

FRIENDS OF THE SCOTSMAN /

Gullible MSPs nodded through an organ Bill they didn't understand

On June 11 the Scottish Parliament passed the Human Tissue (Authorisation)(Scotland) Bill by 116 votes in favour, three against and two abstentions. In watching the debate in Parliament, however, and reading the subsequent news items, one would be forgiven for believing that Parliament had decided to change the system from an opt-in to a soft opt-out system for organ removal for transplantation after death.

Even the BBC website headline indicated 'MSPs vote to approve opt-out organ donation system'. In addition, the official parliamentary explanatory report to the Bill stated that the aim was "to introduce a 'soft' opt-out system of organ and tissue donation". But all this was a blatant act of misinformation – an act which undermined democracy.

In this regard, it is important to note that an opt-in system enables persons to instruct that their organs be removed for transplantation after death (for example, by carrying a donor card, informing relatives or joining a register) while the organs from all those who have not left such instructions cannot be removed.

On the other hand, an opt-out system enables persons to instruct that their organs not be removed for transplantation (for example, by carrying a refusal card, informing relatives or joining a register) while the organs from all those who have not left such instructions can legally be removed after death. This



Dr Calum MacKellar is worried about the implications of the Scottish Parliament's decision

includes a soft opt-out system whereby nearest relatives have a final say as to the removal of organs or a hard opt-out system whereby relatives do not have a legal say.

On this basis, the Scottish Bill was not, in fact, introducing a soft opt-out system since such a scheme had already been in existence for many years under the Human Tissue (Scotland) Act 2006. This has already enabled about 5,000 Scots to opt-out and register their opposition to their organs being removed for transplantation after death.

In fact, what the Bill was legalising was a form of hard opt-out system for the most common organs such as the heart, kidneys, liver, and eyes, where the nearest relatives, if they do not know the wishes of the deceased, would not have any legal right to stop certain organs being removed, a system which is generally considered as unduly traumatic for relatives in most other European countries.

Moreover, the Bill now enables organs to be removed from a deceased person and used for research, education, training and other purposes, even if he or she has left no wishes in this regard. This is because when rel-

atives have no actual knowledge that the deceased was unwilling for his or her organs to be used in such a manner, they may still authorise the use of organs for such purposes – a possibility which is especially concerning, since biological body parts can now be used for ethically sensitive research such as the development of reproductive cells (artificial sperm or eggs) to create, for example, human embryos for research.

In this context, most individuals in Scotland may not be aware that silence can mean authorisation. Even if they do not want their organs to be used for such purposes, they may find it difficult to express such a wish since the present opt-out register does not specifically include the use of organs for research.

So how was this unethical situation made possible? In a way, this arose because many MSPs had not really examined, nor read, the Bill in any detail. Indeed, since the Bill was an amendment document modifying the original Human Tissue (Scotland) Act 2006, and because no new Act, as amendment, was ever published by the Scottish Parliament, it was very difficult to understand what



the Bill was actually proposing. As a result, many MSPs just relied on the official explanatory reports without spending a large amount of time carefully examining the legalese.

Moreover, when the legislation was actually discussed by a few MSPs, a certain amount of confusion arose which was even noted in the health committee examining the Bill. As a result, it is very unlikely that more than a dozen MSPs from the 129 in the Scottish Parliament would have been able to correctly differentiate between a soft and a hard opt-out

system or understand what they were actually voting for.

The few that did were guided by a handful of sympathetic senior civil servants who prepared reports allegedly presenting the main elements of the Bill and by one very large health-care charity which had a specific agenda in pushing for change.

As a result, the significant ethical questions and concerns were not really addressed by parliament. Moreover, most MSPs seemed to be somewhat gullible in their compassion when a simple solution

to increase the number of organs available for transplantation was presented (a solution that would have been implemented decades ago had it not been associated to real ethical concerns).

In the future, therefore, it would be preferable if a real ethical debate (a kind of court case) between those who actually understand the proposals in a Bill could become a formal part of the legislative process on complex topics such as with new transplantation systems. Moreover, the speed during which the final stages of the

Bill go through parliament (often just a matter of days) should be revised since this undermines and discourages any input from member of the public working with their MSPs.

