
Committee Stage: Wednesday 26 February 2025

Terminally Ill Adults (End of Life) Bill (Committee Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at committee stage.

A glossary with key terms can be found at the end of this document.

First to Fifteenth Sittings

First Sitting

Kim Leadbeater

Agreed to

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 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 |

| <i>Date</i> | <i>Time</i> | <i>Witness</i> |
|----------------------|-----------------------------|--|
| 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 | Professor Jane Monckton-Smith OBE (University of Gloucestershire), Dr Alexandra Mullock (University of Manchester), Professor Allan House (University of Leeds), Professor Aneez Esmail (University of Manchester) |
| Wednesday 29 January | Until no later than 4.00pm | Dr Lewis Graham (University of Cambridge), John Kirkpatrick (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 |

| <i>Date</i> | <i>Time</i> | <i>Witness</i> |
|---------------------|----------------------------|--|
| | | 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, Representative of Senedd Cymru |

Naz Shah **Not selected**

After (1)(c) insert—

“(d) at 11.30am and 3.30pm on Monday 3 February”

Naz Shah **Negated on division**

After “General Medical Council” insert “, Royal College of Psychiatrists”

Naz Shah **Negated**

After “Dr Ryan Spielvogal (Senior Medical Director for Aid in Dying Services, Sutter Health, USA)”, leave out “Dr Jessica Kaan (Medical Director, End of Life, Washington)” and insert “Dr Ramona Coelho (Family Physician in Ontario Canada, founding member of Physicians Together with vulnerable Canadians)”

Naz Shah

Negated

After "Dr Miro Griffiths (University of Leeds)", leave out "Yogi Amin (Partner, Irwin Marshall)" and insert "Ellen Clifford (Co-ordinator, UK Deaf and Disabled People's Monitoring Coalition, Author and Visiting Research Fellow within the Centre for Applied Philosophy, Politics and Ethics at Brighton)"

Naz Shah

Negated

After "Lord Sumption" insert ", Karon Monaghan KC"

Naz Shah

Negated

Leave out "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)" and insert "Dr John Daffy, previously head of infectious diseases at St Vincent's Hospital in Melbourne, Dr Stephen Parnis, previous Vice-President of the Australian Medical Association, Professor Sinead Donnelly, a Consultant Palliative Medicine Professor in New Zealand"

Naz Shah

Negated

Leave out "Dr Amanda Ward" and insert "Barbara Rich (Barrister) and Dr Philip Murray (University of Cambridge)"

Daniel Francis

Withdrawn after debate

At the end of the table, insert—

| | | |
|----------------------|-------------------------------|---------|
| "Thursday 30 January | Until no later than 4.45pm | Mencap" |
|----------------------|-------------------------------|---------|

Naz Shah

Not moved

At the end of the table, insert—

| | | |
|----------------------|-------------------------------|---|
| "Thursday 30 January | Until no later than 5.00pm | Richard Robinson, CEO of Hourglass, Cherryl Henry-Leach CEO of STADA, Sarah Mistry, CEO British Geriatrics Society" |
|----------------------|-------------------------------|---|

Danny Kruger

Not selected

Dame Meg Hillier

Sir Julian Smith

Naz Shah

Rachael Maskell

Antonia Bance

David Smith

Marsha de Cordova

Ruth Jones

Sarah Smith

Jess Asato

That—

1. the Committee shall (in addition to its first meeting at 2pm on Tuesday 21 January) meet—
 - (a) on Tuesdays when the House is sitting at 9.25am and 2.00pm;
 - (b) on Thursdays when the House is sitting at 11.30am and 2.00pm;
2. the Committee shall hear oral evidence in accordance with the following Table:

| <i>Date</i> | <i>Time</i> | <i>Witnesses</i> |
|--------------------|-----------------------------|---|
| Tuesday 28 January | Until no later than 10.25am | Alex Ruck Keene, Barrister specialising in Mental Capacity; Sir Nicholas Mostyn, Former High Court and Court of Protection Judge; Sir Max Hill, Former Director of Public Prosecutions |
| Tuesday 28 January | Until no later than 11.25am | Professor Laura Hoyano, Professor of Law, Senior Research Fellow, Wadham College, Oxford University; Jane Monckton-Smith OBE, Professor of Public Protection at the University of Gloucestershire; Sir James Munby, Former President of the Family Division of the High Court |
| Tuesday 28 January | Until no later than 3pm | Yogi Amin, National Head of Public Law and Human Rights at Irwin Mitchell; Karon Monaghan KC, Matrix Chambers; Barbara Rich, Barrister and expert on Court of Protection matters |
| Tuesday 28 January | Until no later than 4pm | Dr Ramona Coelho, Family Physician in Ontario Canada, serves on Ontario's MAID Death Review Committee; Dr John Daffy, previously head of infectious diseases at St Vincent's Hospital in Melbourne |

