

Terminally Ill Adults (End of Life) Bill

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

*Tabled up to and including
28 October 2025*

[Amendments marked ★ are new or have been altered]

Clause 1

BARONESS COFFEY

Clause 1, page 1, line 3, leave out “or Wales”

LORD FALCONER OF THOROTON

Clause 1, page 1, line 6, after “person” insert “has a preliminary discussion with a registered medical practitioner (see section 5) and”

Member's explanatory statement

This is a drafting change.

LORD MOYLAN

Clause 1, page 1, line 6, leave out “makes a first declaration (see section 8)” and insert “has the relevant preliminary discussion (see section 5)”

Member's explanatory statement

This brings Clause 1 into line with the declaration required by Clause 8(4)(b)(ii).

BARONESS COFFEY

Clause 1, page 1, line 8, leave out “and Wales”

LORD MOYLAN

Clause 1, page 1, line 9, after “declaration,” insert “or is a UK citizen of pensionable age who has moved to live abroad,”

Member's explanatory statement

This is to probe the equity of excluding from the Bill's provisions persons who have retired abroad but wish to return to England or Wales.

BARONESS FINLAY OF LLANDAFF
BARONESS BUTLER-SLOSS

Clause 1, page 1, line 10, at end insert —

“(ca) has not, for at least 12 months ending with the date of the first declaration, been deprived of their liberty under section 4A (restriction on deprivation of liberty) or 4B (deprivation of liberty necessary for life-sustaining treatment etc) of the Mental Capacity Act 2005, and”

Member's explanatory statement

This amendment would ensure that someone who so lacks capacity in one area as to be currently or recently deprived of liberty will not be found to have capacity for the decision to seek assistance to end their own life, which is otherwise a legal possibility under the Mental Capacity Act 2005's approach to capacity.

LORD BEITH

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Clause 1, page 1, line 11, after “England” insert “, Scotland”

Member's explanatory statement

This is a probing amendment to establish whether it is intended to exclude from the scope of the Bill residents of border areas of England who are registered with a general medical practice in Scotland.

BARONESS COFFEY

Clause 1, page 1, line 12, leave out “or Wales”

BARONESS GREY-THOMPSON
BARONESS O'LOAN
BARONESS BUTLER-SLOSS

Clause 1, page 1, line 12, at end insert —

“(e) is not a serving prisoner, and
(f) is not detained by a hospital order,”

LORD FROST

Clause 1, page 1, line 12, at end insert —

- “(e) at the date of the first declaration, is either —
- (i) a British citizen, or
 - (ii) holds indefinite leave to remain,”

Member's explanatory statement

This amendment restricts access to assisted dying support to British citizens or those with indefinite leave to remain to prevent individuals obtaining short-term visas for the purpose of obtaining an assisted death. This amendment is based on section 9(1)(b)(i) of the State of Victoria's Voluntary Assisted Dying Act 2017.

BARONESS GREY-THOMPSON

Clause 1, page 1, line 12, at end insert —

- “(e) is not pregnant,”

BARONESS RITCHIE OF DOWNPATRICK
BARONESS O'LOAN

Clause 1, page 1, line 13, after “on” insert “their own”

Member's explanatory statement

This clarifies that lawful assistance to end a person's life may only be provided if that person has been the one to make the request.

BARONESS COFFEY

Clause 1, page 1, line 13, leave out “or Wales”

BARONESS LAWLOR

Clause 1, page 1, line 15, leave out from beginning to “that” and insert “Assistance to end a person's life may not be provided unless it has been established under sections 8 to 30”

Member's explanatory statement

Consistent with the language in subsection (1), this amendment would ensure that the language in the Bill is operative rather than merely descriptive, providing a further protection against assistance outside the Bill. The change in the wording about establishing facts (from “steps be taken to establish” to “it has been established”) would ensure that (as provided in the sections referenced) the provision of assistance depends on actually establishing the factors.

BARONESS BERGER
LORD CARLILE OF BERRIEW
BARONESS O'LOAN

Clause 1, page 1, line 17, after “life” insert “because of their terminal illness”

Member's explanatory statement

This amendment and others in the name of Baroness Berger would mean that someone is only eligible for assistance in ending their own life under this Act if their clear, settled and informed wish to end their life is because of their terminal illness and not for any other reason.

BARONESS RITCHIE OF DOWNPATRICK
BARONESS O'LOAN
BARONESS BERRIDGE

Clause 1, page 1, line 19, leave out “by any other person”

Member's explanatory statement

This amendment clarifies that coercion or pressure would not need to come from another person. For example it could be from an institution or arise from a set of circumstances.

BARONESS LAWLOR

Clause 1, page 1, line 21, leave out from beginning to second “taken” and insert “Assistance to end a person’s life shall not be provided unless the steps under sections 8, 10, 11 and 19 are”

Member's explanatory statement

Consistent with the language in subsection (1), this would ensure that the language here is operative rather than merely descriptive, thus providing a further protection against assistance outside the Bill.

BARONESS COFFEY

Clause 1, page 1, line 21, leave out “8, 10, 11 and 19” and insert “5, 7, 8, 9, 10, 11, 12, 13, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29 and 30”

Member's explanatory statement

This amendment broadens what activities must be done in England.

BARONESS COFFEY

Clause 1, page 1, line 22, leave out “or Wales”

BARONESS COFFEY

Clause 1, page 1, line 24, leave out “or Wales”

BARONESS COFFEY
BARONESS O'LOAN

Clause 1, page 1, line 24, at end insert —

“(4) The steps under sections 5, 8, 9, 10, 11, 12, 13, 17, 18, 19, 21, 22 must be undertaken face to face with the terminally ill person.”

Member's explanatory statement

This amendment provides for advice, declarations and other matters to only be undertaken face to face with the terminally ill person seeking to take their own life with assistance.

BARONESS COFFEY
BARONESS O'LOAN

Clause 1, page 1, line 24, at end insert —

“(4) Artificial intelligence must not be used to carry out any functions in any section or schedule of this Act.”

Member's explanatory statement

This amendment proposes that AI not to be used in the application of this Act.

Clause 2

LORD HENDY

Clause 2, page 2, line 3, after “disease” insert “or injuries”

Member's explanatory statement

This amendment is intended to include those who suffer unbearable injuries likely to result in death and will be particularly relevant to military personnel and those suffering industrial injuries.

LORD GARNIER

Clause 2, page 2, line 5, after “in” insert “direct”

Member's explanatory statement

This amendment ensures that the Bill links the death of the person to the terminal illness, rather than being “in consequence” with other possible factors.

LORD HENDY

Clause 2, page 2, line 5, after “disease” insert “or those injuries”

Member's explanatory statement

This amendment is connected to another amendment in the name of Lord Hendy to Clause 2.

BARONESS MURPHY

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

- (i) within 12 months in the case of a neurodegenerative illness or disease, or
- (ii) within six months in the case of any other illness or disease.”

LORD FROST

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

- “(c) that illness or disease is causing unbearable suffering to the person which cannot be relieved by treatment.”

Member's explanatory statement

This amendment seeks to align the Bill with safeguards in other jurisdictions that require not merely a terminal illness, but, further, that the illness cause suffering to the person in question. See, for example, Victoria's Voluntary Assisted Dying Act 2017 Part 2, s. 9(1)(d)(iv) and New Zealand's End of Life Choice Act 2019, s. 5(1)(e).

LORD MOYLAN

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

- “(1A) Prior to commencement of section 4 of this Act, and periodically thereafter as seems to them appropriate in the light of scientific and medical advice, the Secretary of State must, by regulation, set out the entire list of illnesses or diseases that count for the purposes of subsection (1).”

Member's explanatory statement

This amendment would ensure that the scope of illnesses or diseases that count for the purposes of subsection (1) does not increase by “creep” but only by a deliberative act of the Secretary of State made by Statutory Instrument.

LORD FALCONER OF THOROTON

LORD CARLILE OF BERRIEW

Clause 2, page 2, line 7, leave out subsection (2) and insert —

“(2) Where —

- (a) a person does not eat or drink, or limits their eating or drinking, because of a mental disorder, and
- (b) their not eating or drinking, or limited eating or drinking, causes them to have an illness or disease,

the person is not regarded for the purposes of this Act as terminally ill by virtue of the illness or disease.”

Member's explanatory statement

This amendment clarifies the intended effect of the subsection (namely, excluding from the definition of “terminally ill” any illness or disease caused by the person not eating or drinking, where not eating or drinking occurs as a result of a mental disorder), and expressly provides that the subsection also covers cases of limited eating or drinking.

BARONESS GREY-THOMPSON

Clause 2, page 2, line 8, leave out “solely”

Member's explanatory statement

This amendment seeks to probe (1) the interaction between the word “solely” and the provision in Clause 19(2)(b), and (2) whether this could incentivise an individual to voluntarily stopping eating and drinking so as to (a) accelerate the deterioration of their illness, (b) engage the provision in Clause 19(2)(b) and therefore (c) reduce the length of the second period of reflection from 14 days to 48 hours.

BARONESS DEBBONAIRE
LORD CARLILE OF BERRIEW

Clause 2, page 2, line 9, at end insert —

“(2A) A person who would not otherwise meet the requirements of subsection (1) shall not be considered to meet those requirements solely as a result of standard medical treatment being refused or withheld.”

BARONESS FRASER OF CRAIGMADDIE
LORD CARLILE OF BERRIEW

Clause 2, page 2, line 10, leave out subsection (3)

LORD GARNIER

Clause 2, page 2, line 13, leave out subsection (4)

Member's explanatory statement

This is a probing amendment to explore the effect of this subsection and what is intended by the sponsor.

LORD HUNT OF KINGS HEATH
BARONESS BUTLER-SLOSS

Clause 2, page 2, line 14, leave out “(or both)” and insert “or are a person of advanced age (or any combination of these)”

Member's explanatory statement

This amendment would ensure that being elderly does not meet the definition of a terminal illness set out in subsection (1).

LORD MOYLAN

Clause 2, page 2, leave out lines 16 to 18

Member's explanatory statement

This is intended to probe the meaning and effect of the words proposed for deletion.

BARONESS PARMINTER
BARONESS DEBBOAIRE
LORD CARLILE OF BERRIEW
BARONESS O'LOAN

Clause 2, page 2, line 18, at end insert —

“(5) For the avoidance of doubt, the physical effects of a mental disorder, such as an eating disorder, would not alone make a person eligible to meet the conditions in subsection (1)(a) and (1)(b).”

Member's explanatory statement

This amendment seeks to prevent people with physical effects or complications, including severe malnutrition, that result from eating disorders from meeting the eligibility criteria for terminal illness under this Act.

LORD HUNT OF KINGS HEATH
BARONESS O'LOAN

Clause 2, page 2, line 18, at end insert —

“(5) For the purposes of subsection (4), dementia shall be considered to be a disability.”

Member's explanatory statement

This amendment would ensure that having dementia is recognised as a disability and is hence not by itself considered a terminal illness.

BARONESS FOX OF BUCKLEY

Clause 2, page 2, line 18, at end insert —

“(5) Notwithstanding subsection (4), for the purposes of subsection (1) a person shall not be considered terminally ill if that person, as the result or cause or influence of the effects on judgment of a mental disorder, refused lifesaving treatment, which resulted in the conditions in subsection (1) being met.”

Member's explanatory statement

This amendment seeks to ensure that people who have a desire to die as the result of a mental illness are not eligible to receive assistance under the Act if they (1) refuse treatment as a result of mental illness, and therefore (2) develop a terminal condition.

Clause 3

LORD HUNT OF KINGS HEATH

Clause 3, page 2, line 21, at end insert “, save that section 3(3) of the Mental Capacity Act 2005 (inability to make decisions) shall not apply to assessments of capacity under this Act.”

Member's explanatory statement

As the Bill includes two extended periods for reflection, this amendment would disapply section 3(3) of the Mental Capacity Act 2005, which provides that the fact that a person is able to retain the information relevant to a decision for a short period only does not prevent them from being regarded as able to make the decision.

LORD HUNT OF KINGS HEATH
BARONESS O'LOAN

Clause 3, page 2, line 21, at end insert “, subject to subsection (2).

- (2) A person shall be regarded conclusively as lacking capacity in relation to assisted dying under this Act if, at the time of the first declaration, they are –
 - (a) deprived of liberty under sections 4A (restriction on deprivation of liberty) or 4B (deprivation of liberty necessary for life-sustaining treatment etc) of the Mental Capacity Act 2005,
 - (b) subject to the hospital treatment regime or the guardianship regime or the community treatment regime as defined in Schedule 1A of that Act (persons ineligible to be deprived of liberty under this Act), or
 - (c) the subject of a welfare order under section 16 (powers to make decisions and appoint deputies: general) of that Act.”

Member's explanatory statement

This amendment ensures that a person who has been deprived of liberty under the Mental Capacity Act 2005, or is the subject of a welfare order, or is under one of the other scheduled regimes that mean they lack liberty, will not be regarded as having capacity to decide to end their own life.

LORD ROOK

Clause 3, page 2, line 21, at end insert “except that section 1(2) of that Act shall not apply.”

BARONESS FINLAY OF LLANDAFF
BARONESS BUTLER-SLOSS
VISCOUNT COLVILLE OF CULROSS

Leave out Clause 3 and insert the following new Clause –

“Capacity to make a decision by a person to end their own life

- (1) In this Act, a person has capacity to make a decision to end their own life if they do not lack capacity to make that decision, and references to “capacity” are to be read accordingly.
- (2) For the purposes of this Act, a person lacks capacity to make a decision to end their own life if at the material time they are unable to make that decision for themselves because of an impairment of, or a disturbance in, the functioning of the mind or brain.
- (3) It does not matter whether the impairment or disturbance referenced in subsection (2) is permanent or temporary.
- (4) A lack of capacity cannot be established merely by reference to –
 - (a) a person’s age or appearance, or
 - (b) a condition of theirs, or an aspect of their behaviour, which might lead others to make unjustified assumptions about their capacity.
- (5) For the purposes of subsection (2), a person is unable to make a decision to end their own life for themselves if they are unable –
 - (a) to understand the information relevant to the decision,
 - (b) to retain that information,
 - (c) to use or weigh that information as part of the process of making the decision, or
 - (d) to communicate their decision (whether by talking, using sign language or any other means).
- (6) For the purposes of subsection (5), the information relevant to the decision to end their own life includes, but is not limited to the person’s understanding –
 - (a) of 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 treatment,
 - (b) of the likely pathway to and experience of death, including relevant risks of complications, following proceeding to self-administer a substance to end their own life under the provisions of this Act,
 - (c) that a decision to proceed under this Act does not prevent or make unavailable any care and treatment provision that would normally be provided,

- (d) that 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,
 - (e) that 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,
 - (f) that a decision to proceed under this Act is a decision to self-administer a substance to end their own life,
 - (g) that the self-administration of such a substance is not a medical treatment for their terminal illness but a personal choice concerning life and death, and
 - (h) of the relevant legal consequences from proceeding with a request for assistance to end their own life, including life insurance and categorisation of death certification.
- (7) For the purposes of this Act –
- (a) there is no presumption that a person has the capacity to decide to end their own life,
 - (b) there is no duty to support a person to have capacity to decide to end their own life, and
 - (c) any question as to whether a person has capacity to decide to end their own life must be decided on the balance of probabilities.”

