

Terminally Ill Adults (End of Life) Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Second Marshalled List]

Clause 1

BARONESS COFFEY

Clause 1, page 1, line 8, leave out “ordinarily resident” and insert “domiciled”

Member's explanatory statement

This amendment tightens the requirement for the person seeking to take their own life with assistance to be living in this country to be domiciled, not just ordinarily resident.

Clause 3

BARONESS KEELEY

As an amendment to Amendment 114

At end insert “or had an application to be deprived of their liberty under Sections 4A or 4B of the Mental Capacity Act 2005.”

Member's explanatory statement

This amendment ensures that someone who so lacks capacity in one area as to be currently or recently deprived of liberty or had an application to be deprived of their 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.

Clause 8

LORD WEIR OF BALLYHOLME

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

“(iva) a declaration confirming that the person has had the opportunity to consult an independent legal adviser regarding the first declaration, and that they have received advice regarding –

- (A) their legal rights and obligations under this Act;
- (B) the implications for wills, financial arrangements and benefits;
- (C) any legal consequences for themselves or third parties;
- (D) availability of alternatives, including palliative and social care options.”

LORD WEIR OF BALLYHOLME

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

- “(iva) a declaration confirming that the person offered the opportunity to involve family members, careers, or other support networks in the assessment and declaration process, where safe and desired, and that any involvement is documented in writing.”

BARONESS COFFEY

Clause 8, page 5, line 11, leave out “ordinarily resident” and insert “domiciled”

Member's explanatory statement

This amendment tightens the requirement for the person seeking to take their own life with assistance to be living in this country to be domiciled, not just ordinarily resident.

LORD WEIR OF BALLYHOLME

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

- “(e) equality, diversity, and inclusion, with a social model of disability perspective.”

Clause 10

BARONESS COFFEY

Clause 10, page 6, line 25, leave out “ordinarily resident” and insert “domiciled”

Member's explanatory statement

This amendment tightens the requirement for the person seeking to take their own life with assistance to be living in this country to be domiciled, not just ordinarily resident.

Clause 11

LORD WEIR OF BALLYHOLME

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

“(d) disability-competent care, accessible communication, diagnostic overshadowing, and implicit bias or ableism, with periodic recertification.”

Clause 15

LORD WEIR OF BALLYHOLME

Clause 15, page 12, line 31, at end insert —

- “(3A) The outgoing doctor must attend a mandatory face-to-face review with a designated regulatory officer and an independent assessor.
- (3B) The review in subsection (3A) must consist of minutes, signed, and copies submitted to —
 - (a) the Voluntary Assistant Dying Commissioner,
 - (b) the Eligibility Certification Panel,
 - (c) the relevant professional regulator, and
 - (d) the coordinating doctor where appropriate.
- (3C) The review must assess —
 - (a) reasons for withdrawal;
 - (b) potential coercion or undue influence;
 - (c) conflicts of interests;
 - (d) psychological or moral distress affecting patient care.”

Clause 17

BARONESS COFFEY

Clause 17, page 14, line 18, leave out “ordinarily resident” and insert “domiciled”

Member's explanatory statement

This amendment tightens the requirement for the person seeking to take their own life with assistance to be living in this country to be domiciled, not just ordinarily resident.

BARONESS MACLEAN OF REDDITCH

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

- “(4A) The panel may refer the person for any further assessments it considers necessary to determine whether the person satisfies the criteria under subsection (2).”

Member's explanatory statement

This amendment provides for the panel to commission further assessments to establish the criteria in more complex cases.

BARONESS MACLEAN OF REDDITCH

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

- “(8A) Regardless of whether the panel grants a certificate of eligibility, the panel must also provide a report to the person containing recommendations to address any unmet social and palliative care needs.”

Member's explanatory statement

This amendment would require the panel to produce a report containing recommendations to address any unmet social and palliative care needs, regardless of whether they decide to grant a certificate of eligibility.

Clause 18

LORD WEIR OF BALLYHOLME

Clause 18, page 15, line 30, at end insert –

- “(3A) The Commissioner must afford the person an opportunity for a hearing, which may be conducted remotely, where –
- (a) the person is disabled within the meaning of section 6 of the Equality Act 2010,
 - (b) there is any indication of communication difficulty, cognitive impairment, mental distress, or fluctuating capacity, or
 - (c) the Commissioner considers that a hearing is otherwise necessary in the interests of justice or for the protection of the person.”

LORD WEIR OF BALLYHOLME

Clause 18, page 15, line 36, at end insert –

- “(4A) Where the person’s case is referred for determination under subsection (4)(a) following a previous refusal of a certificate of eligibility, any Assisted Dying Review Panel must –
- (a) explicitly consider and record how much each safeguarding concern identified in the earlier refusal and in the Commissioner's decision has been addressed, and
 - (b) be satisfied, to a high degree of assurance, that the person's decision is free, informed and not materially influenced by disability-related disadvantage or pressure.”

After Clause 22

LORD WEIR OF BALLYHOLME

After Clause 22, insert the following new Clause—

“Independent disability advocacy

- (1) Where the person is a disabled person within section 6 of the Equality Act 2010, the Commissioner must ensure that the person—
 - (a) is offered support from an independent disability advocate with appropriate expertise, and
 - (b) has a reasonable opportunity to consult that advocate before any decision is made under section 18.
- (2) Any written reasons provided under section 18(5) must record—
 - (a) whether advocacy was offered and taken up, and
 - (b) any concerns raised by the advocate regarding pressure, lack of support, or communication barriers.”

Schedule 2

BARONESS MACLEAN OF REDDITCH

Schedule 2, page 49, line 9, after “decision” insert “, along with a copy of the report containing recommendations to address any unmet social and palliative care needs,”

Member's explanatory statement

This amendment would require the panel to produce a report containing recommendations to address any unmet social and palliative care needs, regardless of whether they decide to grant a certificate of eligibility.

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