| <i>Date</i> | <i>Time</i> | <i>Witnesses</i> |
|---------------------|-----------------------------|--|
| Thursday 30 January | Until no later than 12.30pm | Dr Stephen Parnis, previous Vice-President of the Australian Medical Association; Professor Sinead Donnelly, a Consultant Palliative Medicine Professor in New Zealand |
| Thursday 30 January | Until no later than 1.30pm | Dr Ryan Spielvogel, Senior Medical Director for aid in dying services, Sutter Health, California, USA; Dr Greg Mewett, Specialist palliative care physician working in Western Australia |
| Thursday 30 January | Until no later than 3pm | Dr Clare Fellingham, Deputy Director of Medical Services at Royal Perth Hospital, Western Australia; Dr Cam McLaren, Oncologist and Founder of Voluntary Assisted Dying Australia and New Zealand |
| Thursday 30 January | Until no later than 4pm | Glyn Berry, Co Chair, Association of Palliative Care Social Workers; Dr Sarah Cox, President, Association of Palliative Medicine; Toby Porter, CEO, Hospice UK |
| Tuesday 4 February | Until no later than 10.25am | Dr Rachel Clark, Palliative Care Doctor; James Sanderson, CEO, Sue Ryder; Dr Sarah Holmes, Chief Medical Officer, Marie Curie |
| Tuesday 4 February | Until no later than 11.25am | Baroness Hale, Former President of the Supreme Court 2017-2020; Lord Sumption, Former Supreme Court Judge, Barrister, Historian and Author |
| Tuesday 4 February | Until no later than 3pm | Dr Sam Ahmedzai, Emeritus Professor at the University of Sheffield, Supportive and Palliative Care Specialist; Prof Allan House, Emeritus Professor of Liaison Psychiatry, University of Leeds; Dr Jamilla Hussain, Clinical academic and Consultant in Palliative Medicine at Bradford Teaching Hospitals NHS Trust |
| Tuesday 4 February | Until no later than 4pm | Dr Jane Neerkin, Consultant physician in palliative medicine at UCLH and the National Hospital for Neurology and Neurosurgery; Professor Gareth Owen, Professor of Psychological Medicine, |

| <i>Date</i> | <i>Time</i> | <i>Witnesses</i> |
|---------------------|-----------------------------|---|
| | | Ethics and Law, Honorary Consultant Psychiatrist, South London and Maudsley NHS Foundation Trust; Professor Aneez Esmail, Professor of General Practice |
| Thursday 6 February | Until no later than 12.30pm | Professor Nancy Preston, Associate Dean for Research and Co-Director of the International Observatory on End of Life Care at Lancaster University; Claire Williams, Chair, Greater Manchester Central Research Ethics Committee; Professor Katherine Sleeman, Laing Galazka Chair in Palliative Care, King's College London |
| Thursday 6 February | Until no later than 1.30pm | Professor Tom Shakespeare, Disability Rights academic, bioethicist and social scientist; Dr Miro Griffiths, Disability Studies Scholar and Researcher; Ellen Clifford, Co-ordinator, UK Deaf and Disabled People's Monitoring Coalition |
| Thursday 6 February | Until no later than 3pm | Tracey Lazard, CEO, Inclusion London; Richard Robinson, CEO of Hourglass; Cheryl Henry-Leach, CEO of STADA |
| Thursday 6 February | Until no later than 4pm | Chelsea Roff, Founder, Eat Breathe Thrive, Researcher and Author; Sarah Mistry, CEO, British Geriatrics Society; Equality and Human Rights Commission |

Kim Leadbeater

Agreed to

That the Committee do sit in private to consider matters relating to the sittings motion.

Kim Leadbeater

Agreed to

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Second and Third Sittings

Kim Leadbeater

Agreed to

(a)

That in the list of witnesses set out in the table in the Sittings Motion agreed by the Committee on 21 January 2025, after Mencap (Thursday 30 January, until no later than 5.00 pm), leave out "Representative of Senedd Cymru" and insert—

"Professor Emyr Lewis (Emeritus Professor, Department of Law and Criminology, University of Aberystwyth), Royal College of General Practitioners, Royal College of Psychiatrists."

Ms Diane Abbott

Negated

As an Amendment to Kim Leadbeater's proposed Motion (a)—

At end insert "Richard Robinson, CEO of Hourglass, Cherry Henry-Leach of STADA, Standing Together Against Domestic Abuse".