Member’s explanatory statement

This amendment has been suggested by CLADD (Complex Life and Death Decisions group). In the MCA 2005, the principles applying to and the test for capacity apply in a context where a decision can be taken on a ‘best interests’ basis for the person if they lack capacity. This amendment aims to introduce a more appropriate test for ensuring decision making ability is present for the major decision to end one’s life.

Clause 4

LORD GARNIER

Clause 4, page 2, line 25, leave out subsection (2) and insert –

“(2) The Commissioner is to be appointed by His Majesty, on the recommendation of the Lord Chancellor.”

Member’s explanatory statement

This amendment transfers the formal power to appoint the Voluntary Assisted Dying Commissioner from the Prime Minister to His Majesty, based on the recommendation of the Lord Chancellor.

LORD UDNY-LISTER

Clause 4, page 2, line 25, at end insert –

“(2A) Before making an appointment under subsection (2), the Prime Minister must lay before Parliament a statement which –

- (a) explains why the candidate is considered appropriate for the role, having regard to their qualifications, experience, and ability to perform the functions set out in subsection (4),
 - (b) confirms that the Prime Minister is satisfied, after reasonable inquiries, that the candidate is neutral on the matter of state provision of assistance to an adult to end their own life as set out in this Act, and
 - (c) confirms that the Prime Minister is satisfied, after reasonable inquiries, that the candidate has no prior connection to any organisation that campaigns for state provision of assistance to an adult to end their own life.
- (2B) For the purposes of subsection (2A)(b), “neutral” means that the candidate has not publicly expressed a position in support of or opposition to assisted dying in the ten years preceding the appointment.
- (2C) For the purposes of subsection (2A)(c), “prior connection” includes membership of, employment by, financial contributions to, or public advocacy on behalf of such an organisation in the ten years preceding the appointment.”

Member's explanatory statement

This amendment would mean that the appointment of the Commissioner must be accompanied by a public statement by the Prime Minister attesting to the suitability, independence, and neutrality on state provision of assistance to end the life of those that are terminally ill.

LORD MOYLAN

Clause 4, page 2, line 30, leave out “principal” and insert “sole”

Member's explanatory statement

This would bring the definition of the Commissioner's functions into closer alignment with the powers given to him or her in Schedule 1, paragraph 2 and would prevent any “creep”.

LORD MOYLAN

Clause 4, page 2, line 39, at end insert —

“(f) setting charges payable for the service by those seeking assistance.”

Member's explanatory statement

This amendment would provide a means whereby assistance would not be a charge on the public purse.

Clause 5

LORD GOODMAN OF WYCOMBE
LORD CARLILE OF BERRIEW

Clause 5, page 3, line 6, leave out “is under any duty to” and insert “may”

Member's explanatory statement

This amendment, connected to another in the name of Lord Goodman, seeks to prohibit medical professionals from raising assisted dying as an option unless explicitly requested by the person.

LORD MOYLAN
LORD CARLILE OF BERRIEW

Clause 5, page 3, line 6, leave out “is under any duty to” and insert “or other health professional may”

Member's explanatory statement

This amendment prohibits a registered medical practitioner or other health professional from raising the subject of assistance with any person.

LORD ROOK

Clause 5, page 3, line 7, at end insert —

“(1A) No registered medical practitioner or other health professional shall raise the subject of the provision of assistance in accordance with this Act with a person unless that person has first raised the subject.”

LORD GOODMAN OF WYCOMBE
LORD MOYLAN
LORD CARLILE OF BERRIEW
BARONESS O'LOAN

Clause 5, page 3, line 8, leave out subsection (2)

Member's explanatory statement

This amendment, connected to another in the name of Lord Goodman, seeks to prohibit medical professionals from raising assisted dying as an option unless explicitly requested by the person.

BARONESS LAWLOR

Clause 5, page 3, line 10, leave out “the matter” and insert “ending a person’s life”

Member's explanatory statement

This amendment replaces “the matter” with “ending a person’s life” to avoid euphemisms.

BARONESS STEDMAN-SCOTT

Clause 5, page 3, line 10, leave out “a person” and insert “a patient in their care”

Member's explanatory statement

This amendment seeks to probe whether it is appropriate for registered medical practitioners to be given blanket legal protection to raise ending any person's life or whether it should be restricted to those patients in their care.

LORD SHINKWIN

Clause 5, page 3, line 10, at end insert “, unless the person has Down's syndrome or a learning disability, in which case a registered medical practitioner must not initiate, suggest, or raise the matter of assisted dying with that person.”

BARONESS COFFEY

Clause 5, page 3, line 11, leave out “or Wales”

LORD MOYLAN
LORD CARLILE OF BERRIEW
BARONESS O'LOAN

Clause 5, page 3, line 11, after “Wales” insert “who has been diagnosed with a terminal illness”

Member's explanatory statement

This would ensure that a “preliminary discussion” as defined in the Bill could only be conducted with a person who had a terminal illness.

BARONESS FRASER OF CRAIGMADDIE

Clause 5, page 3, line 12, leave out “seek assistance to”

LORD FALCONER OF THOROTON
LORD CARLILE OF BERRIEW

Clause 5, page 3, line 17, leave out from “must” to end of line 18 and insert “take all reasonable steps to ensure that there is effective communication between the practitioner and the person (including, where appropriate, using an interpreter).”

Member's explanatory statement

This amendment clarifies the effect of subsection (4).

LORD MOYLAN
LORD CARLILE OF BERRIEW

Clause 5, page 3, line 21, at end insert —

- “(aa) where the prognosis is based on a median life expectancy, the distribution of the data underlying the prognosis;”

Member's explanatory statement

This amendment requires the registered medical practitioner to discuss the underlying data on survival from which the median prognosis has been calculated

LORD CARTER OF HASLEMERE

Clause 5, page 3, line 24, leave out from “support,” to end of line 26 and insert “and must refer them to a registered medical practitioner who specialises in such care for the purpose of a full assessment.”

Member's explanatory statement

This amendment and others in the name of Lord Carter of Haslemere require a person wishing to seek assistance to end their life to be referred to a registered medical practitioner who specialises in palliative, hospice and other care, including symptom management and psychological support, for the purpose of a full assessment.

BARONESS GREY-THOMPSON
BARONESS O'LOAN

Clause 5, page 3, line 29, at end insert —

- “(5A) The preliminary discussion must include the registered medical practitioner asking a person to confirm the reason for wishing to seek assistance to end their own life in accordance with this Act, and to confirm that they are not doing so under any coercion.”

BARONESS GREY-THOMPSON

Clause 5, page 3, line 29, at end insert —

- “(5A) Where a terminally ill adult is involved in a preliminary discussion, they must, if they so request —
- (a) have their palliative and end of life care needs assessed by an appropriate health or social care professional, and
 - (b) be provided with palliative and end of life care in line with their assessed needs.
- (5B) The Secretary of State must, by regulations, make further provision in relation to the provision of palliative and end of life care in England for persons who are involved in a preliminary discussion.

- (5C) The Welsh Ministers must, by regulations, make further provision in relation to the provision of palliative and end of life care in Wales for persons who are involved in a preliminary discussion.”

BARONESS FRASER OF CRAIGMADDIE
LORD CARLILE OF BERRIEW

Clause 5, page 3, line 30, leave out subsection (6) and insert –

- “(6) The Secretary of State must by regulations –
- (a) establish a register of registered medical professionals who are willing and able to conduct preliminary discussions under subsection (3);
 - (b) make provision for the process by which this register is updated and publicly available.
- (7) A registered medical practitioner may only conduct the preliminary discussion under subsection (3) if they are entered in the register.
- (8) Registered medical professionals who are unwilling or unable to conduct preliminary discussion are not required to join the register under subsection (6).
- (9) A registered medical practitioner who is unwilling or unable to conduct the preliminary discussion mentioned under subsection (3) must refer the person to the register of medical professionals.”

LORD SHINKWIN

Clause 5, page 3, line 34, at end insert –

- “(7) If a registered medical practitioner or other health professional raises the subject of the provision of assistance in accordance with this Act with a person, or if a person raises the subject with a registered medical practitioner or other health professional, it must be considered a preliminary discussion and the discussion must be recorded.”

LORD SHINKWIN

Clause 5, page 3, line 34, at end insert –

- “(7) The Secretary of State must by regulations make provision about the training, qualifications and experience that a registered medical practitioner must have if they are to exercise their professional judgement under subsection (2).”

BARONESS HOLLINS

Baroness Hollins gives notice of her intention to oppose the Question that Clause 5 stand part of the Bill.

Clause 6

BARONESS GOUDIE

Clause 6, page 3, line 36, after “raise” insert “or discuss”

Member's explanatory statement

This would ensure that the registered medical practitioner is prohibited from discussing assisted dying with a child aged under 18, and not only from raising it with them.

BARONESS MONCKTON OF DALLINGTON FOREST
LORD CARLILE OF BERRIEW
BARONESS O'LOAN

Clause 6, page 3, line 38, at end insert “, or

- (b) with a person who has a learning disability or autism unless a family member is present.”

Member's explanatory statement

This amendment seeks to ensure that a health professional cannot raise assisted dying with a person who has a learning disability or autism unless a family member is present.

BARONESS GREY-THOMPSON

As an amendment to the amendment in the name of Baroness Monckton of Dallington Forest to Clause 6, page 3, line 38

Leave out “is” and insert “and independent person are”

BARONESS GOUDIE

Clause 6, page 3, line 38, at end insert —

- “(2) This prohibition applies irrespective of whether the discussion is initiated by the person under the age of 18.”

Member's explanatory statement

This would ensure that the registered medical practitioner is prohibited from discussing assisted dying with a child aged under 18 even where that child raises it.

BARONESS GOUDIE

Clause 6, page 3, line 38, at end insert —

- “(2) No adult with a duty of care or responsibility for a person under the age of 18, including but not limited to guardians, social workers, educators, or carers, shall raise the subject of assisted dying with such a person.”

Member's explanatory statement

This would ensure that the prohibition on raising assisted dying with a child aged under 18 extends to others with a duty of care to that child.

LORD MOYLAN

Lord Moylan gives notice of his intention to oppose the Question that Clause 6 stand part of the Bill.

Member's explanatory statement

This is consequential on the amendment to Clause 5(1) in Lord Moylan's name, which renders it redundant.

Clause 7

BARONESS HOLLINS

Baroness Hollins gives notice of her intention to oppose the Question that Clause 7 stand part of the Bill.

After Clause 7

BARONESS HOLLINS
BARONESS FRASER OF CRAIGMADDIE
LORD HUNT OF KINGS HEATH

After Clause 7, insert the following new Clause—

“Multidisciplinary palliative care assessment

- (1) A registered medical practitioner who diagnoses a person as terminally ill, who has requested assistance to end their lives for the purposes of this Act must, within 72 hours of making that diagnosis—
 - (a) refer that person for a multidisciplinary specialist palliative care assessment,
 - (b) refer that person for a specialist psychological assessment, including a formulation of psychological and social factors relevant to the request, to be shared with the Assisted Dying Review Panel,
 - (c) refer that person for a care needs assessment, and
 - (d) notify the relevant authority and request consideration for fast-track funding for NHS continuing health care.
- (2) A person referred under subsection (1) is entitled to have those assessments carried out within seven days of the receipt of the referral.
- (3) In order to enable an informed decision to request assistance to end their life, the person must be offered access to the relevant palliative or care services within 48 hours of the assessment being completed.

- (4) For the purposes of this section, “fast track funding” means access to NHS funded continuing health care to meet urgent care and support associated with terminal illness.
- (5) A person is not eligible to access the provisions of this Act relating to assistance to end their own life until the assessments under subsection (2) have been completed and any identified palliative and care needs under subsection (3) have been considered and, where appropriate, offered and provided.”

Member's explanatory statement

This amendment seeks to ensure that a person asking for assistance to end their life through the provisions of this Bill, understands their prognosis and the help that is available, prior to applying to make a first legal declaration.

Clause 8

LORD FALCONER OF THOROTON

Clause 8, page 4, line 16, leave out from “must” to end of line 17 and insert “, when aged 18 or over—

- (a) have a preliminary discussion with a registered medical practitioner, and
- (b) after having had such a discussion, make a declaration that they wish to be provided with such assistance (a “first declaration”).”

Member's explanatory statement

This amendment provides that a person must have a preliminary discussion with a practitioner when aged 18 or over before making a first declaration.

LORD GOODMAN OF WYCOMBE
LORD CARLILE OF BERRIEW
BARONESS O'LOAN

Clause 8, page 4, line 17, at end insert—

- “(1A) A person is only eligible to make a declaration under subsection (1) if they have completed a psychiatric or psychological evaluation no more than one month before making the declaration which states that they are not suffering from depression, anxiety or cognitive impairments.”

Member's explanatory statement

This amendment seeks to ensure that the person must undertake a psychiatric or psychological evaluation before making the first declaration.

LORD GOODMAN OF WYCOMBE
LORD CARLILE OF BERRIEW

Clause 8, page 4, line 17, at end insert –

- “(1A) A person is only eligible to make a declaration under subsection (1) if they have attended a private interview with a trained professional no more than one month before making the declaration and that professional has stated in a report that they are satisfied that the person is making their declaration in the absence of any external pressure.
- (1B) For the purposes of subsection (1A), a “trained professional” is a qualified social worker or a trained independent advocate.”

Member's explanatory statement

This amendment seeks to ensure that, before making the first declaration, the person has met with a social worker who will assess whether they are subject to any coercion or pressure.

LORD GOODMAN OF WYCOMBE
LORD CARLILE OF BERRIEW

Clause 8, page 4, line 17, at end insert –

- “(1A) A person is only eligible to make a declaration under subsection (1) if they have completed a standardised legal and medical competency test no more than one month before making the declaration to assess their cognitive function and decision-making capacity.”

Member's explanatory statement

This amendment seeks to ensure that a person cannot make a first declaration until their capacity has been assessed with a standardised legal and medical competency test.

