

DONATING ALL OR PART OF YOUR BODY ON YOUR DEATH

Newsletter 22/2015

If you want to donate your body to medical science or have your organs or tissue harvested and want to make sure your wishes are honoured, you need to take certain steps while you are still alive.

DONATING YOUR BODY OR TISSUE FOR MEDICAL RESEARCH

The Human Tissue Act 65 of 1983 provides that you can donate your body to a medical science faculty if:

1. you are competent to make a will; and
2. you state in your will (or any other document signed by you) or verbally, with at least 2 competent witnesses, that you want to donate your body or any specific tissue on your death.

To avoid any issues, we also recommend that you:

1. Inform all the necessary parties (lawyer, executor and next of kin) of your decision in this regard so that they can follow through with your wishes after your death;
2. Contact your university/medical school of choice to find out their requirements. The institution may require you to register with them and will also inform you of the circumstances under which they will not accept your body (for example if you die too far away from them, you die of a communicable disease or of unnatural causes, or if you die in surgery); and
3. Tell your executor and next of kin whom to contact on your death so that your body can be transported to your university/medical school of choice as soon as possible after your death.

DONATING YOUR ORGANS OR TISSUE

You will be eligible to be an organ donor if you are healthy and clear of defined chronic diseases. Having a medical condition does not, however, automatically prevent you from becoming a donor as the decision as to which organs can be transplanted will be established at the time of your death.

To ensure that your organs can be used, they must be harvested within 24 hours of your death. Accordingly, you should do the following while you are still alive:

1. Inform your next of kin of your decision – their consent and assistance will be required at the time of your death before your organs/tissue can be harvested.
2. Register with the Organ Donor Foundation (telephone number 0800 22 66 11 or www.odf.org.za). You should carry an organ donor card in your wallet with your driver's license and have an organ donor sticker on your ID document so that it can be found on your person at all times.

Please note that the above newsletter is offered only for information purposes and does not constitute legal advice. For professional but personal advice in respect of wills and deceased estates, please contact Stuart Fourie (stuart@fouriestott.co.za) or Vicky Stott (vicky@fouriestott.co.za) or visit our website or Facebook page for further information about our firm and areas of expertise.