

# Terminally Ill Adults (End of Life) Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

*[Supplementary to the Eighth Marshalled List]*

**Amendment  
No.**

**Clause 2**

BARONESS SCOTLAND OF ASTHAL  
*As an amendment to Amendment 87*

**87A★** In subsection (2)(a), after “drinking,” insert “either voluntarily or”

**Clause 22**

LORD FALCONER OF THOROTON

**548A★** Leave out Clause 22 and insert the following new Clause—

**“Independent advocates**

(1) This section applies where a person (“the relevant person”) who is to carry out a relevant activity (see subsection (8)) in relation to a person seeking assistance considers that the person seeking assistance is a qualifying person.

(2) The relevant person must give the person seeking assistance the following information—

- information about representation and support provided by independent advocates, and
- an explanation of the effect of subsection (3).

This subsection does not apply if the person seeking assistance has an independent advocate.

(3) The relevant person must not carry out the relevant activity unless—

- the person seeking assistance has an independent advocate,
- the person seeking assistance informs the relevant person that they do not want an independent advocate, or
- where the relevant activity is conducting a preliminary discussion, the person seeking assistance informs the relevant person that they are content

for the preliminary discussion to be conducted without them having an independent advocate.

- (4) Subsections (5) to (7) apply where—
  - (a) subsection (2) applies, and
  - (b) the relevant activity is not carrying out functions under section 17 or 18.
- (5) The relevant person must, as soon as practicable, give a notice containing the relevant information (see subsection (8)) to the Commissioner.
- (6) Where the relevant person is a registered medical practitioner with the GP practice of the person seeking assistance, the relevant person must, as soon as practicable, record the relevant information in that person's medical records.
- (7) In any other case—
  - (a) the relevant person must, as soon as practicable, give a notice containing the relevant information to a registered medical practitioner with the GP practice of the person seeking assistance, and
  - (b) that registered medical practitioner must, as soon as practicable, record that information in that person's medical records.
- (8) In this section—

“independent advocate” means a person whose function is to represent and support a qualifying person in connection with—
  - (a) understanding the options available to the qualifying person as regards end of life care, or
  - (b) anything done under this Act, by or in relation to the qualifying person;

“person seeking assistance” means a person seeking, or indicating a wish to seek, assistance to end their own life in accordance with this Act;

“qualifying person” means—
  - (a) a person with a mental disorder (as defined by section 1(2) of the Mental Health Act 1983),
  - (b) a person who (in the absence of support) would experience substantial difficulty in doing one or more of the following—
    - (i) understanding relevant information,
    - (ii) retaining that information,
    - (iii) using or weighing that information as part of the process of making relevant decisions, or
    - (iv) communicating their views, wishes or feelings (whether by talking, using sign language or any other means);

and information or a decision is “relevant” if it relates to the provision of assistance to the person, under this Act, to end their own life, or

  - (c) a person who meets any conditions specified in regulations under section (*Independent advocates: further provision*);
- “relevant activity” means—
  - (a) conducting a preliminary discussion,

- (b) carrying out a first or second assessment,
- (c) carrying out functions under section 17 or 18, or
- (d) providing assistance under section 25;

“the relevant information” (for the purposes of subsections (5) to (7)) is—

- (a) that the registered medical practitioner considers that the person seeking assistance is a qualifying person, and the practitioner’s reasons for being of that opinion;
- (b) if that person informs the practitioner that they do not want an independent advocate, that fact and any reasons given by them for not wanting an independent advocate.

(9) For the purposes of this section, a person seeking assistance “has” an independent advocate if an independent advocate is instructed to represent and support them (and references to wanting an independent advocate are to be read accordingly).”

