

Health and Social Care Committee
Human Transplantation (Wales) Bill
HT(Ind)28 - Gervase Markham

"The Health and Social Care Committee is undertaking an inquiry into the general principles of the Human Transplantation (Wales) Bill."

I am glad to have an opportunity to respond, on my own behalf, to the general principles of this Bill.

At the heart of this debate is the question: who owns your body? You the individual, or the state?

If the individual own their body, then no form of presumed consent can be acceptable. After an individual dies, their ownership claims to objects and property do not lapse, but are dealt with according to the terms of their will - their express wishes. If they have not made a will, it is only rarely the case that the state assumes ownership of their assets. In the common case, the intestacy rules benefit their next of kin, not the state.

If the state owns an individual's body, then that principle would have significant consequences when logically applied to other areas of life. For example, the state could order an individual to treat their body in a certain way, even if they did not wish to.

I urge you to reject the principle of "presumed consent", and put your efforts into other initiatives to increase the amount of organ donation (a very worthy cause).

With best wishes,

Gervase Markham