

HUMAN TRANSPLANTATION (WALES) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 2: Duty of the Welsh Ministers to promote transplantation

9. Although subsection (1) is partly general in its application (promoting transplantation as a means of improving health), it also contains an important specific duty on Welsh Ministers to educate those resident in Wales (and potentially those likely to become resident) about the circumstances in which consent can be deemed. This is important because inaction amounts, in effect, to consent. This provision is not expressly confined to Wales (as a geographical concept) due to there being a need for flexibility in relation to where promotional and educational activity takes place.
10. This subsection also includes a duty on the Welsh Ministers to ensure Local Health Boards in Wales have the requisite resources in place in terms of staff with the specialist skills and competencies required to facilitate transplantation. However, the duty does not require the Welsh Ministers to provide any specific level of “ring-fenced” funding to Local Health Boards.
11. Subsection (2) clarifies that the Welsh Ministers’ duty under subsection (1) includes carrying out annual communications activities to educate people in Wales about the system introduced by the legislation.
12. Subsection (3) provides that the Welsh Ministers must also report annually to the National Assembly on the tasks undertaken to fulfil the duty under subsection (1). This applies only for the first five years after the Act receives Royal Assent.