House of Commons

Committee Stage: Friday 14 February 2025

Terminally Ill Adults (End of Life) Bill
(Amendment Paper)

This document lists all amendments tabled to the Terminally Ill Adults (End of Life) Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

[R] indicates that a member has declared a relevant interest.

★ New Amendments.

☆ Amendments which will comply with the required notice period at their next appearance.

New Amendments: 369 to 397, NC14 to NC17 and NS1 and NS2

Rachael Maskell **281**

Naz Shah
Munira Wilson

Clause 1, page 1, line 20, at end insert—

"(c) has met with a palliative care specialist for the purposes of being informed about the medical and care support options."

Member's explanatory statement

This amendment would mean that illness, disease or medical condition etc, the progress of which can be managed or controlled by treatment are not characterised as terminal illness.

Kim Leadbeater **180**

Clause 1, page 1, line 20, at end insert—

"(3) The steps to be taken under sections 5, 7, 8 and 13 must be taken—
(a) when the terminally ill person is in England or Wales, and
(b) in the case of the steps under sections 7 and 8, by persons in England or Wales."

unless the Secretary of State considers that, having regard to the subject-matter of the proposed regulations, it would not be appropriate to consult such persons."

Member's explanatory statement

This new clause imposes a duty to consult before making regulations under various provisions of the Bill.

Kim Leadbeater **NC14**

★ To move the following Clause—

"Voluntary Assisted Dying Commissioner

(1) There is to be a Voluntary Assisted Dying Commissioner.

(2) The Commissioner is to be appointed by the Prime Minister.

(3) The person appointed must hold or have held office as a judge of—
  (a) the Supreme Court,
  (b) the Court of Appeal, or
  (c) the High Court.

(4) The Commissioner's principal functions are—
  (a) receiving documents made under this Act;
  (b) making appointments to a list of persons eligible to sit on Assisted Dying Review Panels (see Schedule *(Assisted Dying Review Panels)*);
  (c) making arrangements in relation to such panels and referring cases to them (see section *(Referral by Commissioner of case to multidisciplinary panel)*);
  (d) determining applications for reconsideration of panel decisions under section *(Reconsideration of panel decisions refusing certificate of eligibility)*;
  (e) monitoring the operation of this Act and reporting annually on it (see section 34).

(5) In this Act "the Commissioner" means the Voluntary Assisted Dying Commissioner.

(6) Schedule *(The Voluntary Assisted Dying Commissioner)* makes provision about the Commissioner."

Member's explanatory statement

This new clause provides for there to be a Voluntary Assisted Dying Commissioner.

Kim Leadbeater **NC15**

★ To move the following Clause—

"Referral by Commissioner of case to multidisciplinary panel

(1) This section applies where the Commissioner receives—

(a) a first declaration made by a person,

(b) a report about the first assessment of the person which contains a statement indicating that the coordinating doctor is satisfied as to all of the matters mentioned in section 7(2)(a) to (g), and

(c) a report about the second assessment of the person which contains a statement indicating that the independent doctor is satisfied as to all of the matters mentioned in section 8(2)(a) to (e).

(2) The Commissioner must, as soon as reasonably practicable, refer the person's case to an Assisted Dying Review Panel for determination of the person's eligibility to be provided with assistance under section 18.

(3) But where the Commissioner receives a notification that the first declaration has been cancelled—

(a) the Commissioner must not refer the person's case to such a panel, and

(b) if the person's case has already been so referred, the Commissioner must notify the panel of the cancellation.

(4) Schedule *(Assisted Dying Review Panels)* makes provision about Assisted Dying Review Panels."

Member's explanatory statement

This new clause provides for the Voluntary Assisted Dying Commissioner to refer a person's case to a multidisciplinary panel, to be called an Assisted Dying Review Panel.

Kim Leadbeater **NC16**

★ To move the following Clause—

"Determination by panel of eligibility for assistance

(1) This section applies where a person's case is referred under section *(Referral by Commissioner of case to multidisciplinary panel)* or *(Reconsideration of panel decisions refusing certificate of eligibility)* to an Assisted Dying Review Panel ("the panel").

