

**2023 No. 14 (C. 2)**

**HUMAN TISSUE**

**The Organ and Tissue Donation (Deemed Consent) (2022 Act)  
(Commencement) Order (Northern Ireland) 2023**

*Made* - - - - *13th February 2023*

The Department of Health<sup>(a)</sup>, in exercise of the powers conferred by section 2(2) of the Organ and Tissue Donation (Deemed Consent) Act (Northern Ireland) 2022<sup>(b)</sup>, makes the following Order.

**Citation**

**1.** This Order may be cited as the Organ and Tissue Donation (Deemed Consent) (2022 Act) (Commencement) Order (Northern Ireland) 2023.

**Provisions coming into operation on 13th February 2023**

**2.** The 13th February 2023 is the appointed day for the coming into operation of section 1 (“Appropriate Consent” to adult transplant activities). of the Organ and Tissue Donation (Deemed Consent) Act (Northern Ireland) 2022.

Sealed with the Official Seal of the Department of Health on 13th February 2023

(L.S.)

*Peter May*  
A senior officer of the Department of Health

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(a) The Department of Health, Social Services and Public Safety was renamed the Department of Health by section 1(5) of the Departments Act (Northern Ireland) 2016 (c.5) (N.I.)  
(b) 2022 c. 10 (N.I.)

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Commencement Order is made by the Department of Health under section 2(2) of the Organ and Tissue Donation (Deemed Consent) Act (Northern Ireland) 2022 (“the Act”).

It brings into operation section 1 of the Act (“appropriate consent” to adult transplant activities) on 05 April 2023. This section amends section 3 of the Human Tissue Act 2004 (c. 30) to provide that deemed consent of the person concerned amounts to appropriate consent for the purposes of certain transplantation activities unless the person concerned is an excepted adult. It shifts the default position in relation to consent away from an opt-in system to an opt-out one.

The section also amends section 15 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 to include a duty on the Department to inform the public at least once a year specifically about deemed consent and how a person can during their lifetime record their own decisions about transplantation after their death or parts of their body, or appoint someone to make decisions after their death about transplantation of parts of their body.

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