
Committee Stage: Thursday 6 February 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 Any withdrawn amendments are listed at the end of the document.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.

★ New Amendments.

☆ Amendments which will comply with the required notice period at their next appearance.

New Amendments: 233 to 277 and NC9 and NC10

Kim Leadbeater

178

☆ Clause 1, page 1, line 3, after "person" insert "in England or Wales"

Member's explanatory statement

This amendment provides that only persons in England or Wales may be provided with assistance in accordance with the Bill.

Sarah Olney

34

Antonia Bance

Helen Hayes

Clause 1, page 1, line 4, leave out "capacity" and insert "ability"

Member's explanatory statement

This replaces the concept of capacity based on the Mental Capacity Act and replaces it with a new concept of ability which is defined in NC1.

Claire Hazelgrove

248

★ Clause 1, page 1, line 9, after “declaration” insert “or

(ii) a British Citizen who was ordinarily resident in England or Wales within the last 5 years.”

Member's explanatory statement

This amendment would mean that a British Citizen who was ordinarily resident in England or Wales within the last 5 years would be eligible under the Bill.

Kim Leadbeater

179

☆ Clause 1, page 1, line 13, after “provided” insert “in England or Wales”

Member's explanatory statement

This amendment limits the assistance that may be provided in accordance with the Bill to assistance in England or Wales.

Juliet Campbell

109

Helen Hayes

Clause 1, page 1, line 17, after first “and” insert “demonstrably ”

Member's explanatory statement

This amendment reflects the changes in Amendments 110 to 112 that change the requirement from having to establish that a person who wishes to end their own life under the Act has clear, settled and informed wish, to a clear, settled and demonstrably informed wish.

Sarah Bool

23

Rebecca Paul

Clause 1, page 1, line 19, after “coerced” insert “, unduly influenced”

Member's explanatory statement

This amendment would include the absence of undue influence for the making of a person’s decision. This reflects the changes proposed in Amendments 24 to 33.

Rebecca Paul

82

Clause 1, page 1, line 19, after “coerced” insert “, encouraged”

Member's explanatory statement

This would add a lack of encouragement to the list of requirements for a person to make a decision to request assistance. This reflects the changes proposed in Amendments 83 to 92.

Juliet Campbell

113

Clause 1, page 1, line 19, after "coerced" insert ", manipulated"

Member's explanatory statement

This amendment reflects the changes in Amendments 114 to 115 which require steps to be taken to establish that the person seeking assistance has not been manipulated by any other person.

Mr James Cleverly

94

Helen Hayes

Clause 1, page 1, line 20, at end insert ", and

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

Member's explanatory statement

This amendment requires that a person requesting assistance must be acting for their own sake, not the benefit of others. This amendment reflects the proposed changes in Amendments 95 to 104.

Dr Caroline Johnson

235

★ Clause 1, page 1, line 20, at end insert ", and

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

Member's explanatory statement

This amendment, along with Amendments 236 to 265, seeks to ensure that the primary motivation of the patient is to avoid physical pain.

Kim Leadbeater

180

☆ Clause 1, page 1, line 20, at end insert—

"(3) The steps to be taken under sections 5, 7, 8 and 13 must be taken—

(a) when the terminally ill person is in England or Wales, and

(b) in the case of the steps under sections 7 and 8, by persons in England or Wales."

Member's explanatory statement

This amendment provides that steps under clauses 5, 7, 8 and 13 must be taken by and in respect of persons in England or Wales.

Juliet Campbell

123

Dr Ben Spencer

Clause 2, page 1, line 23, leave out “an inevitably” and insert “a typically”

Member's explanatory statement

This amendment changes the definition of what it is to be terminally ill from having an “inevitably” to a “typically” progressive illness, disease or medical condition that cannot be reversed by treatment.

Claire Hazelgrove

246

★ Clause 2, page 1, line 23, after “progressive” insert “physical”

Member's explanatory statement

This amendment would restrict the definition of terminal illness to physical illnesses, diseases or medical conditions.