Kim Leadbeater

Agreed to**(b)**

That in the list of witnesses set out in the table in the Sittings Motion agreed by the Committee on 21 January 2025, after "Professor Aneez Esmail (University of Manchester)" insert "Disability Rights UK".

Kim Leadbeater

Agreed to**(c)**

That in the list of witnesses set out in the table in the Sittings Motion agreed by the Committee on 21 January 2025, after "Dr Lewis Graham (University of Cambridge)," leave out "John Kirkpatrick" and insert "Baroness Falkner".

Kim Leadbeater

Agreed to**(d)**

That in paragraph (2) of the Sittings Motion agreed by the Committee on 21 January 2025, after "Wednesdays" insert "starting on 11 February 2025".

The following Witnesses gave oral evidence:

Professor Sir Chris Whitty, Chief Medical Officer for England

Duncan Burton, Chief Nursing Officer for England at NHS England

Mark Swindells, Assistant Director - Standards and Guidance at General Medical Council
Andrew Green Chair, Medical Ethics Committee, British Medical Association
Glyn Berry Co-Chair, at Association of Palliative Care Social Workers
Professor Nicola Ranger, Chief Executive and General Secretary at Royal College of Nursing
Dr Sarah Cox, President, Association for Palliative Medicine
James Sanderson, CEO, Sue Ryder
Dr Sam Ahmedzai, Emeritus Professor, University of Sheffield
Dr Rachel Clarke, Palliative Care Doctor
Sir Max Hill KC, former Director of Public Prosecutions
Sir Nicholas Mostyn, former High Court and Court of Protection Judge
Alex Ruck Keene KC, Barrister
Dr Ryan Spielvogel, Senior Medical Director for aid in dying services, Sutter Health
Dr Jessica Kaan, Medical Director, End of Life Washington

Fourth and Fifth Sittings

Kim Leadbeater

Agreed to

That in the list of witnesses set out in the table in the Sittings Motion agreed by the Committee on 21 January 2025 and amended on 28 January 2025, leave out "Professor Jane Monckton-Smith OBE (University of Gloucestershire)" and insert "Hourglass"

The following Witnesses gave oral evidence:

Dr Greg Mewett, Specialist Palliative Care Physician, Australia [Via Zoom]

Dr Clare Fellingham, Deputy Director of Medical Services, Royal Perth Hospital, Western Australia [Via Zoom]

Dr Cam McLaren, Oncologist, Australia and New Zealand [Via Zoom]

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

Richard Robinson, CEO, Hourglass

Professor Aneez Esmail, Professor of General Practice, University of Manchester

Dr Alexandra Mullock, University of Manchester

Professor Allan House, Emeritus Professor of Liaison Psychiatry, University of Leeds

Jonathan Sumption, Former Supreme Court Judge

Baroness Falkner, Chairwoman, Equality and Human Rights Commission

Dr Lewis Graham, Christ's College, Cambridge

Fazilet Hadi, Head of Policy, Disability Rights UK

Toby Porter, CEO, Hospice UK

Dr Jamilla Hussain, Bradford Teaching Hospitals NHS Trust and Hull York Medical School

Dr Jane Neerkin, Consultant Physician in Palliative Medicine, UCLH and the National Hospital for Neurology and Neurosurgery

Sam Royston, Executive Director of Policy and Research, Marie Curie

Sixth and Seventh Sitings

The following Witnesses gave oral evidence:

Dr Chloe Furst, Dual trained Geriatrician & Palliative Care Physician, South Australia. Board Member of Voluntary Assisted Dying Australia & New Zealand (TBC) [Via Zoom]

Alex Greenwich MP, MP for Sydney, Parliament of New South Wales

Professor Meredith Blake, Professor at University of Western Australia [Via Zoom]

Dr Amanda Ward, independent academic/legal advisor on assisted dying internationally

Professor Gareth Owen, Professor of Psychological Medicine, Ethics and Law, Honorary Consultant Psychiatrist, South London and Maudsley NHS Foundation Trust

Professor Laura Hoyano, Professor of Law; Senior Research Fellow, Wadham College, Oxford University

Professor Nancy Preston, Associate Dean for Research & Co-Director of the International Observatory on End of Life Care, Lancaster University

Dr Naomi Richards, Director of End of Life Studies, 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

Liz Reed

Pat Malone

Julie Thienpont [via Zoom]

Dan Scorer, Head of Policy and Information and Advice, Mencap

Professor Emyr Lewis, Emeritus Professor, Aberystwyth University

Dr Michael Mulholland, Honorary Secretary, Royal College of General Practitioners

Dr Annabel Price, Member of the Faculty of Liaison Psychiatry at the Royal College of Psychiatrists and is both the past Chair and past Vice Chair, Royal College of Psychiatrists

Eighth and Ninth Sitings

Kim Leadbeater

Agreed to 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

Negatived on division 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.

