
Committee Stage: Wednesday 5 March 2025

Terminally Ill Adults (End of Life) Bill (Amendment Paper)

This document lists all amendments tabled to the Terminally Ill Adults (End of Life) Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the Chair's provisional Selection and Grouping, which sets out the order in which the amendments will be debated.

[R] indicates that a member has declared a relevant interest.

★ New Amendments.

New Amendments: 186(c) and 198(b)

Rachael Maskell

290

Margaret Mullane
Sir Julian Smith

Clause 5, page 3, line 13, at end insert “who is not a physician associate or doctor in any training grade or in postgraduate training or a locum tenens post and—”

Member's explanatory statement

This amendment would exclude physician associates and doctors in training from acting as a coordinating doctor.

Kim Leadbeater

185

Daisy Cooper
Dr Marie Tidball
Rachel Hopkins

Clause 5, page 3, line 14, leave out from “who” to end of line 15 and insert “meets the requirements specified in regulations under subsection (3A)”

Member's explanatory statement

This amendment and Amendment 186 impose a duty on the Secretary of State to make regulations about the training, qualifications and experience required in order to act as the coordinating doctor.

Daniel Francis 335

Peter Swallow
Rachael Maskell

Clause 5, page 3, line 14, after "such" insert "specialised"

Member's explanatory statement

This amendment is linked with NC12.

Liz Saville Roberts 144

Tom Gordon

Clause 5, page 3, line 14, leave out "Secretary of State" and insert "appropriate authority"

Member's explanatory statement

This amendment has the effect of allowing the Welsh Ministers to make regulations under Clause 5(3)(a) (training, qualifications and experience of coordinating doctors). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Dr Ben Spencer 52

Rachael Maskell
Margaret Mullane

Clause 5, page 3, line 15, leave out from "State" to end and insert "must specify by regulations, including experience of managing terminal illnesses,"

Member's explanatory statement

This amendment would require the coordinating doctor to have experience of managing terminal illness.

Dr Ben Spencer 72

Laurence Turner
Neil Coyle
Helen Hayes

Clause 5, page 3, line 16, leave out paragraph (b) and insert—

"(b) has been assigned to the person by the Assisted Dying Agency,"

Member's explanatory statement

This amendment is consequential on NC4 and provides that the coordinating doctor must have been assigned to the person by the Assisted Dying Agency.

Danny Kruger**359**

Rebecca Smith
Dame Harriett Baldwin
David Mundell
Rachael Maskell

Clause 5, page 3, line 18, at end insert—

“(ba) who has conducted the preliminary discussion in accordance with section 4,”

Member's explanatory statement

This amendment requires that the coordinating doctor has conducted a preliminary discussion prior to witnessing the signing of the first declaration.

Danny Kruger**360**

Rebecca Smith
David Mundell
Rachael Maskell
Dame Harriett Baldwin

Clause 5, page 3, line 23, at end insert—

“(e) who, if receiving remuneration for the provision of services in connection with the provision of assistance to that person in accordance with this Act, makes publicly available an annual statement setting out total turnover from the provision of services under this Act and the number of patients assisted, and such other information as the Secretary of State may specify by regulations.”

Member's explanatory statement

This provides that if the coordinating doctor receives remuneration for providing assisted dying, they must then make a public annual statement about their operation.

Kim Leadbeater**186**

Daisy Cooper
Dr Marie Tidball
Rachel Hopkins

Clause 5, page 3, line 23, at end insert—

“(3A) The Secretary of State must by regulations make provision about the training, qualifications and experience that a registered medical practitioner must have in order to act as the coordinating doctor.

(3B) The regulations must include training about—

(a) assessing capacity;

(b) assessing whether a person has been coerced or pressured by any other person.

(3C) Subject to that, the regulations may in particular provide that the required training, qualifications or experience is to be determined by a person specified in the regulations.”

Member's explanatory statement

See the statement for Amendment 185.

As Amendments to Kim Leadbeater’s proposed Amendment 186:—

Daniel Francis

186(a)

Dame Meg Hillier
Ms Polly Billington
Rachael Maskell

Line 7, at end insert—

“(c) specific and up-to-date training on reasonable adjustments and safeguards for autistic people and people with a learning disability.”

Jack Abbott

186(c)

★ Line 7, at end insert—

“(c) culturally responsive, and trauma-informed care, and in assessing and challenging discrimination in end-of-life care decision-making, including into how—

(i) culture,

(ii) discrimination on the basis of the protected characteristics set out in section 4 (The protected characteristics) of the Equality Act 2010, and

(iii) trauma

may intersect and influence capacity and coercion assessments. Training must include specific considerations for the intersectionally marginalised.”

Daniel Francis 340

Dame Meg Hillier
Ms Polly Billington
Rachael Maskell
Mary Glendon

Clause 5, page 3, line 23, at end insert—

“(3A) The Secretary of State must make regulations under subsection 3(a) specifying specific and up to date training on reasonable adjustments and safeguards for autistic people and people with a learning disability.”

Liz Saville Roberts 427

Clause 5, page 3, line 23, at end insert—

“(3A) In Wales, all reasonable steps must be taken to ensure the practitioner under subsection (3) has fluent proficiency in the Welsh language if services or functions in the Act are to be provided to an individual in Welsh.”

Kim Leadbeater 187

Rachel Hopkins

Clause 5, page 3, line 24, leave out subsection (4)

Member's explanatory statement

This amendment is consequential on NC8, which contains a single duty to consult before making regulations under various provisions of the Bill.

Liz Saville Roberts 145

Tom Gordon

Clause 5, page 3, line 24, leave out “Secretary of State” and insert “appropriate authority”

Member's explanatory statement

This amendment has the effect of requiring the Welsh Ministers to consult regarding the making of regulations under Clause 5(3)(a) (training, qualifications and experience of coordinating doctors). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Jess Asato

20

Rebecca Paul
 Dame Meg Hillier
 Antonia Bance
 Rachael Maskell
 Neil Coyle

Anna Dixon
 Melanie Ward
 Marsha De Cordova
 Laurence Turner
 Anneliese Midgley
 Uma Kumaran
 Kirsteen Sullivan
 Kenneth Stevenson
 Adam Dance

Mr James Frith
 Ms Polly Billington
 Darren Paffey
 Helen Hayes
 Dr Scott Arthur
 Patricia Ferguson
 Daniel Francis
 Mary Glindon

Maya Ellis
 Mary Kelly Foy
 Blair McDougall
 Apsana Begum
 John Grady
 Naz Shah
 Sarah Smith
 Margaret Mullane

Clause 5, page 3, line 25, at end insert—

“(4A) Regulations under subsection (3)(a) must specify that training in respect of domestic abuse, including coercive control and financial abuse is mandatory.”

Member's explanatory statement

This amendment would require the registered medical practitioner acting as the coordinating doctor to have undertaken training on domestic abuse, including coercive control and financial abuse.

Kim Leadbeater

188

Clause 5, page 3, line 28, leave out subsection (6)

Member's explanatory statement

This amendment is consequential on Amendment 233, which contains a single set of provisions about the procedure for regulations under the Bill.

Danny Kruger

361

Rachael Maskell

Clause 5, page 3, line 28, at end insert—

“(7) Regulations under subsection (3)(e) are subject to the affirmative procedure.”

Member's explanatory statement

This is linked to Amendment 360.

Kim Leadbeater

189

Rachel Hopkins

Clause 6, page 3, line 30, leave out “where a person makes a first declaration” and insert “in relation to the making of a first declaration by a person”

Member's explanatory statement

This amendment adjusts the wording so as not to suggest that a first declaration has been made before it is witnessed.

Kim Leadbeater

190

Rachel Hopkins
Rachael Maskell
Adam Dance

Clause 6, page 3, line 31, leave out “at the same time as that declaration is made” and insert “before signing that declaration”

Member's explanatory statement

This amendment provides that the required two forms of proof of identity must be provided before the person signs the first declaration.

Rachael Maskell

291

Imran Hussain

Clause 6, page 3, line 33, at end insert—

“(2A) At least one of the forms of identity required under subsection (2) must contain photographic proof of identity.

(2B) The person must, at the same time as that declaration is made, provide proof that they have been resident in the UK for at least a year to the coordinating doctor and the witness mentioned in section 5(2)(c)(ii).”

Member's explanatory statement

This would require a person to produce a form of photographic ID and proof they have been resident in the UK when making the first declaration.

Liz Saville Roberts

146

Tom Gordon

Clause 6, page 3, line 34, leave out “Secretary of State” and insert “appropriate authority”

Member's explanatory statement

This amendment has the effect of allowing the Welsh Ministers to make regulations under Clause 6(3) (forms of proof of identity). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Rachael Maskell

292

Clause 6, page 3, line 34, leave out "may" and insert "must"

Member's explanatory statement

This places an obligation on the Secretary of State to make regulations on proof of identity.

Kim Leadbeater

191

Rachel Hopkins

Clause 6, page 3, line 35, at end insert—

"(3A) The coordinating doctor may witness the first declaration only if satisfied that the requirements of subsection (2) have been met."

Member's explanatory statement

This amendment provides that the coordinating doctor may witness the first declaration only if satisfied that the requirements of subsection (2) are met.

Kim Leadbeater

419

Clause 6, page 3, line 35, at end insert—

"(3B) The coordinating doctor may witness the first declaration only if—

- (a) the coordinating doctor has conducted a preliminary discussion with the person or is satisfied that another registered medical practitioner has conducted such a discussion, and
- (b) the coordinating doctor has made or seen a written record of the preliminary discussion."

Member's explanatory statement

This amendment provides that the coordinating doctor may witness the first declaration only if satisfied that a preliminary discussion of the kind mentioned in clause 4 has taken place and that a written record of it has been made.

Kim Leadbeater

192

Clause 6, page 3, line 36, leave out subsection (4)

Member's explanatory statement

See the statement for Amendment 188.

Rachael Maskell

293

Clause 6, page 3, line 36, leave out "negative" and insert "affirmative"

Member's explanatory statement

This will change the process to the affirmative procedure for statutory instruments specifying acceptable forms of ID for the first declaration.

Rachael Maskell**296**

Clause 7, page 4, line 2, leave out from "must" to end of line 3, and insert "after a first declaration is made by a person, arrange a time and which is convenient for both the medical practitioner and the person date that does not jeopardise the care of other patients, to carry out the first assessment."

Member's explanatory statement

This amendment replaces the requirement that the coordinating doctor to arrange a first assessment as soon as practicable with a requirement to arrange it for a mutually convenient time which doesn't jeopardise the care of other patients.

Juliet Campbell**127**

Clause 7, page 4, line 2, leave out "as soon as reasonably practicable" and insert "within 10 working days"

Member's explanatory statement

The amendment requires the coordinating doctor to carry out an assessment under the Act within ten working days.

Rachael Maskell**297**

Margaret Mullane

Clause 7, page 4, line 3, at end insert—

"(1A) Any consultation as part of the assessment must have a full written transcript as its record of the conversation."

Member's explanatory statement

This amendment would require all consultations for the first assessment to have a full written transcript.

Anna Dixon**347**

Clause 7, page 4, line 4, leave out from "to" to the second "the" in line 5 and insert "ensure that steps have been taken to confirm that"

Member's explanatory statement

This amendment would remove the emphasis on the role of the coordinating doctor in making these assessments.

Rachael Maskell

294

Clause 7, page 4, line 5, after "doctor" insert "based on provided evidence that"

Member's explanatory statement

This amendment would require that the doctor bases their assessment on provided evidence.

Sarah Olney

36

Rachael Maskell
Neil Coyle
Marsha De Cordova
Sarah Smith

Clause 7, page 4, line 7, leave out "capacity" and insert "the ability"

Member's explanatory statement

This amendment is consequential on Amendment 34 and NC1.

Wera Hobhouse

363

Naz Shah
Sarah Olney
Peter Lamb
Margaret Mullane
Helen Maguire

Steff Aquarone

Liz Jarvis

Adam Dance

Clause 7, page 4, line 7, at end insert—

“(ba) is not seeking assistance to end their own life because of an impairment of judgment arising from a mental disorder or other condition,”

Member's explanatory statement

This amendment would require that the coordinating doctor is satisfied that a person is not seeking assistance to end their own life due to an impairment of judgement arising from a mental disorder or other condition. It is linked to Amendments 364, 365, 366 and 367.

Kim Leadbeater

193

Clause 7, page 4, line 8, at end insert—

“(ca) is in England and Wales,”

Member's explanatory statement

This amendment, which is consequential on Amendment 178, provides that the coordinating doctor must ascertain whether, in their opinion, the person who made the first declaration is in England and Wales.

Dr Ben Spencer

53

Anna Dixon
Danny Kruger
Rachael Maskell
Rebecca Smith
Dame Harriett Baldwin

Munira Wilson

David Mundell

Clause 7, page 4, line 8, at end insert—

“(ca) has relevant and available palliative care options.”

Member's explanatory statement

This amendment would mean that someone is only eligible for assistance in ending their own life under this Act if they have relevant and available palliative care options.

Danny Kruger

354

Rachael Maskell

Clause 7, page 4, line 12, at end insert—

“(ea) is not a prisoner,”

Member's explanatory statement

This amendment is consequential on Amendment 353.

Danny Kruger

357

Rachael Maskell

Clause 7, page 4, line 12, at end insert—

“(ea) is not homeless within the meaning of section 175 of the Housing Act 1996 (Homelessness and threatened homelessness).”

Member's explanatory statement

This amendment is consequential on Amendment 356.

Juliet Campbell

110

Rachael Maskell

Clause 7, page 4, line 13, after “and” insert “demonstrably”

Member's explanatory statement

This amendment requires the coordinating doctor to ascertain whether, in their opinion, the person has a “demonstrably” informed wish to end their own life.

Sarah Bool 24
Rachael Maskell

Clause 7, page 4, line 14, after "coerced" insert ", unduly influenced"

Member's explanatory statement

This amendment is consequential on Amendment 23.

Rebecca Paul 83
Rachael Maskell

Clause 7, page 4, line 14, after "coerced" insert ", encouraged"

Member's explanatory statement

This amendment is consequential on Amendment 82.

Juliet Campbell 114
Rachael Maskell

Clause 7, page 4, line 14, after "coerced" insert ", manipulated"

Member's explanatory statement

This amendment requires the coordinating doctor to ascertain whether, in their opinion, the person has manipulated.

Mr James Cleverly 95
Antonia Bance
Paulette Hamilton
Danny Kruger
Ms Diane Abbott
Sir Julian Lewis
Melanie Ward
Rachael Maskell
Margaret Mullane

Mr James Frith
Saqib Bhatti

Jess Asato
Sarah Smith

Clause 7, page 4, line 15, at end insert ", and

(h) is acting for their own sake rather than for the benefit of others."

Member's explanatory statement

This amendment is consequential on Amendment 94.

Dr Caroline Johnson

236

Danny Kruger
Rachael Maskell

Clause 7, page 4, line 15, at end insert “, and

(h) is acting for the primary purpose of avoiding physical pain.”

Member's explanatory statement

This amendment is consequential on Amendment 235.

Dame Harriett Baldwin

257

Danny Kruger
Rebecca Smith
David Mundell

Clause 7, page 4, line 15, at end insert—

“and that there is no real risk that the criteria in paragraphs (a) to (g) have not been met.”

Member's explanatory statement

This amendment provides that the request for assisted dying will not go ahead if there is a real risk that the eligibility criteria are not met.

Dame Meg Hillier

14

Antonia Bance
Rachael Maskell
Neil Coyle
Ms Polly Billington
Mary Kelly Foy

Marsha De Cordova
Helen Hayes
Patricia Ferguson
Wera Hobhouse
Daniel Francis
Melanie Ward
Jess Asato
Ian Byrne
Margaret Mullane

Darren Paffey
John Grady
Anna Dixon
Rebecca Paul
Kenneth Stevenson
Derek Twigg
David Smith
Sarah Smith

Blair McDougall
Naz Shah
Dame Harriett Baldwin
Kirsteen Sullivan
Lillian Jones
Chris Webb
Damian Hinds
Mrs Emma Lewell-Buck

Clause 7, page 4, line 15, at end insert—

“(2A) The coordinating doctor must take the report required under subsection (2B) into account in making an assessment under paragraph (2)(b), (f) and (g).

(2B) One or more qualified persons must have conducted a separate interview with the person and made a report to the coordinating doctor on the matters specified in subsection (2C).

- (2C) The matters that must be covered in the report required under subsection (2B) are—
- (a) any evidence of duress or coercion affecting the person’s decision to end their life,
 - (b) any difficulties of communication with the person interviewed and an explanation of how those difficulties were overcome, and
 - (c) the capacity of the person interviewed to understand the information given to them under paragraph (9)(2), (b), (c) and (d).
- (2D) A person shall be taken to be qualified to conduct an interview under subsection (2B) if that person—
- (a) is a registered medical practitioner who—
 - (i) is registered in the specialism of psychiatry in the Specialist Register kept by the General Medical Council, or
 - (ii) has such training, qualifications and experience as the Secretary of State may by regulations specify,
 - (b) has not provided treatment or care for the person being assessed in relation to that person’s terminal illness,
 - (c) is not a relative of the person being assessed,
 - (d) is not a partner or colleague in the same practice or clinical team as the coordinating doctor,
 - (e) did not witness the first declaration made by the person being assessed, and
 - (f) does not know or believe that they—
 - (i) are a beneficiary under a will of the person, or
 - (ii) may otherwise benefit financially or in any other material way from the death of the person.
- (2E) Before making regulations under subsection (2D)(a), the Secretary of State must consult such persons as they consider appropriate.
- (2F) Regulations under subsection (2D)(a) are subject to the negative procedure.”

Member's explanatory statement

This amendment, and its consequential and linked amendments (15, 16, 17, 18 and 19), would provide for an independent assessment, via an interview conducted by a specialist, of a person’s capacity to make the decision to end their own life, their clear, settled and informed wish to do so, and that they have made the first declaration voluntarily and without coercion.