Sarah Bool

9

Wera Hobhouse
Rebecca Paul

Clause 2, page 1, line 24, after “reversed” insert “or the progress controlled or substantially slowed”

Member's explanatory statement

This amendment would mean that illness, disease or medical condition etc, the progress of which can be managed or controlled by treatment are not characterised as terminal illness.

Naz Shah

48

Anna Dixon
Wera Hobhouse

Clause 2, page 2, line 2, leave out “can reasonably be expected within 6 months” and insert “is expected with reasonable certainty within 6 months, even if the person were to undergo all recommended treatment”

Dr Ben Spencer

51

Clause 2, page 2, line 2, leave out from “expected” to end

Member's explanatory statement

This amendment would remove the six-month time requirement for a person to be eligible to request assistance under the Act.

Tom Gordon

234

Siân Berry
 Alicia Kearns
 Anna Sabine
 Rachel Hopkins
 Neil Duncan-Jordan

Cat Eccles

Lizzi Collinge

Vikki Slade

★ Clause 2, page 2, line 2, leave out “within 6 months” and insert—

- “(i) in the case of a neurodegenerative illness, disease, or medical condition, within 12 months; or
- (ii) in the case of any other illness, disease, or medical condition, within 6 months.”

Member's explanatory statement

This amendment changes the definition of a terminal illness for the purposes of the Act to include neurodegenerative illnesses, diseases or medical conditions where a person’s death in consequence of such an illness can reasonably be expected within 12 months.

Sarah Bool

12

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

- “(c) their illness, disease or medical condition is found on a list that the Secretary of State may by regulations specify.”

Member's explanatory statement

This amendment would require an illness, disease or medical condition to be specified in regulations that may be made by the Secretary of State to be considered a terminal illness under the Act.

Claire Hazelgrove

247

★ Clause 2, page 2, line 4, after “progressive” insert “physical”

Member's explanatory statement

This amendment is consequential on Amendment 246.

Sarah Bool

10

Wera Hobhouse
 Rebecca Paul

Clause 2, page 2, line 6, at the end insert “, providing the treatment does not alter the overall prognosis of the condition.”

Member's explanatory statement

This amendment, which is linked to Amendment 9, would mean that illness, disease or medical condition etc, the progress of which can be managed or controlled by treatment are not characterised as terminal illness.

Sarah Bool

11

Rachael Maskell
Neil Coyle
Marsha De Cordova
Rebecca Paul

Clause 2, page 2, line 7, leave out from beginning to first “of” in line 8 and insert—

“(3) A person is not to be considered to be terminally ill by reason”

Member's explanatory statement

This amendment amends clause 2 to say that a person cannot be considered terminally ill by reason of having mental illness or a disability.

Kim Leadbeater

181

☆ Clause 2, page 2, line 8, leave out from “ill” to end of line 10 and insert “only because they are a person with a disability or mental disorder (or both).”

Nothing in this subsection results in a person not being regarded as terminally ill for the purposes of this Act if (disregarding this subsection) the person meets the conditions in paragraphs (a) and (b) of subsection (1).”

Member's explanatory statement

This amendment clarifies that the purpose of subsection (3) is to emphasise that only having a disability or mental order does not make a person “terminally ill” and therefore eligible for assistance.

Sarah Bool

13

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

“(4) Regulations under subsection (1)(c) are subject to the affirmative procedure.

(5) The Secretary of State may, where they consider it appropriate, make regulations that expire after twelve months from their being made to include temporary additions to the list under subsection (1)(c)

(6) Regulations under subsection (5) are subject to the negative procedure.”

Member's explanatory statement

This amendment is consequential on Amendment 12 and specifies regulations under that amendment must be made by the affirmative procedure. Temporary additions could be made by regulations subject to the negative procedure.

