



# Changes To The Law Regarding Organ Donation

We are all aware that organ donation can transform a patient's quality of life, or even save it. Most of us support the idea and would want our organs to be of use to others after our death. However, only a small proportion of us have signed up to the NHS Organ Donor Register or discussed our wishes with our family. This has brought about a change in the law.

With effect from 20 May 2020, the law regarding organ donation has changed to an 'opt out' system. The Organ Donation (Deemed Consent) Act 2019, is commonly known as 'Max and Keira's law', in memory of a boy who received a heart transplant and the girl whose heart was donated to him after she died in a car accident.

## Adults will be treated as organ donors

Under the changes, all adults in England will be treated as organ donors when they die unless they have recorded their decision to not be a donor, or if they are part of the excluded groups. The excluded groups are those who lack mental capacity to understand the change in the law and make a decision about it, visitors to England and those who have lived in England for less than a year before their death.

The NHS is requesting that everyone records their organ donation decision on the NHS Organ Donor Register and to discuss their decision with friends and family.

## You need to actively opt-out

Under the current system, if there is no recorded decision for you, it will be treated as if you have agreed to donate your organs after death, or that you have told your friends and family about your decision and they will communicate your wishes to the team involved in your end of life care. If you record an opt-out decision, this will be added to the NHS Organ Donation Register and will be respected in the event of your death.

When registering on the NHS Organ Donation Register, you have the option of saying whether you would like the NHS to speak to your family, or anyone else appropriate, about how organ donation can take place in line with your faith or beliefs.

Healthcare professionals will continue to approach the family of the deceased regarding the decision to donate

and give consideration to your faith, beliefs and culture. The organ donation process is dealt with by a specialist team who treat donors with the highest level of care and respect during the donation process. Only those organs and tissue specified by the donor and agreed with the family will be removed.

## **Make those closest to you aware of your wishes**

You can include your organ donation decision in your will, but this should not be the only place it is recorded. This is because the will may be referred to after the medical team has consulted with your family and therefore the information will not be available at the appropriate time. It is preferable to make sure that those closest to you are aware of your wishes.

For more information about the 'opt-out' process, visit [www.organdonation.nhs.uk](http://www.organdonation.nhs.uk)

For advice on making your will, get in touch with our [Will solicitors](#) by emailing [online.enquiries@la-law.com](mailto:online.enquiries@la-law.com) or calling 01202 786229.