(2) The panel's function is to determine whether it is satisfied of all of the following matters—

(a) that the requirements of sections 5 to 9 have been met in relation to—

(i) the first declaration,

(ii) the first assessment and the report under section 7 on that assessment, and

(iii) the second assessment and the report under section 8 on that assessment;

(b) that the person is terminally ill;
(c) that the person has capacity to make the decision to end their own life;
(d) that the person was aged 18 or over at the time the first declaration was made;
(e) that the person is ordinarily resident in England and Wales and has been so resident for at least 12 months ending with the date of the first declaration;
(f) that the person is registered as a patient with a general medical practice in England or Wales;
(g) that the person has a clear, settled and informed wish to end their own life;
(h) that the person made the first declaration voluntarily and was not coerced or pressured by any other person into making that declaration.

(3) Subject to the following and to Schedule *(Assisted Dying Review Panels)*, the panel may adopt such procedure as it considers appropriate for the case.

(4) The panel—
(a) must hear from, and may question, the coordinating doctor or the independent doctor (and may hear from and question both);
(b) may hear from and may question the person to whom the referral relates or (in a case to which section 15 applies) their proxy (or both);
(c) may hear from and may question any other person;
(d) may ask any person appearing to it to have relevant knowledge or experience to report to it on such matters relating to the person to whom the referral relates as it considers appropriate.

In paragraphs (a) and (b) the reference to hearing from or questioning a person is to hearing from them, or questioning them, in person or by live video or audio link.

(5) The panel—
(a) must, if it is satisfied of all of the matters mentioned in subsection (2), grant a certificate to that effect (a "certificate of eligibility");
(b) must refuse to do so in any other case.

(6) The panel must notify the following of its decision—
(a) the person to whom the referral relates;
(b) the coordinating doctor;
(c) the Commissioner;
(d) any other person specified in regulations made by the Secretary of State.

Where it grants a certificate of eligibility, it must give a copy of the certificate to each of these persons.

(7) If the panel is notified that the first declaration has been cancelled, it must cease to act in relation to the referral (and, in particular, it may not grant a certificate of eligibility)."

Member's explanatory statement

This new clause provides for a person's eligibility to be provided with assistance under clause 18 to be determined by a multidisciplinary panel (instead of the High Court).

Kim Leadbeater **NC17**

★ To move the following Clause—

"Reconsideration of panel decisions refusing certificate of eligibility

(1) This section applies where—

(a) a person's case is referred under section *(Referral by Commissioner of case to multidisciplinary panel)* to an Assisted Dying Review Panel ("the first panel"), and

(b) the first panel refuses to grant a certificate of eligibility in respect of the person.

(2) The person may apply to the Commissioner for their case to be reconsidered on the ground that the first panel's decision—

(a) contains an error of law,

(b) is irrational, or

(c) is procedurally unfair.

(3) The Commissioner must consider an application without a hearing.

(4) On the application—

(a) if the Commissioner is satisfied that any of the grounds mentioned in subsection (2) applies, they must as soon as reasonably practicable refer the person's case to a different Assisted Dying Review Panel for a fresh determination under section *(Determination by panel of eligibility for assistance)*;

(b) in any other case, the Commissioner must dismiss the application.

(5) The Commissioner must give reasons, in writing, for their decision.

(6) The Commissioner must notify the following of the outcome of the application, and give them a document containing their reasons for their decision—

(a) the person who made the application;

(b) the coordinating doctor;

(c) any other person specified in regulations made by the Secretary of State."

Member's explanatory statement

This new clause provides for certain decisions of Assisted Dying Review Panels to be referred to a different panel for reconsideration.

Member's explanatory statement

The amendment is consequential on Amendment 208.

Dr Ben Spencer **70**

Schedule 6, page 32, line 3, leave out from "of" to "declaration" and insert "First-tier Tribunal"

Member's explanatory statement

This amendment is consequential on NC2 and NC3.