Dr Ben Spencer

49

Anna Dixon

Clause 3, page 2, line 13, at end insert—

- “(2) The burden of proof for an assessment of a person’s capacity is the balance of probabilities as required under section 2(4) of that Act.
- (3) For the purposes of any such assessment, the principles set out in subsections (2) to (4) of section 1 (The principles) of that Act apply.”

Member's explanatory statement

This amendment would set out the burden of proof for capacity assessments as being the same as the Mental Capacity Act 2005 and apply the principles from subsections (2) to (4) of section 1 of the Mental Capacity Act 2005.

Dr Ben Spencer

50

Anna Dixon

Clause 3, page 2, line 13, at end insert—

- “(2) An assessment of a person’s capacity under this Act must include, but is not limited to, an assessment that the person understands—
- (a) the options for care and treatment of the terminal illness, including—
 - (i) the extent of prognostic certainty of their illness or condition, and
 - (ii) the likely effects on day-to-day functioning, symptom management, and pathway to and experience of death of—
 - (A) relevant and available care and treatment including palliative care, hospice or other care,
 - (B) withdrawal or absence of care and treatment, and
 - (C) requesting assistance in ending their own life under the terms of this Act.
 - (b) a decision to proceed under this Act does not prevent or make unavailable any care and treatment provision that would normally be provided.
 - (c) the person’s decision to proceed under this Act must be theirs alone and not bound or directed by the views or decisions of others.
 - (d) the person is able to change their mind at any stage of the process for requesting assistance to end their own life under the provisions of this Act, regardless of previous decisions.
 - (e) a decision to proceed under this Act will lead to the provision of a substance that is reasonably expected to end someone’s life following administration and is reasonably expected to be irreversible.
 - (f) relevant legal consequences from proceeding with a request for assistance to end their own life, including life insurance and categorisation of death certification.”

Member's explanatory statement

This amendment would set out certain non-exhaustive requirements for a finding that a person has capacity.

Sarah Olney

35

Rachael Maskell
Neil Coyle
Marsha De Cordova

Page 2, line 11, leave out Clause 3

Member's explanatory statement

This amendment is consequential on NC1.

Chris Webb

8

Antonia Bance
Rachael Maskell
Neil Coyle
Mary Kelly Foy
Marsha De Cordova

Darren Paffey
Laurence Turner
Patricia Ferguson

Blair McDougall
Helen Hayes
Naz Shah

Rebecca Paul
John Grady
Kirsteen Sullivan

Clause 4, page 2, line 16, leave out from "practitioner" to end of line 20 and insert "shall raise the subject of the provision of assistance in accordance with this Act with a person who has not indicated to that or another registered medical practitioner that they wish to seek assistance to end their own life"

Juliet Campbell

124

Naz Shah

Clause 4, page 2, line 16, leave out from "practitioner" to end of line 20 and insert "shall discuss assisted dying with a person unless that matter is first raised by that person."

Member's explanatory statement

The amendment prevents a registered medical practitioner from discussing the provision of assistance under the Act unless that matter is first raised by that person.

Kim Leadbeater

182

☆ Clause 4, page 2, line 21, after "person" insert "in England or Wales"

Member's explanatory statement

This amendment limits subsection (3) to cases where the person is in England or Wales.

Dr Andrew Murrison

270

★ Clause 4, page 2, line 25, at end insert—

“(3A) Before conducting a preliminary discussion under subsection (2) the registered medical practitioner must ensure that the person has no remediable suicide risk factors which pose a significant risk to their life.”

Member's explanatory statement

This amendment requires that the doctor ensures that there are no remediable suicide risk factors before proceeding to the initial discussion about assisted dying.

Lewis Atkinson

275

★ Clause 4, page 2, line 30, leave out “any available” and insert “all appropriate”

Ms Polly Billington

108

Helen Hayes
Naz Shah
Anna Dixon

Clause 4, page 2, line 31, at end insert “and offer to refer them to a registered medical practitioner who specialises in such care for the purpose of further discussion.”

