

# Terminally Ill Adults (End of Life) Bill

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## AMENDMENTS

### TO BE MOVED

#### IN COMMITTEE OF THE WHOLE HOUSE

*[Supplementary to the Ninth Marshalled List]*

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#### Clause 32

LORD FALCONER OF THOROTON

Clause 32, page 26, line 34, at end insert –

- “(c) making a communication of a kind mentioned in paragraph 1(1)(a) of Schedule (*Advertising: further provision*) to that Act (business to business communications etc), or
- (d) doing anything in relation to an advertisement whose purpose is to promote a voluntary assisted dying service (within the meaning given by section 43 of that Act), where the doing of that thing is not an offence under section 43 of that Act because of regulations under paragraph 1(1)(b) of that Schedule.”

#### *Member's explanatory statement*

*This amendment provides that where an act relating to the advertisement of a voluntary assisted dying service would not be an offence under Clause 43 because of paragraph 1 of my new Schedule to be inserted after Schedule 3, the act is not an offence under the Suicide Act 1961.*

#### Clause 43

LORD FALCONER OF THOROTON

Clause 43, page 34, line 3, leave out subsections (1) to (4) and insert –

- “(1) A person commits an offence if –
  - (a) the person, acting in the course of a business or other undertaking, prints, publishes or distributes an advertisement whose purpose is to promote a voluntary assisted dying service, and
  - (b) the person knows or has reason to suspect –
    - (i) that what they are printing, publishing or distributing is or contains the advertisement, and

- (ii) that the advertisement has that purpose.
- (2) A person commits an offence if –
  - (a) the person, acting in the course of a business or other undertaking, designs an advertisement whose purpose is to promote a voluntary assisted dying service, and
  - (b) the person knows or has reason to suspect that the advertisement has that purpose.
- (3) A person commits an offence if –
  - (a) the person, acting in the course of a business or other undertaking, causes the designing, printing, publication or distribution of an advertisement whose purpose is to promote a voluntary assisted dying service, and
  - (b) the person knows or has reason to suspect –
    - (i) that they are causing the designing, printing, publication or distribution of the advertisement, and
    - (ii) that the advertisement has that purpose.
- (4) A person who carries on a business or other undertaking in the United Kingdom commits an offence if –
  - (a) the person, acting in the course of a business or other undertaking, provides an internet service by means of which an advertisement is published or distributed,
  - (b) the advertisement’s purpose is to promote a voluntary assisted dying service, and
  - (c) the person knows or has reason to suspect –
    - (i) that the advertisement will be published or distributed by means of the service that they provide, and
    - (ii) that the advertisement has that purpose.
- (4A) A person who carries on a business or other undertaking in the United Kingdom commits an offence if –
  - (a) the person, acting in the course of a business or other undertaking, provides an internet service by means of which an advertisement is published or distributed,
  - (b) the advertisement’s purpose is to promote a voluntary assisted dying service,
  - (c) the person becomes aware of the circumstances set out in paragraphs (a) and (b), and
  - (d) the person fails to take all reasonable steps to prevent the advertisement from being further viewed by, or distributed to, the public (by the internet service that they provide).
- (4B) Schedule (*Advertising: further provision*) –
  - (a) contains defences to offences under this section,
  - (b) contains certain exceptions for internet service providers,
  - (c) contains exceptions for certain audiovisual services and radio broadcasts,

- (d) contains further provision about certain audiovisual services and radio broadcasts (including a prohibition on sponsorship and product placement), and
  - (e) provides that this section binds the Crown.
- (4C) A person who commits an offence under this section is liable—
- (a) on summary conviction in England and Wales, to a fine;
  - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (4D) In subsections (4) and (4A) “internet service” means a service that is made available by means of—
- (a) the internet, or
  - (b) a combination of the internet and an electronic communications service (as defined by section 32(2) of the Communications Act 2003).”