LORD MOYLAN
BARONESS O'LOAN

Clause 8, page 4, line 24, at end insert –

- “(2A) A first declaration made, or purported to be made, by a person who –
- (a) has –
 - (i) a learning disability,
 - (ii) a mental disorder under section 1 of the Mental Health Act 1983, or
 - (iii) autism
 - (b) may experience substantial difficulty in understanding the processes or information relevant to those processes or communicating their views, wishes or feelings, or
 - (c) meets criteria that the Secretary of State may specify by regulation,
- is void and has no effect under this Act or otherwise.”

Member's explanatory statement

This excludes those with the conditions specified or otherwise determined by the Secretary of State from access to assisted suicide.

LORD MOYLAN
LORD CARLILE OF BERRIEW
BARONESS O'LOAN

Clause 8, page 4, line 24, at end insert –

- “(2A) Neither the coordinating doctor nor the other person under subsection (2)(c)(ii) may at the time of taking receipt of the first declaration be employed by or contracted to the National Health Service, an NHS Trust or any body or agency holding itself out to be a part of the NHS.
- (2B) If, after receiving the first declaration and while the patient is still alive, the co-ordinating doctor does become so employed or contracted, they must cease forthwith to be the coordinating doctor for that patient.”

Member's explanatory statement

This is one of a number of steps that, taken together, would ensure a complete separation between assistance to end one's life and the National Health Service.

LORD MOYLAN

Clause 8, page 4, line 37, after “practitioner” insert “within the preceding 90 days”

Member's explanatory statement

This is to probe why the Bill makes no provision for a maximum time period between the preliminary discussion and the first declaration.

LORD HUNT OF KINGS HEATH
LORD CARLILE OF BERRIEW

Clause 8, page 4, line 40, at end insert –

- “(iia) a declaration that they have been offered a referral to a registered medical practitioner who specialises in appropriate palliative, hospice or other care, including symptom management and psychological support, for the purpose of further discussion, and that they either did or did not accept that offer;”

Member's explanatory statement

This amendment would ensure that the person seeking assistance informs the assessing doctor that they were offered the referral to a palliative care specialist set out in section 5(5)(c), and whether or not they accepted.

LORD CARTER OF HASLEMERE

Clause 8, page 4, line 40, at end insert –

- “(iia) and that they have been referred to a registered medical practitioner who specialises in palliative, hospice and other care, including symptom management and psychological support, for the purpose of a full assessment;”

Member's explanatory statement

This amendment and others in the name of Lord Carter of Haslemere require a person wishing to seek assistance to end their life to be referred to a registered medical practitioner who specialises in palliative, hospice and other care, including symptom management and psychological support, for the purpose of a full assessment.

BARONESS COFFEY

Clause 8, page 5, line 11, leave out “and Wales”

BARONESS COFFEY

Clause 8, page 5, line 13, leave out “or Wales”

BARONESS RITCHIE OF DOWNPATRICK

Clause 8, page 5, line 13, at end insert –

- “(5A) Where a terminally ill adult makes a first declaration, they must, if they so request –
- (a) have their palliative and end of life care needs assessed by an appropriate health or social care professional, and
 - (b) be provided with palliative and end of life care in line with their assessed needs.
- (5B) The Secretary of State must, by regulations, make further provision in relation to the provision of palliative and end of life care in England for persons who have made a first declaration.
- (5C) The Welsh Ministers must, by regulations, make further provision in relation to the provision of palliative and end of life care in Wales for persons who have made a first declaration.”

BARONESS GREY-THOMPSON

As an amendment to the amendment in the name of Baroness Ritchie of Downpatrick to Clause 8, page 5, line 13

In subsection (5A)(a), after “their” insert “specialist”

BARONESS GREY-THOMPSON

As an amendment to the amendment in the name of Baroness Ritchie of Downpatrick to Clause 8, page 5, line 13

In subsection (5A)(b), after first “with” insert “specialist”

BARONESS HOLLINS

Clause 8, page 5, line 13, at end insert –

- “(5A) A person is not eligible to make a first declaration to access provisions of this Act relating to assistance to end their own life unless that person has undergone a multidisciplinary specialist palliative care assessment that includes –
- (a) a psychological assessment, and
 - (b) a care needs assessment,
- and has been approved for funding under the Social Security (Special Rules for End of Life) Act 2022.”

Member's explanatory statement

This amendment adds further eligibility requirements before a person may make a first declaration.

BARONESS FINLAY OF LLANDAFF

BARONESS O'LOAN

BARONESS BUTLER-SLOSS

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

“(za) who has explicitly opted to become a “coordinating doctor”,”

Member's explanatory statement

This is to make the ‘opt-in’ for doctors explicit on the face of the Bill – to make clear that there is no expectation on doctors to participate and it is only those who positively choose to do so who would have the training and participate.

BARONESS FRASER OF CRAIGMADDIE

Clause 8, page 5, line 24, at end insert –

- “(6A) Before declaring they are willing and able to carry out the functions of this Act under subsection (6) (b), the coordinating doctor must consult with a doctor who has known the patient in a clinical capacity for at least 12 months and has access to their full primary care record.”

BARONESS FINLAY OF LLANDAFF
BARONESS BUTLER-SLOSS

Clause 8, page 5, line 24, at end insert —

“(6A) The coordinating doctor must be currently licensed to practice by the General Medical Council and listed on the register of validated providers and assessors of assisted deaths.”

Member's explanatory statement

This, and a related amendment to clause 11, is to ensure that the doctors are currently licensed to practice and subject to revalidation and annual appraisal. A doctor retired from clinical practice but retaining GMC registration cannot act in the roles of coordinating or independent doctor.

BARONESS FINLAY OF LLANDAFF
BARONESS BUTLER-SLOSS

Clause 8, page 5, line 35, at end insert —

“(8A) The regulations must also provide that the practitioner must have passed a competency-based assessment after their training.”

LORD MOYLAN
LORD CARLILE OF BERRIEW

Clause 8, page 5, line 36, leave out subsection (9)

Member's explanatory statement

This amendment seeks to ensure that subsequent provision on the training of coordinating doctors cannot be issued unilaterally by a person specified in an initial regulation. Instead, subsequent provision on training must be made by regulations and would therefore be subject to continuing parliamentary scrutiny.

LORD FALCONER OF THOROTON

Clause 8, page 5, line 39, leave out subsection (10)

Member's explanatory statement

This amendment omits provision that duplicates the effect of subsection (8)(d) (note “domestic abuse” is defined by Clause 56(2) to include controlling or coercive behaviour and economic abuse).

Clause 9

LORD JOPLING

Clause 9, page 6, line 15, at end insert —

“(c) they have not witnessed a declaration more than twice in the previous four years.”

LORD GOODMAN OF WYCOMBE
LORD CARLILE OF BERRIEW

Clause 9, page 6, line 15, at end insert —

“(6) The witness mentioned in section 8(2)(c)(ii) must append a criminal record disclosure and declaration of financial interests to the declaration.”

Member's explanatory statement

This amendment, connected to others in the name of Lord Goodman, seeks to ensure that the witness or proxy always supplies a criminal record disclosure and declaration of financial interests when undertaking this role.

Clause 10

LORD GARNIER

Clause 10, page 6, line 20, after “person” insert “beyond reasonable doubt”

Member's explanatory statement

This is to ensure a high bar of certainty in the assessment process.

BARONESS COFFEY

Clause 10, page 6, line 24, leave out “and Wales”

BARONESS COFFEY

Clause 10, page 6, line 25, leave out “and Wales”

BARONESS COFFEY

Clause 10, page 6, line 28, leave out “or Wales”

BARONESS BERGER
LORD CARLILE OF BERRIEW

Clause 10, page 6, line 29, after “life” insert “because of their terminal illness”

Member's explanatory statement

This amendment and others in the name of Baroness Berger would mean that someone is only eligible for assistance in ending their own life under this Act if their clear, settled and informed wish to end their life is because of their terminal illness and not for any other reason.

LORD CARTER OF HASLEMERE

Clause 10, page 6, line 31, at end insert —

- “(i) has been referred to a registered medical practitioner who specialises in palliative, hospice and other care, including symptom management and psychological support, for the purpose of a full assessment.”

Member's explanatory statement

This amendment and others in the name of Lord Carter of Haslemere require a person wishing to seek assistance to end their life to be referred to a registered medical practitioner who specialises in palliative, hospice and other care, including symptom management and psychological support, for the purpose of a full assessment.

LORD CARTER OF HASLEMERE

Clause 10, page 6, line 31, at end insert —

- “(i) is not acting out of a temporary feeling of fear, panic, or anxiety in relation to their diagnosis and prognosis.”

Member's explanatory statement

Suicidal ideation for terminally ill patients peaks during a short window after both diagnosis and prognosis. This amendment and three others in the name of Lord Carter of Haslemere seek to eliminate the undue influence of what may be, however understandable, ultimately, a temporary, emotional reaction.

LORD FALCONER OF THOROTON

Clause 10, page 6, line 39, at end insert —

- “(iia) the Commissioner, and”

Member's explanatory statement

This amendment requires the coordinating doctor to give a copy of the report about the first assessment to the Voluntary Assisted Dying Commissioner.

LORD MOYLAN

Clause 10, page 7, line 1, after “satisfied” insert “beyond a reasonable doubt”

Member's explanatory statement

This is to probe the meaning of “satisfied”.

LORD MOYLAN

Clause 10, page 7, line 4, at end insert —

“(3A) A co-ordinating doctor may not refer more than five patients to the same independent doctor in any calendar year.”

Member's explanatory statement

This is to contribute to the maintenance of proper professional distance between co-ordinating and independent doctors.

BARONESS STEDMAN-SCOTT

Clause 10, page 7, line 7, at end insert —

“(za) contain a statement that the coordinating doctor has met physically with the person for the purpose of the assessment;”

LORD MOYLAN
LORD CARLILE OF BERRIEW

Clause 10, page 7, line 9, after “satisfied” insert “beyond a reasonable doubt”

Member's explanatory statement

This is to probe the meaning of “satisfied”.

BARONESS LAWLOR

Clause 10, page 7, line 10, leave out “(as the case may be)”

Member's explanatory statement

This amendment would remove a phrase which does not appear to add anything to the Bill, and perhaps has the inadvertent consequence of implying that it would be by default irregular to deny a request.

Clause 11

BARONESS BERGER
LORD CARLILE OF BERRIEW

Clause 11, page 7, line 39, after “life” insert “because of their terminal illness”

Member's explanatory statement

This amendment and others in the name of Baroness Berger would mean that someone is only eligible for assistance in ending their own life under this Act if their clear, settled and informed wish to end their life is because of their terminal illness and not for any other reason.

LORD CARTER OF HASLEMERE

Clause 11, page 7, line 41, at end insert –

- “(f) has been referred to a registered medical practitioner who specialises in palliative, hospice and other care, including symptom management and psychological support, for the purpose of a full assessment.”

Member's explanatory statement

This amendment and others in the name of Lord Carter of Haslemere require a person wishing to seek assistance to end their life to be referred to a registered medical practitioner who specialises in palliative, hospice and other care, including symptom management and psychological support, for the purpose of a full assessment.

LORD CARTER OF HASLEMERE

Clause 11, page 7, line 41, at end insert –

- “(f) is not acting out of a temporary feeling of fear, panic, or anxiety in relation to their diagnosis and prognosis.”

Member's explanatory statement

Suicidal ideation for terminally ill patients peaks during a short window after both diagnosis and prognosis. This amendment and three others in the name of Lord Carter of Haslemere seek to eliminate the undue influence of what may be, however understandable, ultimately, a temporary, emotional reaction.

LORD HUNT OF KINGS HEATH

Clause 11, page 8, line 1, leave out “seven” and insert “14”

Member's explanatory statement

This amendment would extend the period for reflection between the report of the first and the making of the second assessment from one to two weeks.

LORD FALCONER OF THOROTON

Clause 11, page 8, line 5, leave out from “to” to end of line 6 and insert “section 12(4) and (7) (sharing of specialists’ opinions etc).”

Member's explanatory statement

This is a drafting change (consequential on subsection (4) being added to clause 12).

LORD FALCONER OF THOROTON

Clause 11, page 8, line 15, at end insert –

- “(iia) the Commissioner, and”

Member's explanatory statement

This amendment requires the independent doctor to give a copy of the report about the second assessment to the Voluntary Assisted Dying Commissioner.

BARONESS LAWLOR

Clause 11, page 8, line 23, leave out “(as the case may be)”

Member's explanatory statement

This amendment would remove a phrase which does not appear to add anything to the Bill, and perhaps has the inadvertent consequence of implying that it would be by default irregular to deny a request.

BARONESS FINLAY OF LLANDAFF
BARONESS O'LOAN
BARONESS BUTLER-SLOSS

Clause 11, page 8, line 35, at end insert —

“(za) has explicitly opted to become an independent doctor for the purposes of this section,”

Member's explanatory statement

This is to make the ‘opt-in’ for doctors explicit on the face of the Bill – to make clear that there is no expectation on doctors to participate and it is only those who positively choose to do so who would have the training and participate.

BARONESS FRASER OF CRAIGMADDIE

Clause 11, page 8, line 37, leave out paragraph (b) and insert —

“(b) is a specialist in the disease or condition of the person's terminal illness,”

BARONESS FINLAY OF LLANDAFF
BARONESS BUTLER-SLOSS

Clause 11, page 9, line 3, at end insert —

“(8A) The independent doctor must be currently licensed to practice by the General Medical Council and listed on the register of validated providers and assessors of assisted deaths.”

Member's explanatory statement

This, and a related amendment to Clause 8, is to ensure that the doctors are currently licensed to practice and subject to revalidation and annual appraisal. A doctor retired from clinical practice but retaining GMC registration cannot act in the roles of coordinating or independent doctor.

BARONESS FINLAY OF LLANDAFF
BARONESS BUTLER-SLOSS

Clause 11, page 9, line 12, at end insert —

“(10A) The regulations must also provide that the practitioner must have passed a competency-based assessment after their training.”

LORD MOYLAN

Clause 11, page 9, line 13, leave out subsection (11)

Member's explanatory statement

This amendment seeks to ensure that subsequent provision on the training of independent doctors cannot be issued unilaterally by a person specified in an initial regulation. Instead, subsequent provision on training must be made by regulations and would therefore be subject to continuing parliamentary scrutiny.

LORD FALCONER OF THOROTON

Clause 11, page 9, line 18, leave out subsection (13)

Member's explanatory statement

This amendment omits provision that duplicates the effect of subsection (10)(c) (note “domestic abuse” is defined by Clause 56(2) to include controlling or coercive behaviour and economic abuse).