Claire Hazelgrove **255**

Schedule 6, page 32, line 13, at end insert—

"Means of administration of approved substance ....."

Member's explanatory statement

This would add the means of administration to the final statement set out in Schedule 6.

Kim Leadbeater **232**

Rachel Hopkins
Kit Malthouse

Page 30, line 32, leave out Schedule 6

Member's explanatory statement

The amendment is consequential on Amendment 214.

Kim Leadbeater **NS1**

★ To move the following Schedule—

"SCHEDULE Section *(Voluntary Assisted Dying Commissioner)*

THE VOLUNTARY ASSISTED DYING COMMISSIONER

Status

1 (1) The Commissioner is to be a corporation sole.

(2) The Commissioner is not to be regarded as—

(a) the servant or agent of the Crown, or

(b) as enjoying any status, immunity or privilege of the Crown.

(3) The Commissioner's property is not to be regarded as property of, or property held on behalf of, the Crown.

General powers

2 The Commissioner may do anything the Commissioner considers appropriate for the purposes of, or in connection with, the Commissioner's functions.

Deputy Commissioner

3 (1) The Prime Minister must appoint a person to be the Deputy Voluntary Assisted Dying Commissioner (the "Deputy Commissioner").

(2) The person appointed must hold or have held office as a judge of—

(a) the Supreme Court,

(b) the Court of Appeal, or

(c) the High Court.

(3) The Commissioner may delegate any of the Commissioner's functions to the Deputy Commissioner, to the extent and on the terms that the Commissioner determines.

(4) The delegation of a function under sub-paragraph (3) does not prevent the Commissioner from exercising that function.

(5) The functions of the Commissioner are to be carried out by the Deputy Commissioner if—

(a) there is a vacancy in the office of the Commissioner, or

(b) the Commissioner is for any reason unable or unwilling to act.

Appointment and tenure of office

4 (1) A person holds and vacates office as the Commissioner or Deputy Commissioner in accordance with the terms and conditions of their appointment as determined by the Secretary of State, subject to the provisions of this paragraph.

(2) An appointment as the Commissioner or Deputy Commissioner is to be for a term not exceeding five years.

(3) A person may not be appointed as the Commissioner or Deputy Commissioner if a relevant appointment of them has been made on two occasions. "Relevant appointment" here means appointment as the Commissioner or Deputy Commissioner.

(4) The Commissioner or Deputy Commissioner may resign by giving written notice to the Secretary of State.

(5) The Secretary of State may by notice in writing remove a person from the office of Commissioner or Deputy Commissioner if satisfied that the person—

(a) has behaved in a way that is not compatible with their continuing in office, or

(b) is unfit, unable or unwilling to properly discharge their functions.

Remuneration

5 The Secretary of State may pay to, or in respect of, the person holding office as the Commissioner or Deputy Commissioner—

(a) remuneration;

(b) allowances;

(c) sums by way of or in respect of pensions.

Staff: appointed by Commissioner

6 (1) The Commissioner may appoint staff.

(2) Staff are to be appointed on terms and conditions determined by the Commissioner.

(3) The terms and conditions on which a member of staff is appointed may provide for the Commissioner to pay to or in respect of the member of staff—

(a) remuneration;

(b) allowances;

(c) sums by way of or in respect of pensions.

(4) In making appointments under this paragraph, the Commissioner must have regard to the principle of selection on merit on the basis of fair and open competition.

(5) The Employers' Liability (Compulsory Insurance) Act 1969 does not require insurance to be effected by the Commissioner.

Staff: secondment to Commissioner

7 (1) The Commissioner may make arrangements for persons to be seconded to the Commissioner to serve as members of the Commissioner's staff.

(2) The arrangements may include provision for payments by the Commissioner to the person with whom the arrangements are made or directly to seconded staff (or both).

(3) A period of secondment to the Commissioner does not affect the continuity of a person's employment with the employer from whose service he or she is seconded.

