



**Human Tissue (Authorisation) (Scotland) Bill**  
**Amendment to be moved at Stage 2**

(a) set out the objectives intended to be achieved by implied consent to donation and transplantation as established by this Act,

(b) assess the extent to which those objectives have been achieved,

(c) assess whether those objectives remain appropriate and

(d) assess the support provided to families pre and post-transplantation.

(3) “Review period” means the period of five years beginning with the day on which this Act comes into force.>

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Page 34, line 24

after 'Tissue' and before "(Authorisation)"  
insert

< Transplantation >

Effect

The will amend the short title of the Bill to read: 'Human Tissue Transplantation (Authorisation) (Scotland) Bill'.

Reason

The title of the Bill does not clearly reflect its purpose, which is to effect a radical change to the legal basis on which organs can be used for transplantation. Such a change has the potential to affect the whole population and so it is particularly important to be as transparent as possible to draw the public's attention to the proposed changes.

We recognise that the Bill is designed to make amendments to the Human Tissue (Scotland) Act 2006 and the words "Human Tissue" are bound to appear in the title to make the link with that Act, but we think that it is unhelpful not to include a reference to transplantation in the short title. We note that the long title refers to transplantation, but do not feel that this is a sufficient signal to the general public of the real nature of the Bills provisions.

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Page 1, line 19

(d) before 'promote' 'insert

< for a period of 2 years ending on the day on which the Human Tissue (Authorisation) (Scotland) Act comes into force to>

Effect

This will place an obligation on Scottish Ministers to promote information and awareness for a period of 2 years before the main provisions of the Act come into force.

Reason

We believe that raising public awareness is crucial and therefore it is paramount that there should be advance publicity which is tailored to meet the needs of the diverse groups in our society, be timely and easily accessible. We have noted previously that when legislation has been introduced, it seems to be more effective if accompanied by prominent education and public awareness campaigns. Therefore, we believe that a high-profile public information campaign is undertaken.

We believe that any information campaign should be over a prolonged period. It may be useful to consider the approach taken in Wales. The campaign to raise awareness of the Human Transplantation (Wales) Act 2013 had a lead in time of 2 years. We also suggest that following introduction, the information campaign should continue until such a time as it can be demonstrated that the public have become familiar with the new process.

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Page 1, line 24

after 'authorised' insert new sub section -

<(f) The duty under section 1 includes in particular an obligation on Scottish Ministers at least once every 12 months, to promote a campaign of awareness and information for the purpose of informing the Scottish public about the circumstances in which authorisation to transplantation is deemed to be given in the absence of express consent and the method by which a person can expressly withdraw deemed authorisation if they wish to do so>

Effect

The amendment will place an obligation on Scottish Ministers to, at least once per year, actively promote awareness and information on deemed consent.

Reason

This will ensure that the duty to promote information and awareness is a continuing programme and the public are educated fully on the implications of the Act. This will also help to ensure that those who are not resident in Scotland at the time the Act comes into force, but at a future date, are also educated and aware of deemed consent.

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Page 34, line 13

after “10D” insert new section –

**<28 Review and Report on Operation of the Act**

(1) Before the end of the review period Scottish Ministers must—

- (a) carry out a review of this Act,
- (b) set out the conclusions of the review in a report, and.
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by implied consent to donation and transplantation as established by this Act,
- (b) assess the extent to which those objectives have been achieved,
- (c) assess whether those objectives remain appropriate and
- (d) assess the support provided to families pre and post-transplantation.

(3) “Review period” means the period of five years beginning with the day on which this Act comes into force.>

Effect

The effect of the amendment is to place an obligation on Scottish Ministers to research and report upon the impact of the provisions so as to determine the efficacy of the Act.

Reason

So as to determine whether or not the policy intent has been realised, there should be a duty to undertake a review and report back to Parliament. We note that an impact evaluation of the Human Transplantation (Wales) Act 2013 was published in December 2017. The evaluation was undertaken within a relatively short period of the Act coming into force in December 2015, therefore benefits were not evidenced,

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and the evaluation found there had been little increase. However, in the 12 months following publication of the evaluation, there had been a marked increase. Therefore, we suggest that any review should be timed to allow for education and awareness to be developed and further suggest that this should be five years after the Bill comes into force. The review should also include the support given to families before and following donation.