***Member's explanatory statement***

*This amendment (and the new Schedule inserted after Schedule 3 by amendment) make provision, on the face of the Bill, about the advertising of voluntary assisted dying services.*

**Clause 54**

LORD FALCONER OF THOROTON

Clause 54, page 40, line 6, leave out “or 43”

***Member's explanatory statement***

*This amendment is consequential on my amendment of Clause 43, at page 34, line 3.*

LORD FALCONER OF THOROTON

Clause 54, page 40, line 6, after “43” insert “or Schedule (*Advertising: further provision*)”

***Member's explanatory statement***

*This amendment provides that regulations under my new Schedule, to be inserted after Schedule 3, are subject to the draft affirmative procedure.*

**Clause 57**

LORD FALCONER OF THOROTON

Clause 57, page 41, line 40, after “59” insert “and Schedule (*Advertising: further provision*)”

***Member's explanatory statement***

*This amendment provides that my new Schedule, to be inserted after Schedule 3, extends to (that is, forms part of the law of) each part of the United Kingdom.*

### After Schedule 3

#### LORD FALCONER OF THOROTON

After Schedule 3, insert the following new Schedule—

#### “SCHEDULE

Section 43

#### ADVERTISING: FURTHER PROVISION

##### *Section 43: defences*

- 1 (1) Where a person is charged with an offence under section 43 in relation to an advertisement, it is a defence for the person to show—
  - (a) that the advertisement is, or is contained in, a communication that is—
    - (i) made by a person who carries on a business or other undertaking that provides voluntary assisted dying services,
    - (ii) made for the purposes of that business or undertaking, and
    - (iii) directed solely at persons carrying on a business or other undertaking that provides voluntary assisted dying services, or
  - (b) anything specified in regulations made by the Secretary of State for the purposes of this paragraph.
- (2) A person is to be taken to have shown a matter for the purposes of sub-paragraph (1) if—
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (3) In this paragraph “voluntary assisted dying service” has the meaning given by section 43.

##### *Section 43: exceptions for internet service providers (conduits, caching, hosting)*

- 2 (1) An internet service provider does not commit an offence under section 43(1), (3), (4) or (4A) by—
  - (a) providing access to a communication network, or
  - (b) transmitting, in a communication network, information provided by a user, if the provider does not—
    - (i) initiate the transmission,
    - (ii) select the recipient of the transmission, or
    - (iii) select or modify the information contained in the transmission.
- (2) The references in sub-paragraph (1) to providing access to, or transmitting information in, a communication network include storing the information transmitted so far as the storage—
  - (a) is automatic, intermediate and transient,
  - (b) is solely for the purpose of carrying out the transmission in the network, and

- (c) is for no longer than is reasonably necessary for the transmission.
- (3) An internet service provider does not commit an offence under section 43(1), (3), (4) or (4A) by storing information provided by a user for transmission in a communication network if –
- (a) the storage of the information –
    - (i) is automatic, intermediate and temporary, and
    - (ii) is solely for the purpose of making more efficient the onward transmission of the information to other users at their request, and
  - (b) the internet service provider –
    - (i) does not modify the information,
    - (ii) complies with any conditions attached to having access to the information, and
    - (iii) upon knowing of a matter within sub-paragraph (4), promptly removes the information or disables access to it.
- (4) The matters within this sub-paragraph are –
- (a) that the information at the initial source of the transmission has been removed from the network;
  - (b) that access to the information has been disabled;
  - (c) that a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.
- (5) An internet service provider does not commit an offence under section 43(1), (3) or (4) by storing information provided by a user who is not acting under the authority or control of the provider if –
- (a) when the information was provided, the provider did not know that it was or contained a relevant advertisement, and
  - (b) upon knowing that the information is or contains a relevant advertisement, the provider promptly removes the information or disables access to it.
- (6) In this paragraph –
- “internet service provider” means a provider of –
    - (a) a service that is made available by means of the internet, or
    - (b) a service that provides access to the internet;
  - “relevant advertisement” means an advertisement whose purpose is to promote a voluntary assisted dying service;
  - “user”, in relation to an internet service provider, means a user of a service provided by the internet service provider;
  - “voluntary assisted dying service” has the meaning given by section 43.
- (7) In the definition of “internet service provider” in sub-paragraph (6), a reference to the internet includes a combination of the internet and an electronic communications service (as defined by section 32(2) of the Communications Act 2003).