Very real questions now exist concerning the responsibility and professionalism of MSPs as well as the reputation and competence of the Scottish Parliament. Misinformation and confusion can never serve democracy.

Dr Calum MacKellar, director of research of the Scottish Council on Human Bioethics.

↑ Addressing the shortage of organs and human tissue led to moves over opt-in and opt-out systems



They call it puppy love – but you could be fuelling an illegal trade in dogs

Mike Flynn urges would-be owners to beware of the crooks

As a nation of dog lovers, it's understandable that emotions play a major role when it comes to our four-legged friends. I'm sure I'm not the only one who finds it hard to walk past a dog or pup without stopping and commenting on how cute it is.

However, it's this love for dogs that illegal puppy breeders prey upon. They know that the excitement of buying a new puppy can cause people to ignore warning signs of an illegally bred puppy, or brush off things that seem unusual. It's this emotional pull that's playing a major role in fuelling the illegal puppy trade.

By buying or 'rescuing' the puppy you're only stimulating demand, which can't be met by genuine breed-

ers. Puppy farms are supplying organised criminal gangs with pups to make huge hard-to-trace profits – they don't care about the welfare of animals and the suffering of thousands of puppies across the country continues.

Don't let your heart rule your head and think you're rescuing an ill looking puppy – you're only prolonging the agony for others being illegally bred.

That's why the Scottish SPCA is working closely with the Scottish Government on its Buy a Puppy Safely campaign which is urging people to look beyond cute and spot the warning signs of illegal puppy breeding. We truly welcome the campaign and the Minister for Rural Affairs,

Mairi Gougeon for driving it forward. Research shows that Scots are increasingly finding puppies online through social media and small ad sites, despite the risk of purchasing from illegal puppy breeders. Almost half (45 per cent) of Scots who bought a puppy in 2019 used an online advert or website compared to a quarter (25 per cent) the year before.

It's easy to get swept up in the excitement and rush things but I'd urge people to take their time to properly research both the breed they're interested in as well as the breeder.

More than half (56 per cent) of dog owners in Scotland didn't see their puppy's mum before buying and nearly a quarter (23 per cent) hadn't seen where their new puppy had been

bred. These stats come despite one in five illegally bred puppies becoming ill or dying in the first year while one in four die before their fifth birthday.

The puppy trade in Scotland is a multi-million pound industry and many of these dogs are bred in large scale puppy farms with little to no regard for their welfare. These conditions cause them to develop serious health issues. The Scottish SPCA has already seized more than 160 pups this year and that's just the tip of the iceberg. Illegal dealers are only interested in money. They just want profit and cash.

Operation Delphin, a UK-wide, multi-agency taskforce with the goal of tackling the illegal puppy trade and bringing heartless traders to justice,

includes the Scottish SPCA, RSPCA, DSPCA, ISPCA, USPCA, Dumfries & Galloway Council, HMRC, Stenline and Police Scotland. The group has had success in identifying puppy farms and catching dealers moving pups around the UK.

If you're looking for a puppy it's essential you do your three key 'pup checks'. Firstly, look for the mum as she should be present, healthy and interacting with her puppy. If your seller tries to tell you the mother is unavailable it's a huge warning sign and likewise be wary of sellers trying to fool you with a replacement mother who will show no interest in the puppy you're looking to buy.

You should always receive your new puppy's paperwork for vaccina-

tions, microchipping and anti-worming medication but illegal breeders won't have these so look out for fake paperwork – check to see if it has a legitimate name and contact details of a real veterinary practice.

It pays to be cautious online. Many illegal dealers are running huge operations and selling multiple litters at the same time, so copy and paste phone numbers from adverts into a search engine and see if other adverts with the same stock images appear. Another tell tale sign is breeders lying about pups being vaccinated before they're four weeks old. It's illegal to vaccinate puppies before they're four weeks old so if an advert claims this, walk away.

Ultimately, even if you're overcome

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