Organ donation law change to come into effect in England on 20 May

Tuesday 19 May, 2020

From 20 May 2020, the new law will be implemented in England and organ donation will move to a system of deemed consent (or 'opt out'), known formally as Max and Keira's law. Under the new law, all adults in England will be considered as having agreed to donate their organs when they die unless they record a decision not to donate (known as 'opting out') or are one of the excluded groups.

Those excluded will be people under 18, those who lack the mental capacity to understand the new arrangements and take the necessary action; people who have lived in England for less than 12 months or who are not living here voluntarily and those who have nominated someone else to decide on their behalf. Even with the changes coming into effect, families will still be involved before any organ or tissue donation goes ahead. There is no deadline for recording your decision to opt out and you are free to register your choice at any time.

This new system of consent for organ and tissue donation is a significant step to helping the 5,200 people in England desperately waiting for a life-saving, or life-enhancing, transplant.

Andrea Brown, Chief Executive of National Kidney Federation, said: "People are dying every single day waiting for a transplant. Around 80% of those waiting for a transplant need a kidney. The National Kidney Federation have been helping to campaign for a change in the organ donation law for a very long time. The introduction of Max and Keira's Law is such an important step forward and will transform so many people's lives who are living with kidney disease. We speak to patients daily, who have been waiting and hoping for a change in the organ donation law, as they have been on the waiting list for a transplant for a long time. This change will bring hope to a lot of kidney patients throughout England.

Alongside the commitment of public education, support from the NHS and NHS Blood and Transplant, we're looking forward to seeing more life-changing transplants. It's important everyone has a conversation with their families about organ donation – so your loved ones know your decision."

The COVID-19 pandemic means that the number of potential donors has been reduced. Donation is not being explored if patients have COVID-19 as the risk of transmission to recipients is currently considered too high.

The simplest way to record a decision is on the NHS Organ Donor Register website. However, it is also possible to tell a friend or family member or record it in writing.

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