Kim Leadbeater

420

Kit Malthouse

Clause 7, page 4, line 16, leave out subsection (3) and insert—

- “(3) After carrying out the first assessment, the coordinating doctor must—
- (a) make a report about the assessment (which must meet the requirements of regulations under subsection (4));
 - (b) give a copy of the report to—

- 5 (i) the person who was assessed (“the assessed person”),
 (ii) if the coordinating doctor is not a practitioner with the person’s
 GP practice, a registered medical practitioner with that practice,
 and
 10 (iii) any other person specified in regulations made by the Secretary
 of State;
 (c) if satisfied as to all of the matters mentioned in subsection (2)(a) to (g),
 refer the assessed person to another registered medical practitioner
 who meets the requirements of section 8(6) and is able and willing to
 carry out the second assessment (“the independent doctor”).
- 15 (4) The Secretary of State must by regulations make provision about the content
 and form of the report.
- (5) The regulations must provide that the report must—
- 20 (a) contain a statement indicating whether the coordinating doctor is
 satisfied as to all of the matters mentioned in subsection (2)(a) to (g);
 (b) contain an explanation of why the coordinating doctor is, or (as the
 case may be) is not, so satisfied;
 (c) contain a statement indicating whether the coordinating doctor is
 satisfied as to the following—
- 25 (i) that a record of the preliminary discussion has been included in
 the person’s medical records;
 (ii) that the making of the first declaration has been recorded in
 the person’s medical records;
 (iii) that the first declaration has not been cancelled;
 (d) be signed and dated by the coordinating doctor.”

Member's explanatory statement

This amendment requires the coordinating doctor to make a report about the first assessment, and (if satisfied of the matters mentioned in subsection (2)) to refer the person to another practitioner for the second assessment.

As an Amendment to Kim Leadbeater’s proposed Amendment 420:—

Danny Kruger

420 (a)

Line 14, at end insert “, unless they believe that there are particular circumstances which make it inappropriate for the person to be provided with assistance to end their own life.”

Dr Ben Spencer

54

Anna Dixon
 Rachael Maskell

Clause 7, page 4, line 17, leave out “(g)” and insert “(h)”

Member's explanatory statement

This amendment is consequential on Amendment 53.

Rachael Maskell

299

Naz Shah
Frank McNally
Tom Morrison
Peter Lamb
Dame Siobhain McDonagh

Dawn Butler
Marsha De Cordova
Helen Maguire

Lillian Jones
Munira Wilson
Ian Byrne

Mrs Emma Lewell-Buck
Liz Jarvis

Clause 7, page 4, line 17, after "(g)" insert "and the condition in subsection (4) has been met"

Member's explanatory statement

This amendment is consequential on Amendment 298.

Dame Harriett Baldwin

265

Danny Kruger
Rebecca Smith
David Mundell

Clause 7, page 4, line 18, leave out "must" and insert "may"

Member's explanatory statement

This amendment would grant a residual discretion to doctors to refuse the application even if all the criteria are met.

Dr Ben Spencer

73

Clause 7, page 4, line 21, leave out paragraphs (b) and (c) and insert—

"(b) provide the person who was assessed and the Assisted Dying Agency with a copy of the statement.

(3A) Upon receipt of the statement specified in subsection (3)(a), the Assisted Dying Agency must assign to the person, as soon as practicable, another registered medical practitioner who meets the requirements of section 8(6) for the second assessment ("the independent doctor")."

Member's explanatory statement

This amendment is consequential on NC4 and would require the coordinating doctor to send a copy of their statement to the Assisted Dying Agency. That Agency must then to assign an "independent doctor" to the person.

Juliet Campbell

128

Clause 7, page 4, line 23, leave out “as soon as practicable” and insert “within 10 working days”

Member's explanatory statement

This amendment would require the coordinating doctor to refer a person within 10 working days rather than as soon as practicable to another registered medical practitioner to carry out the second assessment.

Rachael Maskell

295

Sean Woodcock

Clause 7, page 4, line 26, at end insert “, and

- (d) collate all evidence provided regarding the condition of the patient in a document to be provided to the Medical Examiner and the relevant Chief Medical Officer after the person has received assistance to die in accordance with this Act.”

Member's explanatory statement

This ensures that the documentation that will be required by the Medical Examiner will be available when required.

Anna Dixon

346

Clause 7, page 4, line 26, at end insert—

- “(d) inform the person’s usual or treating doctor and, where relevant, the doctor who referred the person to the coordinating doctor, of the outcome of the assessment.”

Member's explanatory statement

This amendment would ensure that the coordinating doctor communicates the outcome of their assessment to the referring doctor as well as the usual or treating doctor.

Rachael Maskell

298

Naz Shah
Frank McNally
Tom Morrison
Peter Lamb
Dame Siobhain McDonagh

Dawn Butler
Marsha De Cordova
Helen Maguire

Lillian Jones
Munira Wilson
Ian Byrne

Mrs Emma Lewell-Buck
Liz Jarvis
Imran Hussain

Clause 7, page 4, line 26, at end insert—

“(4) The coordinating doctor may not take the steps set out in subsection (3) unless they receive confirmation from a palliative care specialist that the person has had a consultation with that specialist about the palliative care options available to them.”

Member's explanatory statement

This will require the coordinating doctor to be of the opinion that the person has had a consultation with a specialist in palliative medicine.

Danny Kruger

426

Rachael Maskell

Clause 7, page 4, line 26, at end insert—

“(4) The coordinating doctor may not take the steps set out in subsection (3) unless they receive confirmation from a multidisciplinary team that the person has had a meeting with that multidisciplinary team as specified in section 4.”

Juliet Campbell

129

Clause 8, page 4, line 29, leave out “as soon as reasonably practicable,” and insert “within 10 working days”

Member's explanatory statement

This amendment would require the independent doctor to carry out the second assessment within 10 working days rather than as soon as practicable to another registered medical practitioner to carry out the second assessment.

Rachael Maskell

300

Clause 8, page 4, line 30, at end insert—

“(1A) Any consultation as part of the assessment must have a full written transcript as its record of the conversation.”

Member's explanatory statement

This amendment would require all consultations for the second assessment to have a full written transcript.

Anna Dixon

349

Clause 8, page 4, line 31, leave out from “ascertain” to “doctor,” in line 32 and insert “ensure that steps have been taken to confirm that”

Member's explanatory statement

This amendment would remove the emphasis on the opinion of the independent doctor in making these assessments.

Dr Ben Spencer

55

Clause 8, page 4, line 33, leave out paragraph (a)

Member's explanatory statement

This amendment would remove an assessment of whether the person is terminally ill from the independent doctor's assessment.

Sarah Olney

37

Rachael Maskell
Neil Coyle
Marsha De Cordova
Sarah Smith

Clause 8, page 4, line 34, leave out "capacity" and insert "the ability"

Member's explanatory statement

This amendment is consequential on Amendment 34 and NC1.

Dr Ben Spencer

56

Clause 8, page 4, line 34, at end insert—

“(ba) would not, in the opinion of the independent doctor, be liable for detention under the Mental Health Act 1983.”

Member's explanatory statement

This amendment would require the independent doctor to assess whether, in their opinion, a person would be liable for detention under the Mental Health Act 1983.

Wera Hobhouse

364

Naz Shah
Sarah Olney
Peter Lamb
Helen Maguire
Steff Aquarone
Liz Jarvis

Clause 8, page 4, line 34, at end insert—

“(ba) is not seeking assistance to end their own life because of an impairment of judgment arising from a mental disorder or other condition,”

Member's explanatory statement

This amendment would require that the independent doctor is satisfied that a person is not seeking assistance to end their own life due to an impairment of judgement arising from a mental disorder or other condition. It is linked to Amendments 363, 365, 366 and 367.

Juliet Campbell

111

Rachael Maskell

Clause 8, page 4, line 36, after "and" insert "demonstrably"

Member's explanatory statement

This amendment requires the independent doctor to ascertain whether, in their opinion, the person has a "demonstrably" informed wish to end their own life.

Sarah Bool

25

Rachael Maskell

Clause 8, page 4, line 37, after "coerced" insert ", unduly influenced"

Member's explanatory statement

This amendment is consequential on Amendment 23.

Rebecca Paul

84

Rachael Maskell

Clause 8, page 4, line 37, after "coerced" insert ", encouraged"

Member's explanatory statement

This amendment is consequential on Amendment 82.

Juliet Campbell

115

Rachael Maskell

Clause 8, page 4, line 37, after "coerced" insert ", manipulated"

Member's explanatory statement

This amendment requires the independent doctor to ascertain whether, in their opinion, the person has manipulated.

Mr James Cleverly

96

Antonia Bance
 Paulette Hamilton
 Danny Kruger
 Ms Diane Abbott
 Sir Julian Lewis

Melanie Ward
 Rachael Maskell
 Margaret Mullane

Mr James Frith
 Saqib Bhatti

Jess Asato
 Sarah Smith

Clause 8, page 4, line 38, at end insert “, and

(f) is acting for their own sake rather than for the benefit of others.”

Member's explanatory statement

This amendment is consequential on Amendment 94.

Dr Caroline Johnson

237

Danny Kruger
 Rachael Maskell

Clause 8, page 4, line 38, at end insert “, and

(f) is acting for the primary purpose of avoiding physical pain.”

Member's explanatory statement

This amendment is consequential on Amendment 235.

Dame Harriett Baldwin

258

Danny Kruger

Clause 8, page 4, line 38, at end insert—

“and that there is no real risk that the criteria in paragraphs (a) to (e) have not been met.”

Member's explanatory statement

This amendment provides that the request for assisted dying will not go ahead if there is a real risk that the eligibility criteria are not met.

Dame Meg Hillier

15

Rachael Maskell
 Neil Coyle
 Mary Kelly Foy
 Marsha De Cordova
 John Grady

Antonia Bance
 Dame Harriett Baldwin
 Mike Wood
 Mike Amesbury
 Ms Polly Billington
 Melanie Ward
 Jess Asato
 Mrs Emma Lewell-Buck

Patricia Ferguson
 Wera Hobhouse
 Dame Siobhain McDonagh
 Sir Desmond Swayne
 Kenneth Stevenson
 Derek Twigg
 Ian Byrne
 Mary Glindon

Anna Dixon
 Kirsteen Sullivan
 Sean Woodcock
 Daniel Francis
 Lillian Jones
 Chris Webb
 Sarah Smith

Clause 8, page 4, line 38, at end insert—

“(2A) The independent doctor must take the report required under subsection 7(2B) into account in making an assessment under subsections (2)(b)(d) and (e).”

Member's explanatory statement

This amendment is linked to Amendment 14 and requires the independent doctor to take into account an assessment that would be required under that amendment.

Rachael Maskell

301

Clause 8, page 4, line 39, leave out “7” and insert “14”

Member's explanatory statement

This amendment would increase the period of reflection to 14 days.

Kim Leadbeater

195

Rachel Hopkins

Clause 8, page 4, line 40, leave out “statement” and insert “report”

Member's explanatory statement

This amendment is consequential on Amendment 420.

Dr Ben Spencer

57

Jake Richards

Clause 8, page 5, line 1, leave out subsection (4) and insert—

“(4) The independent doctor must, where possible, undertake the second assessment jointly with the coordinating doctor.

- (4A) If the independent doctor is unable to undertake the second assessment jointly with the coordinating doctor under subsection (4), the independent doctor must confer with the coordinating doctor before completing that assessment.”

Member's explanatory statement

This amendment would require the independent doctor to undertake the second assessment jointly with the coordinating doctor, or, if they are unable to, to confer with that doctor before completing the assessment.

Kim Leadbeater

421

Kit Malthouse

Clause 8, page 5, line 4, leave out subsection (5) and insert—

- “(5) After carrying out the second assessment, the independent doctor must—
- (a) make a report about the assessment (which must meet the requirements of regulations under subsection (5A)), and
 - (b) give a copy of the report to—
 - (i) the person who was assessed,
 - (ii) the coordinating doctor,
 - (iii) if neither the independent doctor nor the coordinating doctor is a practitioner with the person’s GP practice, a registered medical practitioner with that practice, and
 - (iv) any other person specified in regulations made by the Secretary of State.
- (5A) The Secretary of State must by regulations make provision about the content and form of the report.
- (5B) The regulations must provide that the report must—
- (a) contain a statement indicating whether the independent doctor is satisfied as to all of the matters mentioned in subsection (2)(a) to (e);
 - (b) contain an explanation of why the independent doctor is, or (as the case may be) is not, so satisfied;
 - (c) contain a statement indicating whether the independent doctor is satisfied as to the following—
 - (i) that a record of the preliminary discussion has been included in the person’s medical records;
 - (ii) that the person signed the first declaration;
 - (iii) that the making of the first declaration has been recorded in the person’s medical records;
 - (iv) that the first declaration has not been cancelled;
 - (d) be signed and dated by the independent doctor.”

Member's explanatory statement

This amendment provides that the independent doctor must make a report about the second assessment, and makes provision about the report.

Dame Harriett Baldwin

266

Danny Kruger

Clause 8, page 5, line 7, leave out “must” and insert “may”

Member's explanatory statement

This amendment grants a residual discretion to doctors to refuse the application even if all the criteria are met.

Dr Ben Spencer

75

Clause 8, page 5, line 9, leave out “coordinating doctor” and insert “Assisted Dying Agency”

Member's explanatory statement

This amendment is consequential on NC4.

Rachael Maskell

302

Clause 8, page 5, line 10, at end insert “and

- (c) provide details of the way the assessment was conducted and the written transcript of any consultation to the relevant Chief Medical Officer and the person’s own GP, maintaining a copy to be supplied to the relevant Medical Examiner after the person’s death.”

Member's explanatory statement

This amendment will ensure that medical records are in line with procedures for presentation to the Medical Examiner.

Anna Dixon

348

Clause 8, page 5, line 10, at end insert—

- “(c) inform the person’s usual or treating doctor and, where relevant, the doctor who referred the person to the independent doctor, of the outcome of the assessment.”

Member's explanatory statement

This amendment would ensure that the independent doctor communicates the outcome of their assessment to the referring doctor as well as the usual or treating doctor.

Rachael Maskell

303

Clause 8, page 5, line 12, at end insert—

“(aa) has confirmed that no other practitioner has undertaken a second assessment for the same person.”

Member's explanatory statement

This amendment would prevent a patient from seeking multiple assessments from different doctors.

Sojan Joseph

1

Dr Ben Spencer

Clause 8, page 5, line 13, at beginning insert “is a registered medical practitioner who is registered in the specialism of psychiatry in the Specialist Register kept by the General Medical Council and”

Member's explanatory statement

This amendment would require that the independent doctor is a registered psychiatrist.

Kim Leadbeater

197

Daisy Cooper
Dr Marie Tidball
Rachel Hopkins

Clause 8, page 5, line 13, leave out paragraph (a) and insert—

“(a) meets the requirements specified in regulations under subsection (6A),”

Member's explanatory statement

This amendment and Amendment 198 impose a duty on the Secretary of State to make regulations about the training, qualifications and experience required in order to act as the independent doctor.

Daniel Francis

336

Peter Swallow
Rachael Maskell
Mary Glindon

Clause 8, page 5, line 13, after “such” insert “specialised”

Member's explanatory statement

This amendment is linked with NC12.

Liz Saville Roberts

147

Tom Gordon

Clause 8, page 5, line 13, leave out “Secretary of State” and insert “appropriate authority”

Member's explanatory statement

This amendment has the effect of allowing the Welsh Ministers to make regulations under Clause 8(6)(a) (training, qualifications and experience of second doctors). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Dr Ben Spencer

58

Clause 8, page 5, line 14, at end insert—

“(aa) is a practitioner approved as having special experience in the diagnosis or treatment of mental disorder for the purposes of subsection (2) of Section 12 (General provisions as to medical recommendations) of the Mental Health Act 1983,”

Member's explanatory statement

This amendment, which is linked to Amendment 56 would require the independent doctor to have special experience in the diagnosis of mental disorder.

Dame Meg Hillier

16

Rachael Maskell

Neil Coyle

Mary Kelly Foy

Marsha De Cordova

John Grady

Antonia Bance

Dame Harriett Baldwin

Mike Wood

Mike Amesbury

Ms Polly Billington

Melanie Ward

Jess Asato

Mrs Emma Lewell-Buck

Patricia Ferguson

Wera Hobhouse

Dame Siobhain McDonagh

Sir Desmond Swayne

Kenneth Stevenson

Derek Twigg

Ian Byrne

Mary Glindon

Anna Dixon

Kirsteen Sullivan

Sean Woodcock

Daniel Francis

Lillian Jones

Chris Webb

Sarah Smith

Clause 8, page 5, line 16, at end insert “or conducted the interview under subsection (7) (2B)”

Member's explanatory statement

This amendment is linked to Amendment 14 and ensures that the independent doctor cannot be the same person who undertakes the assessment that would be required under that amendment.

Dr Ben Spencer

74

Clause 8, page 5, line 16, at end insert—

“(ba) has been assigned to the person by the Assisted Dying Agency,”

Member's explanatory statement

This amendment is consequential on NC4 and provides that the independent doctor must have been assigned to the person by the Assisted Dying Agency.

Kim Leadbeater

198

Daisy Cooper
Dr Marie Tidball
Rachel Hopkins

Clause 8, page 5, line 25, at end insert—

“(6A) The Secretary of State must by regulations make provision about the training, qualifications and experience that a registered medical practitioner must have in order to carry out the functions of the independent doctor.

(6B) The regulations must include training about—

- 5 (a) assessing capacity;
 (b) assessing whether a person has been coerced or pressured by any other person.

10 (6C) Subject to that, the regulations may in particular provide that the required training, qualifications or experience is to be determined by a person specified in the regulations.”

Member's explanatory statement

See the statement for Amendment 197.

As an Amendment to Kim Leadbeater’s proposed Amendment 198:—

Jack Abbott

198(b)

★ Line 7, at end insert—

“(c) culturally responsive, and trauma-informed care, and in assessing and challenging discrimination in end-of-life care decision-making, including into how—

- (i) culture,
(ii) discrimination on the basis of the protected characteristics set out in section 4 (The protected characteristics) of the Equality Act 2010, and
(iii) trauma

may intersect and influence capacity and coercion assessments. Training must include specific considerations for the intersectionally marginalised.”

