

**REPLY BY THE MINISTER OF  
THE HEALTH AND SOCIAL SERVICES DEPARTMENT  
TO A QUESTION ASKED PURSUANT TO RULE 6 OF THE  
RULES OF PROCEDURE BY DEPUTY M. J. FALLAIZE**

**Question 1**

*Is your Department of the opinion that an opt-out system of organ donation should be adopted in Guernsey to provide for a person's organs to be available for donation when they die unless that person has previously opted-out?*

**Answer 1**

The Health and Social Services Department recognises that transplants can dramatically improve the length of life and quality of life of some people and that organ donation is therefore a very important service.

Current policy on organ donation in Guernsey is determined by local legislation (the Human Tissue (Bailiwick of Guernsey) Law, 1981) which states that anyone who wishes to donate their organs or any other part of their body for therapeutic purposes or for the purpose of medical education or research must agree to do so in writing.

A change to the system would require new legislation in the Bailiwick. This would require appropriate planning and prioritisation by the Health and Social Services Department and the States Legislative Programme. As Guernsey currently participates in the UK's organ donation system, the implications of any changes would also have to be carefully considered.

The Department is committed to considering an opt-out system of organ donation, following the changes in Wales. However, until the Department has had the opportunity to review and consider the evidence, it is not possible to give an affirmative answer to this question.

**Question 2**

*If so, is your Department prepared to lay proposals for such reforms before the States of Deliberation before the end of 2014?*

**Answer 2**

If, on the evidence, HSSD considers that would be appropriate to introduce an opt-out system of organ donation, the Department will undertake to lay such proposals before the States.

**Question 3**

*If not, would your Department oppose a Requête seeking to direct your Department to undertake a full investigation of the matter and to report to the States of Deliberation with any recommendations considered appropriate by the end of 2014?*

**Answer 3**

HSSD has an existing programme of work to deliver Departmental and States' policies and objectives, and the Department must retain the discretion to prioritise new developments against that programme.

Without seeing the requête, the Department cannot make a decision on whether it would support or oppose it. However, HSSD considers that the proposed deadline of “the end of 2014” is likely to be unrealistic, given that the Department is committed to pursuing the Financial Transformation Programme as a priority over the next 18 months, and will not necessarily have the time or resources available to give this matter appropriate consideration over that timeframe. Moreover, the short timeframe means that there would be relatively little evidence available on the success or otherwise of the changes in Wales, to allow the Department to make an informed assessment of the opt-out system.

However, HSSD wishes to assure States’ Members that it recognises the importance of organ donation, and will take this matter seriously and seek to progress it in a timely way.

**Date of Receipt of the Question:** 4<sup>th</sup> July 2013

**Date of Reply:** 18<sup>th</sup> July 2013