

STATES OF JERSEY



DRAFT HUMAN TRANSPLANTATION AND ANATOMY (JERSEY) REGULATIONS 201-

Lodged au Greffe on 1st May 2019
by the Minister for Health and Social Services

STATES GREFFE



Jersey

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REPORT

Background

The Human Transplantation and Anatomy (Jersey) Law 2018 (the “2018 Law”) (*see* [L.27/2018](#)) was adopted by the States on 10th April 2018, and is proposed to be brought into force by Appointed Day Act on 1st July 2019 (*see* P.48/2019).

The 2018 Law makes provision concerning the storage, removal and use of the body, or relevant material from the body, of a deceased person for, among other things, the purposes of transplantation. The 2018 Law provides a legal basis for those who wish to expressly consent to, or not to consent to, organ donation. The 2018 Law also introduced the concept of deemed consent, where consent to transplantation and other activity can be deemed on behalf of a person (subject to exceptions) where that person had not, in his or her lifetime, opted out of the deemed consent system, or where family members, friends or others close to the deceased consider that the deceased would have opposed consent being given.

The Draft Human Transplantation and Anatomy (Jersey) Regulations 201- (the “draft Regulations”), which would be made under provision in the 2018 Law will, if adopted, make provision for the registration of a decision to consent, or not to consent, to organ donation. An individual may make a decision as to express consent or not to consent in a number of ways; for example, by telling a friend or family member, or recording it in writing. However, the only way to be certain a decision as to consent will be accessible by medical practitioners involved in organ donation is for it to be recorded on the NHS Organ Donation Register (“ODR”). The ODR is managed by the NHS Blood and Transplant service in the UK, and enables it to match nationwide donors to people who are waiting for a transplant. The ODR is checked in every potential case of organ donation, and the information on it will be communicated by medical practitioners to family and/or friends. Jersey will not have a separate organ donation register to the ODR; a Jersey resident who wishes to register a decision as to organ donation may do so through the ODR, as they do currently. Accordingly, the draft Regulations will provide that a person wishing to register a decision as to consent, or not to consent to organ donation, may do so on the ODR.

The 2018 Law also permits a person to appoint one or more persons to represent him or her after death in relation to express consent for the purpose of the 2018 Law (an “appointed person”); for example to make a decision on that person’s behalf in relation to organ donation. The draft Regulations will also, if adopted, make provision for the registration of that decision as to appointment to be registered on the ODR. As with express decisions around organ donation, a decision as to the appointment of an

appointed person will be visible to medical practitioners in every potential case of organ donation.

Financial and manpower implications

There are no additional resource implications for the Government of Jersey arising from the adoption of these draft Regulations.

Explanatory Note

Regulation 1 provides that a decision to consent, or not to consent, and the appointment of a person under Article 8 of the Human Transplantation and Anatomy (Jersey) Law 2018 (the “principal Law”), whether in relation to transplantation activities generally or one or more transplantation activities, may be recorded in the NHS Organ Donor Register.

NHS Blood and Transplant is established under the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (Establishment and Constitution) Order 2005 of the United Kingdom (S.I. 2005/2529) and maintains the NHS Organ Donor Register in connection with its function of facilitating, providing and securing the provision of services to assist tissue and organ transplantation.

Regulation 2 sets out the title of these Regulations and provides that they will come into force on the day on which the principal Law commences.



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Jersey

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Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Article 18 of the Human Transplantation and Anatomy (Jersey) Law 2018¹, have made the following Regulations –

1 Registration relating to consent and appointed persons

- (1) The following matters may be recorded in the register maintained by NHS Blood and Transplant, known as the “NHS Organ Donor Register”, in relation to transplantation activities generally, or one or more transplantation activities –
 - (a) express consent;
 - (b) a decision not to consent; and
 - (c) the appointment of a person under Article 8 of the Human Transplantation and Anatomy (Jersey) Law 2018².
- (2) In this Regulation, “NHS Blood and Transplant” means the Special Health Authority established under Article 2 of the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (Establishment and Constitution) Order 2005 of the United Kingdom (S.I. 2005/2529).

2 Citation and commencement

These Regulations may be cited as the Human Transplantation and Anatomy (Jersey) Regulations 201- and come into force on the day on which the Human Transplantation and Anatomy (Jersey) Law 2018 commences.

¹ L.27/2018
² L.27/2018