Member's explanatory statement

This amendment would require the doctor who has an initial discussion with a person about assisted dying to offer to refer them to a specialist in palliative, hospice or other care.

Kim Leadbeater

183

☆ Clause 4, page 2, line 31, at end insert—

“(and, accordingly, such a preliminary discussion may not be conducted in isolation from an explanation of, and discussion about, the matters mentioned in paragraphs (a) to (c)).”

Member's explanatory statement

This amendment emphasises that the initial discussion mentioned in subsection (3) may not be conducted without also explaining and discussing the matters mentioned in subsection (4).

Dr Ben Spencer

71

Clause 4, page 2, line 31, at end insert—

“(4A) The practitioner must, following the preliminary discussion under subsection (3), refer that person to the Assisted Dying Agency if the person asks them to do so.”

Member's explanatory statement

This amendment is consequential on NC4 and would establish a pathway by which a person is referred to the Assisted Dying Agency.

Naz Shah

276

★ Clause 4, page 2, line 32, at end insert—

“(4A) A medical practitioner must not conduct a preliminary discussion with a person under subsection (3) until a period of 28 days has elapsed, beginning with the day the person had received a diagnosis of the terminal illness.”

Member's explanatory statement

This amendment would mean a doctor could not conduct a preliminary assessment until 28 days from the day the person received a diagnosis of the terminal illness.

Juliet Campbell

125

Clause 4, page 2, line 35, leave out from start of line to end of line 36 and insert “who is on the Register of Assisted Dying Medical Practitioners.”

Member's explanatory statement

This amendment provides that only a medical practitioner who is on the Register of Assisted Dying Medical Practitioners as provided for in NC7 would have a person referred to them.

Dr Andrew Murrison

271

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

“(1A) A person may not sign a first declaration within six months of being diagnosed with a condition which meets the requirements of section (2)(1)(a) unless they have received a psychosocial intervention in relation to their diagnosis with that condition.

(1B) The Secretary of State may, by regulations, create exceptions to the provisions of subsection (1A).

(1C) Regulations under subsection (1B) are subject to the affirmative procedure.”

Member's explanatory statement

This amendment would create a requirement that the person must have received a psychosocial intervention if a terminal diagnosis was received less than six months ago. The Secretary of State would be given a delegated power to create exceptions to such a requirement with regulations subject to the affirmative procedure.

Kim Leadbeater

184

Daisy Cooper

- ☆ Clause 5, page 3, line 7, leave out "Schedule 1" and insert "regulations made by the Secretary of State"

Member's explanatory statement

This amendment provides that the form of a first declaration is to be set out in regulations (rather than in Schedule 1).

Naz Shah

277

- ★ Clause 5, page 3, line 12, at end insert—

"(2A) A person may not make a first declaration under subsection (1) until 28 days have elapsed, beginning with the day they received a diagnosis of the terminal illness."

Member's explanatory statement

This amendment would mean a person could not make the first declaration until 28 days from the day they received a diagnosis of the terminal illness.

Kim Leadbeater

185

Daisy Cooper
Dr Marie Tidball

- ☆ 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.

Liz Saville Roberts

144

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

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.

Kim Leadbeater

186

Daisy Cooper
Dr Marie Tidball

☆ 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.

Kim Leadbeater

187

☆ 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

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

Mr James Frith
 Ms Polly Billington
 Darren Paffey
 Helen Hayes
 Dr Scott Arthur
 Patricia Ferguson

Maya Ellis
 Mary Kelly Foy
 Blair McDougall
 Apsana Begum
 John Grady
 Naz Shah

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.

Kim Leadbeater

189

- ☆ 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

- ☆ 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.

Liz Saville Roberts

146

- 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.

Kim Leadbeater

191

- ☆ 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

192

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

Member's explanatory statement

See the statement for Amendment 188.

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.