Liz Saville Roberts

428

Clause 8, page 5, line 25, at end insert—

“(6A) In Wales, all reasonable steps must be taken to ensure the practitioner under subsection (6) has fluent proficiency in the Welsh language if services or functions in the Act are to be provided to an individual in Welsh.”

Kim Leadbeater

199

Rachel Hopkins

Clause 8, page 5, line 28, leave out subsection (8)

Member's explanatory statement

See the statement for Amendment 187.

Liz Saville Roberts

148

Tom Gordon

Clause 8, page 5, line 28, leave out “Secretary of State must consult such persons as the Secretary of State” and insert “appropriate authority must consult such persons as the appropriate authority”

Member's explanatory statement

This amendment has the effect of requiring the Welsh Ministers to consult regarding the making of regulations under Clause 8(6)(a) (training, qualifications and experience of second doctors). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Jess Asato

21

Rebecca Paul
 Dame Meg Hillier
 Antonia Bance
 Rachael Maskell
 Neil Coyle

Anna Dixon
 Melanie Ward
 Laurence Turner
 Anneliese Midgley
 John Grady
 Patricia Ferguson
 Sarah Smith

Mr James Frith
 Mary Kelly Foy
 Helen Hayes
 Blair McDougall
 Uma Kumaran
 Kirsteen Sullivan
 Kenneth Stevenson

Maya Ellis
 Marsha De Cordova
 Apsana Begum
 Dr Scott Arthur
 Naz Shah
 Daniel Francis
 Mary Glindon

Clause 8, page 5, line 29, at end insert—

“(8A) Regulations under subsection (6)(a) must specify that training in respect of domestic abuse, including coercive control and financial abuse is mandatory.”

Member's explanatory statement

This amendment would require the registered medical practitioner acting as the independent doctor to have undertaken training on domestic abuse, including coercive control and financial abuse.

Kim Leadbeater

200

Daisy Cooper

Clause 8, page 5, line 30, leave out subsection (9)

Member's explanatory statement

See the statement for Amendment 188.

Rachael Maskell

286

Naz Shah

Clause 9, page 5, line 36, leave out paragraphs (a) to (c) and insert—

- “(a) the person’s diagnosis and prognosis, in consultation with a specialist in the relevant illness, disease or medical condition,
- (b) any treatment available and the likely effect of it, in consultation with a specialist in the provision of such treatment,
- (c) any palliative, hospice or other care, including symptom management and psychological support, in consultation with a specialist in palliative care.”

Member's explanatory statement

This amendment ensures that a specialist carries out the assessment of the patient, the treatment options available and the palliative care options available, since these may not be known to a doctor coordinating an assisted death.

Kim Leadbeater

201

Rachel Hopkins

Clause 9, page 5, line 36, leave out “and their medical records” and insert “, examine such of their medical records as appear to the assessing doctor to be relevant,”

Member's explanatory statement

This amendment provides that the duty on an assessing doctor to examine a person’s medical records is limited to records appearing to the doctor to be relevant.

Kim Leadbeater

422

Clause 9, page 5, line 36, after “records” insert “make such enquiries of professionals who are providing or have recently provided health or social care to the person as the assessing doctor considers appropriate,”

Member's explanatory statement

This amendment requires an assessing doctor to make such enquiries of professionals who are providing, or have recently provided, health or social care to the person as the assessing doctor considers appropriate.

Rachael Maskell

304

Clause 9, page 5, line 41, leave out “any available” and insert “the person’s experience of specialist”

Member's explanatory statement

This amendment would require the assessing doctor to discuss the person’s experience of specialist palliative, hospice or other care.

Dr Neil Shastri-Hurst

93

Dr Ben Spencer

Clause 9, page 6, line 1, leave out “might” and insert “is to”

Rachael Maskell

305

Clause 9, page 6, line 3, after “about death” insert “and any other effects in addition to death.”

Member's explanatory statement

This amendment would require the assessing doctor to explain effects the provided substance would have in addition to death.

Juliet Campbell

142

Anna Dixon

Clause 9, page 6, line 3, after “death” insert “and how it will be administered”

Member's explanatory statement

This amendment requires the assessing doctor to explain and discuss with the person how the substance that might be provided to assist the person to end their own life will be administered.

Danny Kruger

362

Clause 9, page 6, line 3, after “death” insert “and the risk and nature of possible complications including pain”

Member's explanatory statement

This requires the doctor to explain the risk of possible complications to the person.

Rachael Maskell

306

Clause 9, page 6, line 6, after “section 18” insert “including the escalation of medical intervention”

Member's explanatory statement

This would require the assessing doctor to include the escalation of medical intervention in their discussion of the person’s wishing in the event of complications arising in the administration of the substance under section 18.

Juliet Campbell

112

Rachael Maskell

Clause 9, page 6, line 13, at end insert—

“(da) be satisfied that, in their opinion, the person has demonstrated their understanding of the matters in subsections (2) (b) to 2 (d).”

Member's explanatory statement

This amendment requires the assessing doctor to be satisfied that, in their opinion, the person has demonstrated their understanding of the matters that have to be discussed and the information provided under subsections (2)(b) to 2(d).

Dr Ben Spencer

76

Clause 9, page 6, line 14, leave out paragraph (e)

Member's explanatory statement

This amendment is consequential on NC4.

Rachael Maskell

307

Clause 9, page 6, line 18, leave out from beginning to “advise” and insert “unless the assessing doctor has concluded in good faith, that this would not be in the person’s best interests.”

Member's explanatory statement

This amendment would require the assessing doctor to inform the person's next of kin that the person wishes to seek assistance to end their own life unless it is not in the person's best interests.

Rachael Maskell**308**

Clause 9, page 6, line 20, at end insert—

- “(g) If that doctor considers that it is not in the person's best interests under paragraph (f), this decision and the doctor's reasoning must be documented.”

Member's explanatory statement

This amendment is consequential to Amendment 307 and would require a decision that it is not in the person's best interests to inform their next of kin to be documented with its reasoning.

Kim Leadbeater**423**

Clause 9, page 6, line 20, at end insert—

- “(2A) To inform their assessment, the assessing doctor must—
- (a) consider whether they should consult a health professional or social care professional with qualifications in, or experience of, a matter relevant to the person being assessed;
 - (b) consult such a professional if they consider that there is a need to do so.
- (2B) Where an assessing doctor consults a professional under subsection (2A)(b), the assessing doctor must give a written record of the consultation to the other assessing doctor.”

Member's explanatory statement

This amendment requires the assessing doctor to consider whether they should consult specialist health or social care professionals, and to consult them if they consider there is a need to do so. A record of any consultation must be shared with the other assessing doctor.

Jack Abbott**415**

Clause 9, page 6, line 20, at end insert—

- “(2A) When making an assessment under subsection (2), the assessing doctor must first ensure the provision of adjustments for language and literacy barriers, including the use of interpreters.”

Dr Ben Spencer

59

Clause 9, page 6, line 21, leave out subsection (3) and insert—

- “(3) To inform their assessment, the coordinating doctor must—
- (a) if they have doubt as to whether the person being assessed is terminally ill, refer the person for assessment by a registered medical practitioner who holds qualifications in or has experience of the diagnosis and management of the illness, disease or condition in question.
 - (b) if they make a referral under paragraph (a), take account of any opinion provided by that other registered medical practitioner.”

Member's explanatory statement

This amendment is linked to Amendments 55 and 58 and removes the option for the independent doctor and coordinating doctor to refer the person to another doctor or an assessment of capacity for their assessments of capacity.

Brian Mathew

174

Clause 9, page 6, line 26, at end insert—

- “(ab) must refer the person for assessment by two social workers who are registered with Social Work England or Social Care Wales in order to provide an opinion on matters related to coercion and pressure.”

Member's explanatory statement

This amendment would require the assessing doctor to refer the person for an assessment by two social workers in order to provide opinions on matters related to coercion and pressure.

Rachael Maskell

284

Clause 9, page 6, line 27, leave out from beginning to “refer” in line 28 and insert “must”

Member's explanatory statement

This amendment would require a referral for the purposes of assessing capacity for both assessments.

Dame Meg Hillier

17

Rachael Maskell
 Neil Coyle
 Mary Kelly Foy
 Marsha De Cordova
 John Grady

Antonia Bance
 Dame Harriett Baldwin
 Mike Wood
 Mike Amesbury
 Ms Polly Billington
 Melanie Ward
 Jess Asato
 Mrs Emma Lewell-Buck

Patricia Ferguson
 Wera Hobhouse
 Dame Siobhain McDonagh
 Sir Desmond Swayne
 Kenneth Stevenson
 Derek Twigg
 Ian Byrne
 Mary Glindon

Anna Dixon
 Kirsteen Sullivan
 Sean Woodcock
 Daniel Francis
 Lillian Jones
 Chris Webb
 Sarah Smith

Clause 9, page 6, line 27, leave out paragraph (b)

Member's explanatory statement

This amendment is consequential on Amendment 14.

Daisy Cooper

6

Vikki Slade
 Sarah Olney
 Sarah Green
 Daniel Francis
 Wera Hobhouse

Adam Dance

Tom Gordon

Clause 9, page 6, line 27, leave out "may" and insert "must"

Member's explanatory statement

This amendment would require the assessing doctor to refer the person being assessed for a mental capacity assessment if the assessing doctor had doubt as to the person's capacity.

Sarah Olney

38

Rachael Maskell
 Neil Coyle
 Sarah Smith

Clause 9, page 6, line 27, leave out "capacity" and insert "ability"

Member's explanatory statement

This amendment is consequential on Amendment 34 and NC1.

Jake Richards

280

Clause 9, page 6, line 27, after “assessed” insert “or,

(ii) the person has a mental health condition;”

Kim Leadbeater

370

Clause 9, page 6, line 29, leave out “registered in the specialism of psychiatry” and insert “a practising psychiatrist registered in one of the psychiatry specialisms”

Member's explanatory statement

This is a drafting change.

Kim Leadbeater

202

Clause 9, page 6, line 31, leave out “capability” and insert “capacity”

Member's explanatory statement

This amendment corrects a typographical error.

Sarah Olney

39

Rachael Maskell
Neil Coyle
Sarah Smith

Clause 9, page 6, line 31, leave out “capability” and insert “ability”

Member's explanatory statement

This amendment is consequential on Amendment 34 and NC1.

Wera Hobhouse

365

Naz Shah
Sarah Olney
Peter Lamb
Helen Maguire
Steff Aquarone
Liz Jarvis

Clause 9, page 6, line 31, at end insert—

“(ba) must, if they think a person may be seeking assistance to end their own life due to an impairment of judgment arising from a mental disorder or other condition, refer the person for assessment by a registered

medical practitioner who is registered in the specialism of psychiatry in the Specialist Register kept by the General Medical Council.”

Member's explanatory statement

This amendment would require that the assessing doctor to, if they think a person may be seeking assistance because of an impairment of judgment refer them for an assessment. It is linked to Amendments 363, 364, 366 and 367.

Dame Meg Hillier

18

Rachael Maskell

Neil Coyle

Mary Kelly Foy

Marsha De Cordova

John Grady

Antonia Bance

Dame Harriett Baldwin

Mike Wood

Mike Amesbury

Ms Polly Billington

Melanie Ward

Jess Asato

Mrs Emma Lewell-Buck

Patricia Ferguson

Wera Hobhouse

Dame Siobhain McDonagh

Sir Desmond Swayne

Kenneth Stevenson

Derek Twigg

Ian Byrne

Mary Glindon

Anna Dixon

Kirsteen Sullivan

Sean Woodcock

Daniel Francis

Lillian Jones

Chris Webb

Sarah Smith

Clause 9, page 6, line 32, leave out “or (b)”

Member's explanatory statement

This amendment is consequential on Amendment 14.

Wera Hobhouse

366

Naz Shah

Sarah Olney

Peter Lamb

Helen Maguire

Steff Aquarone

Liz Jarvis

Clause 9, page 6, line 32, after “(b)” insert “or (ba)”

Member's explanatory statement

This is consequential on Amendment 365.

Brian Mathew

175

Clause 9, page 6, line 32, after “(3)(a)” insert “, (ab)”

Member's explanatory statement

This amendment is consequential on Amendment 174.

Brian Mathew 176

Clause 9, page 6, line 34, after “(3)(a)” insert “, (ab)”

Member's explanatory statement

This amendment is consequential on Amendment 174.

Dame Meg Hillier 19

Rachael Maskell

Neil Coyle

Mary Kelly Foy

Marsha De Cordova

John Grady

Antonia Bance

Dame Harriett Baldwin

Mike Wood

Mike Amesbury

Ms Polly Billington

Melanie Ward

Jess Asato

Mrs Emma Lewell-Buck

Patricia Ferguson

Wera Hobhouse

Dame Siobhain McDonagh

Sir Desmond Swayne

Kenneth Stevenson

Derek Twigg

Ian Byrne

Anna Dixon

Kirsteen Sullivan

Sean Woodcock

Daniel Francis

Lillian Jones

Chris Webb

Sarah Smith

Clause 9, page 6, line 34, leave out “or (b)”

Member's explanatory statement

This amendment is consequential on Amendment 14.

Brian Mathew 177

Clause 9, page 6, line 36, after “(3)(a)” insert “or (ab)”

Member's explanatory statement

This amendment is consequential on Amendment 174.

Dame Harriett Baldwin 268

Danny Kruger

Clause 9, page 6, line 41, at end insert—

“(6) Where the assessing doctor declines to sign the relevant statement, they must set out their reasons for doing so in a statement to the relevant Chief Medical Officer who shall ensure that it is made available to any other assessing doctor and to the Court.”

Member's explanatory statement

This provides that reasons for refusal by a doctor are to be communicated to the relevant Chief Medical Officer and made available to the other assessing doctors and to the Court.

Kim Leadbeater 203
Rachel Hopkins

Clause 10, page 6, line 42, at end insert—

- “(A1) This section applies where the independent doctor has—
- (a) carried out the second assessment, and
 - (b) made a report stating that they are not satisfied as to all of the matters mentioned in section 8(2)(a) to (e).”

Member's explanatory statement

This amendment is consequential on Amendment 421.

Kim Leadbeater 204
Rachel Hopkins

Clause 10, page 6, line 43, leave out from beginning to second “the” in line 44

Member's explanatory statement

This amendment is consequential on Amendment 203.

Juliet Campbell 143

Clause 10, page 7, line 10, leave out “one referral for a second opinion” and insert “up to two referrals for a second or third opinion,”

Member's explanatory statement

This amendment would allow the coordinating doctor to make up to two referrals for a second or third opinion by an independent doctor.

Kim Leadbeater 205
Rachel Hopkins

Clause 10, page 7, line 11, at end insert “; but this is subject to subsection (4).

- (4) Where—
- (a) a referral is made under subsection (1) to a practitioner,
 - (b) the practitioner dies or through illness is unable or unwilling to act as the independent doctor, and
 - (c) no report under section 8 has been made by virtue of the referral,
- a further referral may be made under subsection (1).”

Member's explanatory statement

This amendment provides that a further referral may be made under this clause where a practitioner dies or is unable or unwilling to act as the independent doctor due to illness.

Dr Ben Spencer**81**

Page 6, line 42, leave out Clause 10

Member's explanatory statement

This amendment is consequential on NC4.

Liz Saville Roberts**149**

Tom Gordon

Clause 11, page 7, line 13, leave out "Secretary of State" and insert "appropriate authority"

Member's explanatory statement

This amendment has the effect of allowing the Welsh Ministers to make regulations under Clause 11(1) (replacing the coordinating doctor on death etc). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Dr Ben Spencer**77**

Clause 11, page 7, line 18, after "appointment," insert "by the Assisted Dying Agency"

Member's explanatory statement

This amendment is consequential on NC4.

Rachael Maskell**310**

Clause 11, page 7, line 23, at end insert "and

- (c) to ensure the High Court is notified of the substitution of the coordinating doctor and the reason for the substitution."

Member's explanatory statement

This amendment would include ensuring the High Court is notified of substitutions of the coordinating doctor in the list of matters the Secretary of State may by regulations make provision for.

Rachael Maskell

309

Clause 11, page 7, line 23, at end insert—

“(3) Regulations under subsection (1) must include provision to require the reassessment of the patient under section 7.”

Member's explanatory statement

This amendment would require a regulations covering the replacement of the coordinating doctor to include a reassessment of the person by the new coordinating doctor.

Kim Leadbeater

206

Clause 11, page 7, line 24, leave out subsection (3)

Member's explanatory statement

See the statement for Amendment 188.

Dame Harriett Baldwin

267

Rebecca Smith
David Mundell
Margaret Mullane

Clause 12, page 7, line 37, after “(3)” insert “unless it believes that there are particular circumstances which make it inappropriate for the person to be assisted to end their own life”

Member's explanatory statement

This amendment grants a residual discretion to the High Court to refuse the application even if all the criteria are met.

Sarah Olney

40

Rachael Maskell
Neil Coyle
Sarah Smith

Clause 12, page 8, line 2, leave out "capacity" and insert "the ability"

Member's explanatory statement

This amendment is consequential on Amendment 34 and NC1.

Wera Hobhouse 367

Naz Shah
Sarah Olney
Peter Lamb
Helen Maguire
Steff Aquarone
Liz Jarvis

Clause 12, page 8, line 2, at end insert—

“(ca) the person is not seeking assistance to end their own life due to an impairment of judgment arising from a mental disorder or other condition.”

Member's explanatory statement

This amendment would require that a court is satisfied that a person is not seeking assistance to end their own life due to an impairment of judgment. It is linked to Amendments 363, 364, 365 and 366.

Danny Kruger 355

Rachael Maskell

Clause 12, page 8, line 9, at end insert—

“(fa) the person is not a prisoner”

Member's explanatory statement

This amendment is consequential on Amendment 353.

Danny Kruger 358

Rachael Maskell

Clause 12, page 8, line 9, at end insert—

“(fa) the person is not homeless within the meaning of section 175 of the Housing Act 1996 (Homelessness and threatened homelessness).”