*Member's explanatory statement*

*This new clause, to replace Clause 22, makes detailed provision on the face of the Bill about independent advocates.*

**After Clause 22**

LORD FALCONER OF THOROTON

**549A★** After Clause 22, insert the following new Clause—

**“Independent advocates: further provision**

- (1) The Secretary of State must by regulations make provision about independent advocates.
- (2) The regulations must—
  - (a) specify the training, qualifications and experience that a person must have in order to be appointed to a list of persons eligible to act as independent advocates;
  - (b) require a specified person to instruct an independent advocate to represent and support a person if—
    - (i) section (*Independent advocates*)(2) applies in relation to the person, and
    - (ii) the person has not indicated that they do not want an independent advocate;
  - (c) make provision securing that arrangements are made for the provision of independent advocates for persons to whom commissioned VAD services are provided.
- (3) The regulations may in particular—
  - (a) specify the person who is to make appointments to the list mentioned in subsection (2)(a);
  - (b) provide that a person may be appointed to that list only if the appointment is approved in accordance with the regulations;

- (c) provide that a person may not act as an independent advocate in specified circumstances;
- (d) confer on independent advocates a power to access the medical records of persons they are representing and supporting, or to require information in those medical records to be provided;
- (e) make provision for payments to be made to, or in relation to, persons acting as independent advocates.

(4) In this section—

“commissioned VAD services”—

- (a) in relation to England, has the meaning given by section 41(2);
- (b) in relation to Wales, means services provided by virtue of any provision of regulations under section 42 which confers a function as regards the making of arrangements for the provision of voluntary assisted dying services in Wales;

“independent advocate” has the meaning given by section (*Independent advocates*);

“qualifying person” has the meaning given by section (*Independent advocates*);

“specified” means specified in regulations under this section.”

***Member's explanatory statement***

*This clause confers a duty to make further provision about independent advocates.*

**Clause 27**

LORD FALCONER OF THOROTON

**624A★** Clause 27, page 23, line 5, at end insert—

“(1A) When considering whether to specify a drug or other substance in regulations under subsection (1), the Secretary of State must in particular have regard to—

- (a) its effectiveness,
- (b) the risk, when using the substance, of side effects or other adverse outcomes,
- (c) the ease and safety of handling the substance,
- (d) the ease of use of the substance, and
- (e) the way or ways in which the substance may be self-administered.”

***Member's explanatory statement***

*This amendment requires the Secretary of State to have regard to certain matters when considering whether to specify them in regulations under subsection (1) of this Clause.*

### Clause 37

LORD FALCONER OF THOROTON

708A★ Clause 37, page 29, line 23, at end insert—

“(5A) The Secretary of State may by regulations establish, and make other provision about, a committee to—

- (a) advise the Secretary of State on such matters relating to any of the following as the regulations may specify—
  - (i) the specifying of substances under section 27;
  - (ii) approved substances;
  - (iii) devices of a kind mentioned in subsection (5);
- (b) be consulted under section 55(3) and (4) (consultation before making certain regulations).”

*Member's explanatory statement*

*This amendment confers on the Secretary of State a power to establish, and make provision about, a committee to advise on specified matters relating to substances and devices, and to be consulted under clause 55.*

LORD FALCONER OF THOROTON

708B★ Clause 37, page 29, line 24, leave out from “section” to end of line 25 and insert “—

- (a) must provide that a civil penalty, of an amount determined in accordance with the regulations, is payable to the Secretary of State where a relevant provision is contravened;
- (b) must confer a right to appeal against any decision to impose a civil penalty or the amount of a civil penalty;
- (c) may provide that it is an offence, punishable with a term of imprisonment or a fine (or both), to contravene a relevant provision;
- (d) may not provide for the maximum term of imprisonment for an offence to exceed 14 years;
- (e) may apply powers of entry or other powers, conferred on inspectors by Part 16 of the Human Medicines Regulations 2012, with or without modifications.

In this subsection “contravene” includes fail to comply, and “relevant provision” means such provision of, or made by, the regulations as the Secretary of State considers appropriate.”

