

Terminally Ill Adults (End of Life) Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Sixth Marshalled List]

Clause 38

BARONESS COFFEY

Clause 38, page 30, leave out lines 3 to 10

Member's explanatory statement

This is in line with the recommendation from the DPRRC Report.

After Clause 50

LORD HARPER

After Clause 50, insert the following new Clause –

“Duties of care providers

- (1) A registered service provider shall have a duty of care to protect persons for whom they provide services who are taking any step under this Act (“protected persons”).
- (2) A registered service provider shall have a duty of candour to promptly report to the Commissioner –
 - (a) any concerns over the capacity of a protected person to take any steps under this Act, or
 - (b) any concerns over the voluntariness of a decision to take any steps under this Act by a protected person, with particular regard to the impact of coercion or pressure.
- (3) The Commissioner must, on receiving a report under subsection (2), transmit it without delay to, as may be appropriate –
 - (a) the protected person’s coordinating doctor,
 - (b) the protected person’s independent doctor, or
 - (c) the panel reviewing the protected person’s application.

- (4) On receiving a report under subsection (3), the Commissioner must, without delay, prevent the protected person from taking any further steps under this Act and direct a review of that person's capacity to be carried out jointly by a qualified psychiatrist and qualified social worker ("the qualified professionals").
- (5) The Secretary of State must by regulations –
 - (a) specify the qualifications of the qualified professionals under subsection (4), and
 - (b) impose requirements prohibiting anyone with a conflict of interest, including a financial relationship to a registered service provider or a voluntary assisted dying service, from serving as a qualified professional.
- (6) An assessment under subsection (4) must have particular regard to –
 - (a) the risk of financial abuse specifically,
 - (b) the risk of domestic abuse,
 - (c) the risk of coercive control,
 - (d) the risk of specific abuse based on age or other conditions,
 - (e) the risk of any pressure by other people on the protected person's decision, and
 - (f) the impact of any disability the protected person may have.
- (7) The Secretary of State must by regulations make provision for the conduct of assessments under subsection (4) and ensuring compliance with subsection (6).
- (8) The Secretary of State must by regulations –
 - (a) impose requirements on registered service providers as to the keeping of records related to this section,
 - (b) impose requirements on registered service providers to actively investigate and enquire as to the capacity or voluntariness of decisions of a protected person taking or considering steps under this Act,
 - (c) make provision specifying the duty of candour under subsection (2), and
 - (d) impose requirements prohibiting the distribution by registered service providers of excepted advertising material under section 45(3) of this Act.
- (9) Reviews and assessments of registered service providers by the Care Quality Commission under section 46 of the Health and Social Care Act 2008 must review and assess compliance with this section and regulations made under it.
- (10) The Care Quality Commission must take action under section 17 of the Health and Social Care Act 2008 to cancel the registration of a registered service provider where it finds there has been any breach of an obligation under this section or regulations made under it.
- (11) In this section, "registered service provider" has the same meaning as in section 45(10) of the Health and Social Care Act 2008."

Member's explanatory statement

This amendment imposes positive obligations on providers of care services to safeguard people under their care with respect to steps taken under this Act.

Clause 53

BARONESS COFFEY

Baroness Coffey gives notice of her intention to oppose the Question that Clause 53 stand part of the Bill.

Clause 54

BARONESS COFFEY

Clause 54, page 39, line 37, leave out subsection (1)

BARONESS COFFEY

Clause 54, page 40, line 6, leave out “or 43” and insert “, 43 or 45(3)(e)”

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