Member's explanatory statement

This amendment is consequential on Amendment 356.

Sarah Bool 26

Rachael Maskell

Clause 12, page 8, line 13, after “coerced” insert “, unduly influenced”

Member's explanatory statement

This amendment is consequential on Amendment 23.

Rebecca Paul

85

Rachael Maskell

Clause 12, page 8, line 13, after "coerced" insert ", encouraged"

Member's explanatory statement

This amendment is consequential on Amendment 82.

Mr James Cleverly

97

Antonia Bance
Paulette Hamilton
Danny Kruger
Ms Diane Abbott
Sir Julian Lewis

Melanie Ward
Rachael Maskell
Margaret Mullane

Mr James Frith
Saqib Bhatti

Jess Asato
Sarah Smith

Clause 12, page 8, line 14, at end insert ", and

(i) is acting for their own sake rather than for the benefit of others."

Member's explanatory statement

This amendment is consequential on Amendment 94.

Dr Caroline Johnson

238

Danny Kruger
Rachael Maskell

Clause 12, page 8, line 14, at end insert ", and

(i) is acting for the primary purpose of avoiding physical pain."

Member's explanatory statement

This amendment is consequential on Amendment 235.

Rachael Maskell

311

Clause 12, page 8, line 14, at end insert "and

(i) the person has had a consultation with a consultant who is a specialist in palliative medicine."

Member's explanatory statement

This amendment would require that a person has had a consultation with a specialist in palliative medicine before the High Court could issue a declaration.

Dame Harriett Baldwin

259

Clause 12, page 8, line 14, at end insert—

“and that there is no real risk that the criteria in paragraphs (b) to (h) have not been met.”

Member's explanatory statement

This amendment provides that the request for assisted dying will not go ahead if there is a real risk that the eligibility criteria are not met.

Catherine Atkinson

105

Dame Meg Hillier
Laurence Turner
Helen Hayes
John Grady
Antonia Bance

Patricia Ferguson
Daniel Francis
Margaret Mullane

Anna Dixon
Kenneth Stevenson

Kirsteen Sullivan
Mary Glindon

Clause 12, page 8, line 15, leave out subsections (4) and (5) and insert—

- “(4A) Rules of Court must secure that in relation to an application under subsection (1), the High Court must—
- (a) prescribe a procedure which in relation to each application appoints a person (the Official Solicitor in cases brought in England and Wales) to act as advocate to the Court,
 - (b) hear from and question, in person—
 - (i) the person who made the application for the declaration,
 - (ii) the coordinating doctor,
 - (iii) the independent doctor, and
 - (c) consider hearing from and questioning, in person—
 - (i) persons properly interested in the welfare of the person who made the application for the declaration and other persons they are close to, and
 - (ii) any other person who has provided treatment or care for the person being assessed in relation to that person’s terminal illness.”

Member's explanatory statement

This amendment would require court rules to be made that would ensure an adversarial court process, by appointing an advocate to the court. It would also require them to hear from the person

seeking assistance to end their life and both assessing doctors, and to consider also hearing from family members and others involved in the person's care.

Juliet Campbell

407

Clause 12, page 8, line 19, leave out "may" and insert "must"

Member's explanatory statement

This amendment would require the High Court to hear from and question the person who made the application for the declaration.

Juliet Campbell

410

Clause 12, page 8, line 27, leave out subsection (6)

Member's explanatory statement

The amendment would remove the ability of the court to hear from and question any person other than the person who made the application for the declaration and the assessing doctors.

Catherine Atkinson

106

Dame Meg Hillier
Laurence Turner
John Grady
Antonia Bance
Patricia Ferguson

Anna Dixon
Kenneth Stevenson

Kirsteen Sullivan
Mary Glindon

Daniel Francis

Clause 12, page 8, line 30, leave out "(5)" and insert "(4A)"

Member's explanatory statement

This amendment is consequential on Amendment 105.

Claire Hazelgrove

252

Clause 12, page 8, line 34, at end insert—

"(7A) Where a court considers it appropriate for medical reasons, it may make provision for the use of pre-recorded audio or video material for the purposes of subsection (5)."

Member's explanatory statement

This amendment would allow the court to hear from pre-recorded audio or video in cases where it considers it appropriate for medical reasons.

Rachael Maskell

312

Margaret Mullane

Clause 12, page 8, line 34, at end insert—

“(7A) Any person who wishes to challenge an application for a declaration under subsection (1) must enter a caveat in any district registry of the High Court within 14 days of the application being lodged or received, stating their belief that the requirements of this Act have not been met in relation to the first declaration, with specific reference to the matters listed in subsection (3).

(7B) Where a caveat is entered under subsection (7A), the High Court must hear from the person who has entered the caveat in addition to those persons listed in subsections (5) and (6).”

Member's explanatory statement

This amendment would allow a person who believes that the requirements of the Act have not been met to make this known to the High Court and be heard before a declaration is made.

Dame Harriett Baldwin

269

Clause 12, page 8, line 35, leave out subsections (8) to (11) and insert—

“(8) Any party to the proceedings may apply for permission to appeal to the Court of Appeal in accordance with the applicable Rules of Court.”

Member's explanatory statement

This amendment would allow any party to apply for permission to appeal a decision and remove the requirement for the Court of Appeal to conduct a re-hearing.

Catherine Atkinson

107

Dame Meg Hillier
 Laurence Turner
 John Grady
 Antonia Bance
 Patricia Ferguson

Anna Dixon
 Kenneth Stevenson

Kirsteen Sullivan
 Mary Glindon

Daniel Francis

Clause 12, page 8, line 44, leave out "(4)" and insert "(4A)"

Member's explanatory statement

This amendment is consequential on Amendment 105.

Rachael Maskell

313

Clause 12, page 9, line 1, leave out subsection (11)

Member's explanatory statement

This amendment would enable appeals to be heard against a decision by the High Court to make a declaration.

Kim Leadbeater**369**

Page 7, line 25, leave out Clause 12

Member's explanatory statement

This amendment is consequential on NC15 and NC16.

Kim Leadbeater**371**

Clause 13, page 9, line 5, leave out paragraph (a) and insert—

“(a) a certificate of eligibility has been granted in respect of a person, and”

Member's explanatory statement

This amendment is consequential on NC16.

Dr Ben Spencer**61**

Clause 13, page 9, line 5, leave out from “the” to “has” and insert “First-tier Tribunal”

Member's explanatory statement

This amendment is consequential on NC2 and NC3.

Rachael Maskell**317**

Clause 13, page 9, line 12, leave out “14” and insert “28”

Member's explanatory statement

This amendment would provide 28 days for the second period of reflection instead of 14.

Kim Leadbeater**372**

Clause 13, page 9, line 12, leave out from third “the” to end of line 13 and insert “certificate of eligibility was granted,”

Member's explanatory statement

This amendment is consequential on NC16.

Dr Ben Spencer

62

Clause 13, page 9, line 13, leave out from “the” to “or” in line 14 and insert “First-tier Tribunal”

Member's explanatory statement

This amendment is consequential on NC2 and NC3.

Kim Leadbeater

373

Clause 13, page 9, line 17, leave out “declaration was made” and insert “certificate was granted”

Member's explanatory statement

This amendment is consequential on NC16.

Rachael Maskell

314

Clause 13, page 9, line 17, leave out “48 hours beginning with that day” and insert “7 days beginning with that day and the person must be referred immediately for urgent specialist palliative care.”

Member's explanatory statement

This amendment would increase the second period of reflection in cases where the coordinating doctor reasonably believes the person will die within a month from 48 hours to seven days.

Rachael Maskell

315

Clause 13, page 9, line 17, leave out “48 hours” and insert “7 days”

Member's explanatory statement

This amendment would increase the second period of reflection in cases where the coordinating doctor reasonably believes the person will die within a month from 48 hours to seven days.

Kim Leadbeater

207

Rachel Hopkins

Clause 13, page 9, line 20, leave out “Schedule 4” and insert “regulations made by the Secretary of State”

Member's explanatory statement

This amendment provides that the form of a second declaration is to be set out in regulations (rather than in Schedule 4).

Sarah Olney 41
 Rachael Maskell
 Neil Coyle
 Sarah Smith

Clause 13, page 9, line 31, leave out "capacity" and insert "ability"

Member's explanatory statement

This amendment is consequential on Amendment 34 and NC1.

Sarah Bool 27
 Rachael Maskell

Clause 13, page 9, line 33, after "coerced" insert ", unduly influenced"

Member's explanatory statement

This amendment is consequential on Amendment 23.

Rebecca Paul 86
 Rachael Maskell

Clause 13, page 9, line 33, after "coerced" insert ", encouraged"

Member's explanatory statement

This amendment is consequential on Amendment 82.

Mr James Cleverly 98
 Antonia Bance
 Paulette Hamilton
 Danny Kruger
 Ms Diane Abbott
 Sir Julian Lewis
 Melanie Ward
 Rachael Maskell
 Margaret Mullane

Mr James Frith
 Saqib Bhatti

Jess Asato
 Sarah Smith

Clause 13, page 9, line 34, at end insert ", and

(e) is acting for their own sake rather than for the benefit of others."

Member's explanatory statement

This amendment is consequential on Amendment 94.

Dr Caroline Johnson

239

Danny Kruger
Rachael Maskell

Clause 13, page 9, line 34, at end insert “, and

(e) is acting for the primary purpose of avoiding physical pain.”

Member's explanatory statement

This amendment is consequential on Amendment 235.

Dame Harriett Baldwin

260

Clause 13, page 9, line 34, at end insert—

“and that there is no real risk that the criteria in paragraphs (a) to (d) have not been met.”

Member's explanatory statement

This amendment provides that the request for assisted dying will not go ahead if there is a real risk that the eligibility criteria are not met.

Rachael Maskell

316

Clause 13, page 9, line 36, at end insert—

“(5A) If, when making the statement under subsection (5), the definition of “second period of reflection” under subsection (2)(b) applies, the coordinating doctor must make refer the person for urgent specialist palliative care.”

Member's explanatory statement

This amendment will ensure that there is an immediate referral to a specialist in palliative care due if the patient is likely to die within a month of the declaration from the Court.

Kim Leadbeater

208

Rachel Hopkins

Clause 13, page 9, line 38, leave out “Schedule 5” and insert “regulations made by the Secretary of State”

Member's explanatory statement

This amendment provides that the form of a statement by the coordinating doctor following the making of the second declaration is to be set out in regulations (rather than in Schedule 5).

Kim Leadbeater

374

Clause 13, page 10, line 2, at end insert—

- “(8) Where the coordinating doctor has—
- (a) witnessed a second declaration, or
 - (b) made or refused to make a statement under subsection (5),
- the doctor must notify the Commissioner and give them a copy of the second declaration or (as the case may be) any statement under subsection (5).”

Member's explanatory statement

This amendment requires the coordinating doctor to notify the Commissioner of witnessing a second declaration, and of having made or refused to make a statement under clause 13(5).

Dr Ben Spencer

78

Clause 14, page 10, line 7, leave out from “person)” to end of line 12 and insert “the Assisted Dying Agency”

Member's explanatory statement

This amendment is consequential on NC4.

Kim Leadbeater

375

Clause 14, page 10, line 9, at end insert—

- “(1A) Where notice or an indication is given to the coordinating doctor under subsection (1)(a), the doctor must as soon as practicable notify the Commissioner of the cancellation.”

Member's explanatory statement

This amendment requires the coordinating doctor to notify the Commissioner of a cancellation of a first or second declaration.

Kim Leadbeater

376

Clause 14, page 10, line 12, after “doctor” insert “and the Commissioner”

Member's explanatory statement

This amendment requires a practitioner other than the coordinating doctor to notify the Commissioner (as well as the coordinating doctor) of a cancellation of a first or second declaration.

Daniel Francis

321

Mary Glindon

Clause 15, page 10, line 33, at end insert—

“(d) the reason why the person was unable to sign their name.”

Juliet Campbell

411

Clause 15, page 11, line 3, leave out paragraph (b)

Member's explanatory statement

This amendment changes the definition of “proxy” for the purpose of section 12 so that it no longer includes “a person who is of good standing in the community”.

Claire Hazelgrove

253

Clause 15, page 11, line 3, at end insert—

“(6) For the purposes of this section “declaration” includes the cancellation of a declaration.”

Member's explanatory statement

This would allow a cancellation of the first or second declaration to be signed by a proxy.

Kim Leadbeater

209

Rachel Hopkins

Clause 16, page 11, line 8, leave out paragraphs (b) and (c) and insert—

“(b) a report about the first assessment of a person is made under section 7;

(c) a report about the second assessment of a person is made under section 8;”

Member's explanatory statement

This amendment is consequential on Amendments 420 and 421.

Kim Leadbeater

377

Clause 16, page 11, line 12, leave out paragraph (d) and insert—

“(d) a certificate of eligibility has been granted in respect of a person;

(da) a panel has refused to grant such a certificate;”

Member's explanatory statement

This amendment is consequential on NC16.

Dr Ben Spencer

63

Clause 16, page 11, line 12, leave out “the” to “has” and insert “First-tier Tribunal”

Member's explanatory statement

This amendment is consequential on NC2 and NC3.

Dr Ben Spencer

79

Clause 16, page 11, line 18, leave out subsections (2) and (3) and insert—

“(1A) The Assisted Dying Agency must, as soon as practicably possible, record the making of the statement or declaration.”

Member's explanatory statement

This amendment is consequential on NC4.

Juliet Campbell

130

Clause 16, page 11, line 19, leave out “as soon as practicable,” and insert “within 10 working days”

Member's explanatory statement

This amendment would require the coordinating doctor, where they are a practitioner with the person’s GP practice to record the making of the declaration or statement, or the refusal to make the declaration or statement, in the person’s medical records within 10 working days rather than as soon as practicable.

Juliet Campbell

131

Clause 16, page 11, line 23, leave out “as soon as practicable,” and insert “within 10 working days”

Member's explanatory statement

This amendment would require the coordinating doctor, where they are not practitioner with the person’s GP practice, to give a registered medical practitioner from that practice notice of the making of the declaration or statement, or the refusal to make the declaration or statement, in the person’s medical records within 10 working days rather than as soon as practicable.

Juliet Campbell

132

Clause 16, page 11, line 27, leave out “as soon as practicable,” and insert “within 10 working days”

Member's explanatory statement

This amendment would require the coordinating doctor, where they are not a practitioner with the person's GP practice to record the making of the declaration or statement, or the refusal to make the declaration or statement, in the person's medical records within 10 working days rather than as soon as practicable.

Dr Ben Spencer**80**

Clause 17, page 11, line 36, leave out subsections (2) and (3) and insert—

“(1A) The Assisted Dying Agency must record the cancellation.”

Member's explanatory statement

This amendment is consequential on NC4.

Juliet Campbell**133**

Clause 17, page 11, line 38, leave out “as soon as practicable,” and insert “within 10 working days”

Member's explanatory statement

This amendment would require the coordinating doctor, where they are not a practitioner with the person's GP practice to record the making of the declaration or statement, or the refusal to make the declaration or statement, in the person's medical records within 10 working days rather than as soon as practicable.

Juliet Campbell**134**

Clause 17, page 12, line 2, leave out “as soon as practicable,” and insert “within 10 working days”

Member's explanatory statement

This amendment would require the medical practitioner to whom notice or indication of the cancellation of declaration is given to notify a registered medical professional from the person's GP practice within 10 working days rather than as soon as practicable.

Juliet Campbell**135**

Clause 17, page 12, line 5, leave out “as soon as practicable,” and insert “within 10 working days”

Kim Leadbeater**378**

Clause 18, page 12, line 9, leave out paragraph (a) and insert—

“(a) a certificate of eligibility has been granted in respect of a person,”

Member's explanatory statement

This amendment is consequential on NC16.

Dr Ben Spencer**64**

Clause 18, page 12, line 9, leave out from "the" to "has" and insert "First-tier Tribunal"

Member's explanatory statement

This amendment is consequential on NC2 and NC3.

Sarah Olney**42**

Rachael Maskell
Neil Coyle
Sarah Smith

Clause 18, page 12, line 23, leave out "capacity" and insert "the ability"

Member's explanatory statement

This amendment is consequential on Amendment 34 and NC1.

Sarah Bool**28**

Rachael Maskell

Clause 18, page 12, line 26, after "coerced" insert ", unduly influenced"

Member's explanatory statement

This amendment is consequential on Amendment 23.

Rebecca Paul**87**

Rachael Maskell

Clause 18, page 12, line 26, after "coerced" insert ", encouraged"

Member's explanatory statement

This amendment is consequential on Amendment 82.

Mr James Cleverly

99

Antonia Bance
 Paulette Hamilton
 Danny Kruger
 Ms Diane Abbott
 Sir Julian Lewis

Melanie Ward
 Rachael Maskell
 Margaret Mullane

Mr James Frith
 Saqib Bhatti

Jess Asato
 Sarah Smith

Clause 18, page 12, line 26, at end insert “, and

(d) is acting for their own sake rather than for the benefit of others.”

Member's explanatory statement

This amendment is consequential on Amendment 94.

Dr Caroline Johnson

240

Danny Kruger
 Rachael Maskell

Clause 18, page 12, line 26, at end insert “, and

(d) is acting for the primary purpose of avoiding physical pain.”

Member's explanatory statement

This amendment is consequential on Amendment 235.

Dame Harriett Baldwin

261

Clause 18, page 12, line 26, at end insert—

“and that there is no real risk that the criteria in paragraphs (a) to (c) have not been met.”

Member's explanatory statement

This amendment provides that the request for assisted dying will not go ahead if there is a real risk that the eligibility criteria are not met.

Michael Payne

350

Ian Byrne
 Neil Duncan-Jordan
 Tom Gordon

Clause 18, page 12, line 34, at end insert—

“(d) subject to subsection (6A), provide additional assistance to administer the substance in the presence of an independent witness.

(6A) The coordinating doctor may provide the additional assistance under subsection (6)(d) when—

(a) the coordinating doctor is satisfied that the person is permanently and irreversibly unable to self-administer the substance due to—

(i) significant risk of choking as a result of dysphagia, or

(ii) the loss of use of the limbs; and

(b) the person has authorised that the additional assistance be provided.”