*Member's explanatory statement*

*This amendment removes a general duty to make provision about enforcement, and replaces it with a duty to provide for civil penalties, a power to create criminal offences, and a power to apply powers of entry and other powers conferred by the Human Medicines Regulations on inspectors.*

LORD FALCONER OF THOROTON

710A★ Clause 37, page 29, line 27, leave out “they may not amend this Act.” and insert “—

- (a) this is subject to subsection (6)(d), and
- (b) the regulations may not amend this Act.”

*Member's explanatory statement*

*This is consequential on my amendment of this clause at page 29, line 24.*

LORD FALCONER OF THOROTON

710B★ Clause 37, page 29, line 27, at end insert—

“(7A) In making regulations under this section, the Secretary of State’s overarching objective must be ensuring the safety of the public and of persons seeking assistance under this Act.”

*Member's explanatory statement*

*This amendment provides that the Secretary of State’s overarching objective in making regulations under the clause is ensuring the safety of the public and of persons seeking assistance.*

**Clause 38**

LORD FALCONER OF THOROTON

718B★ Clause 38, page 30, line 9, after “provision” insert “relating to the processes and procedures for establishing and certifying the cause of death”

*Member's explanatory statement*

*This amendment clarifies that the further provision that may be made by virtue of inserted section (4A)(b) is limited to provision relating to the processes and procedures for establishing and certifying the deceased’s cause of death.*

LORD FALCONER OF THOROTON

718C★ Clause 38, page 30, leave out lines 11 to 20 and insert—

“(4B) Subsection (4C) applies where—

- (a) regulations under subsection (1) require a person to issue a certificate in relation to a death, and
- (b) to the best of the person’s knowledge and belief, the cause of death is the self-administration by the deceased of an approved substance, within the meaning of the Terminally Ill Adults (End of Life) Act 2026, which was provided to the deceased in accordance with that Act.

(4C) The certificate must—

- (a) state the cause of death to be “assisted death”, and

- (b) contain a record of the illness or disease by virtue of which the deceased was terminally ill within the meaning of that Act.”

***Member's explanatory statement***

*This amendment puts the material currently required to be included in regulations under section 20 of the Coroners and Justice Act 2009 on the face of that Act.*

LORD FALCONER OF THOROTON

**722A★** Clause 38, page 30, line 20, at end insert—

- “(2A) In section 176(5) of that Act (statutory instruments subject to affirmative resolution procedure) before paragraph (a) insert—  
“(za) regulations made by virtue of section 20(4A),.””

***Member's explanatory statement***

*This amendment provides that the affirmative resolution procedure (as defined in section 176(6) of the Coroners and Justice Act 2009) applies to regulations made by virtue of section 20(4A) of that Act.*

**Clause 41**

LORD FALCONER OF THOROTON

**749B★** Clause 41, page 32, line 36, leave out from “make” to end of line 38 and insert “—

- (a) provision requiring each integrated care board to arrange, to such extent as it considers necessary to meet all reasonable requirements, for the provision of voluntary assisted dying services for people for whom it has core responsibility (within the meaning given by section 14Z31 of the National Health Service Act 2006), or
- (b) provision requiring NHS England or the Secretary of State to arrange, to such extent as it or they consider necessary to meet all reasonable requirements, for the provision of voluntary assisted dying services in England.

The regulations may enable the Secretary of State to delegate any duty imposed by virtue of paragraph (b).”

***Member's explanatory statement***

*This amendment provides that regulations under subsection (1) must impose a duty on integrated care boards, NHS England or the Secretary of State to arrange for the provision of voluntary assisted dying services in England.*

LORD FALCONER OF THOROTON

**749C★** Clause 41, page 32, line 40, at end insert—

- “(2A) The Secretary of State must by regulations make such provision as the Secretary of State considers appropriate for securing that the provision of voluntary assisted

dying services in England (whether or not the services are commissioned VAD services) is regulated by one or both of—

- (a) the Care Quality Commission, and
- (b) NHS England.”