Clause 12

LORD HUNT OF KINGS HEATH
LORD CARLILE OF BERRIEW
BARONESS O'LOAN

Clause 12, page 9, line 29, after “appropriate,” insert “enquiries of any registered medical practitioner to whom the person has been referred for further discussion under section 5(5)(c),”

Member's explanatory statement

This amendment would require that, where the person has opted to be referred to a palliative care specialist following a preliminary discussion, the assessing doctor must make enquiries of that specialist to inform their assessment.

LORD MOYLAN

Clause 12, page 9, line 32, at end insert —

“(ia) where the prognosis is based on a median life expectancy, the distribution of the data underlying the prognosis;”

Member's explanatory statement

This amendment requires the registered medical practitioner to discuss the underlying data on survival from which the median prognosis has been calculated.

LORD CARTER OF HASLEMERE

Clause 12, page 9, line 35, at end insert “and must refer them to a registered medical practitioner who specialises in such care for the purpose of a full assessment”

Member's explanatory statement

This amendment and others in the name of Lord Carter of Haslemere require a person wishing to seek assistance to end their life to be referred to a registered medical practitioner who specialises in palliative, hospice and other care, including symptom management and psychological support, for the purpose of a full assessment.

LORD SANDHURST

Clause 12, page 10, line 12, leave out “next of kin and other persons they are close to” and insert “relatives and other persons who have an interest in their welfare”

Member's explanatory statement

This amendment, which is suggested by the Law Society of England and Wales and which concerns the requirement that an assessing doctor, in so far as they consider appropriate, advise the person to consider discussing their request with others, replaces the term “next of kin” with “relatives” (which is a defined term in the Bill), as well as other persons who have an interest in the person’s welfare.

LORD MOYLAN

Clause 12, page 10, line 13, at end insert —

“(h) advise the person to make a will if they have not already done so.”

Member's explanatory statement

This is to limit the instances of death with intestacy.

LORD MOYLAN

Clause 12, page 10, line 13, at end insert —

“(h) make such enquiries of the person’s insurance providers as the assessing doctor considers appropriate to ensure that any costs of the person’s assisted death will not be borne by any insurance providers.”

BARONESS FRASER OF CRAIGMADDIE

Clause 12, page 10, line 15, leave out “consider whether they should”

BARONESS FRASER OF CRAIGMADDIE

Clause 12, page 10, line 16, leave out from “experience” to end of line 17 and insert “relevant to the person’s terminal condition”

BARONESS FRASER OF CRAIGMADDIE

Clause 12, page 10, line 18, leave out paragraph (b)

BARONESS GREY-THOMPSON
BARONESS BUTLER-SLOSS

Clause 12, page 10, line 19, at end insert –

- “(3A) The coordinating doctor and the independent doctor must have completed appropriate training, as specified in regulations made by the Secretary of State, in identifying and responding to domestic abuse, coercive control, and the abuse of older people, prior to conducting assessments under this Act.”

Member's explanatory statement

The purpose of this amendment is to ensure medical professionals making assessments are trained to recognise abuse and coercion.

LORD SANDHURST

Clause 12, page 10, line 22, at end insert “and make that record available to any subsequent decision maker under this Act and to the Commissioner”

Member's explanatory statement

This amendment, which is suggested by the Law Society of England and Wales, would require an assessing doctor who consults a health or social care professional to make the written record of their consultation available to the Panel and the Commissioner.

LORD MOYLAN

Clause 12, page 10, line 22, at end insert –

- “(4A) Where an assessing doctor finds that costs associated with a person’s assisted death will be borne partly or wholly by an insurance provider, they must state that in their report and must not indicate that they are satisfied that the conditions in section 10(2)(h) or section 11(2)(e) have been met.”

LORD FALCONER OF THOROTON

Clause 12, page 10, line 24, leave out from “must” to end of line 25 and insert “take all reasonable steps to ensure that there is effective communication between the assessing doctor and the person being assessed (including, where appropriate, using an interpreter).”

Member's explanatory statement

This amendment clarifies the effect of subsection (5).

LORD SANDHURST

Clause 12, page 10, line 40, at end insert “and made available to any subsequent decision maker under this Act and to the Commissioner”

Member's explanatory statement

This amendment, which is suggested by the Law Society of England and Wales, would require an assessing doctor to make any second opinion they obtain as to whether the person is terminally ill or has capacity available to the Panel and the Commissioner.

LORD FALCONER OF THOROTON

Clause 12, page 10, line 41, leave out subsection (8)

Member's explanatory statement

This amendment removes subsection (8) on the basis that it is not appropriate (subsection (7) requires an opinion to be shared with the independent doctor in any event, so the question is whether the independent doctor has doubt about a matter within subsection (6)(a) or (b) despite having seen the opinion).

LORD SANDHURST
LORD CARLILE OF BERRIEW

Clause 12, page 11, line 2, at end insert —

- “(9) All assessing doctors must, prior to service, register and be approved to serve as assessing doctors with the General Medical Council, which must maintain a public register of all assessing doctors.
- (10) The General Medical Council must approve as assessing doctors only medical practitioners who are—
 - (a) fully registered as doctors with the General Medical Council,
 - (b) in good standing, and
 - (c) have been so for a period of at least 10 years prior to registering as assessing doctors.
- (11) For the avoidance of doubt, “fully registered as doctors” in subsection (10)(a) means that the General Medical Council may not approve as assessing doctors anyone who is registered as a physician associate or anaesthesia associate or both, as defined by the Anaesthesia Associates and Physician Associates Order 2024 (S.I. 2024/374).”

Member's explanatory statement

This amendment would ensure that only doctors with ten years' full registration and in good standing with their regulator may serve as assessing doctors and that physician associates and anaesthesia associates may not serve.

Clause 13

LORD FALCONER OF THOROTON

Clause 13, page 11, line 13, leave out subsection (3) and insert –

- “(3) Where a referral is made under subsection (2) to a registered medical practitioner (“the new independent doctor”) –
- (a) the coordinating doctor must provide the new independent doctor with a copy of the report mentioned in subsection (1)(b), and
 - (b) if the new independent doctor is satisfied as to all of the matters mentioned in section 11(2)(a) to (e), their report under section 11 about the second assessment must set out their reasons for disagreeing with the independent doctor referred to in subsection (1) of this section.”

Member's explanatory statement

This amendment clarifies the effect of the subsection and provides for any explanation of a difference in opinion between the independent doctors to be included in the report under clause 11 (which will be given to the people mentioned in subsection (5)(b) of that clause).

Clause 14

LORD MOYLAN

Clause 14, page 12, line 2, leave out “appointment, with the agreement of” and insert “selection by”

Member's explanatory statement

This is to avoid the situation in which the Secretary of State, the Commissioner or any other body becomes responsible for appointing a co-ordinating doctor or an independent doctor.

Clause 17

BARONESS COFFEY

Clause 17, page 14, line 18, leave out “and Wales”

BARONESS COFFEY

Clause 17, page 14, line 22, leave out “or Wales”

BARONESS BERGER
LORD CARLILE OF BERRIEW

Clause 17, page 14, line 24, at end insert “because of their terminal illness;”

Member's explanatory statement

This amendment and others in the name of Baroness Berger would mean that someone is only eligible for assistance in ending their own life under this Act if their clear, settled and informed wish to end their life is because of their terminal illness and not for any other reason.

LORD CARTER OF HASLEMERE

Clause 17, page 14, line 26, at end insert —

- “(j) that the person has been referred to a registered medical practitioner who specialises in palliative, hospice and other care, including symptom management and psychological support, for the purpose of a full assessment.”

Member's explanatory statement

This amendment and others in the name of Lord Carter of Haslemere require a person wishing to seek assistance to end their life to be referred to a registered medical practitioner who specialises in palliative, hospice and other care, including symptom management and psychological support, for the purpose of a full assessment.

LORD MOYLAN

Clause 17, page 14, line 26, at end insert —

- “(j) that the person has registered a decision to opt out of organ and tissue donation.”

Member's explanatory statement

This amendment would require a person seeking an assisted death to opt out of organ and tissue donation, in order to prevent the rise of a coercive or persuasive culture driven by the need for organs for transplant.

LORD MOYLAN

Clause 17, page 14, line 26, at end insert —

- “(j) that the person’s wish to seek assistance to end their own life in accordance with this Act is not influenced by any health insurance arrangements relating to that person.”

LORD CARTER OF HASLEMERE

Clause 17, page 14, line 26, at the end insert –

- “(j) that the person is not acting out of a temporary feeling of fear, panic, or anxiety in relation to their diagnosis and prognosis.”

Member's explanatory statement

Suicidal ideation for terminally ill patients peaks during a short window after both diagnosis and prognosis. This amendment and three others in the name of Lord Carter of Haslemere seek to eliminate the undue influence of what may be, however understandable, ultimately, a temporary, emotional reaction.

BARONESS GREY-THOMPSON

Clause 17, page 14, line 26, at end insert –

- “(j) that the person has provided a negative pregnancy test.”

BARONESS FINLAY OF LLANDAFF

Clause 17, page 14, line 26, at end insert –

- “(2A) In determining a request for approval the panel must seek and consider evidence of the person’s psychosocial and safeguarding circumstances, including:
- (a) safeguarding concerns known to other agencies, including police and Local Authority services,
 - (b) inadequate care support and carer fatigue;
 - (c) a history of mental disorder within the meaning of the Mental Health Act 1983;
 - (d) safeguarding concerns relating to the person or to adults or children directly affected by the death;
- and it must satisfy itself that the coordinating doctor and the independent doctor verified that no concerns exist in relation to factors (a) to (d) above.
- (2B) For the purposes of subsection (2A) the panel must, so far as reasonably practicable and having regard to the person’s safety and wishes –
- (a) obtain and consider relevant information from the coordinating doctor and independent doctor, and from the person’s GP practice and any relevant mental health, palliative, social care, or safeguarding services,
 - (b) take account of any information provided by an independent advocate appointed under section 22,
 - (c) offer the person an opportunity to identify others (including carers or family members) who may provide information about matters listed in subsection (2A), unless the panel considers that such contact would give rise to a risk of coercion, pressure or other harm, and

- (d) in the event of disclosure of abuse, arrange an offer of immediate access to safe housing, financial support, and, if needed, support for other family members.”

Member's explanatory statement

This amendment requires panels, when determining eligibility, to seek and consider evidence about psychosocial and safeguarding factors that may be unknown to the person’s coordinating doctor before deciding whether to grant a certificate of eligibility. It builds on the panel’s existing power to hear from doctors and others and to obtain reports (Clause 17(3)–(5)).

BARONESS FINLAY OF LLANDAFF
LORD HUNT OF KINGS HEATH

Clause 17, page 14, line 26, at end insert –

- “(2A) The panel must determine whether, for any person who wishes to be an organ donor, the person –
- (a) has recorded their decision to donate on the Organ Donor Register;
 - (b) has provided evidence of a full independent assessment according to the Human Tissue Authority guidance as applicable to a live donor to the coordinating doctor, the independent doctor, the panel and the organ retrieval team;
 - (c) has arranged for their organs or tissues to be fully assessed for suitability for transplantation and agreed a plan for retrieval with NHS Blood and Transplant;
 - (d) has informed their family of the organ retrieval plan;
 - (e) is informed of how organ retrieval will occur in accordance with the Academy of Medical Royal Colleges code of practice on organ donation;
 - (f) is informed that full details of the organ retrieval and transplantation will be entered on the UK Transplant Register with NHS Blood and Transplant;
 - (g) has been offered the choice of total anonymity or of allowing recipients of the retrieved organs to be informed the donor died by assisted death if they request to know the origin of the organs.”

Member's explanatory statement

This amendment would require the panel to determine that the law relating to organ donation will be applied to an applicant for an assisted death with the same rigor as applied to other donation of organs or tissues in accordance with the Human Tissue Act 2004, the Organ Donation (deemed Consent) Act 2019 and the Human Transplantation (Wales) Act 2013.

LORD FALCONER OF THOROTON

Clause 17, page 14, line 41, after “is” insert “(subject to subsection (5))”

Member's explanatory statement

This amendment clarifies that the requirement under subsection (4) to hear from certain people in person or by live video or audio link is subject to the power of the panel under subsection (5) to rely on pre-recorded material.

BARONESS FINLAY OF LLANDAFF

Clause 17, page 14, line 42, at end insert –

- “(4A) For the purposes of subsection (2A), the panel may by notice require any of the following to provide to the panel, within such reasonable period as may be specified, information or documents reasonably required to address the matters listed in subsection (2A) –
- (a) an NHS body, a GP practice, or a registered health or social care professional involved in the person’s care;
 - (b) a local authority, including adult or children’s social care and any safeguarding service;
 - (c) a mental health service provider;
 - (d) police;
 - (e) any other person of a description specified in regulations made by the Secretary of State.
- (4B) A notice under subsection (4A) may not require the disclosure of information in contravention of the data protection legislation, but in determining whether a disclosure would contravene that legislation, the requirement imposed by this section is to be taken into account (see section 46).”

Member's explanatory statement

This amendment gives panels a targeted power to require relevant safeguarding and psychosocial information, aligned with the Bill’s existing information-sharing framework and data-protection safeguard in section 46.

LORD SANDHURST

Clause 17, page 15, line 3, at end insert –

- “(6A) The Secretary of State must, by regulations, make provision for the kinds of circumstances that may be considered exceptional under subsection (6).”

Member's explanatory statement

This amendment, which is suggested by the Law Society of England and Wales, would require the Secretary of State to specify in regulations the kinds of circumstances that may be considered exceptional such as to justify not hearing from the person, to prompt Parliament to consider clarifying this issue.

LORD MOYLAN
LORD CARLILE OF BERRIEW

Clause 17, page 15, line 5, after “satisfied” insert “beyond a reasonable doubt”

Member's explanatory statement

This is to probe the meaning of “satisfied”.

Clause 19

BARONESS HOLLINS
BARONESS O'LOAN
BARONESS BUTLER-SLOSS

Clause 19, page 16, line 9, at end insert —

“(1A) A person is not eligible to make a second declaration until that person has been approved for fast-track NHS Continuing Care Funding by the relevant authority.”

Member's explanatory statement

This amendment requires further evidence that the person's condition is deteriorating and entering the terminal phase before assisted dying can proceed.

LORD MOYLAN

Clause 19, page 16, line 42, at end insert —

“(c) a record showing that the person has registered a decision to opt out of organ and tissue donation.”

Member's explanatory statement

This amendment would require a person making the second declaration to opt out of organ and tissue donation, in order to prevent the rise of a coercive or persuasive culture driven by the need for organs for transplant.