Member's explanatory statement

This amendment would define the eligibility criteria for those who are permanently and irreversibly unable to self-administer the substance and are therefore eligible for additional assistance to administer the substance.

Michael Payne

351

Ian Byrne
Neil Duncan-Jordan
Tom Gordon

Clause 18, page 12, line 35, after “substance” insert “or to authorise additional assistance to be provided”

Member's explanatory statement

This amendment would ensure the decision to administer the approved substance remains with the person but would allow those who are unable to self-administer the substance to receive further assistance.

Michael Payne

352

Ian Byrne
Neil Duncan-Jordan
Tom Gordon

Clause 18, page 12, line 40, at end insert “, unless the criteria in subsection (6A) are met.”

Member's explanatory statement

This amendment would authorise the coordinating doctor to provide additional support with administration for those who are unable to self-administer the substance.

Juliet Campbell

408

Clause 19, page 13, line 18, after “provided” insert “has been consulted and”

Member's explanatory statement

The amendment ensures the person has been consulted before they have given consent for another medical practitioner to be authorised to provide assistance.

Daniel Francis

337

Peter Swallow
Rachael Maskell

Clause 19, page 13, line 20, after "such" insert "specialised"

Member's explanatory statement

This amendment is linked with NC12.

Liz Saville Roberts

150

Tom Gordon

Clause 19, page 13, line 21, leave out "Secretary of State" and insert "appropriate authority"

Member's explanatory statement

This amendment has the effect of allowing the Welsh Ministers to make regulations under Clause 19(2)(b) (training, qualifications and experience of other doctors). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Kim Leadbeater

210

Dr Marie Tidball
Rachel Hopkins

Clause 19, page 13, line 22, at end insert—

"(2A) Regulations under subsection (2)(b) may in particular provide that the required training, qualifications or experience is to be determined by a person specified in the regulations."

Member's explanatory statement

This amendment enables regulations under subsection (2)(b) to provide that the required training, qualifications or experience is to be determined by a person specified in the regulations.

Kim Leadbeater

211

Rachel Hopkins

Clause 19, page 13, line 31, leave out subsection (5)

Member's explanatory statement

See the statement for Amendment 187.

Liz Saville Roberts

151

Tom Gordon

Clause 19, page 13, line 31, leave out “Secretary of State must consult such persons as the Secretary of State” and insert “appropriate authority must consult such persons as the appropriate authority”

Member's explanatory statement

This amendment has the effect of requiring the Welsh Ministers to consult regarding the making of regulations under Clause 19(2)(b) (training, qualifications and experience of other doctors). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Jess Asato

22

Rebecca Paul
 Dame Meg Hillier
 Antonia Bance
 Rachael Maskell
 Neil Coyle

Anna Dixon
 Melanie Ward
 Laurence Turner
 Anneliese Midgley
 John Grady
 Naz Shah
 Sarah Smith

Mr James Frith
 Mary Kelly Foy
 Helen Hayes
 Blair McDougall
 Uma Kumaran
 Kirsteen Sullivan
 Kenneth Stevenson

Maya Ellis
 Marsha De Cordova
 Apsana Begum
 Dr Scott Arthur
 Patricia Ferguson
 Daniel Francis
 Mary Glindon

Clause 19, page 13, line 32, at end insert—

“(5A) Regulations under subsection (2)(b) must specify that training in respect of domestic abuse, including coercive control and financial abuse is mandatory.”

Member's explanatory statement

This amendment would require that, in the event of the coordinating doctor authorising another registered medical practitioner to provide assistance under the Act, that other registered medical practitioner must also have undertaken training on domestic abuse, including coercive control and financial abuse.

Kim Leadbeater

212

Clause 19, page 13, line 33, leave out subsection (6)

Member's explanatory statement

See the statement for Amendment 188.

Liz Saville Roberts

152

Tom Gordon

Clause 20, page 13, line 35, leave out “Secretary of State” and insert “appropriate authority”

Member's explanatory statement

This amendment has the effect of allowing the Welsh Ministers to make regulations under Clause 20(1) (meaning of “approved substance”). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Juliet Campbell

409

Clause 20, page 13, line 35, leave out from “specify” to “for” and insert “two or more drugs or other substances with different techniques of administration”

Member's explanatory statement

The amendment requires that the Secretary of State specifies two or more drugs or other substances, which have different techniques of administration.

Kim Leadbeater

213

Clause 20, page 13, line 39, leave out subsection (3)

Member's explanatory statement

See the statement for Amendment 188.

Kim Leadbeater

214

Rachel Hopkins

Clause 21, page 14, line 9, leave out “Schedule 6” and insert “regulations made by the Secretary of State”

Member's explanatory statement

This amendment provides that the form of a final statement is to be set out in regulations (rather than in Schedule 6).

Kim Leadbeater

379

Clause 21, page 14, line 10, at end insert—

“(3A) The coordinating doctor must, as soon as practicable, give a copy of the final statement to the Commissioner.”

Member's explanatory statement

This amendment requires the coordinating doctor to give the Commissioner a copy of a final statement.

Juliet Campbell 136

Clause 21, page 14, line 12, leave out "as soon as practicable," and insert "within 10 working days"

Juliet Campbell 137

Clause 21, page 14, line 15, leave out "as soon as practicable," and insert "within 10 working days"

Juliet Campbell 138

Clause 21, page 14, line 18, leave out "as soon as practicable," and insert "within 10 working days"

Kim Leadbeater 380

Clause 22, page 14, line 25, at end insert—

"(1A) The coordinating doctor must, as soon as practicable, notify the Commissioner that this has happened."

Member's explanatory statement

This amendment requires the coordinating doctor to notify the Commissioner of a matter mentioned in subsection (1).

Juliet Campbell 139

Clause 22, page 14, line 27, leave out "as soon as practicable," and insert "within 10 working days"

Juliet Campbell 140

Clause 22, page 14, line 30, leave out "as soon as practicable," and insert "within 10 working days"

Juliet Campbell

141

Clause 22, page 14, line 33, leave out “as soon as practicable,” and insert “within 10 working days”

Juliet Campbell

126

Rachael Maskell

Clause 23, page 15, line 5, at end insert—

“(1A) Medical practitioners who wish to provide assistance under this Act must “opt-in” to the Register of Assisted Dying Medical Practitioners under clause (Register of Assisted Dying Medical Practitioners).”

Member's explanatory statement

This amendment provides that any medical practitioner who wishes to provide assistance under the Act must have opted in to the Register of Medical practitioners.

Juliet Campbell

116

Rachael Maskell

Clause 26, page 16, line 3, after “coercion” insert “, manipulation”

Member's explanatory statement

This amendment requires creating an offence of manipulating someone to make a first or second declaration (or not to cancel such a declaration).

Juliet Campbell

117

Rachael Maskell

Clause 26, page 16, line 6, after “coercion” insert “, manipulation”

Member's explanatory statement

This amendment requires creates an offence of manipulating someone to self-administer an approved substance provided in accordance with this Act.

Kim Leadbeater

381

Clause 27, page 16, line 16, leave out sub-paragraph (iii) and insert—

“(iii) a certificate of eligibility,”

Member's explanatory statement

This amendment is consequential on NC16.

Dr Ben Spencer

65

Clause 27, page 16, line 16, leave out from “the” to “under” and insert “First-tier Tribunal”

Member's explanatory statement

This amendment is consequential on NC2 and NC3.

Liz Saville Roberts

153

Tom Gordon

Clause 28, page 17, line 3, leave out “Secretary of State” and insert “appropriate authority”

Member's explanatory statement

This amendment has the effect of allowing the Welsh Ministers to make regulations under Clause 28(1) (prescribing, dispensing, transporting etc of approved substances). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Kim Leadbeater

215

Clause 28, page 17, line 11, leave out subsection (3)

Member's explanatory statement

See the statement for Amendment 188.

Sarah Olney

273

Clause 29, page 17, line 33, at end insert—

“(1A) Regulations under subsection (1) must specify that the following information is collected for each assisted death—

- (a) the person’s age,
- (b) the person’s gender,
- (c) the person’s ethnicity,
- (d) the postcode of the person’s address at the time of their death,
- (e) whether the person had a disability for the purposes of section 6 of the Equality Act 2010 (Disability), and
- (f) any illness, disease or medical condition the person had that was deemed terminal for the purposes of section 2.”

Daisy Cooper

7

Anna Dixon
 Dr Ben Spencer
 Sarah Olney
 Adam Dance

Clause 29, page 18, line 9, at end insert “and, a statistical analysis of the number of people assessed by a medical practitioner as not eligible as they do not meet the criteria set out in section 1 of this Act.”

Member's explanatory statement

This amendment would require the Registrar General for England and Wales to at least once a year, prepare and lay before Parliament a statistical analysis of the number of people who had been assessed by a medical practitioner as not eligible for assisted dying.

Liz Saville Roberts

154

Clause 30, page 18, line 12, leave out “Secretary of State” and insert “appropriate authority”

Member's explanatory statement

This amendment has the effect of allowing the Welsh Ministers to make a Code of Practice in Wales under Clause 30. A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Sarah Olney

43

Rachael Maskell
 Neil Coyle
 Sarah Smith

Clause 30, page 18, line 16, leave out "capacity" and insert "the ability"

Member's explanatory statement

This amendment is consequential on Amendment 34 and NC1.

Daniel Francis

394

Clause 30, page 18, line 24, at end insert—

“(ba) the provision of information and support to persons with learning disabilities who are eligible to request assistance to end their own life under this Act, including the role of advocates for such persons;”

Jack Abbott

416

Clause 30, page 18, line 25, leave out paragraph (c)

Member's explanatory statement

This amendment is linked to Amendment 417.

Liz Saville Roberts

155

Clause 30, page 18, line 31, leave out "Secretary of State" and insert "appropriate authority"

Member's explanatory statement

This amendment is linked to an amendment that allows the Welsh Ministers to make a Code of Practice in Wales under Clause 30. A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Dr Andrew Murrison

272

Rachael Maskell

Clause 30, page 18, line 32, at end insert—

"(f) the form of the psychosocial intervention required under section 5(1A)."

Member's explanatory statement

This amendment is consequential on Amendment 271, and would allow the Secretary of State to issue a code of practice in connection with the requirement for a psychosocial intervention.

Jack Abbott

417

Clause 30, page 18, line 32, at end insert—

"(1A) The Secretary of State must, within six months of the passing of this Act, issue one or more codes of practice in connection with the arrangements for ensuring effective communication in connection with the provision of assistance to persons in accordance with this Act, including the use of interpreters."

Member's explanatory statement

This amendment is linked to Amendment 416.

Liz Saville Roberts

156

Clause 30, page 18, line 33, leave out "Secretary of State must consult such persons as the Secretary of State" and insert "appropriate authority must consult such persons as the appropriate authority"

Member's explanatory statement

This amendment has the effect of requiring the Welsh Ministers to consult regarding the making a Code of Practice for Wales under Clause 30. A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

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- Kim Leadbeater** 216
- Clause 30, page 18, line 37, leave out subsection (4)
- Member's explanatory statement**
- See the statement for Amendment 188.
-
- Kim Leadbeater** 217
- Clause 30, page 18, line 38, leave out "that procedure" and insert "section 39"
- Member's explanatory statement**
- See the statement for Amendment 188.
-
- Daniel Francis** 395
- Clause 31, page 19, line 8, at end insert—
- "(2A) The persons consulted under subsection (2) must include persons with learning disabilities."
-
- Daniel Francis** 396
- Clause 31, page 19, line 14, at end insert—
- "(ba) persons with learning disabilities;"
-
- Liz Saville Roberts** 157
- Clause 32, page 19, line 21, leave out "Secretary of State" and insert "appropriate authority"
- Member's explanatory statement**
- This amendment has the effect of allowing the Welsh Ministers to make regulations under Clause 32(1) (powers to ensure assistance is available). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.
-
- Liz Saville Roberts** 158
- Clause 32, page 19, line 22, leave out "Secretary of State" and insert "appropriate authority"
- Member's explanatory statement**
- This amendment is linked to an amendment that allows the Welsh Ministers to make regulations under Clause 32(1) (powers to ensure assistance is available). A linked amendment to Clause 40

defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Kim Leadbeater 218

Clause 32, page 19, line 31, leave out subsection (4)

Member's explanatory statement

See the statement for Amendment 188.

Liz Saville Roberts 159

Clause 33, page 19, line 34, leave out "Secretary of State" and insert "appropriate authority"

Member's explanatory statement

This amendment has the effect of allowing the Welsh Ministers to make regulations under Clause 33(1) (notifications to Chief Medical Officers). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Rebecca Paul 172

Rebecca Smith
Dame Harriett Baldwin
David Mundell

Clause 33, page 19, line 34, leave out "may" and insert "must"

Member's explanatory statement

This amendment would require the Secretary of State to bring forward regulations to require any registered medical practitioner to notify the relevant Chief Medical Officer of any notifiable event.

Liz Saville Roberts 160

Clause 33, page 20, line 16, leave out "Secretary of State" and insert "appropriate authority"

Member's explanatory statement

This amendment has the effect of allowing the Welsh Ministers to make regulations under Clause 33(2)(h) (notifications to Chief Medical Officers: notifiable events). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Kim Leadbeater 219

Clause 33, page 20, line 24, leave out subsection (5)

Member's explanatory statement

See the statement for Amendment 188.

Rebecca Paul**173**

Anna Dixon
Dr Ben Spencer
Rebecca Smith
Dame Harriett Baldwin
David Mundell

Clause 33, page 20, line 24, leave out "negative" and insert "affirmative"

Member's explanatory statement

This amendment would mean that any regulations made under this section (Notification to Chief Medical Officers) must be made under the affirmative rather than the negative statutory instrument procedure.

Kim Leadbeater**382**

Clause 34, page 20, line 26, leave out "relevant Chief Medical Officer" and insert "Commissioner"

Member's explanatory statement

This amendment provides for monitoring, investigation and reporting functions under Clause 34 to be carried out by the Voluntary Assisted Dying Commissioner (instead of the Chief Medical Officers for England and for Wales).

Kim Leadbeater**383**

Clause 34, page 20, line 29, leave out "the relevant national authority" and insert "an appropriate national authority"

Member's explanatory statement

This amendment is consequential on Amendment 382.

Kim Leadbeater**384**

Clause 34, page 20, line 30, leave out "relevant national" and insert "appropriate national"

Member's explanatory statement

This amendment is consequential on Amendment 382.

Kim Leadbeater

385

Clause 34, page 20, line 31, leave out “relevant Chief Medical Officer” and insert “Commissioner”

Member's explanatory statement

This amendment is consequential on Amendment 382.

Kim Leadbeater

386

Clause 34, page 20, line 32, leave out “the relevant” and insert “each appropriate”

Member's explanatory statement

This amendment is consequential on Amendment 382.

Kim Leadbeater

387

Clause 34, page 20, line 34, leave out “relevant Chief Medical Officer’s” and insert “annual”

Member's explanatory statement

This amendment is consequential on Amendment 382.

Kim Leadbeater

220

Rachel Hopkins

Clause 34, page 20, line 36, leave out paragraphs (a) and (b) and insert—

- “(a) a report about the first assessment of a person does not contain a statement indicating that the coordinating doctor is satisfied as to all of the matters mentioned in section 7(2)(a) to (g);
- (b) a report about the second assessment of a person does not contain a statement indicating that the independent doctor is satisfied as to all of the matters mentioned in section 8(2)(a) to (e);”

Kim Leadbeater

388

Clause 34, page 20, line 40, leave out paragraph (c) and insert—

- “(c) a panel has refused to grant a certificate of eligibility;”

Member's explanatory statements

This amendment is consequential on NC16.

Dr Ben Spencer

66

Clause 34, page 20, line 40, leave out from “the” to “has” and insert “First-tier Tribunal”

Member's explanatory statement

This amendment is consequential on NC2 and NC3.

Sarah Olney

274

Clause 34, page 20, line 43, at end insert—

“(2A) The Chief Medical Officer’s report must include an analysis based on information—

- (a) provided to them under section (*Collection of information on assistance*),
- (b) information required by regulations made under section 39B of the Births and Deaths Registration Act 1953 (Regulations: assisted dying).”

Member's explanatory statement

This amendment is linked to Amendment 273 and NC10 and provides that the Chief Medical Officer’s report must include an assessment/analysis of information received under that new clause.

Kim Leadbeater

389

Clause 34, page 21, line 1, leave out subsections (3) to (7) and insert—

“(3) An appropriate national authority must—

- (a) publish any report received under this section,
- (b) prepare and publish a response to any such report, and
- (c) lay before Parliament or Senedd Cymru (as the case may be) a copy of the report and response.

(4) In this section “appropriate national authority” means the Secretary of State or the Welsh Ministers.”

Member's explanatory statement

This amendment is consequential on Amendment 382.

Liz Saville Roberts

161

Clause 35, page 21, line 30, leave out “Secretary of State” and insert “appropriate authority”

Member's explanatory statement

This amendment has the effect of requiring the Welsh Ministers to review the operation of the Act in relation to Wales. A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Liz Saville Roberts

162

Clause 35, page 21, line 35, at end insert “or the Senedd Cymru (as the case may be)”

Member's explanatory statement

This amendment has the effect of requiring a review carried out by the Welsh Ministers under Clause 35 to be laid before the Senedd.

Daniel Francis

397

Clause 35, page 22, line 5, at end insert—

“(ba) an assessment of the impact of this Act on persons with learning disabilities, including any concerns about the operation of this Act in relation to such persons;”

Liz Saville Roberts

163

Clause 35, page 22, line 8, leave out “Secretary of State” and insert “appropriate authority”

Member's explanatory statement

This amendment is linked to an amendment that requires the Welsh Ministers to review the operation of the Act under Clause 35.

Liz Saville Roberts

164

Clause 37, page 22, line 30, leave out “Secretary of State” and insert “appropriate authority”

Member's explanatory statement

This amendment has the effect of allowing the Welsh Ministers to make regulations under Clause 37(1) (modification of form of declarations and statements). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Kim Leadbeater

221

Rachel Hopkins
Kit Malthouse

Page 22, line 29, leave out Clause 37

Member's explanatory statement

The amendment is consequential on Amendments 184, 207, 208 and 214, which provide for reports and forms to be set out in regulations (rather than in Schedules to the Bill).