*Section 43: exceptions for audiovisual services and radio broadcasting*

- 3 Section 43 does not apply in relation to anything included in—
- (a) a service within section 211(1) of the Communications Act 2003 (independent television services regulated by the Office of Communications) which is not an additional television service within the meaning of Part 3 of that Act,
  - (b) a service which—
    - (i) is within section 245(1) of that Act (independent radio services regulated by the Office of Communications), and
    - (ii) is not a digital additional sound service within the meaning of Part 3 of that Act,
  - (c) an on-demand programme service within the meaning given by section 368A of that Act,
  - (d) a non-UK on-demand programme service which is a Tier 1 service (within the meaning given by sections 368AA and 368HA of that Act respectively), or
  - (e) a service provided by the British Broadcasting Corporation or Sianel Pedwar Cymru (S4C).

*Audiovisual services and radio broadcasting: further provision*

- 4 (1) The Communications Act 2003 is amended as follows.
- (2) After section 321A insert—
- “321B Objectives for advertisements: voluntary assisted dying services**
- (1) OFCOM must set standards by virtue of section 321(1)(b) prohibiting television and radio services from including advertisements for voluntary assisted dying services.
  - (2) In this section—
 

“advertisements” includes—

    - (a) advertisements under a sponsorship agreement, and
    - (b) anything else which, under a sponsorship agreement, is included in a television or radio service;

“voluntary assisted dying service” has the meaning given by section 43 of the Terminally Ill Adults (End of Life) Act 2026.”
  - (3) In section 368F(1) (on-demand programme services: prohibitions on advertising) after paragraph (b) insert—
 

“(c) voluntary assisted dying services (within the meaning given by section 43 of the Terminally Ill Adults (End of Life) Act 2026).”
  - (4) In section 368G (on-demand programme services: sponsorship) after subsection (2) insert—
 

“(2A) An on-demand programme service, or a programme included in such a service, must not be sponsored for the purpose of promoting a

voluntary assisted dying service (within the meaning given by section 43 of the Terminally Ill Adults (End of Life) Act 2026).”

- (5) In section 368H(4) (on-demand programme services: product placement), omit the “or” at the end of paragraph (bf) and at the end of paragraph (c) insert “, or
  - (d) it is of a voluntary assisted dying service (within the meaning given by section 43 of the Terminally Ill Adults (End of Life) Act 2026).”
- (6) In Schedule 11A (television services: product placement), in paragraph 4 omit the “or” at the end of paragraph (bb) and at the end of paragraph (c) insert “, or
  - (d) of a voluntary assisted dying service (within the meaning given by section 43 of the Terminally Ill Adults (End of Life) Act 2026).”

#### *Crown application*

- 5 (1) Section 43 binds the Crown.
- (2) Nothing in that section makes the Crown criminally liable.
- (3) The High Court in England and Wales or Northern Ireland, or the Court of Session in Scotland, may declare unlawful any act or omission for which the Crown would, but for sub-paragraph (2), be criminally liable.
- (4) The Court of Session may make a declaration under sub-paragraph (3) only on an application made by –
  - (a) the Scottish Ministers, or
  - (b) a local weights and measures authority in Scotland.
- (5) Sub-paragraph (2) does not affect the criminal liability of persons in the service of the Crown.”

#### ***Member's explanatory statement***

*This Schedule makes further provision about the advertising of voluntary assisted dying services, including providing for defences and exceptions, making further provision about certain media, and providing for Clause 43 to bind the Crown.*

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*24 February 2026*

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PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS