

What your decision means

If you have expressed or recorded a decision to donate, your consent will be legally valid. If donation is a possibility when you die, a nurse specialising in organ donation will help to honour your decision. They will support your family and let them know your decision.

If you have expressed a decision not to donate, your decision will be respected. You will not become a donor as you have not given consent, nor can your consent be deemed.

If you have not expressed a decision either way, and you live and die in Wales or England (or Scotland from March 2021) it will be considered that you agree to be an organ and tissue donor when you die. If your family can show that you objected to donation, but had not recorded this, your consent cannot be deemed. If your family is unaware of your decision, your consent may still be deemed.

At the heart of the law is the principle that the decision rests first and foremost with you. The easiest way to express your decision is through the NHS Organ Donor Register, however you can also record this by discussing your decision with your family and friends.

Your consent will be legally valid as long as no one forced you to make the decision, you were aware of your actions, and had the information you needed.

Talking to your family about your decision

The majority of people do not die in circumstances where organ and tissue donation is a possibility. Where donation is possible, families are always involved in discussions about organ and tissue donation. Talking to your family will make sure they are aware of your decision.

Your family will be asked for information which will help to establish whether your organs and tissues are suitable for transplantation. This will undoubtedly be an upsetting and distressing time for your loved ones.

Sharing your decision with them will help them prepare to have these conversations.

Organ and tissue donation can often bring comfort to families who have lost a loved one with the knowledge that other lives may have been saved.

If you have any questions about anything you have read in this leaflet, please contact us.

Contact the HTA

Telephone: 020 7269 1900

Email: enquiries@hta.gov.uk



[hta.gov.uk](https://www.hta.gov.uk)



[@HTA_UK](https://twitter.com/HTA_UK)



[HumanTissueAuthority](https://www.facebook.com/HumanTissueAuthority)



Your guide to consent
and organ and
tissue donation for
transplant in the UK

The role of the Human Tissue Authority (HTA)

The HTA is the regulator for human tissue and organs in the UK. We oversee compliance with the [Human Tissue Act 2004](#). We also oversee compliance with laws that ensure the quality and safety of organs, tissues and cells used for transplantation in the UK.

We publish [Codes of Practice](#) that give health professionals advice and guidance.

In recent years, there have been some changes to the way organ and tissue donation for transplantation works in the UK. Currently, organ donation laws vary across the different countries in the UK (England, Scotland, Wales and Northern Ireland).

This leaflet sets out how consent for organ and tissue donation works in each country in the UK, and the choices you can make.



England

The [Organ Donation \(Deemed Consent\) Act 2019](#) introduced an 'opt-out' system of organ and tissue donation in England otherwise known as **deemed consent**. This means that all adults in England are considered to have agreed to be an organ and tissue donor when they die, unless they have recorded a decision not to donate or are in one of the [excluded groups](#). You can register your decision to opt in or opt out by joining the [NHS Organ Donor Register](#) or sharing your decision with your family and friends.

Wales

The [Human Transplantation \(Wales\) Act 2013](#) introduced an 'opt-out' system of organ and tissue donation in Wales otherwise known as **deemed consent**. This means that all adults in Wales are considered to have agreed to be an organ and tissue donor when they die, unless they have recorded a decision not to donate or are in one of the [excluded groups](#). You can register your decision to opt in or opt out by joining the [NHS Organ Donor Register](#) or sharing your decision with your family and friends.

For more information, please visit the [Welsh Government's website](#).

Northern Ireland

Northern Ireland has an 'opt-in' system for organ and tissue donation meaning there is no presumption that you would want to be an organ and tissue donor after your death. You can register your decision to opt in or opt out by joining the [NHS Organ Donor Register](#) and sharing your decision with your family and friends.

You can also [nominate up to two representatives](#) to make the decision for you. These could be family members, friends, or other people you trust.

Scotland

From March 2021 Scotland will introduce an 'opt-out' system of organ and tissue donation otherwise known as **deemed authorisation**.

You can register your decision to opt in or opt out at anytime by joining the [NHS Organ Donor Register](#) or sharing your decision with your family and friends. For more information, please visit the [Organ Donation Scotland website](#).

Registering your decision whether or not to donate

Regardless of where you live in the UK, the [NHS Organ Donor Register](#) allows you to record your decision about donating your organs and tissue after you die. The NHS Organ Donor Register allows you to say whether you wish to donate all of your organs and tissue, some of your organs and tissue, or none of your organs and tissue. It also allows you to appoint a representative to make this decision on your behalf after you die. You do not have to register your decision on the NHS Organ Donor Register, it is sufficient for you to tell your family and friends of your decision or put it in writing.

If you do not want to donate your organs or tissue, and do not register your objection, your relatives will be given the opportunity to show evidence that you did not want to donate. You can also [appoint a representative\(s\)](#) to make the decision on your behalf after you die.

If you have registered your decision to donate, there is no legal right for your family to overrule your consent. However, families are involved in sensitive discussions about organ and tissue donation. For further information, please visit the [NHS Organ Donation website](#).