BARONESS BERGER

Clause 19, page 17, line 6, after “life” insert “because of their terminal illness”

Member's explanatory statement

This amendment and others in the name of Baroness Berger would mean that someone is only eligible for assistance in ending their own life under this Act if their clear, settled and informed wish to end their life is because of their terminal illness and not for any other reason.

LORD CARTER OF HASLEMERE

Clause 19, page 17, line 8, at the end insert —

“(e) is not acting out of a temporary feeling of fear, panic, or anxiety in relation to their diagnosis and prognosis.”

Member's explanatory statement

Suicidal ideation for terminally ill patients peaks during a short window after both diagnosis and prognosis. This amendment and three others in the name of Lord Carter of Haslemere seek to eliminate the undue influence of what may be, however understandable, ultimately, a temporary, emotional reaction.

Clause 21

LORD SANDHURST

Clause 21, page 18, line 25, after “reason” insert “the Secretary of State may specify by regulations”

Member's explanatory statement

This amendment, which is suggested by the Law Society of England and Wales, would require “any other reason” for which a person may authorise a proxy to sign a declaration on their behalf to be specified by the Secretary of State in regulations, to prompt Parliament to clarify the scope of reasons for which a proxy may sign.

LORD MOYLAN

Clause 21, page 18, line 26, after “proxy” insert “, in the presence of a witness,”

Member's explanatory statement

This amendment seeks to reduce the likelihood of a person being coerced or unduly influenced into appointing a proxy. It requires someone to witness the authorisation of the proxy by the person.

LORD MOYLAN
LORD CARLILE OF BERRIEW

Clause 21, page 18, line 41, at end insert —

- “(4A) The appointment of a proxy under subsection (1) is not valid unless —
- (a) it is recorded in writing in a form prescribed by the Secretary of State by regulations,
 - (b) the form is signed in the presence of the person seeking assistance by the proxy and by the witness, and
 - (c) the form is provided to the coordinating doctor and, if section 16 is engaged (referral to a multidisciplinary panel), to the Commissioner.”

Member's explanatory statement

This amendment seeks to reduce the likelihood of a person being coerced or unduly influenced into appointing a proxy. It requires someone to witness the authorisation of the proxy by the person.

LORD SANDHURST

Clause 21, page 19, line 7, at end insert —

- “(7) The Secretary of State must by regulations set out how to assess whether a person understands the nature and effect of the making of the declaration.”

Member's explanatory statement

This amendment, which is suggested by the Law Society of England and Wales, would require the Secretary of State to provide guidance for proxies in assessing whether a person understands the nature and effect of the making of the declaration, to prompt Parliament to clarify this issue.

Clause 22

LORD SANDHURST

Clause 22, page 19, line 23, at end insert—

- “(2A) The regulations must provide that a person may not act as an independent advocate—
- (a) where that person is engaged in providing care or treatment to the qualifying person in a professional capacity, or for remuneration, or
 - (b) where they fall within a degree of proximity (whether by way of family relationship or otherwise) to the qualifying person which would affect their ability to act with independence.”

Member's explanatory statement

This amendment, which is suggested by the Law Society of England and Wales, would ensure that regulations clarify who is not able to act as an independent advocate.

BARONESS FRASER OF CRAIGMADDIE

Clause 22, page 19, line 34, at end insert—

- “(iv) communication or speech difficulties,”

LORD MOYLAN

Lord Moylan gives notice of his intention to oppose the Question that Clause 22 stand part of the Bill.

Member's explanatory statement

This is linked to an amendment to Clause 8 in the name of Lord Moylan, which would prevent people who would qualify for an independent advocate (under the current wording of the Bill) from being eligible to make a first declaration at all. By excluding these people from the Act, it renders the need for an independent advocate - and thus Clause 22 - unnecessary.

After Clause 22

BARONESS GREY-THOMPSON
 BARONESS O'LOAN
 BARONESS BUTLER-SLOSS

After Clause 22, insert the following new Clause —

“Duty to act where safeguarding concerns arise

- (1) Where the coordinating doctor, the independent doctor, or any other person involved in the assessment process under this Act has reason to believe that the person requesting assistance may be subject to abuse, coercion, or undue influence, they must —
 - (a) pause the assessment process,
 - (b) record the concern in writing,
 - (c) refer the concern to an appropriate adult safeguarding professional or team for investigation, and
 - (d) notify the Assisted Dying Commissioner and the relevant local authority safeguarding adults board.
- (2) The assessment process must not continue until the safeguarding authority has confirmed that no further action is required, or that the concern has been resolved.”

Member's explanatory statement

The purpose of this amendment is to embed a statutory duty to refer safeguarding concerns and pause the assisted dying process until risks are properly addressed.

Clause 25

LORD MOYLAN

Clause 25, page 21, line 9, at end insert —

- “(1A) None of the actions described in or authorised by subsections (2) to (13) of this section may be carried out in premises owned, leased, rented or occupied by the National Health Service, an NHS Trust or any body or agency that is part of or is in receipt of funding from the NHS.”

Member's explanatory statement

This is intended to prevent the provision of assistance from being administered in NHS premises.

BARONESS GREY-THOMPSON

Clause 25, page 21, line 17, at end insert —

- “(4A) The coordinating doctor must discuss any complications which may reasonably occur with the person self-administering the approved substance and the person must explicitly refuse any complications being treated in case such treatment could result in resuscitation.”

BARONESS BERGER
LORD CARLILE OF BERRIEW

Clause 25, page 21, line 21, after “life” insert “because of their terminal illness”

Member's explanatory statement

This amendment and others in the name of Baroness Berger would mean that someone is only eligible for assistance in ending their own life under this Act if their clear, settled and informed wish to end their life is because of their terminal illness and not for any other reason.

LORD MOYLAN

Clause 25, page 21, line 21, at end insert –

“(ba) has opted out of organ and tissue donation, and”

Member's explanatory statement

This amendment would require the coordinating doctor to confirm that the person being provided with an assisted death has opted out of organ and tissue donation, in order to prevent the rise of a coercive or persuasive culture driven by the need for organs for transplant.

BARONESS FRASER OF CRAIGMADDIE

Clause 25, page 21, line 37, leave out paragraph (b)

BARONESS HOLLINS
BARONESS O'LOAN

Clause 25, page 22, line 16, at end insert –

- “(14) The provision of assistance under this section to a person must be video recorded in its entirety.
- (15) The recording must include the person confirming –
 - (a) their identity and the identity of any person assisting,
 - (b) that they wish to die,
 - (c) that their decision is made of their own free will,
 - (d) that they have capacity to make the decision, and
 - (e) that they are acting without persuasion or coercion.
- (16) A copy of the recording must be provided to the coroner within 72 hours of the person's death.
- (17) The Secretary of State must by regulations make provision about the practical arrangements for recording, storage, transmission and information governance in relation to recordings made under this section.”

Member's explanatory statement

The amendment requires the assisted dying procedure to be video recorded and will allow confidential monitoring and review of the quality of consultations for governance purposes.

Clause 26

LORD FALCONER OF THOROTON

Clause 26, page 22, line 19, leave out “section 25” and insert “sections 25 and 28 to 30”

Member's explanatory statement

This amendment, and my amendment to this clause at page 22, line 32, provide that where the coordinating doctor authorises another practitioner to perform the functions under Clause 25, that practitioner also performs the reporting and recording functions relating to clause 25.

BARONESS FINLAY OF LLANDAFF
BARONESS BUTLER-SLOSS

Clause 26, page 22, line 24, at end insert —

“(aa) that practitioner has explicitly opted to undertake the functions under section 25, and”

Member's explanatory statement

This is to make the ‘opt-in’ for doctors explicit on the face of the Bill – to make clear that there is no expectation on doctors to participate and it is only those who positively choose to do so who would have the training and participate.

LORD MOYLAN
LORD CARLILE OF BERRIEW

Clause 26, page 22, line 28, leave out subsection (3)

Member's explanatory statement

This amendment seeks to ensure that subsequent provision on the training of doctors providing assistance cannot be issued unilaterally by a person specified in an initial regulation. Instead, subsequent provision on training must be made by regulations and would therefore be subject to continuing parliamentary scrutiny.

LORD FALCONER OF THOROTON

Clause 26, page 22, line 28, after “subsection (2)(b)” insert “—

- (a) must provide that the practitioner must have had training about the matters mentioned in section 8(8);
- (b) subject to that,”

Member's explanatory statement

This amendment provides that regulations under Clause 26(2)(b) must require a practitioner to have had the training mentioned in clause 8(8) in order to be capable of being authorised under this clause.

BARONESS FINLAY OF LLANDAFF

Clause 26, page 22, line 30, at end insert —

“(3A) Regulations under subsection (2)(b) must also provide that the practitioner must have passed a competency-based assessment after their training.”

LORD FALCONER OF THOROTON

Clause 26, page 22, line 32, leave out “section 25 applies” and insert “sections 25 and 28 to 30 apply”

Member's explanatory statement

See the explanatory statement for my amendment to this Clause at page 22, line 19.

LORD FALCONER OF THOROTON

Clause 26, page 23, line 1, leave out subsection (7)

Member's explanatory statement

This is consequential on my amendment to this Clause at page 22, line 28.

Clause 27

LORD UDNY-LISTER

Clause 27, page 23, line 5, at end insert “, and in doing so, the Secretary of State must have regard to the purpose of the approved substance set out in subsection (1A).”

Member's explanatory statement

This amendment and another in the name of Lord Udny-Lister would make clear the purpose of the “approved substance”, which otherwise is defined solely by reference to the purpose of the Bill. They provide criteria by which the reasonableness of the decision of the Secretary of State may be assessed.

LORD UDNY-LISTER

Clause 27, page 23, line 5, at end insert —

“(1A) The purpose of the approved substance is to bring about the death of an adult swiftly, painlessly and with little risk of survival.”

Member's explanatory statement

This amendment and another in the name of Lord Udny-Lister would make clear the purpose of the “approved substance”, which otherwise is defined solely by reference to the purpose of the Bill. They provide criteria by which the reasonableness of the decision of the Secretary of State may be assessed.

Clause 28

LORD FALCONER OF THOROTON

Clause 28, page 23, line 26, leave out from “disability” to “(other” in line 27

Member's explanatory statement

This amendment is consequential on my amendment to Clause 56 at page 40, line 39.

Before Clause 30

BARONESS GREY-THOMPSON
BARONESS O'LOAN

Before Clause 30, insert the following new Clause —

“Record of length of time of death and any complications

- (1) After any assisted death under the provisions of this Act the coordinating doctor must update the person's medical records with the length of time it took for the person to die after the approved substance was administered.
- (2) The update under subsection (1) in the person's medical records must include information of any complications which occurred including any reawakening or vomiting.”

Clause 31

BARONESS FINLAY OF LLANDAFF

Clause 31, page 25, line 9, after “participate in” insert “any aspect of the planning for or in”

Member's explanatory statement

This amendment, connected to another in the name of Baroness Finlay of Llandaff, seeks to clarify that involvement in assistance is wider than only the direct administration of lethal drugs.

BARONESS FINLAY OF LLANDAFF

Clause 31, page 25, line 10, at end insert “, or in any part of the post-death management.”

Member's explanatory statement

This amendment, connected to another in the name of Baroness Finlay of Llandaff, seeks to clarify that involvement in assistance is wider than only the direct administration of lethal drugs.

BARONESS LAWLOR

Clause 31, page 25, line 10, at end insert –

- “(1A) No health professional or social care professional is under any duty to participate in training in relation to this Act.
- (1B) Official guidance on training must be published on the day on which this Act receives Royal Assent.
- (1C) Any health professional or social care professional who wishes to participate in training in relation to this Act, must give written consent in advance stating their desire to participate in such training.
- (1D) Any health professional or social care professional has the right to opt out of involvement in training for any activity involving, or related to, this Act.”

BARONESS O'LOAN
LORD ALTON OF LIVERPOOL
LORD BIGGAR
BARONESS RITCHIE OF DOWNPATRICK

Clause 31, page 25, line 14, leave out “registered medical practitioner” and insert “person”

Member's explanatory statement

This amendment (and another in the name of Baroness O'Loan) seeks to provide for a comprehensive conscience protection, allowing any person to opt out of any activity which may facilitate assisted suicide, including any ancillary functions.

BARONESS O'LOAN
LORD ALTON OF LIVERPOOL
LORD BIGGAR
BARONESS RITCHIE OF DOWNPATRICK

Clause 31, page 25, line 19, at end insert –

- “(3A) For the purposes of subsection (3), a reference to performing any function under or in connection with this Act includes any activity which facilitates any aspect of assisted dying under or in connection with the provisions of this Act, including but not limited to –
 - (a) administrative or managerial tasks, such as the allocation of staff to carry out duties under the Act,
 - (b) the supervision of staff as they carry out duties under the Act, and

- (c) the accompanying and monitoring of a patient as they receive or after they have received the approved substance.”

Member's explanatory statement

This amendment (and another in the name of Baroness O’Loan) seeks to provide for a comprehensive conscience protection, allowing any person to opt out of any activity which may facilitate assisted suicide, including any ancillary functions.

BARONESS FRASER OF CRAIGMADDIE
LORD CARLILE OF BERRIEW

Clause 31, page 25, line 25, at end insert –

- “(5A) Any health or care worker, regardless of whether they are registered or unregistered, or domestic or ancillary and any other staff in a health or social care facility, may refuse to participate, without penalty, in any aspect of assisted dying under or in connection with the provisions of this Act.”

After Clause 31

BARONESS KEELEY
BARONESS GOUDIE
THE LORD BISHOP OF LONDON
LORD CARLILE OF BERRIEW

After Clause 31, insert the following new Clause –

“No obligation to provide assistance: care homes and hospices

No care home or hospice which is regulated –

- (a) by the Care Quality Commission in England, or
- (b) by Care Inspectorate Wales in Wales,

is under any duty to participate in the provision of any assistance or the performance of any function under or in connection with this Act.”

Member's explanatory statement

This amendment seeks to ensure there is no obligation on a care home or hospice in England or Wales to permit the provision of assistance in accordance with this Act on their premises.

BARONESS FRASER OF CRAIGMADDIE

After Clause 31, insert the following new Clause –

“No obligation to provide assistance: GP services

No GP service registered in England or Wales is under any duty to participate in the provision of any assistance or the performance of any function under or in connection with this Act.”

BARONESS FRASER OF CRAIGMADDIE

After Clause 31, insert the following new Clause —

“No obligation to provide assistance: charity services

No charity registered with the Charity Commission in England or Wales is under any duty to participate in the provision of any assistance or the performance of any function under or in connection with this Act.”