***Member's explanatory statement***

*This amendment imposes a requirement on the Secretary of State to make provision for securing that the provision of voluntary assisted dying services in England is regulated by the Care Quality Commission or NHS England (or both bodies).*

LORD FALCONER OF THOROTON

**753A★** Clause 41, page 33, line 8, leave out from “must” to end of line 10 and insert “secure that—

- (a) section 1(4) of the National Health Service Act 2006 (services to be provided free of charge except where charging expressly provided for) applies in relation to commissioned VAD services;
- (b) the commissioner is subject to such general duties (with or without modifications) as the Secretary of State considers appropriate.

In paragraph (b) “the commissioner” means the person who is required, by regulations under subsection (1), to arrange for the provision of the services mentioned in that subsection.”

***Member's explanatory statement***

*This amendment provides that the regulations must ensure that the person required by regulations under subsection (1) to commission services is subject to such general duties (defined by my amendment at page 33, line 13) as the Secretary of State considers appropriate.*

LORD FALCONER OF THOROTON

**758A★** Clause 41, page 33, line 12, at end insert—

“(6A) In making regulations under this section, the Secretary of State must have regard to the importance of—

- (a) the safety of the public and of persons seeking assistance under this Act, and
- (b) ensuring the availability and quality of voluntary assisted dying services in England.”

***Member's explanatory statement***

*This amendment requires the Secretary of State to have regard to the importance of safety, and of ensuring the availability and quality of voluntary assisted dying services in England, when making regulations under this clause.*

LORD FALCONER OF THOROTON

**761C★** Clause 41, page 33, line 13, after “section” insert –

““general duties” means –

- (a) in relation to an integrated care board, the duties under sections 14Z32 to 14Z44 of the National Health Service Act 2006;
- (b) in relation to NHS England, the duties under sections 13C to 13P of that Act;
- (c) in relation to the Secretary of State, the duties under sections 1A to 1F of that Act;”

*Member's explanatory statement*

*This amendment defines “general duties” for the purposes of this clause.*

#### Clause 47

LORD FALCONER OF THOROTON

**786A★** Clause 47, page 36, line 18, at end insert –

- “(6) The report for the first reporting period must include an assessment of the impact of this Act (if any) on the bringing and outcomes of actions under the Fatal Accidents Act 1976 in cases where –
  - (a) a person was injured by another’s act or omission and that injury would have caused the person’s death (had the person not died as mentioned in paragraph (b)), and
  - (b) the person’s death was caused by their self-administration of an approved substance that was provided to them in accordance with this Act.”

*Member's explanatory statement*

*This amendment requires the first report published under clause 47 to include an assessment of the Bill’s impact on actions under the Fatal Accidents Act 1976.*

#### Clause 54

LORD FALCONER OF THOROTON

**857CA★** Clause 54, page 40, line 3, leave out “by statutory instrument” and insert “–

- (a) in the case of the Secretary of State, by statutory instrument;
- (b) in the case of the Welsh Ministers, by Welsh statutory instrument.”

*Member's explanatory statement*

*This amendment caters for the regime, created by the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025, for subordinate legislation made by Welsh Ministers.*

LORD FALCONER OF THOROTON

862A★ Clause 54, page 40, line 5, at end insert “(*Independent advocates: further provision*),”

***Member's explanatory statement***

*This amendment provides that regulations under my new clause to be inserted after clause 22 are subject to the draft affirmative procedure.*

LORD FALCONER OF THOROTON

862B★ Clause 54, page 40, line 5, at end insert “27,”

***Member's explanatory statement***

*This amendment provides that regulations under clause 27 are subject to the draft affirmative procedure.*

LORD FALCONER OF THOROTON

872A★ Clause 54, page 40, line 11, leave out subsection (5) and insert—

“(5) Regulations made by the Welsh Ministers under section 42 are subject to the Senedd approval procedure (see Part 2A of the Legislation (Wales) Act 2019 (anaw 4)).”