Liz Saville Roberts

165

Clause 38, page 22, line 34, leave out “Secretary of State” and insert “appropriate authority”

Member's explanatory statement

This amendment has the effect of allowing the Welsh Ministers to make regulations under Clause 38(1) (power to make consequential and transitional provision etc). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Liz Saville Roberts

166

Clause 38, page 22, line 37, leave out “Secretary of State” and insert “appropriate authority”

Member's explanatory statement

This amendment is linked to an amendment that allows the Welsh Ministers to make amendments under Clause 38(1) (power to make consequential and transitional provision etc). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Kim Leadbeater

222

Clause 38, page 23, line 1, leave out subsection (2)

Member's explanatory statement

See the statement for Amendment 188.

Kim Leadbeater

223

Clause 39, page 23, line 4, after “purposes” insert “, and

(b) incidental, consequential, transitional or saving provision.”

Member's explanatory statement

This is a standard power for regulations to include the power to make incidental, consequential, transitional or saving provision.

Kim Leadbeater

233

Clause 39, page 23, line 6, leave out subsections (3) to (5) and insert—

“(5A) The Secretary of State may not make a statutory instrument containing (whether alone or with other provision) regulations under section 5(3A), 8(6A), 30(3) or 32 unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

- (5B) Any other statutory instrument made by the Secretary of State containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

This amendment brings together the various provisions about the procedure for regulations and makes regulations under clauses 5 and 8 about training, qualifications and experience subject to the draft affirmative procedure.

Liz Saville Roberts

167

Clause 39, page 23, line 9, at end insert “or, where the regulations are to be made by the Welsh Ministers, the Senedd Cymru”

Member's explanatory statement

This amendment has the effect of making certain powers of the Welsh Ministers subject to the affirmative procedure before the Senedd Cymru. A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Liz Saville Roberts

168

Clause 39, page 23, line 12, at end insert “or, where the regulations are to be made by the Welsh Ministers, the Senedd Cymru”

Member's explanatory statement

This amendment has the effect of making certain powers of the Welsh Ministers subject to the negative procedure before the Senedd Cymru. A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Kim Leadbeater

225

Clause 40, page 23, leave out line 23

Member's explanatory statement

The amendment is consequential on Amendment 233.

Liz Saville Roberts

169

Clause 40, page 23, line 23, at end insert—

““appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers.”

Member's explanatory statement

This amendment to the interpretation provision in Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales. A series of linked amendments change references to the Secretary of State to appropriate authority in order to allow the Welsh Ministers to make regulations in relation to Wales.

Kim Leadbeater

390

Clause 40, page 23, line 24, at end insert—

““certificate of eligibility” has the same meaning as in section (*Determination by panel of eligibility for assistance*);”

Member's explanatory statement

This amendment is consequential on NC16.

Kim Leadbeater

391

Clause 40, page 23, line 24, at end insert—

““the Commissioner” has the meaning given by section (*Voluntary Assisted Dying Commissioner*);”

Member's explanatory statement

This amendment is consequential on NC14.

Sarah Olney

44

Rachael Maskell
Neil Coyle

Clause 40, page 23, line 26, leave out from "capacity" and insert "ability"

Member's explanatory statement

This amendment is consequential on Amendment 34 and NC1.

Kim Leadbeater

392

Clause 40, page 23, line 27, at end insert—

““first assessment” has the same meaning as in section 7;
“first declaration” has the same meaning as in section 5;”

Member's explanatory statement

This is a drafting change.

Kim Leadbeater

226

Clause 40, page 23, leave out line 37

Member's explanatory statement

The amendment is consequential on Amendment 233.

Kim Leadbeater

424

Clause 40, page 23, line 37, at end insert—

““preliminary discussion” means a discussion of a kind mentioned in section 4(3);”

Member's explanatory statement

This is a drafting change.

Kim Leadbeater

393

Clause 40, page 24, line 5, at end insert—

““second assessment” has the same meaning as in section 8;

“second declaration” has the same meaning as in section 13;”

Member's explanatory statement

This is a drafting change.

Liz Saville Roberts

170

Clause 42, page 24, line 21, leave out “Secretary of State” and insert “appropriate authority”

Member's explanatory statement

This amendment has the effect of allowing the Welsh Ministers to make regulations under Clause 42(2) (commencement). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Liz Saville Roberts

171

Clause 42, page 24, line 26, leave out “Secretary of State” and insert “appropriate authority”

Member's explanatory statement

This amendment has the effect of allowing the Welsh Ministers to make regulations under Clause 42(4) (commencement: transitional and saving provision). A linked amendment to Clause 40 defines appropriate authority to mean the Secretary of State in relation to England and the Welsh Ministers in relation to Wales.

Kim Leadbeater

NC8

To move the following Clause—

“Duty to consult before making regulations

- (1) Before making regulations under section 5, 7, 8, 13, 19 or 21, the Secretary of State must consult—
 - (a) the Commission for Equality and Human Rights, and
 - (b) such other persons as the Secretary of State considers appropriate.
- (2) The persons to be consulted under subsection (1)(b) must include —
 - (a) persons appearing to the Secretary of State to have expertise in matters relating to whether persons have capacity, and
 - (b) persons appearing to the Secretary of State to have expertise in matters relating to whether persons have been coerced,unless the Secretary of State considers that, having regard to the subject-matter of the proposed regulations, it would not be appropriate to consult such persons.”

Member's explanatory statement

This new clause imposes a duty to consult before making regulations under various provisions of the Bill.

Kim Leadbeater

NC14

To move the following Clause—

“Voluntary Assisted Dying Commissioner

- (1) There is to be a Voluntary Assisted Dying Commissioner.
- (2) The Commissioner is to be appointed by the Prime Minister.
- (3) The person appointed must hold or have held office as a judge of—
 - (a) the Supreme Court,
 - (b) the Court of Appeal, or
 - (c) the High Court.
- (4) The Commissioner's principal functions are—
 - (a) receiving documents made under this Act;
 - (b) making appointments to a list of persons eligible to sit on Assisted Dying Review Panels (see Schedule (*Assisted Dying Review Panels*));
 - (c) making arrangements in relation to such panels and referring cases to them (see section (*Referral by Commissioner of case to multidisciplinary panel*));
 - (d) determining applications for reconsideration of panel decisions under section (*Reconsideration of panel decisions refusing certificate of eligibility*);

- (e) monitoring the operation of this Act and reporting annually on it (see section 34).
- (5) In this Act “the Commissioner” means the Voluntary Assisted Dying Commissioner.
- (6) Schedule (*The Voluntary Assisted Dying Commissioner*) makes provision about the Commissioner.”

Member's explanatory statement

This new clause provides for there to be a Voluntary Assisted Dying Commissioner.

Kim Leadbeater

NC15

To move the following Clause—

“Referral by Commissioner of case to multidisciplinary panel

- (1) This section applies where the Commissioner receives—
 - (a) a first declaration made by a person,
 - (b) a report about the first assessment of the person which contains a statement indicating that the coordinating doctor is satisfied as to all of the matters mentioned in section 7(2)(a) to (g), and
 - (c) a report about the second assessment of the person which contains a statement indicating that the independent doctor is satisfied as to all of the matters mentioned in section 8(2)(a) to (e).
- (2) The Commissioner must, as soon as reasonably practicable, refer the person’s case to an Assisted Dying Review Panel for determination of the person’s eligibility to be provided with assistance under section 18.
- (3) But where the Commissioner receives a notification that the first declaration has been cancelled—
 - (a) the Commissioner must not refer the person’s case to such a panel, and
 - (b) if the person’s case has already been so referred, the Commissioner must notify the panel of the cancellation.
- (4) Schedule (*Assisted Dying Review Panels*) makes provision about Assisted Dying Review Panels.”

Member's explanatory statement

This new clause provides for the Voluntary Assisted Dying Commissioner to refer a person’s case to a multidisciplinary panel, to be called an Assisted Dying Review Panel.

Kim Leadbeater

NC16

To move the following Clause—

“Determination by panel of eligibility for assistance

- 5 (1) This section applies where a person’s case is referred under section (*Referral by Commissioner of case to multidisciplinary panel*) or (*Reconsideration of panel decisions refusing certificate of eligibility*) to an Assisted Dying Review Panel (“the panel”).
- 10 (2) The panel’s function is to determine whether it is satisfied of all of the following matters—
- (a) that the requirements of sections 5 to 9 have been met in relation to—
- (i) the first declaration,
- (ii) the first assessment and the report under section 7 on that assessment, and
- (iii) the second assessment and the report under section 8 on that assessment;
- (b) that the person is terminally ill;
- 15 (c) that the person has capacity to make the decision to end their own life;
- (d) that the person was aged 18 or over at the time the first declaration was made;
- (e) that the person is ordinarily resident in England and Wales and has been so resident for at least 12 months ending with the date of the first declaration;
- 20 (f) that the person is registered as a patient with a general medical practice in England or Wales;
- (g) that the person has a clear, settled and informed wish to end their own life;
- 25 (h) that the person made the first declaration voluntarily and was not coerced or pressured by any other person into making that declaration.
- (3) Subject to the following and to Schedule (*Assisted Dying Review Panels*), the panel may adopt such procedure as it considers appropriate for the case.
- (4) The panel—
- 30 (a) must hear from, and may question, the coordinating doctor or the independent doctor (and may hear from and question both);
- (b) may hear from and may question the person to whom the referral relates or (in a case to which section 15 applies) their proxy (or both);
- (c) may hear from and may question any other person;
- 35 (d) may ask any person appearing to it to have relevant knowledge or experience to report to it on such matters relating to the person to whom the referral relates as it considers appropriate.

In paragraphs (a) and (b) the reference to hearing from or questioning a person is to hearing from them, or questioning them, in person or by live video or audio link.

- 40 (5) The panel—

- (a) must, if it is satisfied of all of the matters mentioned in subsection (2), grant a certificate to that effect (a "certificate of eligibility");
- (b) must refuse to do so in any other case.
- 45 (6) The panel must notify the following of its decision—
- (a) the person to whom the referral relates;
- (b) the coordinating doctor;
- (c) the Commissioner;
- (d) any other person specified in regulations made by the Secretary of State.
- 50 Where it grants a certificate of eligibility, it must give a copy of the certificate to each of these persons.
- (7) If the panel is notified that the first declaration has been cancelled, it must cease to act in relation to the referral (and, in particular, it may not grant a certificate of eligibility)."

Member's explanatory statement

This new clause provides for a person's eligibility to be provided with assistance under clause 18 to be determined by a multidisciplinary panel (instead of the High Court).

As an amendment to Kim Leadbeater's proposed New Clause (Determination by panel of eligibility for assistance) (NC16):—

Catherine Atkinson

NC16(a)

Jess Asato

Line 30, leave out paragraphs (a) to (d) and insert—

- "(a) must hear from and must question the person to whom the referral relates and (in a case to which section 15 applies) their proxy;
- (b) must hear from and must question the coordinating doctor and the independent doctor;
- (c) must consider hearing from and questioning—
- (i) persons properly interested in the welfare of the person who made the application for the declaration and other persons they are close to; and
- (ii) any other person who has provided treatment or care for the person being assessed in relation to that person's terminal illness; and
- (d) may hear from and may question any other person, including any person appearing to it to have relevant knowledge or experience to report to it on such matters relating to the person to whom the referral relates as it considers appropriate."

Member's explanatory statement

This amendment would make it mandatory for Assisted Dying Panels to hear from and question the person seeking assistance to end their life and both assessing doctors, and to consider also hearing from family members and others involved in the person's care.

Kim Leadbeater

NC17

To move the following Clause—

“Reconsideration of panel decisions refusing certificate of eligibility

- (1) This section applies where—
 - (a) a person's case is referred under section (*Referral by Commissioner of case to multidisciplinary panel*) to an Assisted Dying Review Panel (“the first panel”), and
 - (b) the first panel refuses to grant a certificate of eligibility in respect of the person.
- (2) The person may apply to the Commissioner for their case to be reconsidered on the ground that the first panel's decision—
 - (a) contains an error of law,
 - (b) is irrational, or
 - (c) is procedurally unfair.
- (3) The Commissioner must consider an application without a hearing.
- (4) On the application—
 - (a) if the Commissioner is satisfied that any of the grounds mentioned in subsection (2) applies, they must as soon as reasonably practicable refer the person's case to a different Assisted Dying Review Panel for a fresh determination under section (*Determination by panel of eligibility for assistance*);
 - (b) in any other case, the Commissioner must dismiss the application.
- (5) The Commissioner must give reasons, in writing, for their decision.
- (6) The Commissioner must notify the following of the outcome of the application, and give them a document containing their reasons for their decision—
 - (a) the person who made the application;
 - (b) the coordinating doctor;
 - (c) any other person specified in regulations made by the Secretary of State.”

Member's explanatory statement

This new clause provides for certain decisions of Assisted Dying Review Panels to be referred to a different panel for reconsideration.

Kim Leadbeater

NC19

To move the following Clause—

“Recording of preliminary discussion

- (1) This section applies where a registered medical practitioner (“the practitioner”) conducts a preliminary discussion with a person.
- (2) Where the practitioner is a practitioner with the person’s GP practice, they must, as soon as practicable, record the preliminary discussion in the person’s medical records.
- (3) In any other case—
 - (a) the practitioner must, as soon as practicable, give a written record of the preliminary discussion to a registered medical practitioner with the person’s GP practice, and
 - (b) that registered medical practitioner must, as soon as practicable, include the record in the person’s medical records.”

Member's explanatory statement

This new clause requires a practitioner to include, in the person in question’s medical records, a record of a preliminary discussion under clause 4.

Sarah Olney

NC1

Antonia Bance
Rachael Maskell
Neil Coyle
Marsha De Cordova
Helen Hayes
Sarah Smith

To move the following Clause—

“Ability to make decision

The person is to be considered as having the ability to make a decision to request assistance to end their life if they can fully understand, use and weigh the relevant information in accordance with regulations made by the Secretary of State under affirmative resolution.”

Member's explanatory statement

This new clause defines the concept of ability which is intended to replace the concept of capacity. This new clause is intended to replace Clause 3.

Dr Ben Spencer

NC2

To move the following Clause—

“Tribunal authorisation

- (1) Where—
 - (a) a person has made a first declaration under section 5 which has not been cancelled,
 - (b) the coordinating doctor has made the statement mentioned in section 7(3), and
 - (c) the independent doctor has made the statement mentioned in section 8(5), that person may apply to the First-tier Tribunal (“the Tribunal”) for a declaration that the requirements of this Act have been met in relation to the first declaration.
- (2) On an application under this section, the Tribunal—
 - (a) must make the declaration if it is satisfied of all the matters listed in subsection (3), and
 - (b) in any other case, must refuse to make the declaration.
- (3) The matters referred to in subsection (2)(a) are that—
 - (a) the requirements of sections 5 to 9 of this Act have been met in relation to the person who made the application,
 - (b) the person is terminally ill,
 - (c) the person has capacity to make the decision to end their own life,
 - (d) the person has relevant and available palliative care options available to them,
 - (e) the person is not liable to be detained under the Mental Health Act 1983,
 - (f) the person was aged 18 or over at the time the first declaration was made,
 - (g) the person is ordinarily resident in England and Wales and has been so resident for at least 12 months ending with the date of the first declaration,
 - (h) the person is registered as a patient with a general medical practice in England or Wales,
 - (i) the person has a clear, settled and informed wish to end their own life, and
 - (j) the person made the first declaration and the application under this section voluntarily and has not been coerced or pressured by any other person into making that declaration or application.
- (4) The Tribunal—
 - (a) may hear from and question, in person, the person who made the application for the declaration;
 - (b) must hear from and may question, in person, the coordinating doctor or the independent doctor (or both);

- (c) for the purposes of paragraph (b), may require the coordinating doctor or the independent doctor (or both) to appear before the tribunal.
- (5) For the purposes of determining whether it is satisfied of the matters mentioned in subsection (3)(g) and (h), the Tribunal may also—
 - (a) hear from and question any other person;
 - (b) ask a person to report to the Tribunal on such matters relating to the person who has applied for the declaration as it considers appropriate.
- (6) In considering an application under this section, the panel must consist of—
 - (a) a sitting judge,
 - (b) a medical practitioner, and
 - (c) a lay person.
- (7) In subsection (4)—
 - (a) in paragraph (a), the reference to the person who made the application includes, in a case where the person’s first declaration was signed by a proxy under section 15, that proxy, and
 - (b) “in person” includes by means of a live video link or a live audio link.”

Member's explanatory statement

This new clause would replace the role of the High Court with the tribunal system.

Dr Ben Spencer

NC3

To move the following Clause—

“Tribunals in Wales

- (1) For the purposes of this Act, the First-tier Tribunal and the Upper Tribunal, in exercising functions under or arising from this Act in relation to Wales, are to be treated as devolved tribunals within the meaning of paragraph 9 of Schedule 7A to the Government of Wales Act 2006.
- (2) The Welsh Ministers may by regulations make provision relating to the procedure to be followed by the First-tier Tribunal and the Upper Tribunal in exercising functions under this Act in relation to Wales.
- (3) Statutory instruments containing regulations made under this section may not be made unless a draft of the instrument has been laid before and approved by resolution of Senedd Cymru.”

Dr Ben Spencer

NC4

To move the following Clause—

“Assisted Dying Agency

- (1) There shall be a body known as the Assisted Dying Agency (“The Agency”).