BARONESS FRASER OF CRAIGMADDIE

After Clause 31, insert the following new Clause —

“No obligation to provide assistance: carer organisations or any other third sector or private businesses

No carer organisations or any other third sector or private business involved in supporting adults with long term conditions in England or Wales is under any duty to participate in the provision of any assistance or the performance of any function under or in connection with this Act.”

BARONESS GREY-THOMPSON

BARONESS O'LOAN

BARONESS BUTLER-SLOSS

After Clause 31, insert the following new Clause —

“Organisational conscientious objection

- (1) No company, charity, or other organisation is under any duty to participate in, facilitate, or permit on its premises the provision of assistance in accordance with this Act.
- (2) No company, charity, or other organisation shall be required, as a condition of receiving funding or any other benefit from any public body, to participate in, facilitate, or permit on its premises the provision of assistance in accordance with this Act.
- (3) This section does not apply to NHS bodies.”

Clause 33

BARONESS GREY-THOMPSON

Clause 33, page 27, line 9, at end insert —

- “(d) providing advice or assistance, or doing any other thing, as a result of which a person decides not to end their own life.”

BARONESS GREY-THOMPSON

Clause 33, page 27, line 17, after “so,” insert “or to decide not to do so,”

Clause 37

BARONESS HOLLINS

Clause 37, page 28, line 39, at end insert “, and such regulations must be consistent with —

- “(a) the requirements of the Medicines and Healthcare products Regulatory Agency (MHRA);
- (b) where applicable, the requirements of the Home Office in relation to the manufacture, possession, supply, and disposal of controlled drugs under the Misuse of Drugs Act 1971 and associated regulations.”

Member's explanatory statement

This amendment and another in the name of Baroness Hollins aligns regulation of approved substances with MHRA standards and, where relevant, Home Office controlled drugs requirements, ensuring consultation and consistency with existing medicines and controlled substances frameworks.

LORD UDNY-LISTER

Clause 37, page 28, line 39, at end insert —

- “(1A) In doing so, the Secretary of State must have regard to the criteria set out in section 27(1A).
- (1B) Prior to making regulations under this Clause, the Secretary of State must make inquiries of appropriate authorities in —
 - (a) jurisdictions abroad that permit assisted dying, and
 - (b) parts of the United States that administer capital punishment by lethal injection,
 the purpose of which is to establish which combination of drugs or substances may in practice best meet the criteria in section 27(1A).
- (1C) In making the regulations the Secretary of State must set out in a statement laid before both Houses of Parliament their reasons for believing that the permitted combination meets the criteria and what level of risk they have been willing to accept that it might not do so in all cases.
- (1D) If the Secretary of State approves more than one combination of drugs or substances, they must specify in the regulations in which cases each combination is to be used.
- (1E) If the Secretary of State cannot identify a combination of drugs or substances that meet the criteria in section 27(1A) to their satisfaction, they must not issue regulations under this section.”

Member's explanatory statement

The purpose of these new subsections is to oblige the Secretary of State to take a transparent, evidence-based approach to the selection of the approved substance (or substances) and to be open about the risks of their not being fully effective in all cases.

BARONESS GREY-THOMPSON

Clause 37, page 29, line 1, at end insert —

“(za) the clinical trials required for a drug to be used as an approved substance;”

BARONESS GREY-THOMPSON

Clause 37, page 29, line 6, at end insert —

- “(d) the regulation of the approval process and regulatory body that will administer the approved substances;
- (e) the process for clinical trials that will take place before any substance is approved for use under the provisions of this Act.”

BARONESS HOLLINS

Clause 37, page 29, line 25, at end insert —

- “(6A) The Secretary of State must consult the MHRA and the Home Office where applicable before making any regulations under this section.
- (6B) In exercising powers under this section, the Secretary of State must have regard to any guidance issued by the MHRA and the Home Office regarding the safe use, storage, administration and disposal of pharmaceutical substances, including controlled substances.”

Member's explanatory statement

This amendment and another in the name of Baroness Hollins aligns regulation of approved substances with MHRA standards and, where relevant, Home Office controlled drugs requirements, ensuring consultation and consistency with existing medicines and controlled substances frameworks.

After Clause 37

BARONESS HOLLINS
BARONESS O'LOAN

After Clause 37, insert the following new Clause –

“List of approved substances maintained by Voluntary Assisted Dying Commissioner

- (1) The Commissioner must, in accordance with their functions under section 4, maintain a list of approved substances authorised for use under this Act.
- (2) The Commissioner must work collaboratively with the Medicines and Healthcare products Regulatory Agency (MHRA) and Home Office to establish the most suitable substance for the purposes of this Act.
- (3) A substance may be included on the list under subsection (1) only if the Commissioner is satisfied that –
 - (a) the substance is supported by sufficient evidence of efficacy and safety, for the purpose of voluntary assisted death, based on contemporary pharmacological evaluation standards,
 - (b) the method of self-administration is reliable and within the capacity of the patient to undertake voluntarily, and
 - (c) appropriate protocols exist for preparation, labelling, handling, storage, and disposal.
- (4) The Commissioner must publish the list of approved substances and review it at least annually, or more frequently as required by emerging evidence or safety concerns.
- (5) All substances used for purposes under this Act will be subject to the MHRA yellow card monitoring pharmacovigilance framework.
- (6) In this Act, “approved substance” means a substance included on the list published by the Commissioner under this section.”

Member's explanatory statement

The amendment requires the Commissioner, in collaboration with MHRA and the Home Office, to establish, maintain and publish a list of approved substances to be used for the purposes of assisted dying under this Act.

BARONESS HOLLINS

After Clause 37, insert the following new Clause –

“Standards for registered medical practitioners prescribing approved substances

- (1) No registered medical practitioner may prescribe a substance under this Act unless it has been –
 - (a) duly licensed and approved by the appropriate regulatory authority, and

- (b) supported by sufficient clinical evidence demonstrating its safety, quality, and efficacy for use in assisted suicide under the standards set out in subsection (3).
- (2) A registered medical practitioner prescribing under this Act must comply with Regulation 12 (safe care and treatment) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (S.I. 2014/2938).
- (3) The Secretary of State must by regulations make provision for the standards and evidential requirements to be applied for the purposes of subsection (1), and such standards must be consistent with relevant guidance issued by the General Medical Council.”

Member's explanatory statement

This amendment requires standards to be in place for doctors prescribing approved substances.

BARONESS HOLLINS

After Clause 37, insert the following new Clause –

“Clinical trials for new approved substances

- (1) The Secretary of State must take such steps as are necessary to enable and support the development of sufficient clinical evidence for any substance intended to be designated as an approved substance under this Act.
- (2) Steps under subsection (1) may include supporting the establishment and funding of clinical trials or other evidence-gathering studies necessary to assess the safety, efficacy, and appropriateness of such substances for use in assisted dying.
- (3) The Secretary of State must by regulations make provision about –
 - (a) the criteria for initiating or funding such studies,
 - (b) the roles of relevant bodies in supporting research, and
 - (c) any ethical and regulatory standards to be met in the design and conduct of such trials and studies.
- (4) No substance may be approved or designated as an approved substance under this Act until such trials have been conducted, the evidence has been evaluated, and it is determined to be consistent with modern pharmacovigilance standards.
- (5) Research and clinical trials conducted for the purposes of this section must be fully funded by the Government.”

Member's explanatory statement

This amendment places a duty on the Government to fund and support clinical trials to establish evidence of safety and efficacy for substances before they can be approved for use under the Act.

Clause 38

LORD SANDHURST
LORD CARLILE OF BERRIEW
BARONESS O'LOAN

Clause 38, page 29, line 32, leave out subsection (1) and insert —

- “(1) Every death resulting from the provision of assistance under this Act must be notified to both a medical examiner and the relevant senior coroner.
- (1A) The coroner must decide, in accordance with the Coroners and Justice Act 2009, whether to carry out an investigation.
- (1B) For the avoidance of doubt, nothing in this Act excludes a death under its provisions from being treated as an “unnatural death”.”

Member's explanatory statement

This will remove the bar to investigation and involvement on the part of coroners and medical examiners.

LORD HENDY

Clause 38, page 29, line 38, at end insert—

- “(7B) In this Chapter a reference to an “unnatural death” includes a death caused by the self-administration by the deceased of an approved substance, within the meaning of the Terminally Ill Adults (End of Life) Act 2025, that was provided to the deceased in accordance with that Act, where the terminal illness within the meaning of that Act is unnatural.”

Member's explanatory statement

This amendment is intended to give Coroners the jurisdiction to investigate assisted deaths under the Act but on a discretionary and not a mandatory basis.

LORD MOYLAN

Clause 38, page 30, line 18, leave out the second “death” and insert “suicide”

Member's explanatory statement

This amendment seeks to clarify the distinction between death as a result of this Bill and death under palliative care.

After Clause 38

BARONESS GREY-THOMPSON

After Clause 38, insert the following new Clause —

“Post-mortems and diagnosis of terminal illness

- (1) Every death resulting from the provision of assistance under this Act must be notified to both a medical examiner and the relevant senior coroner.
- (2) A senior coroner must request a post-mortem is carried out to confirm the diagnosis of terminal illness as defined in section 2.
- (3) The Secretary of State must ensure that data from post-mortems under subsection (2) is collected and made publicly accessible.”

Clause 39

BARONESS EATON
LORD CARLILE OF BERRIEW

Clause 39, page 30, line 35, at end insert —

- “(iii) the circumstances in which it would not be appropriate for a person to be advised to consider discussing the request with their next of kin and other persons they are close to under section 12(2)(g);”

Member's explanatory statement

This amendment would require the Secretary of State to give guidance on when an assessing doctor might not consider it appropriate to advise a person to discuss their request for an assisted death with their loved ones, as part of the Code of Practice on the assessment on whether a person has a clear, settled and informed wish to end their own life.

LORD SANDHURST

Clause 39, page 30, line 35, at end insert —

- “(aa) the assessment of whether a person has made the decision that they wish to end their own life voluntarily and has not been coerced or pressured by any other person into making it, including recognising coercion and pressure by any other person;”

Member's explanatory statement

This amendment, which is suggested by the Law Society of England and Wales, would require the Secretary of State to issue a code of practice in connection with the assessment of whether a person has made the decision that they wish to end their own life voluntarily and has not been coerced or pressured by any other person into making it.

LORD SANDHURST

Clause 39, page 31, line 26, leave out subsection (7) and insert –

- “(7) If it appears to a court or tribunal conducting any criminal or civil proceedings that –
- (a) a provision of a code, or
 - (b) a failure to comply with a code,
- is relevant to a question arising in the proceedings, the provision or failure must be taken into account in deciding the question.”

Member's explanatory statement

This amendment, which is suggested by the Law Society of England and Wales, requires an assessor to take into account any provision of a code of practice or failure to comply with a code of practice during any criminal or civil proceedings, bringing the Bill in line with the like provision in the Mental Capacity Act.

Clause 40

BARONESS COFFEY

Clause 40, page 31, line 31, leave out subsection (2)

BARONESS COFFEY

Clause 40, page 31, line 36, leave out paragraph (b)

BARONESS COFFEY

Clause 40, page 32, line 1, leave out paragraph (e)

BARONESS COFFEY

Clause 40, page 32, line 4, leave out subsections (4) to (6)

BARONESS COFFEY

Clause 40, page 32, line 20, leave out “an appropriate national authority” and insert “the Secretary of State”

LORD SANDHURST

Clause 40, page 32, line 25, leave out “next of kin and families of such persons” and insert “relatives of and other persons who have an interest in the welfare of such persons”

Member's explanatory statement

This amendment, suggested by the Law Society of England and Wales, relates to the requirement that the Chief Medical Officers have regard to the need to provide practical and accessible information, advice and guidance. It replaces “next of kin” with “relatives” of persons requesting or considering requesting assistance, a defined term in the Bill, as well as other persons with an interest in the person’s welfare.

BARONESS COFFEY

Clause 40, page 32, line 27, leave out “An appropriate national authority” and insert “The Secretary of State”

BARONESS COFFEY

Clause 40, page 32, leave out lines 30 and 31

Clause 41

BARONESS KEELEY
BARONESS GOUDIE
THE LORD BISHOP OF LONDON
LORD CARLILE OF BERRIEW

Clause 41, page 33, line 10, at end insert —

“(5A) Regulations under this section may not make any provision that would place any duty on a care home or hospice regulated by the Care Quality Commission to perform any function under or in connection with this Act on their premises.”

Member's explanatory statement

This amendment seeks to ensure there is no obligation on a care home or hospice in England to permit the provision of assistance in accordance with this Act on their premises.

BARONESS CASS

Clause 41, page 33, line 10, at end insert —

“(5A) If regulations under this section provide for the involvement of the National Health Service in the provision of services under this Act, those regulations must also specify that the services must be commissioned through the specialised commissioning process under section 3B of the National Health Service Act 2006 (Secretary of State’s power to require NHS England to commission services).”

Member's explanatory statement

This amendment seeks to ensure that the delivery of any services by the NHS under this Bill is subject to the specialised commissioning process.

Clause 42

BARONESS FINLAY OF LLANDAFF

Clause 42, page 33, line 25, leave out subsections (3) and (4)

Member's explanatory statement

This is to ensure decisions by the Senedd, under devolved competencies, are respected and Westminster cannot impose legislative changes without revision of the Government of Wales Act in consultation with the Senedd.

BARONESS KEELEY
BARONESS GOUDIE
THE LORD BISHOP OF LONDON
LORD CARLILE OF BERRIEW

Clause 42, page 33, line 30, at end insert —

“(4A) Regulations under this section may not make any provision that would place any duty on a care home or hospice regulated by Care Inspectorate Wales to perform any function under or in connection with this Act on their premises.”

Member's explanatory statement

This amendment seeks to ensure there is no obligation on a care home or hospice in Wales to permit the provision of assistance in accordance with this Act on their premises.

BARONESS COFFEY

Baroness Coffey gives notice of her intention to oppose the Question that Clause 42 stand part of the Bill.

After Clause 42

BARONESS MONCKTON OF DALLINGTON FOREST
LORD CARLILE OF BERRIEW
BARONESS O'LOAN
BARONESS BUTLER-SLOSS

After Clause 42, insert the following new Clause —

“Hospices: ban on participation in assisted dying services

No hospice or care home may perform any function under or in connection with this Act.”

Clause 43

BARONESS RITCHIE OF DOWNPATRICK
BARONESS GOUDIE
LORD CARLILE OF BERRIEW

Clause 43, page 34, line 9, leave out from “exceptions” to end of line 10 and insert “for the following types of advertising –

- (a) communication made in reply to a particular request by an individual for information about a voluntary assisted dying service;
- (b) communication which is –
 - (i) intended for health professionals or providers of voluntary assisted dying services, and
 - (ii) made in a manner and form unlikely to be seen by potential service users.”