Danny Kruger

Withdrawn after debate 353

Rachael Maskell
 John Lamont
 Rebecca Smith
 Dame Harriett Baldwin
 Sir Julian Smith

Jack Rankin

David Mundell

Clause 1, page 1, line 12, at end insert “, and

(e) is not a prisoner”

Member's explanatory statement

This amendment makes prisoners ineligible for assisted dying.

Danny Kruger

Not called 356

Rebecca Paul
 Rachael Maskell
 John Lamont
 Rebecca Smith
 Dame Harriett Baldwin

Sir Julian Smith

Jack Rankin

David Mundell

Clause 1, page 1, line 12, at end insert “, and

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

Kim Leadbeater

Agreed to 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

Withdrawn after debate 109

Helen Hayes
 Rachael Maskell

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.

*Tenth and Eleventh Sitings***Sarah Bool****Negated on division 23**

Rebecca Paul
 Dame Meg Hillier
 Rachael Maskell
 John Lamont
 John Cooper

Rebecca Smith
 Jack Rankin

Dame Harriett Baldwin
 David Mundell

Sir Julian Smith
 Damian Hinds

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**Negated on division 82**

Dame Meg Hillier
 John Lamont
 Rebecca Smith
 Dame Harriett Baldwin
 Sir Julian Smith

Jack Rankin

David Mundell

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**Negated on division 113**

Dame Meg Hillier
 Rachael Maskell

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**Negated on division 94**Helen Hayes
Antonia Bance
Naz Shah
Dame Meg Hillier
Paulette HamiltonDanny Kruger
Melanie Ward
Rachael Maskell
Dame Harriett Baldwin
David Mundell
Sarah SmithMs Diane Abbott
Mr James Frith
John Lamont
Sir Julian Smith
Damian HindsSir Julian Lewis
Jess Asato
Rebecca Smith
Jack Rankin
Saqib Bhatti

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**Not called 235**Dame Meg Hillier
Danny Kruger
Rebecca Paul
Rachael Maskell
John LamontRebecca Smith
Jack RankinDame Harriett Baldwin
David Mundell

Sir Julian Smith

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 245, seeks to ensure that the primary motivation of the patient is to avoid physical pain.

Twelfth and Thirteenth Sittings

Rachael Maskell**Negated on division 281**Naz Shah
Munira Wilson
Frank McNally
Tom Morrison
Peter LambDame Siobhain McDonagh
Mrs Emma Lewell-Buck
Helen MaguireDawn Butler
Marsha De Cordova
Ian ByrneLillian Jones
Liz Jarvis
Imran Hussain

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

“(c) has met with a palliative care specialist for the purposes of being informed about the medical and care support options.”

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.

Kim Leadbeater

Agreed to 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.

Clause, as amended, agreed to.

Danny Kruger

Agreed to 399

Clause 2, page 1, line 22, leave out “, disease or medical condition” and insert “or disease”

Member's explanatory statement

This amendment ensures that a terminal illness under the Bill can only be an illness or a disease and not a medical condition.

Juliet Campbell

Withdrawn after debate 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.

Sarah Bool**Negatived on division 9**

Wera Hobhouse
 Rebecca Paul
 Rachael Maskell
 John Lamont
 John Cooper

Rebecca Smith
 Jack Rankin
 Danny Kruger

Dame Harriett Baldwin
 David Mundell

Sir Julian Smith
 Damian Hinds

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.

Danny Kruger**Agreed to 400**

Clause 2, page 2, line 1, leave out “, disease or medical condition” and insert “or disease”

Member's explanatory statement

This amendment is consequential on Amendment 399.

Naz Shah**Negatived on division 48**

Anna Dixon
 Wera Hobhouse
 Dame Meg Hillier
 Rachael Maskell
 Munira Wilson
 Danny Kruger

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”

Rachael Maskell**Not called 282**

Naz Shah

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

Member's explanatory statement

This amendment would restrict the scope of assisted dying to people who, with reasonable certainty, would die within one month, even if they were to undergo all recommended treatment.

Dr Ben Spencer

Not called 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

Not called 234

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

Cat Eccles
Tessa Munt

Lizzi Collinge
Ellie Chowns

Vikki Slade
Cameron Thomas

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

Withdrawn after debate 12

Danny Kruger
Rachael Maskell

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.

