and we would therefore be happy to support them. In terms of content, we would note that they cover all of the organs/tissues we would expect to be covered.

The Human Transplantation (Appointed Representatives) (Wales) Regulations 2015

These regulations relate to any restrictions on people who could be nominated to make the decision about deceased organ donation on behalf of an individual. The only exclusion is someone who lacks capacity to make the decision.

This seems to us to be entirely reasonable and we are therefore happy to provide our support.

The Human Transplantation (Persons who Lack Capacity to Consent) (Wales) Regulations 2015

These regulations relate to living donation by those who lack capacity, and confirm that this can only take place where it is in the best interests of the incapacitated adult. This transfers over the current restriction in the Human Tissue Act 2004.

This provides important protection which we are happy to support.