- (2) The purpose of the body is to coordinate requests from people to be considered for assisted dying, including assigning, at the appropriate junctures, a coordinating doctor and independent doctor for a person seeking assistance to end their own life.
- (3) Where a person has previously been referred to the Agency, no future referral relating to that person can be proceeded with by the Agency unless it considers there has been a material change in the person's circumstances.
- (4) The Secretary of State must make regulations setting out—
 - (a) the staffing and remuneration of such staff,
 - (b) the procedures of the Agency, and
 - (c) the means by which the Agency can pay coordinating doctors and independent doctors for services rendered under this Act.
- (5) The Agency's expenditure is to be paid out of money provided for by Parliament.
- (6) The Agency must, for each financial year, prepare accounts in accordance with directions given to it by the Treasury.
- (7) The Agency's chief executive is its accounting officer.
- (8) As soon as reasonably practicable after the end of each financial year, the Agency must prepare a report about the performance of its functions during that year and lay that report before both Houses of Parliament.
- (9) Regulations under subsection (4) are subject to the affirmative procedure."

Member's explanatory statement

This new clause would create a new body that was principally responsible for coordinating and recording statements and declarations in relation to a person's request for assistance to end their own life.

Rebecca Paul

NCS

Rachael Maskell

To move the following Clause—

"Encouragement

- (1) For the purposes of this Act, "encouraged" means an act capable of encouraging suicide which would constitute an offence under section 2 (Criminal liability for complicity in another's suicide) of the Suicide Act 1961.
- (2) A person is not rendered ineligible to request assistance to end their own life on the basis of—
 - (a) an act of encouragement that they were unaware of when requesting and going through assisted dying, or
 - (b) an act of encouragement which was not specifically directed at that person."

Member's explanatory statement

This amendment provides a definition of encouragement is consequential on Amendments 82 to 92.

Dr Neil Shastri-Hurst

NC6

Anna Dixon
Rachael Maskell

To move the following Clause—

“Advance decision of no effect

An advance decision, made pursuant to sections 24 to 26 of the Mental Capacity Act 2005, which stipulates that the maker of the decision, having become incapacitated, wishes to be provided with assistance to end their own life in accordance with this Act, shall be null and void and of no legal effect.”

Member's explanatory statement

The new clause prohibits an individual from making an advanced directive for voluntary assisted death in the eventuality he or she were to become incapacitated at a future date.

Juliet Campbell

NC7

Rachael Maskell
Margaret Mullane

To move the following Clause—

“Register of Assisted Dying Medical Practitioners

- (1) The Secretary of State must, by regulation, establish a Register of Assisted Dying Medical Practitioners.
- (2) A medical professional may only carry out the role of co-ordinating doctor or independent doctor under this Act may if they are listed on the Register of Assisted Dying Medical Practitioners.
- (3) Initial discussions under section 4 may only take place with a registered medical practitioner if they are listed on the Register of Assisted Dying Medical Practitioners.
- (4) Regulations made under subsection (1) must provide that the Register of Assisted Dying Medical Practitioners includes all registered practitioners other than those to whom the conditions in subsections (5) and (6) apply.
- (5) The condition in this subsection is that only medical practitioners who have completed such training as required by the Secretary of State by regulation must be listed on the Register.
- (6) The condition in this subsection is that only medical practitioners who wish to provide assistance under the Act must “opt in” to be listed on the Register.

- (7) Regulations under subsection (1) and subsection (5) are subject to the affirmative procedure.
- (8) Before making regulations under subsection (1) and subsection (5), the Secretary of State must consult such persons as they consider appropriate.
- (9) Regulations under subsection (5) must be laid within six months of the passing of this Act.
- (10) Regulations under subsection (1) must be laid within twelve months of the passing of this Act."

Member's explanatory statement

This new clause requires the Secretary of State, by regulation, to create a Register of Assisted Dying Medical Practitioners. Only those who are on the register would be able to hold initial discussions or act as a co-ordinating or independent doctor, or hold initial discussions under section 4 of the Act. Only those who have had training as specified by the Secretary of State in regulations can be on the Register. Registered medical practitioners would only appear on the register if they had "opted in".

Dame Harriett Baldwin

NC9

Rebecca Paul
 Rebecca Smith
 Saqib Bhatti
 Dame Meg Hillier
 David Mundell

To move the following Clause—

"Advertising offences: services of coordinating and independent doctors

- (1) A person who in the course of a business publishes an advertisement, or causes one to be published, for services outlined in subsection (4), is guilty of an offence.
- (2) A person who in the course of a business prints, devises or distributes an advertisement for the promotion of services for the services outlined in subsection (4), or causes such an advertisement to be so printed, devised or distributed, is guilty of an offence.
- (3) Distributing an advertisement includes transmitting it in electronic form, participating in doing so, and providing the means of transmission.
- (4) The services outlined in this subsection are—
 - (a) acting as a coordinating doctor under this Act;
 - (b) acting as an independent doctor under this Act.
- (5) A person guilty of an offence under this section liable—
 - (a) on summary conviction to a fine;
 - (b) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both."

Member's explanatory statement

This new clause would make it an offence to publish, print, distribute or devise and advertisement for services of a coordinating doctor or an independent doctor under this Act.

Sarah Olney

NC10

To move the following Clause—

“Collection of information on assistance

- (1) The coordinating doctor must, following the provision of assistance under section 18, record information on—
 - (a) how the process of providing assistance was carried out,
 - (b) the time taken from the ingestion or administration of the substance provided under section 18 to the time of death, and
 - (c) any complications or unforeseen circumstances that arose in connection with the ingestion or administration of the substance and how those were managed.
- (2) The record created under subsection (1) must be made available to the relevant Chief Medical Officer.
- (3) In this section “coordinating doctor” includes a doctor authorised by the coordinating doctor to provide assistance under section 19.”

Member's explanatory statement

This new clause provides that the coordinating doctor (or other doctor authorised to provide assistance) must collect certain information on the provision of that assistance.

Jake Richards

NC11

To move the following Clause—

“Information required from GP practice

- (1) The assessing doctor must write to the GP practice of the person as soon as practicable to inform them that the person is requesting assistance to end their own life under the Act.
- (2) On receipt of a written communication under subsection (1) a medical practitioner from the person’s GP practice must write as soon as practicable to the assessing doctor with any relevant observations and medical records they hold.
- (3) In so far as they consider it appropriate, a medical practitioner from the person’s GP may advise the person to consider discussing the request with their next of kin and other persons they are close to.
- (4) The assessing doctor must take into account any representation received from a registered medical practitioner from the person’s GP practice.

- (5) Any correspondence received under subsection (2) must be shared with the High Court and, if relevant, the Court of Appeal, before any declaration is made under section 12.
- (6) In this section "assessing doctor" has the same meaning as under section 9(1)."

Member's explanatory statement

This new clause creates a requirement on the assessing doctor to inform the person's GP practice, and for a medical practitioner from that GP practice to write to the assessing doctor with any relevant information or observations. The letter would be shared with the High Court or Court of Appeal as relevant.

Daniel Francis

NC12

Peter Swallow

To move the following Clause—

"Obligations related to training

- (1) No registered medical practitioner or other health professional is under any duty to opt in to undertake specialised training wholly or largely relating to the provision of assisted dying in accordance with this Act.
- (2) No medical practitioner or other health professional who has carried out training as may be specified by the Secretary of State under—
 - (a) section 5(3)(a),
 - (b) section 8(6)(a), or
 - (c) section 19(2)(b),is under any duty to participate in the provision of assisted dying under the terms of this Act."

Member's explanatory statement

This new clause would set out that a registered medical practitioner or other health professional is not under any duty to undertake training in relation to the provision of assisted dying. And anyone who undertakes such training is not under a duty to provide assisted dying under the Act.

Daniel Francis

NC13

Peter Swallow

To move the following Clause—

"Independent information and referral service

- (1) The Secretary of State must, by regulations, make provision to establish an independent information and referral service to—
 - (a) provide information to persons who are, or may be, eligible for assisted dying in accordance with this Act, and

(b) where requested, facilitate the person's access to assisted dying in accordance with this Act.

(2) Regulations under subsection (1) are subject to the affirmative procedure."

Member's explanatory statement

This new clause would require the Secretary of State to make provision for an independent information and referral service.

Liz Saville Roberts

NC18

To move the following Clause—

"Provision of information in English and Welsh

- (1) Any service, report, declaration or certificate of eligibility provided under this Act to a person seeking assistance to end their own life must either be—
 - (a) in the person's first language, if that language is English or Welsh, or
 - (b) their preferred language of English or Welsh.
- (2) The person's choice of language under subsection (1) must be recorded in that person's medical records.
- (3) Any regulations made under sections 5, 7, 8, 13 or 21 specifying the form and content of declarations or statements must make provision for their being in both the English and Welsh language.
- (4) No regulations that contain provision for the Welsh language under the requirements of subsection (3) may be made unless a draft has been laid before and approved by a resolution of Senedd Cymru.
- (5) The Assisted Dying Review panel must make certificates of eligibility available in either English or Welsh depending on the person's choice of language under subsection (1)."

Claire Hazelgrove

254

Schedule 1, page 25, line 20, at end insert—

"(2A) I understand that, for the assistance to be provided, the High Court or Court of Appeal must make a declaration under the 2024 Act."

Member's explanatory statement

This amendment would change the wording for the first declaration to align with schedule 4 by specifying that the person understands the need for court approval in order to receive assistance under the Act.

Sarah Bool

29

Rachael Maskell

Schedule 1, page 25, line 22, after “coerced” insert “, unduly influenced”

Member's explanatory statement

This amendment is consequential on Amendment 23.

_____ **Rebecca Paul**

88

Rachael Maskell

Schedule 1, page 25, line 22, after “coerced” insert “, encouraged”

Member's explanatory statement

This amendment is consequential on Amendment 82.

_____ **Juliet Campbell**

118

Rachael Maskell

Schedule 1, page 25, line 22, after “coerced” insert “, manipulated”

Member's explanatory statement

This amendment adds a requirement to the first declaration for the person to declare they have not been manipulated. It is linked to Amendment 113.

_____ **Mr James Cleverly**

100

Antonia Bance
Paulette Hamilton
Danny Kruger
Ms Diane Abbott
Sir Julian Lewis

Melanie Ward
Rachael Maskell
Margaret Mullane

Mr James Frith
Saqib Bhatti

Jess Asato
Sarah Smith

Schedule 1, page 25, line 22, at end insert—

“3A I am doing so for my own sake rather than for the benefit of others.”

Member's explanatory statement

This amendment is consequential on Amendment 94.

_____ **Dr Caroline Johnson**

241

Danny Kruger
Rachael Maskell

Schedule 1, page 25, line 22, at end insert—

“3A I wish to be provided with assistance to end my own life for the primary purpose of avoiding physical pain.”

Member's explanatory statement

This amendment is consequential on Amendment 235.

Danny Kruger

403

Sir Julian Smith

Schedule 1, page 25, line 25, at end insert—

“7. I have—

1. informed my family of my wish to be provided with assistance to end my life and taken their opinions into consideration
2. decided not to inform my family of my decision
3. no family to inform of my decision”

Kim Leadbeater

227

Rachel Hopkins
Kit Malthouse

Page 25, line 2, leave out Schedule 1

Member's explanatory statement

The amendment is consequential on Amendment 184.

Sarah Olney

45

Rachael Maskell
Neil Coyle

Schedule 2, page 26, line 36, leave out "capacity" and insert "the ability to make a decision"

Sarah Bool

30

Rachael Maskell

Schedule 2, page 27, line 11, after “coerced” insert “, unduly influenced”

Member's explanatory statement

This amendment is consequential on Amendment 23.

Rebecca Paul **89**
 Rachael Maskell

Schedule 2, page 27, line 11, after “coerced” insert “, encouraged”

Member's explanatory statement

This amendment is consequential on Amendment 82.

Juliet Campbell **119**
 Rachael Maskell

Schedule 2, page 27, line 11, after “coerced” insert “, manipulated”

Member's explanatory statement

This amendment requires the coordinating doctor to sign a declaration that to the best of their knowledge they believe that the person has not been manipulated. It is linked to Amendment 113.

Mr James Cleverly **101**
 Antonia Bance
 Paulette Hamilton
 Danny Kruger
 Ms Diane Abbott
 Sir Julian Lewis

 Melanie Ward Mr James Frith Jess Asato
 Rachael Maskell Saqib Bhatti Sarah Smith
 Margaret Mullane

Schedule 2, page 27, line 12, at end insert “, and

- (c) the patient is acting for their own sake rather than for the benefit of others.”

Member's explanatory statement

This amendment is consequential on Amendment 94.

Dr Caroline Johnson **242**
 Danny Kruger
 Rachael Maskell

Schedule 2, page 27, line 12, at end insert “, and

- (c) is acting for the primary purpose of avoiding physical pain.”

Member's explanatory statement

This amendment is consequential on Amendment 235.

Dame Harriett Baldwin

262

Schedule 2, page 27, line 12, at end insert—

“and that there is no real risk that the criteria in paragraphs (a) and (b) have not been met.”

Member's explanatory statement

This amendment provides that the request for assisted dying will not go ahead if there is a real risk that the eligibility criteria are not met.

Kim Leadbeater

228

Rachel Hopkins
Kit Malthouse

Page 26, line 11, leave out Schedule 2

Member's explanatory statement

This amendment is consequential on Amendment 420.

Sarah Olney

46

Rachael Maskell
Neil Coyle

Schedule 3, page 28, line 1, leave out "capacity" and insert "the ability to make a decision"

Sarah Bool

31

Rachael Maskell
Sarah Smith

Schedule 3, page 28, line 9, after "coerced" insert ", unduly influenced"

Member's explanatory statement

This amendment is consequential on Amendment 23.

Rebecca Paul

90

Rachael Maskell

Schedule 3, page 28, line 9, after "coerced" insert ", encouraged"

Member's explanatory statement

This amendment is consequential on Amendment 82.

Juliet Campbell

120

Rachael Maskell

Schedule 3, page 28, line 9, after “coerced” insert “, manipulated”

Member's explanatory statement

This amendment adds a requirement to the declaration that independent doctor has to sign, that they to the best of their knowledge they believe that the person not been manipulated. It is linked to Amendment 113.

Mr James Cleverly

102

Antonia Bance
 Paulette Hamilton
 Danny Kruger
 Ms Diane Abbott
 Sir Julian Lewis

Melanie Ward
 Rachael Maskell
 Margaret Mullane

Mr James Frith
 Saqib Bhatti

Jess Asato
 Sarah Smith

Schedule 3, page 28, line 10, at end insert “, and

- (c) the patient is acting for their own sake rather than for the benefit of others.”

Member's explanatory statement

This amendment is consequential on Amendment 94.

Dr Caroline Johnson

243

Danny Kruger
 Rachael Maskell

Schedule 3, page 28, line 10, at end insert “, and

- (c) is acting for the primary purpose of avoiding physical pain.”

Member's explanatory statement

This amendment is consequential on Amendment 235.

Dame Harriett Baldwin

263

Schedule 3, page 28, line 10, at end insert—

“and that there is no real risk that the criteria in paragraphs (a) and (b) have not been met.”

Member's explanatory statement

This amendment provides that the request for assisted dying will not go ahead if there is a real risk that the eligibility criteria are not met.

Kim Leadbeater

229

Rachel Hopkins
Kit Malthouse

Page 27, line 15, leave out Schedule 3

Member's explanatory statement

This amendment is consequential on Amendment 421.

Dr Ben Spencer

67

Schedule 4, page 28, line 32, leave out from "The" to "has" and insert "First-tier Tribunal"

Member's explanatory statement

This amendment is consequential on NC2 and NC3.

Sarah Bool

32

Rachael Maskell

Schedule 4, page 29, line 5, after "coerced" insert ", unduly influenced"

Member's explanatory statement

This amendment is consequential on Amendment 23.

Rebecca Paul

91

Rachael Maskell

Schedule 4, page 29, line 5, after "coerced" insert ", encouraged"

Member's explanatory statement

This amendment is consequential on Amendment 82.

Juliet Campbell

121

Rachael Maskell

Schedule 4, page 29, line 5, after "coerced" insert ", manipulated"

Member's explanatory statement

This amendment adds a requirement to the second declaration for the person to declare they have not been manipulated. It is linked to Amendment 113.

Mr James Cleverly**103**

Antonia Bance
Paulette Hamilton
Danny Kruger
Ms Diane Abbott
Sir Julian Lewis

Melanie Ward
Rachael Maskell
Margaret Mullane

Mr James Frith
Saqib Bhatti

Jess Asato
Sarah Smith

Schedule 4, page 29, line 5, at end insert—

“7A I am doing so for my own sake rather than for the benefit of others.”

Member's explanatory statement

This amendment is consequential on Amendment 94.

Dr Caroline Johnson**244**

Danny Kruger
Rachael Maskell

Schedule 4, page 29, line 5, at end insert—

“7A I make this second declaration for the primary purpose of avoiding physical pain.”

Member's explanatory statement

This amendment is consequential on Amendment 235.

Danny Kruger**404**

Sir Julian Smith

Schedule 4, page 29, line 7, at end insert—

“10. I have—

1. informed my family of my wish to be provided with assistance to end my life and taken their opinions into consideration
2. decided not to inform my family of my decision
3. no family to inform of my decision”

Kim Leadbeater

230

Rachel Hopkins
Kit Malthouse

Page 28, line 13, leave out Schedule 4

Member's explanatory statement

The amendment is consequential on Amendment 207.

Dr Ben Spencer

68

Schedule 5, page 30, line 6, leave out from "the" to "made" and insert "First-tier Tribunal"

Member's explanatory statement

This amendment is consequential on NC2 and NC3.

Dr Ben Spencer

69

Schedule 5, page 30, line 10, leave out from "the" to end of line and insert "First-tier Tribunal"

Member's explanatory statement

This amendment is consequential on NC2 and NC3.

Sarah Olney

47

Rachael Maskell
Neil Coyle

Schedule 5, page 30, line 14, leave out "capacity" and insert "the ability to make a decision"

Sarah Bool

33

Rachael Maskell

Schedule 5, page 30, line 22, after "coerced" insert ", unduly influenced"

Member's explanatory statement

This amendment is consequential on Amendment 23.

Rebecca Paul

92

Rachael Maskell

Schedule 5, page 30, line 22, after "coerced" insert ", encouraged"

Member's explanatory statement

This amendment is consequential on Amendment 82.