Danny Kruger

Agreed to 401

Rachael Maskell
Sir Julian Smith

Clause 2, page 2, line 5, leave out “, disease or medical condition” and insert “or disease”

Member's explanatory statement

This amendment is consequential on Amendment 399.

Sarah Bool

Not called 10

Wera Hobhouse
Rebecca Paul
Rachael Maskell
John Lamont
John Cooper

Rebecca Smith
Jack Rankin
Danny Kruger

Dame Harriett Baldwin
David Mundell

Sir Julian Smith
Damian Hinds

Clause 2, page 2, line 6, at 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.

Naz Shah

Negated on division 402

Danny Kruger
Rachael Maskell
Sir Julian Smith

Clause 2, page 2, line 6, at end insert—

“(2) A person who would not otherwise meet the requirements of subsection (1), shall not be considered to meet those requirements as a result of stopping eating or drinking.”

Member's explanatory statement

This amendment means that someone who is not terminally ill within the meaning of subsection (1) cannot bring themselves within that definition by stopping eating or drinking or both.

Sarah Bool

Negated on division 11

Rachael Maskell
Neil Coyle
Marsha De Cordova
Rebecca Paul
Dame Meg Hillier

John Lamont
Dame Harriett Baldwin
Jack Rankin
Sarah Smith

John Cooper
Sir Julian Smith
David Mundell
Danny Kruger

Rebecca Smith
Naz Shah
Damian Hinds

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

Agreed to 181

Rachel Hopkins
Adam Dance

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 disorder does not make a person “terminally ill” and therefore eligible for assistance.

Rachael Maskell

Negated on division 283

Munira Wilson

Clause 2, page 2, line 10, at end insert “or one or more comorbidities alongside a mental disorder within the meaning of the Mental Health Act 1983”

Member's explanatory statement

This amendment would set out that a person who has a co-morbidity with one or both of a mental disorder or a disability is not considered terminally ill by virtue of those comorbidities alone.

Sarah Bool

Not called 13

Danny Kruger
Rachael Maskell
Sir Julian Smith

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.

Clause, as amended, agreed to.

Fourteenth and Fifteenth Sittings

Daniel Francis

Negated on division 322

Rachael Maskell
Mary Glendon

Clause 3, page 2, line 13, at end insert "except that—

- (a) for the purposes of an assessment of capacity under this Act, a person must be assumed not to have capacity unless it is established they do have capacity, and
- (b) section 1(3) of the Mental Capacity Act 2005 shall not apply."

Member's explanatory statement

This amendment reverses the burden of proof in the Mental Capacity Act, so that those assessing a person's capacity would not be able to assume that the person has capacity without evidence.

Dr Ben Spencer

Not called 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

Negatived on division 50

Anna Dixon
 Dame Meg Hillier
 Sarah Olney
 John Lamont
 Rebecca Smith

Dame Harriett Baldwin
 Munira Wilson

Sir Julian Smith
 David Mundell

Jack Rankin
 Sarah Smith

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.

Rebecca Paul

Negatived on division 398

Rachael Maskell
 Jack Rankin
 John Cooper
 Danny Kruger
 Rebecca Smith

Sir Julian Smith

Dame Harriett Baldwin

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

“(2) The following provisions of the Mental Capacity Act 2005 shall not apply to this Act—

- (a) sections 1(2) to (4)
- (b) sections 2(2) and (4).

(3) Section 2(1) of the Mental Capacity Act 2005 shall apply to this Act as if it read as follows—

“For the purposes of this Act, a person lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter.”

(4) A person shall be considered not to have the capacity to make a decision to end their own life unless it is proven beyond reasonable doubt that they do have that capacity.”

Member's explanatory statement

This amendment disapplies several principles of the Mental Capacity Act: the presumption of capacity, the duty to help someone reach capacity, the irrelevance of an unwise decision, the application of the balance of probabilities, and the diagnostic test. It retains the functional test of capacity and requires that capacity be proven beyond reasonable doubt.

Sarah Olney

Not selected 35

Rachael Maskell
 Neil Coyle
 Marsha De Cordova
 Dame Meg Hillier
 Sarah Smith

Page 2, line 11, leave out Clause 3

Member's explanatory statement

This amendment is consequential on NC1.

Clause agreed to.

Adjourned until Tuesday 4 March at 9.25am

Glossary

Added: New Clause agreed without a vote and added to the Bill.

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negatived: rejected without a vote.

Negatived on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Not selected: not chosen for debate by the Chair.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.