

Terminally Ill Adults (End of Life) Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Seventh Marshalled List]

Clause 3

LORD BLENCATHRA

Clause 3, page 2, line 21, at end insert “subject to subsections (2) to (4).

- (2) Where the person is ordinarily resident in a registered care home or nursing home, a registered medical practitioner must not certify capacity for the purposes of this Act unless –
 - (a) a specialist clinical review has been completed by a physician with expertise in geriatric medicine or complex care,
 - (b) an independent psychiatric capacity assessment has been carried out by a consultant psychiatrist with expertise in fluctuating or complex capacity within five working days of the specialist clinical review (subject to subsection (4)), and
 - (c) the findings of the review and assessment have been considered by the registered medical practitioner.
- (3) The specialist clinical review must explicitly record whether any reversible causes of impaired or fluctuating capacity have been identified and treated, including but not limited to delirium, infection, dehydration or medication effects.
- (4) Where the independent psychiatric capacity assessment is not completed within the period in subsection (2)(b), the registered medical practitioner must record the reasons for the delay.”

Member's explanatory statement

This amendment requires multidisciplinary specialist review before capacity is certified for care home residents, mandates explicit consideration and treatment of reversible causes of impaired capacity, and creates a short statutory timeframe and audit trail for those reviews.

Clause 5

BARONESS NICHOLSON OF WINTERBOURNE

Clause 5, page 3, line 18, after “language” insert “, cultural, religious, sex-based,”

Member's explanatory statement

This amendment, connected with another in the name of Baroness Nicholson of Winterbourne, relates to women who might (1) face coercion to seek assistance under the Act, or (2) be less able to resist coercion, because of cultural or religious factors. It seeks to mandate the provision of an advocate who will assist women in these circumstances.

BARONESS NICHOLSON OF WINTERBOURNE

Clause 5, page 3, line 18, at end insert –

- “(4A) Where the barriers in subsection (4) are caused by any religious, cultural or sex-based factors, or a combination of these, the provision of adjustments under that subsection must include the use of an advocate, as described in subsection (4B).
- (4B) The advocate is a person –
- (a) with experience or training in safeguarding related to the cultural or religious group of, and
 - (b) who is of the same sex as,
- the person seeking assistance under the Act.”

Member's explanatory statement

This amendment, connected with another in the name of Baroness Nicholson of Winterbourne, relates to women who might (1) face coercion to seek assistance under the Act, or (2) be less able to resist coercion, because of cultural or religious factors. It seeks to mandate the provision of an advocate who will assist women in these circumstances.

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27 January 2026

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