Juliet Campbell

122

Rachael Maskell

Schedule 5, page 30, line 22, after 'coerced' insert "manipulated"

Member's explanatory statement

This amendment adds a requirement to the declaration that coordinating doctor has to sign, that they to the best of their knowledge they believe that the person not been manipulated. It is linked to Amendment 113.

Mr James Cleverly

104

Antonia Bance
Paulette Hamilton
Danny Kruger
Ms Diane Abbott
Sir Julian Lewis

Melanie Ward
Rachael Maskell
Margaret Mullane

Mr James Frith
Saqib Bhatti

Jess Asato
Sarah Smith

Schedule 5, page 30, line 22, at end insert ", and

- (d) the patient is acting for their own sake rather than for the benefit of others."

Member's explanatory statement

This amendment is consequential on Amendment 94.

Dr Caroline Johnson

245

Danny Kruger
Rachael Maskell

Schedule 5, page 30, line 22, at end insert ", and

- (d) the patient is acting for the primary purpose of avoiding physical pain."

Member's explanatory statement

This amendment is consequential on Amendment 235.

Dame Harriett Baldwin

264

Sojan Joseph

Schedule 5, page 30, line 22, at end insert—

“and that there is no real risk that the criteria in paragraphs (a) to (c) have not been met.”

Member's explanatory statement

This amendment provides that the request for assisted dying will not go ahead if there is a real risk that the eligibility criteria are not met.

Kim Leadbeater

231

Rachel Hopkins
Kit Malthouse

Page 29, line 25, leave out Schedule 5

Member's explanatory statement

The amendment is consequential on Amendment 208.

Dr Ben Spencer

70

Schedule 6, page 32, line 3, leave out from “of” to “declaration” and insert “First-tier Tribunal”

Member's explanatory statement

This amendment is consequential on NC2 and NC3.

Claire Hazelgrove

255

Schedule 6, page 32, line 13, at end insert—

“Means of administration of approved substance

Member's explanatory statement

This would add the means of administration to the final statement set out in Schedule 6.

Kim Leadbeater

232

Rachel Hopkins
Kit Malthouse

Page 30, line 32, leave out Schedule 6

Member's explanatory statement

The amendment is consequential on Amendment 214.

Kim Leadbeater

NS1

To move the following Schedule—

“SCHEDULE

Section (*Voluntary Assisted Dying
Commissioner*)

THE VOLUNTARY ASSISTED DYING COMMISSIONER

Status

- 1 (1) The Commissioner is to be a corporation sole.
- (2) The Commissioner is not to be regarded as—
 - (a) the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (3) The Commissioner’s property is not to be regarded as property of, or property held on behalf of, the Crown.

General powers

- 2 The Commissioner may do anything the Commissioner considers appropriate for the purposes of, or in connection with, the Commissioner’s functions.

Deputy Commissioner

- 3 (1) The Prime Minister must appoint a person to be the Deputy Voluntary Assisted Dying Commissioner (the “Deputy Commissioner”).
- (2) The person appointed must hold or have held office as a judge of—
 - (a) the Supreme Court,
 - (b) the Court of Appeal, or
 - (c) the High Court.
- (3) The Commissioner may delegate any of the Commissioner’s functions to the Deputy Commissioner, to the extent and on the terms that the Commissioner determines.
- (4) The delegation of a function under sub-paragraph (3) does not prevent the Commissioner from exercising that function.
- (5) The functions of the Commissioner are to be carried out by the Deputy Commissioner if—
 - (a) there is a vacancy in the office of the Commissioner, or
 - (b) the Commissioner is for any reason unable or unwilling to act.

Appointment and tenure of office

- 4 (1) A person holds and vacates office as the Commissioner or Deputy Commissioner in accordance with the terms and conditions of their appointment as determined by the Secretary of State, subject to the provisions of this paragraph.

- (2) An appointment as the Commissioner or Deputy Commissioner is to be for a term not exceeding five years.
- (3) A person may not be appointed as the Commissioner or Deputy Commissioner if a relevant appointment of them has been made on two occasions. "Relevant appointment" here means appointment as the Commissioner or Deputy Commissioner.
- (4) The Commissioner or Deputy Commissioner may resign by giving written notice to the Secretary of State.
- (5) The Secretary of State may by notice in writing remove a person from the office of Commissioner or Deputy Commissioner if satisfied that the person—
 - (a) has behaved in a way that is not compatible with their continuing in office, or
 - (b) is unfit, unable or unwilling to properly discharge their functions.

Remuneration

- 5 The Secretary of State may pay to, or in respect of, the person holding office as the Commissioner or Deputy Commissioner—
 - (a) remuneration;
 - (b) allowances;
 - (c) sums by way of or in respect of pensions.

Staff: appointed by Commissioner

- 6 (1) The Commissioner may appoint staff.
- (2) Staff are to be appointed on terms and conditions determined by the Commissioner.
- (3) The terms and conditions on which a member of staff is appointed may provide for the Commissioner to pay to or in respect of the member of staff—
 - (a) remuneration;
 - (b) allowances;
 - (c) sums by way of or in respect of pensions.
- (4) In making appointments under this paragraph, the Commissioner must have regard to the principle of selection on merit on the basis of fair and open competition.
- (5) The Employers' Liability (Compulsory Insurance) Act 1969 does not require insurance to be effected by the Commissioner.

Staff: secondment to Commissioner

- 7 (1) The Commissioner may make arrangements for persons to be seconded to the Commissioner to serve as members of the Commissioner's staff.
- (2) The arrangements may include provision for payments by the Commissioner to the person with whom the arrangements are made or directly to seconded staff (or both).

- (3) A period of secondment to the Commissioner does not affect the continuity of a person's employment with the employer from whose service he or she is seconded.

Staff: general

- 8 (1) Before appointing staff under paragraph 6 or making arrangements under paragraph 7(1), the Commissioner must obtain the approval of the Secretary of State as to the Commissioner's policies on—
 - (a) the number of staff to be appointed or seconded;
 - (b) payments to be made to or in respect of staff;
 - (c) the terms and conditions on which staff are to be appointed or seconded.
- (2) A function of the Commissioner may be carried out by any of the Commissioner's staff to the extent authorised by the Commissioner (but this is subject to sub-paragraph (3)).
- (3) Sub-paragraph (2) does not apply in respect of—
 - (a) the Commissioner's function under paragraph 2(1) of Schedule (*Assisted Dying Review Panels*) of making appointments to the list of persons eligible to be panel members;
 - (b) the Commissioner's function of determining applications for reconsideration under section (*Reconsideration of panel decisions refusing certificate of eligibility*).

Financial and other assistance from the Secretary of State

- 9 (1) The Secretary of State may—
 - (a) make payments to the Commissioner of such amounts as the Secretary of State considers appropriate;
 - (b) give such financial assistance to the Commissioner as the Secretary of State considers appropriate.
- (2) The Secretary of State may—
 - (a) provide staff in accordance with arrangements made by the Secretary of State and the Commissioner under paragraph 7;
 - (b) provide premises, facilities or other assistance to the Commissioner.

Accounts

- 10 (1) The Commissioner must—
 - (a) keep proper accounts and proper records in relation to them, and
 - (b) prepare a statement of accounts in respect of each financial year in the form specified by the Secretary of State.
- (2) The Commissioner must send a copy of each statement of accounts to the Secretary of State and the Comptroller and Auditor General—
 - (a) before the end of August next following the end of the financial year to which the statement relates, or

- (b) on or before such earlier date after the end of that year as the Treasury may direct.
- (3) The Comptroller and Auditor General must—
 - (a) examine, certify and report on the statement of accounts, and
 - (b) send a copy of the certified statement and the report to the Secretary of State.
- (4) The Secretary of State must lay before Parliament each document received under sub-paragraph (3)(b).
- (5) In this paragraph, “financial year” means—
 - (a) the period beginning with the date on which the Commissioner is established and ending with the second 31 March following that date, and
 - (b) each successive period of 12 months.

Application of seal and proof of documents

- 11 (1) The application of the Commissioner's seal is to be authenticated by the signature of—
 - (a) the Commissioner, or
 - (b) a person who has been authorised by the Commissioner for that purpose (whether generally or specially).
- (2) A document purporting to be duly executed under the Commissioner's seal or signed on the Commissioner's behalf —
 - (a) is to be received in evidence, and
 - (b) is to be treated as duly executed or signed in that way, unless the contrary is shown.

Public Records Act 1958

- 12 In Part 2 of the Table in paragraph 3 of the First Schedule to the Public Records Act 1958 (bodies whose records are public records), at the appropriate place insert—

“The Voluntary Assisted Dying Commissioner.”

House of Commons Disqualification Act 1975

- 13 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying person from membership of House of Commons), at the appropriate place insert—

“The Voluntary Assisted Dying Commissioner or the Deputy Voluntary Assisted Dying Commissioner.”

Freedom of Information Act 2000

- 14 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities for the purposes of the Act), at the appropriate place insert—

“The Voluntary Assisted Dying Commissioner.”

Equality Act 2010

- 15 In Part 1 of Schedule 19 to the Equality Act 2010 (public authorities subject to public sector equality duty), at the end of the group of entries for bodies whose functions relate to health, social care and social security insert—

“The Voluntary Assisted Dying Commissioner.””

Member's explanatory statement

This new Schedule contains provision about the Voluntary Assisted Dying Commissioner and the Deputy Commissioner.

Kim Leadbeater

NS2

To move the following Schedule—

“SCHEDULE *Section (Referral by Commissioner of case to multidisciplinary panel)*

ASSISTED DYING REVIEW PANELS

Introduction

- 1 In this Schedule—
- (a) “referral” means a referral under section (*Referral by Commissioner of case to multidisciplinary panel*) or (*Reconsideration of panel decisions refusing certificate of eligibility*) (and similar references are to be construed accordingly);
 - (b) “panel” means an Assisted Dying Review Panel.

List of persons eligible to be panel members

- 2 (1) The Commissioner must make appointments to a list of persons eligible to sit as members of panels.
- (2) A person may be appointed to the list only if—
- (a) the person (a “legal member”)—
 - (i) holds or has held high judicial office,
 - (ii) is one of His Majesty’s Counsel, or
 - (iii) has (at any time) been requested to act as a judge of the Court of Appeal or the High Court by virtue of section 9(1) of the Senior Courts Act 1981,
 - (b) the person (a “psychiatrist member”) is—
 - (i) a registered medical practitioner,
 - (ii) a practising psychiatrist, and
 - (iii) registered in one of the psychiatry specialisms in the Specialist Register kept by the General Medical Council, or

- (c) the person is registered as a social worker in a register maintained by Social Work England or Social Work Wales (a “social worker member”).
- (3) In this paragraph “high judicial office” means office as—
- (a) a judge of the Supreme Court,
 - (b) a judge of the Court of Appeal, or
 - (c) a judge or deputy judge of the High Court.

Tenure of persons appointed to list

- 3 (1) Subject to the provisions of this paragraph, persons on the list hold and vacate their appointments in accordance with the terms on which they are appointed.
- (2) An appointment to the list is to be for a period not exceeding five years.
- (3) A person who has held appointment to the list is eligible for re-appointment for one further period not exceeding five years.

Membership of panels

- 4 (1) The Commissioner must make arrangements for determining the membership of a panel.
- (2) The arrangements must ensure that a panel consists of—
- (a) a legal member,
 - (b) a psychiatrist member, and
 - (c) a social worker member.

Decisions of panels

- 5 (1) The legal member of a panel is to act as its chair.
- (2) Decisions of a panel may be taken by a majority vote; but this is subject to sub-paragraph (3).
- (3) The panel is to be treated as having decided to refuse to grant a certificate of eligibility if any member votes against a decision to grant such a certificate.

Panel sittings

- 6 (1) Panels are to determine referrals in public (but this is subject to sub-paragraph (2)).
- (2) The chair of a panel may, at the request of the person to whom a referral relates, decide that the panel is to sit in private.

Staff and facilities

- 7 The Commissioner may make staff and other facilities available to panels.

Practice and procedure

- 8 (1) The Commissioner may give guidance about the practice and procedure of panels.
- (2) Panels must have regard to any such guidance in the exercise of their functions.

Reasons

- 9 Panels must give reasons, in writing, for their decisions.

Money

- 10 The Commissioner may pay to or in respect of members of panels—
- (a) remuneration;
 - (b) allowances;
 - (c) sums by way of or in respect of pensions.

House of Commons Disqualification Act 1975

- 11 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying persons from membership of House of Commons), at the appropriate place insert—

“Person on the list of those eligible for membership of an Assisted Dying Review Panel.” “

Member's explanatory statement

This new Schedule contains provision about Assisted Dying Review Panels.

As Amendments to Kim Leadbeater's proposed New Schedule (Assisted Dying Review Panels) (NS2):—

Liz Saville Roberts

NS2(a)

Line 46, at end insert—

- “(3) Each member of a panel must have fluent proficiency in the Welsh language if services or functions in the Act are to be provided to an individual in Welsh.”

Catherine Atkinson

NS2(b)

Jess Asato

Line 61, leave out sub-paragraphs (1) and (2) and insert—

- “(1) The Commissioner must give guidance about the practice and procedure of panels.

- (2) Such guidance must prescribe a procedure which in relation to each application appoints a person nominated by the Official Solicitor to act as advocate to the panel.
- (3) Panels must have regard to such guidance in the exercise of their functions.”

Member's explanatory statement

This amendment would require Assisted Dying Panels to follow an adversarial process to test the evidence by appointing an advocate to the panel.

Order of the Committee

[21 January 2025, as amended 28 and 29 January 2025]

That—

1. the Committee shall (in addition to its first meeting at 2.00 pm on Tuesday 21 January) meet—
 - (a) at 9.25am and 2.00pm on Tuesday 28 January;
 - (b) at 9.25am and 2.00pm on Wednesday 29 January;
 - (c) at 11.30am and 1.00pm on Thursday 30 January;
2. during further proceedings on the Terminally Ill Adults (End of Life) Bill, the Committee do meet on Tuesdays and Wednesdays starting on 11 February 2025 while the House is sitting at 9.25am and 2.00pm.
3. the Committee shall hear oral evidence in accordance with the following Table:

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 28 January	Until no later than 10.05am	Sir Chris Whitty (Chief Medical Officer for England), Duncan Burton (Chief Nursing Officer)
Tuesday 28 January	Until no later than 10.45am	The British Medical Association, The General Medical Council
Tuesday 28 January	Until no later than 11.25am	Association of Palliative Care Social Workers, Royal College of Nursing
Tuesday 28 January	Until no later than 3.15pm	Dr Rachel Clark, Dr Sam Ahmedzai (Emeritus Professor at the University of Sheffield), Sue Ryder, Association of Palliative Medicine
Tuesday 28 January	Until no later than 4.15pm	Sir Max Hill KC, Alex Ruck Keene KC (Hon), Sir Nicholas Mostyn

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 28 January	Until no later than 5.00pm	Dr Ryan Spielvogal (Senior Medical Director for Aid in Dying Services, Sutter Health, USA), Dr Jessica Kaan (Medical Director, End of Life Washington)
Wednesday 29 January	Until no later than 10.25am	Dr Greg Mewett (Specialist Palliative Care Physician, Australia), Dr Clare Fellingham (Deputy Director of Medical Services, Royal Perth Hospital, Australia), Dr Cam McLaren (Oncologist, Australia and New Zealand)
Wednesday 29 January	Until no later than 11.25am	Professor Tom Shakespeare CBE FBA (London School of Hygiene and Tropical Medicine), Dr Miro Griffiths (University of Leeds), Yogi Amin (Partner, Irwin Mitchell), Chelsea Roff (Eat Breathe Thrive)
Wednesday 29 January	Until no later than 3.00pm	Hourglass, Dr Alexandra Mullock (University of Manchester), Professor Allan House (University of Leeds), Professor Aneez Esmail (University of Manchester), Disability Rights UK
Wednesday 29 January	Until no later than 4.00pm	Dr Lewis Graham (University of Cambridge), Baroness Falkner (EHRC), Lord Sumption
Wednesday 29 January	Until no later than 5.00pm	Hospice UK, Dr Jamilla Hussain (Bradford Teaching Hospitals NHS Trust and Hull York Medical School), Dr Jane Neerkin (Consultant Physician in Palliative Medicine), Marie Curie
Thursday 30 January	Until no later than 12.30pm	Dr Chloe Furst (Geriatrician and Palliative Care Physician, Adelaide), Alex Greenwich MP (MP for Sydney, Parliament of New South Wales), Professor Meredith Blake (University of Western Australia)
Thursday 30 January	Until no later than 2.00pm	Dr Amanda Ward, Professor Gareth Owen (Kings College London and South London and Maudsley NHS Trust), Professor Laura Hoyano (Professor of Law, Oxford University and Red Lion Chambers)

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Thursday 30 January	Until no later than 3.00pm	Professor Nancy Preston (Lancaster University), Dr Naomi Richards (University of Glasgow), Claire Williams (Head of Pharmacovigilance and Regulatory Services, North West eHealth DipHE Adult Nursing, MSc Pharmacovigilance, and Chair, Greater Manchester Central Research Ethics Committee)
Thursday 30 January	Until no later than 4.00pm	People and families of those with relevant experience
Thursday 30 January	Until no later than 5.00pm	Mencap, Professor Emyr Lewis (Emeritus Professor, Department of Law and Criminology, University of Aberystwyth), Royal College of General Practitioners, Royal College of Psychiatrists

Withdrawn Amendments

The following amendments were withdrawn on 5 February 2025:

2, 3, 4, 5 and 224

The following amendments were withdrawn on 7 February 2025:

256

The following amendments were withdrawn on 10 February 2025:

248, 249, 250 and 251

The following amendments were withdrawn on 13 February 2025:

60 (duplicate)

The following amendments were withdrawn on 20 February 2025:

318

The following amendments were withdrawn on 24 February 2025:

246 and 247

The following amendments were withdrawn on 27 February 2025:

194, 194(a) and 196

The following amendments were withdrawn on 3 March 2025:

323, 324, 325, 326, 327 and 328

The following amendments were withdrawn on 4 March 2025:

186(b), 198(a), 329, 330, 331, 332, 333, 334, 405 and 406