Sarah Olney

36

Rachael Maskell
Neil Coyle
Marsha De Cordova

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.

Dr Ben Spencer

53

Anna Dixon

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.

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.

Claire Hazelgrove

249

★ Clause 7, page 4, line 10, after “declaration” insert “or

(ii) a British Citizen who was ordinarily resident in England or Wales within the last 5 years.”

Juliet Campbell

110

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

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

Clause 7, page 4, line 14, after “coerced” insert “, encouraged”

Member's explanatory statement

This amendment is consequential on Amendment 82.

Juliet Campbell

114

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

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

★ 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

★ 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

Darren Paffey
John Grady
Anna Dixon
Rebecca Paul

Blair McDougall
Naz Shah
Dame Harriett Baldwin
Kirsteen Sullivan

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

194

☆ 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—
 - (i) the person who was assessed ("the assessed person"), and
 - (ii) any other person specified in regulations made by the Secretary of State, and
 - (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").

- (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—
- (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) in a case where the coordinating doctor is not so satisfied, contain an explanation of why they are not so satisfied;
 - (c) be signed and dated by the coordinating doctor.”

Member's explanatory statement

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

Dr Ben Spencer

54

Anna Dixon

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

Member's explanatory statement

This amendment is consequential on Amendment 53.

Dame Harriett Baldwin

265

★ 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.

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.

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

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.

Juliet Campbell

111

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

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

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

Member's explanatory statement

This amendment is consequential on Amendment 82.

Juliet Campbell

115

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

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

★ 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

★ 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

Patricia Ferguson

Wera Hobhouse

Anna Dixon

Kirsteen Sullivan

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.

Kim Leadbeater

195

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

Member's explanatory statement

This amendment is consequential on Amendment 194.

Dr Ben Spencer

57

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

196

☆ 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, and
 - (iii) 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) in a case where they are not so satisfied, contain an explanation of why they are not so satisfied;
 - (c) 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

★ 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.

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

☆ 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.

Liz Saville Roberts

147

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

Patricia Ferguson
Wera Hobhouse

Anna Dixon
Kirsteen Sullivan

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

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

Kim Leadbeater

199

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

Member's explanatory statement

See the statement for Amendment 187.

Liz Saville Roberts

148

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

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

Maya Ellis
 Marsha De Cordova
 Apsana Begum
 Dr Scott Arthur
 Naz Shah

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.

Kim Leadbeater 201

☆ 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.

Dr Neil Shastri-Hurst 93

Dr Ben Spencer

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

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.

Juliet Campbell 112

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

"(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.

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, insert at end—

- “(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.

Dame Meg Hillier

17

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

Antonia Bance
 Dame Harriett Baldwin

Patricia Ferguson
 Wera Hobhouse

Anna Dixon
 Kirsteen Sullivan

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

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

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.

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

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.

Dame Meg Hillier

18

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

Antonia Bance
Dame Harriett Baldwin

Patricia Ferguson
Wera Hobhouse

Anna Dixon
Kirsteen Sullivan

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

Member's explanatory statement

This amendment is consequential on Amendment 14.

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

Patricia Ferguson
Wera Hobhouse

Anna Dixon
Kirsteen Sullivan

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**

★ 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**

☆ 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 196.

Kim Leadbeater**204**

☆ 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

☆ 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

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.

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

★ 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

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.

Claire Hazelgrove

250

★ Clause 12, page 8, line 7, after "declaration" insert "or

(ii) a British Citizen who was ordinarily resident in England or Wales within the last 5 years."

Sarah Bool

26

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

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

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

★ 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.

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

Anna Dixon

Kirsteen Sullivan

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.

Catherine Atkinson

106

Dame Meg Hillier
 Laurence Turner
 John Grady
 Antonia Bance
 Patricia Ferguson

Anna Dixon

Kirsteen Sullivan

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.

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

Kirsteen Sullivan

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

Member's explanatory statement

This amendment is consequential on Amendment 105.