Member's explanatory statement

This amendment requires exceptions to the prohibition of advertising to be set out on the face of the Bill.

BARONESS RITCHIE OF DOWNPATRICK
BARONESS GOUDIE
LORD CARLILE OF BERRIEW
BARONESS O'LOAN

Clause 43, page 34, line 14, after “Act” insert “or the Suicide Act 1961”

Member's explanatory statement

This amendment would ensure that the Suicide Act 1961 may not be amended by the power to make regulations under this section.

Clause 46

LORD SANDHURST

Clause 46, page 35, line 31, at end insert –

- “(4) The Secretary of State must by regulations make provision for how Assisted Dying Review Panels will deal with the personal information of a person whose eligibility for assistance they are assessing, including sensitive information relating to their health.”

Member's explanatory statement

This amendment, which is suggested by the Law Society of England and Wales, would require the Secretary of State to detail how Assisted Dying Review Panels are to deal with personal information, to prompt Parliament to consider how to address this issue.

Clause 47

LORD FALCONER OF THOROTON

Clause 47, page 36, line 8, at end insert —

“(3A) When preparing a report under this section, the Secretary of State must consult the Welsh Ministers.”

Member's explanatory statement

This amendment requires the Secretary of State to consult the Welsh Ministers when preparing a report under Clause 47.

BARONESS RITCHIE OF DOWNPATRICK

Clause 47, page 36, line 12, at end insert “and a strategy to ensure that this Act does not create unmet need or reduce quality of provision.”

LORD SANDHURST
LORD CARLILE OF BERRIEW

Clause 47, page 36, line 18, at end insert —

- “(6) The report under subsection (4) must include an assessment of the impact of this Act on the availability of remedies under the Fatal Accidents Act 1976 to dependants of victims of occupational diseases where —
- (a) the victim (A) has been caused an injury within the meaning of section 7(1) of the Damages Act 1996 (interpretation of “personal injury”) as the result of the wrongful act, neglect or default of another person (B),
 - (b) as a result of the injury set out at paragraph (a), A becomes terminally ill within the meaning of section 2,
 - (c) A dies as a result of the self-administration of an approved substance pursuant to this Act, and
 - (d) prior to A’s death, an action would have lain against B pursuant to subsection (1) above, but can no longer lie because —
 - (i) A’s death was caused by such self-administration of an approved substance in accordance with the provisions of this Act, and
 - (ii) such self-administration broke the chain of causation.”

Member's explanatory statement

As the Bill is currently drafted it is probable that when a victim of an occupational disease such as asbestos cancer opts for an assisted death, their dependants will probably lose their right under the Fatal Accidents Act 1976 to sue the alleged tortfeasor said to have caused the disease, unless the Bill specifically provides otherwise (which currently it does not). This amendment seeks a review to establish the position.

Clause 48

LORD FALCONER OF THOROTON

Leave out Clause 48 and insert the following new Clause –

“Disability Advisory Board

- (1) The Commissioner must establish a Disability Advisory Board (“the Board”), within the period of 6 months beginning with the day on which the first appointment under section 4 (appointment of Commissioner) is made.
- (2) The Board is to consist of at least 6, and not more than 10, members appointed by the Commissioner.
- (3) Each member of the Board is to hold and vacate office in accordance with the terms and conditions of the member's appointment.
- (4) The members of the Board must include –
 - (a) at least one person with a disability who lives in England, and at least one person with a disability who lives in Wales, appearing to the Commissioner to have relevant knowledge and expertise;
 - (b) at least one other person appearing to the Commissioner to represent the interests of people with disabilities;
 - (c) at least one person appearing to the Commissioner to have relevant professional expertise (including in particular health professionals and social care professionals).
- (5) The Commissioner may pay such remuneration or allowances to members of the Board as the Commissioner may determine.
- (6) The Board must –
 - (a) within 6 months of being established, produce a report about the implementation of this Act in relation to people with disabilities and give a copy of it to the Commissioner and the Secretary of State;
 - (b) thereafter, produce an annual report about the implementation of this Act in relation to people with disabilities and the operation of this Act in relation to people with disabilities, and give a copy of it to the Commissioner and the Secretary of State.
- (7) The Commissioner may provide staff, premises, facilities or other assistance to the Board.”

Member's explanatory statement

This amendment replaces Clause 48, which requires the Commissioner to establish a Disability Advisory Board and makes provision about the Board, with a new clause that contains substantially similar provision but incorporates various drafting changes.

BARONESS GREY-THOMPSON

As an amendment to the amendment in the name of Lord Falconer of Thoroton to replace Clause 48

In subsection (1), leave out first “Commissioner” and insert “Secretary of State”

BARONESS GREY-THOMPSON

As an amendment to the amendment in the name of Lord Falconer of Thoroton to replace Clause 48

In subsection (4), paragraph (a), leave out first “person with a disability” and insert “disabled person”

BARONESS GREY-THOMPSON

As an amendment to the amendment in the name of Lord Falconer of Thoroton to replace Clause 48

In subsection (4), paragraph (a), leave out second “person with a disability” and insert “disabled person”

Clause 49

BARONESS COFFEY

Clause 49, page 37, line 1, leave out “an appropriate national authority” and insert “the Secretary of State”

BARONESS COFFEY

Clause 49, page 37, line 2, leave out “appropriate national authority” and insert “Secretary of State”

BARONESS COFFEY

Clause 49, page 37, line 4, leave out “each appropriate national authority” and insert “the Secretary of State”

LORD FALCONER OF THOROTON

Clause 49, page 37, line 20, at end insert —

“(3A) An annual report must contain the most recent report of the Disability Advisory Board under section (*Disability Advisory Report*) that the Commissioner has received.”

Member's explanatory statement

This amendment requires the Commissioner's annual report to contain the most recent report of the Disability Advisory Board, made under the new clause replacing clause 48, that the Commissioner has received.

BARONESS GREY-THOMPSON
BARONESS BUTLER-SLOSS

Clause 49, page 37, line 20, at end insert —

- “(3A) The Commissioner’s report must include anonymised data on —
- (a) the number of cases where safeguarding concerns were identified,
 - (b) the nature of those concerns, and
 - (c) the outcomes of any subsequent investigations or interventions.”

Member's explanatory statement

The purpose of this amendment is to provide transparency and monitoring of safeguarding concerns, allowing continual improvement of protective measures.

BARONESS COFFEY

Clause 49, page 37, line 23, leave out paragraph (b)

LORD FALCONER OF THOROTON

Clause 49, page 37, line 24, leave out “such” and insert “the Disability Advisory Board and such other”

Member's explanatory statement

This amendment requires the Commissioner to consult the Disability Advisory Board when preparing an annual report.

BARONESS COFFEY

Clause 49, page 37, line 27, leave out “An appropriate national authority” and insert “The Secretary of State”

BARONESS COFFEY

Clause 49, page 37, line 30, leave out “or Senedd Cymru (as the case may be)”

BARONESS COFFEY

Clause 49, page 37, line 32, leave out subsection (6)

After Clause 49

LORD SANDHURST

After Clause 49, insert the following new Clause—

“Independent monitor

- (1) Within six months of the day on which this Act is passed, the Secretary of State must establish an independent monitor to investigate, monitor and report on the operation of this Act.
- (2) The independent monitor’s functions must include—
 - (a) monitoring the operation of the Act, including compliance with its provisions and any regulations or code of practice made under it,
 - (b) investigating, and reporting to an appropriate national authority on, any matter connected with the operation of the Act which the appropriate national authority refers to the Commissioner, and
 - (c) submitting an annual report to each appropriate national authority on the operation of the Act.
- (3) The annual report must include information about the occasions when—
 - (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 10(2)(a) to (h);
 - (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 11(2)(a) to (e);
 - (c) a panel has refused to grant a certificate of eligibility;
 - (d) the coordinating doctor has refused to make a statement under section 19(6).
- (4) An annual report must include information about the application of the Act in relation to—
 - (a) persons who have protected characteristics, and
 - (b) any other description of persons specified in regulations made by the Secretary of State.
- (5) When preparing an annual report, the independent monitor must consult—
 - (a) the Commissioner,
 - (b) the Chief Medical Officer for England,
 - (c) the Chief Medical Officer for Wales, and
 - (d) such persons appearing to the Commissioner to represent the interests of persons who have protected characteristics as the Commissioner considers appropriate.
- (6) An appropriate national authority must—
 - (a) publish any report received under this section,
 - (b) prepare and publish a response to any such report, and

- (c) lay before Parliament or Senedd Cymru (as the case may be) a copy of the report and response.
- (7) In this section “appropriate national authority” means the Secretary of State or the Welsh Ministers.
- (8) In this section “protected characteristics” has the same meaning as in Part 2 of the Equality Act 2010 (see section 4 of that Act).”

Member's explanatory statement

This amendment, which is suggested by the Law Society of England and Wales, would require the Secretary of State to establish an independent monitor to investigate, monitor and report on the Act's operation, to prompt Parliament to consider how best to ensure there is independent oversight of the scheme.

Clause 50

BARONESS NOAKES

Clause 50, page 38, line 15, at end insert –

- “(ca) an assessment of the extent to which persons suffering from motor neurone disease and other progressive neurological conditions are able to –
 - (i) meet the definition of terminal illness in section 2 (terminal illness), and
 - (ii) be provided with assistance under section 25 (provision of assistance);”

Member's explanatory statement

This amendment would require the Secretary of State to report on the extent to which this Bill enables persons with motor neurone disease (and similar neurological conditions) to benefit from its provisions.

LORD FALCONER OF THOROTON

Clause 50, page 38, line 19, at end insert –

- “(4) The Secretary of State must consult the Welsh Ministers when undertaking the review under subsection (1)(a).”

Member's explanatory statement

This amendment requires the Secretary of State to consult the Welsh Ministers when carrying out the review under this clause of the operation of the Act (resulting from this Bill).

LORD SANDHURST

Clause 50, page 38, line 19, at end insert –

- “(4) The Secretary of State must, during the period of 12 months beginning at the end of the initial 2-year period –

- (a) review each code issued under section 39(1) or 39(2) (codes of practice), and
 - (b) lay a report of the review before Parliament.
- (5) “The initial 2-year period” means the period of two years beginning with the day on which this Act is passed.”

After Clause 50

LORD CARLILE OF BERRIEW
BARONESS O'LOAN

After Clause 50, insert the following new Clause —

“Funding for provisions of this Act: protection for hospice funding

No funding required for the implementation or operation of this Act may be redirected from existing budgets allocated to hospice care.”

LORD MOYLAN

After Clause 50, insert the following new Clause —

“Public expense: limitations

No provision in this Act, other than the investigation and prosecution of offences under sections 34, 35 and 36, may be carried out at public expense.”

Member's explanatory statement

This would ensure that the provision of assistance and the steps leading up to it are not a charge to the public purse, while allowing the offences created by the Bill to be investigated and prosecuted at public expense.

BARONESS FRASER OF CRAIGMADDIE
LORD CARLILE OF BERRIEW

After Clause 50, insert the following new Clause —

“Consultation with Health and Care Professions Council on allied health professionals

- (1) The Secretary of State must within a year of the day on which this Act is passed consult with the Health and Care Professions Council on whether any other health professionals in addition to those defined as doctors or registered health professionals in section 56 should be permitted to participate in the provision of any service under, connected to or in accordance with this Act.
- (2) The Secretary of State must publish the findings of the consultation within three months of its conclusion.”

BARONESS RITCHIE OF DOWNPATRICK
LORD HUNT OF KINGS HEATH

After Clause 50, insert the following new Clause —

“Impact of this Act on palliative and end of life care

- (1) Within six months of the day on which this Act is passed, the Secretary of State must publish a review of the impact of this Act on palliative and end of life care.
- (2) The review under subsection (1) must include an assessment of the impact of this Act on the current availability, quality and distribution of appropriate health and care services to persons with palliative and end of life care needs, including —
 - (a) pain and symptom management,
 - (b) psychological support for those persons and their families, and
 - (c) information about palliative care and how to access it.”

Member's explanatory statement

This amendment would require the Secretary of State to review the impact of this Act on palliative and end of life care.

BARONESS LAWLOR

After Clause 50, insert the following new Clause —

“Training

- (1) Official guidance on training in relation to this Act must be published on the day on which this Act receives Royal Assent.
- (2) Student courses for medical, pharmacy, social care and other health professionals and for health administrators may not include induction in or training for participation in or involvement in this Act.”

BARONESS HOLLINS
BARONESS O'LOAN

After Clause 50, insert the following new Clause —

“Confirmation before assisted dying

- (1) No person may access provisions under this Act relating to assistance to end their own life unless a consultant in palliative medicine entered on the Specialist Register kept by the General Medical Council has confirmed in writing that all appropriate specialist palliative and end-of-life care options have been discussed and, so far as reasonably practicable, tried or considered.
- (2) A refusal by the person to accept referral to, or participation in, specialist palliative care shall not of itself be sufficient to satisfy the requirement in subsection (1).”

BARONESS HOLLINS
BARONESS O'LOAN

After Clause 50, insert the following new Clause —

“GMC specialist register for functions under this Act

- (1) A registered medical practitioner must not —
 - (a) carry out any function under this Act, or
 - (b) prescribe any substance approved for the purposes of this Act,
 unless the practitioner is entered in the Specialist Register for Assisted Deaths kept by the General Medical Council.
- (2) The Secretary of State must by regulations make provision for the General Medical Council to —
 - (a) establish and maintain the Specialist Register for Assisted Deaths, and
 - (b) determine and publish the criteria (including training, qualifications and experience) for entry in that register.”

Member's explanatory statement

This amendment would require that only doctors entered on a specialist GMC register may perform functions under the Act.

LORD SANDHURST

After Clause 50, insert the following new Clause —

“Supports available for participation in the panel process

The Secretary of State must, within six months of the day on which this Act is passed, lay a report before both Houses of Parliament detailing the supports that will be available to a person seeking the provision of assistance under this Act to participate in the panel process.”

Member's explanatory statement

This amendment, which is suggested by the Law Society of England and Wales, would require the Secretary of State to report to Parliament within six months of the Act passing on the supports that will be available to a person to participate in the panel process, to prompt Parliament to consider what kinds of supports would need to be available.

Clause 51

BARONESS COFFEY

Baroness Coffey gives notice of her intention to oppose the Question that Clause 51 stand part of the Bill.

Clause 52

LORD SANDHURST

Clause 52, page 39, line 18, at end insert —

“(d) acting as an independent advocate under section 22.”

Member's explanatory statement

This amendment would ensure that certain people are disqualified from acting as an independent advocate where this is inappropriate.