***Member's explanatory statement***

*This amendment caters for the regime, created by the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025, for subordinate legislation made by Welsh Ministers.*

**Clause 55**

LORD FALCONER OF THOROTON

877B★ Clause 55, page 40, line 27, at end insert—

- “(3) Before making regulations under section 27 or 37(1), the Secretary of State must consult—
  - (a) the Commission on Human Medicines,
  - (b) any person for the time being specified for the purposes of this paragraph in a notice given by that Commission to the Secretary of State, and
  - (c) such other persons as the Secretary of State considers appropriate.
- (4) Before making regulations under section 37(5), the Secretary of State must consult—
  - (a) the committee established under section 20 of the Medicines and Medical Devices Act 2021 (advisory committee for medical devices), and
  - (b) such other persons as the Secretary of State considers appropriate.
- (5) If a committee (“the section 37 committee”) is established by regulations under section 37(5A)—

- (a) subsection (3) applies as if the references to the Commission on Human Medicines were references to the section 37 committee;
- (b) subsection (4) applies as if the reference to the committee mentioned in that subsection were a reference to the section 37 committee.”

***Member's explanatory statement***

*This amendment imposes an obligation to consult, before making regulations under clause 27 or 37.*

**After Clause 55**

LORD FALCONER OF THOROTON

878A★ After Clause 55, insert the following new Clause—

**“Pre-laying scrutiny of certain proposed regulations under section 37 or 41**

- (1) This section applies in relation to—
  - (a) a statutory instrument containing regulations under section 37 which amend an Act that is not listed in subsection (2);
  - (b) a statutory instrument containing regulations under section 41 which amend an Act that is not listed in subsection (3).
- (2) The Acts referred to in subsection (1)(a) are—
  - (a) the Medicines Act 1968;
  - (b) the Medicines and Medical Devices Act 2021.
- (3) The Acts referred to in subsection (1)(b) are—
  - (a) the National Health Service Act 2006;
  - (b) the Health and Social Care Act 2008;
  - (c) the Health and Social Care Act 2012.
- (4) A draft of the statutory instrument may be laid before Parliament in accordance with section 54(3) on a day (“laying day”) only if the following conditions are met.
- (5) The first condition is that, at least 28 days before laying day, the Secretary of State published—
  - (a) a proposed draft of the instrument, and
  - (b) a statement explaining the effect of relevant amendments contained in the proposed draft instrument.
- (6) The second condition is that, on laying day, the Secretary of State published a scrutiny statement.
- (7) In this section—
 

“relevant amendment” means—

  - (a) in relation to a statutory instrument containing regulations under section 37, an amendment of an Act that is not listed in subsection (2);

(b) in relation to a statutory instrument containing regulations under section 41, an amendment of an Act that is not listed in subsection (3);

“scrutiny statement” means a statement containing information about—

(a) the steps taken by the Secretary of State to make the proposed draft instrument published in accordance with subsection (5) available to each House of Parliament,

(b) the Secretary of State’s response to any recommendations made by a committee of either House of Parliament about the proposed draft instrument, and

(c) any differences between the relevant amendments in the draft instrument that is to be laid and the relevant amendments in the proposed draft instrument mentioned in paragraph (a),

and such other information as the Secretary of State considers appropriate.”

***Member's explanatory statement***

*This amendment provides additional scrutiny in relation to regulations under Clause 37 or 41 which amend an Act other than one listed in subsection (2) or (3).*

**Clause 58**

LORD FALCONER OF THOROTON

905A★ Clause 58, page 42, line 20, leave out “by statutory instrument” and insert “—

(a) in the case of the Secretary of State, by statutory instrument;

(b) in the case of the Welsh Ministers, by Welsh statutory instrument.”

***Member's explanatory statement***

*This amendment caters for the regime, created by the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025, for subordinate legislation made by Welsh Ministers.*



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29 January 2026

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