Dr Ben Spencer

60

Page 7, line 25, leave out Clause 12

Member's explanatory statement

This amendment is linked to NC2 and NC3.

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.

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

207

☆ 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

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

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

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

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

★ 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.

Kim Leadbeater

208

☆ 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).

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.

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

☆ 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 194 and 196.

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"

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

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

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

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

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

★ 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.

Wera Hobhouse

256

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

“(4A) Where the coordinating doctor does not believe that the person has capacity to make the decision to end their own life by virtue of having a mental disorder or disability, the doctor shall refer the person for an assessment by a mental health specialist.

(4B) Where a referral is made under subsection (4A), the mental health specialist must assess and determine whether the person has the capacity to make the decision to end their own life and communicate that decision, and the evidence upon which it is based, to the coordinating doctor.

- (4C) Where a mental health specialist has determined that the person has the capacity to make the decision to end their own life, the coordinating doctor may provide the approved substance in line with subsection (3) in so far as the coordinating doctor is satisfied that the conditions of subsection (4) are now met.”

Member's explanatory statement

This amendment would require the coordinating doctor to refer a person for an assessment by a mental health specialist where the doctor does not believe that the person has the capacity to make the decision to end their own life by virtue of having a mental disorder or disability.

Liz Saville Roberts

150

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

- ☆ 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

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

Member's explanatory statement

See the statement for Amendment 187.

Liz Saville Roberts

151

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

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

Maya Ellis
Marsha De Cordova
Apsana Begum
Dr Scott Arthur
Patricia Ferguson

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

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.

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

☆ 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).

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"

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

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

“(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

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

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.

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

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

Clause 29, page 18, line 9, insert at end “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

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.

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

★ 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.

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.

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.

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

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

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

220

☆ 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);”

Member's explanatory statement

This amendment is consequential on Amendments 194 and 196.

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.

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.

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

☆ Page 22, line 29, leave out Clause 37

Member's explanatory statement

The amendment is consequential on Amendments 184, 194, 196, 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.

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 226

☆ Clause 40, page 23, leave out line 37

Member's explanatory statement

The amendment is consequential on Amendment 233.

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 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.

Sarah Olney

NC1

Antonia Bance
Rachael Maskell
Neil Coyle
Marsha De Cordova
Helen Hayes

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

NC5

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

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

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

★ 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.

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

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

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

Member's explanatory statement

This amendment is consequential on Amendment 82.

Juliet Campbell

118

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

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

★ 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.

Kim Leadbeater

227

☆ 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"

Claire Hazelgrove

251

★ Schedule 2, page 27, line 6, after “declaration” insert “or is a British Citizen who was ordinarily resident in England or Wales within the last 5 years.”

Sarah Bool

30

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

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

Member's explanatory statement

This amendment is consequential on Amendment 82.

Juliet Campbell

119

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

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

★ 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

☆ Page 26, line 11, leave out Schedule 2

Member's explanatory statement

The amendment is consequential on Amendment 194.

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

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

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

Member's explanatory statement

This amendment is consequential on Amendment 82.

Juliet Campbell

120

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

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

★ 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

☆ Page 27, line 15, leave out Schedule 3

Member's explanatory statement

The amendment is consequential on Amendment 196.

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

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

Schedule 4, page 29, line 5, after “coerced” insert “, encouraged”

Member's explanatory statement

This amendment is consequential on Amendment 82.

Juliet Campbell

121

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

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

★ 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.

Kim Leadbeater

230

☆ 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

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

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

Member's explanatory statement

This amendment is consequential on Amendment 82.

Juliet Campbell

122

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

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

★ 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

★ 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

☆ 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

☆ Page 30, line 32, leave out Schedule 6

Member's explanatory statement

The amendment is consequential on Amendment 214.

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
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

<i>Date</i>	<i>Time</i>	<i>Witness</i>
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)
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:

Amendments 2, 3, 4, 5 and 224