Clause 54

LORD SHINKWIN

Clause 54, page 40, line 5, after “section” insert “5(7),”

Member's explanatory statement

This amendment relates to an amendment in the name of Lord Shinkwin to Clause 5.

LORD FALCONER OF THOROTON

Clause 54, page 40, line 5, at end insert “22,”

Member's explanatory statement

This amendment provides that regulations under Clause 22 (independent advocates) are subject to the draft affirmative procedure.

LORD CAMPBELL-SAVOURS

Clause 54, page 40, line 6, after “43” insert “, or (Expiry and renewal)”

Member's explanatory statement

This amendment is linked to another in the name of Lord Campbell-Savours, which provides that for the three years after assistance to end a person's life is first provided, the Act is subject to three annual renewals. This amendment seeks to ensure that the regulations-making provision for the renewal of the Act is subject to the affirmative resolution procedure.

BARONESS FRASER OF CRAIGMADDIE

Clause 54, page 40, line 6, after “43” insert “, or (Expiry of this Act)”

BARONESS COFFEY

Clause 54, page 40, line 11, leave out subsection (5)

Clause 55

LORD SANDHURST

Clause 55, page 40, line 16, after “28,” insert “or issuing one or more codes of practice under section 39,”

Member's explanatory statement

This amendment, which is suggested by the Law Society of England and Wales, would extend the Secretary of State's duty to consult to the issuing of codes of practice.

Clause 56LORD MOYLAN
LORD CARLILE OF BERRIEW
BARONESS O'LOAN

Clause 56, page 40, line 34, at end insert —

““assistance” in this Act refers to aiding, abetting, counselling or procuring the suicide of a person by a registered medical practitioner in accordance with this Act, and to ancillary activities;”

Member's explanatory statement

This amendment seeks to define the meaning of the term “assistance” as used throughout the Bill.

LORD FALCONER OF THOROTON

Clause 56, page 40, line 39, at end insert —

““disability” has the meaning given by section 6 of the Equality Act 2010;”

Member's explanatory statement

This amendment defines “disability” for the purposes of the Bill.

BARONESS FRASER OF CRAIGMADDIE

Clause 56, page 40, line 39, at end insert —

““doctor” means a doctor or care professional whose name is on the General Medical Council's medical register and who holds a full, specialist or GP license to practice medicine, permitting them to provide and supervise medical care to patients and has been continuously registered on the medical register of the General Medical Council for at least ten years;”

BARONESS FINLAY OF LLANDAFF
BARONESS BUTLER-SLOSS

Clause 56, page 41, line 16, at end insert —

““medical practitioner” means a person who is a doctor who is registered on the General Medical Council medical register and holds a valid licence to practice;”

BARONESS FRASER OF CRAIGMADDIE

Clause 56, page 41, line 18, at end insert —

““registered medical practitioner” means —

- (a) a “doctor”, or
- (b) a nurse or care professional who is licenced to practice in the UK and is currently registered by the Nursing and Midwifery Council and has been continuously registered on the register of the Nursing and Midwifery Council for at least ten years;”

LORD BANNER

Clause 56, page 41, line 37, at end insert —

“(5) Section 3 of the Human Rights Act 1998 (interpretation of legislation) does not apply in relation to the interpretation of this Act or in relation to the interpretation of any regulations or other measure (including codes of practice) made pursuant to it.”

Member's explanatory statement

This amendment disapplies section 3 of the Human Rights Act 1998 so as to minimise the risk of the words used in this Bill (or in secondary legislation and other measures that are in future made pursuant to it) being interpreted in an unforeseeable manner.

Clause 57

BARONESS COFFEY

Clause 57, page 41, line 39, leave out “Subject as follows,”

BARONESS COFFEY

Clause 57, page 41, line 40, leave out subsections (2) and (3)

Member's explanatory statement

This removes extra changes to the Bill made to extend certain sections to other parts of the United Kingdom, which were not in the Bill originally presented to the Commons, nor considered in committee stage in the House of Commons.

LORD FALCONER OF THOROTON

Clause 57, page 41, line 42, leave out “31(8)” and insert “31”

Member's explanatory statement

This amendment provides that all of Clause 31 extends to (i.e. forms part of the law of) Scotland (as well as England and Wales).

BARONESS COFFEY

Clause 57, page 41, line 42, at end insert –

“(4) This Act applies to England only.”

Clause 58

LORD MOYLAN

Clause 58, page 42, line 1, at end insert –

“(A1) Section 1 comes into force on such day as the Secretary of State may by regulations appoint, but not before the Secretary of State has issued guidance aimed at preventing any growth of an institutional culture in the medical professions and among hospital managers in favour of assisted death as a means of procuring human organs for transplant.”

Member's explanatory statement

This is to probe the protections the Act might contain to prevent the rise of a coercive or persuasive culture driven by the need for organs for transplant.

LORD SANDHURST
LORD HUNT OF KINGS HEATH

Clause 58, page 42, line 4, leave out subsections (2) to (5) and insert –

“(2) In relation to England, the provisions of this Act not brought into force by subsection (1) come into force on such day or days as the Secretary of State may by regulations appoint.”

Member's explanatory statement

This amendment, which is suggested by the Law Society of England and Wales, would mean that, except as provided by subsection (1), provisions of the Bill will only commence in England when the Secretary of State makes a commencement order, and not automatically.

LORD MOYLAN
LORD CARLILE OF BERRIEW

Clause 58, page 42, line 4, leave out “, except subsection (4) of that section,”

Member's explanatory statement

This amendment, connected to another in the name of Lord Moylan, would ensure that the scope of illnesses or diseases that count for the purposes of subsection (1) does not increase by “creep” but only by a deliberative act of the Secretary of State made by Statutory Instrument.

LORD FALCONER OF THOROTON

Clause 58, page 42, line 4, after “that section,” insert “section (Disability Advisory Board)”

Member's explanatory statement

This amendment provides that the new Clause replacing Clause 48 (Disability Advisory Board) comes into force one year after Royal Assent.

LORD MOYLAN

Clause 58, page 42, line 6, at end insert “subject to section 2(1A)”

Member's explanatory statement

This amendment, connected to another in the name of Lord Moylan, would ensure that the scope of illnesses or diseases that count for the purposes of subsection (1) does not increase by “creep” but only by a deliberative act of the Secretary of State made by Statutory Instrument.

LORD MOYLAN

Clause 58, page 42, line 9, leave out subsection (4)

Member's explanatory statement

This would ensure that no provision of this Bill, apart from the sections referred to in subsections (1) and (2), would come into effect other than by way of subsection (3) (a regulation made by the Secretary of State).

LORD SANDHURST

Clause 58, page 42, line 12, at end insert “, subject to subsection (5A).”

Member's explanatory statement

This amendment is connected to another amendment in the name of Lord Sandhurst to clause 58.

BARONESS COFFEY

Clause 58, page 42, line 13, leave out subsection (5)

LORD SANDHURST

Clause 58, page 42, line 15, at end insert –

- “(5A) The Secretary of State may not make a statutory instrument containing (whether alone or with other provision) regulations which bring sections 25 (provision of assistance), 32 (criminal liability for providing assistance) or 33 (civil liability for providing assistance etc) into force unless –
- (a) the Secretary of State has, by regulations, made provision for all the matters they are required to make provision for under the Act,
 - (b) the Secretary of State has issued one or more codes of practice in connection with all the matters described in section 39(1) (codes of practice), and
 - (c) the Secretary of State after consulting the Chief Medical Officers has published guidance under section 40 (guidance about operation of Act).”

Member's explanatory statement

This amendment, which is suggested by the Law Society of England and Wales, would prevent the Secretary of State from making a commencement order for those provisions relating to the provision of assistance and criminal and civil liability for providing assistance unless all necessary regulations and guidance are in place.

After Clause 58

LORD CAMPBELL-SAVOURS

After Clause 58, insert the following new Clause –

“Expiry and renewal

- (1) This Act is repealed unless renewed under the provisions set out in this section.
- (2) Within three months of the first, second and third anniversary of the day on which assistance to end a person’s life is first provided under sections 8 to 30 of this Act, the Secretary of State must, by regulations, make provision for the renewal of this Act.
- (3) If the regulations are not approved within three months of the relevant anniversary, then the Act is repealed.
- (4) If the Act is renewed following each of the three anniversaries then the Act remains permanently in force.”

Member's explanatory statement

This amendment seeks to provide that for the three years after assistance to end a person’s life is first provided, the Act is subject to three annual renewals. If on one of these occasions the Act is not renewed, it permanently expires. Following three years and three successful renewals, the Act remains permanently in force.

BARONESS FRASER OF CRAIGMADDIE

After Clause 58, insert the following new Clause —

“Expiry of this Act

- (1) The provisions of this Act expire at the end of five years beginning on the day on which this Act is passed.
- (2) The Secretary of State may by statutory instrument, from 12 months before the end of each five year period, make provision that the provisions of the Act are to continue in effect for a further five years.
- (3) In this section, “five year period” means the period of five years beginning with the day that this Act receives Royal Assent and each subsequent five year period thereafter.”

Clause 59

BARONESS FINLAY OF LLANDAFF

Clause 59, page 42, line 22, leave out “End of Life” and insert “Assisted Death”

Schedule 1

LORD MOYLAN

Schedule 1, page 43, line 10, at end insert —

- “(4) No public funds may be paid to the Commissioner for the exercise of their duties or the conduct of their operations, including premises or staff employment costs.”

Member's explanatory statement

This establishes that the costs of the Commissioner will not be a charge on public funds.

LORD MOYLAN

Schedule 1, page 44, line 17, after “may” insert “not”

Member's explanatory statement

This amendment would prevent the Secretary of State from paying remuneration and associated costs to the Commissioner.

LORD MOYLAN

Schedule 1, page 45, line 23, at end insert –

“Fees payable by those seeking assistance

- 8A (1) The Commissioner must, before the start of each financial year, set out fees and charges (which may be staged in line with the procedures established by this Act), payable by those seeking or attaining the provision of assistance.
- (2) Fees and charges must be set so that, taking the year as a whole it is reasonably foreseeable that the costs of providing assistance (including materials, premises, professional fees and the Commissioner’s remuneration, expenses and costs of operation) do not fall as a charge to public funds.
- (3) Such fees and charges are to be collected by the Commissioner and distributed to those with a justified and evidenced claim on them.”

Member's explanatory statement

This amendment provides a mechanism for funding the provision of assistance such that it is not a charge on public funds.

LORD MOYLAN

Schedule 1, page 45, line 25, after “may” insert “not”

Member's explanatory statement

This would prevent the Secretary of State from providing financial assistance to the Commissioner.

LORD MOYLAN

Schedule 1, page 45, line 30, after “may” insert “not”

Member's explanatory statement

This would prevent the Secretary of State from providing staff, premises, facilities or other assistance to the Commissioner.

Schedule 2

LORD SANDHURST

Schedule 2, page 47, line 21, after “member”)” insert “meets the requirements specified in regulations under sub-paragraph (4) and”

LORD SANDHURST

Schedule 2, page 47, line 26, at end insert—

“(iv) is a member of another category of persons as may be specified by the Secretary of State in regulations,”

Member's explanatory statement

This amendment, which is suggested by the Law Society of England and Wales, would enable the Secretary of State to specify other categories of people eligible for appointment as the legal member of an Assisted Dying Review Panel, to prompt Parliament to consider the eligibility criteria.

BARONESS COFFEY

Schedule 2, page 47, line 33, leave out “or Social Work Wales”

BARONESS GREY-THOMPSON

Schedule 2, page 47, line 34, at end insert—

“(2A) Where the person requesting assistance is aged 60 or over, the assisted dying review panel must include at least one member with professional expertise in the abuse of older people, or in safeguarding vulnerable adults.”

Member's explanatory statement

The purpose of this amendment is to ensure review panels for older applicants include a safeguarding professional able to identify and assess risks of abuse or coercion.

LORD SANDHURST

Schedule 2, page 48, line 2, at end insert—

“(4) The Secretary of State must, by regulations, make provision about the training, qualifications and experience that a person must have in order to act as the legal member.”

Member's explanatory statement

This amendment, together with another in the name of Lord Sandhurst to Schedule 2, which have been suggested by the Law Society of England and Wales, would require the Secretary of State to make regulations providing for the training, qualifications and experience needed for a person to act as the legal member on an Assisted Dying Review Panel.

LORD MOYLAN

Schedule 2, page 48, line 9, at end insert—

“(4) In considering the re-appointment of a person to the list of panellists for a second term, the Commissioner must pay no regard to the record of a panel member in making decisions or casting votes as a member of a panel.”

Member's explanatory statement

This is to avoid bias in the reappointment of a person to the list of panel members.

LORD MOYLAN

Schedule 2, page 48, line 16, at end insert—

“(2A) In appointing members to a panel, the Commissioner must pay no regard to the record of a member in making decisions or casting votes as a member of a previous panel.”

Member's explanatory statement

This is to avoid bias in the appointment of panel members to panels.

LORD FALCONER OF THOROTON

Schedule 2, page 48, line 18, leave out “, including coercive control and financial abuse”

Member's explanatory statement

This amendment omits provision that duplicates the effect of the definition of “domestic abuse” in Clause 56(2) (which includes controlling or coercive behaviour and economic abuse).

BARONESS BUTLER-SLOSS

Schedule 2, page 48, line 32, after “decide” insert “exceptionally”

Member's explanatory statement

This amendment is to require panels to sit in public almost always.

LORD SANDHURST

Schedule 2, page 48, line 32, at end insert—

“(3) The Secretary of State must, by regulations, make provision for how the chair of a panel is to decide whether to grant the person’s request that the panel sit in private, including the factors to be taken into account and the process they should follow.”

Member's explanatory statement

This amendment, which is suggested by the Law Society of England and Wales, would require the Secretary of State to detail in regulations how Panel chairs are to decide requests to sit in private, to prompt Parliament to consider how this should be addressed.

BARONESS FINLAY OF LLANDAFF

Schedule 2, page 49, line 5, at end insert—

- “(3) Guidance issued by the Commissioner under this paragraph must include provision about the panel’s duties under subsections 17(2A), (4A) and (4B), including—
- (a) when and how the panel should seek safeguarding and psychosocial evidence,
 - (b) the assessment of interconnected, recurrent and cumulative stressors, and
 - (c) the avoidance of contact where there is a risk of coercion, pressure or other harm.”

Member's explanatory statement

This consequential amendment (related to amendments in the name of Baroness Finlay of Llandaff to Clause 17) ensures the Commissioner’s practice and procedure guidance addresses how panels seek and evaluate the specified information.

Terminally Ill Adults (End of Life) Bill

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Tabled up to and including

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