Staff: general

8 (1) Before appointing staff under paragraph 6 or making arrangements under paragraph 7(1), the Commissioner must obtain the approval of the Secretary of State as to the Commissioner's policies on—

(a) the number of staff to be appointed or seconded;

(b) payments to be made to or in respect of staff;

(c) the terms and conditions on which staff are to be appointed or seconded.

(2) A function of the Commissioner may be carried out by any of the Commissioner's staff to the extent authorised by the Commissioner (but this is subject to sub-paragraph (3)).

(3) Sub-paragraph (2) does not apply in respect of—

(a) the Commissioner's function under paragraph 2(1) of Schedule *(Assisted Dying Review Panels)* of making appointments to the list of persons eligible to be panel members;

(b) the Commissioner's function of determining applications for reconsideration under section *(Reconsideration of panel decisions refusing certificate of eligibility)*.

Financial and other assistance from the Secretary of State

9 (1) The Secretary of State may—

(a) make payments to the Commissioner of such amounts as the Secretary of State considers appropriate;

(b) give such financial assistance to the Commissioner as the Secretary of State considers appropriate.

(2) The Secretary of State may—

(a) provide staff in accordance with arrangements made by the Secretary of State and the Commissioner under paragraph 7;

(b) provide premises, facilities or other assistance to the Commissioner.

Accounts

10 (1) The Commissioner must—

(a) keep proper accounts and proper records in relation to them, and

(b) prepare a statement of accounts in respect of each financial year in the form specified by the Secretary of State.

(2) The Commissioner must send a copy of each statement of accounts to the Secretary of State and the Comptroller and Auditor General—

(a) before the end of August next following the end of the financial year to which the statement relates, or

(b) on or before such earlier date after the end of that year as the Treasury may direct.

(3) The Comptroller and Auditor General must—

(a) examine, certify and report on the statement of accounts, and

(b) send a copy of the certified statement and the report to the Secretary of State.

(4) The Secretary of State must lay before Parliament each document received under sub-paragraph (3)(b).

(5) In this paragraph, "financial year" means—

(a) the period beginning with the date on which the Commissioner is established and ending with the second 31 March following that date, and

(b) each successive period of 12 months.

Application of seal and proof of documents

11 (1) The application of the Commissioner's seal is to be authenticated by the signature of—

(a) the Commissioner, or

(b) a person who has been authorised by the Commissioner for that purpose (whether generally or specially).

(2) A document purporting to be duly executed under the Commissioner's seal or signed on the Commissioner's behalf —

(a) is to be received in evidence, and

(b) is to be treated as duly executed or signed in that way, unless the contrary is shown.

Public Records Act 1958

12 In Part 2 of the Table in paragraph 3 of the First Schedule to the Public Records Act 1958 (bodies whose records are public records), at the appropriate place insert—

"The Voluntary Assisted Dying Commissioner."

House of Commons Disqualification Act 1975

13 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying person from membership of House of Commons), at the appropriate place insert—

"The Voluntary Assisted Dying Commissioner or the Deputy Voluntary Assisted Dying Commissioner."

Freedom of Information Act 2000

14 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities for the purposes of the Act), at the appropriate place insert—

"The Voluntary Assisted Dying Commissioner."

Equality Act 2010

15 In Part 1 of Schedule 19 to the Equality Act 2010 (public authorities subject to public sector equality duty), at the end of the group of entries for bodies whose functions relate to health, social care and social security insert—

"The Voluntary Assisted Dying Commissioner.""

Member's explanatory statement

This new Schedule contains provision about the Voluntary Assisted Dying Commissioner and the Deputy Commissioner.

Kim Leadbeater **NS2**

★ To move the following Schedule—

"SCHEDULE Section *(Referral by Commissioner of case to multidisciplinary panel)*

ASSISTED DYING REVIEW PANELS

Introduction

1 In this Schedule—

(a) "referral" means a referral under section *(Referral by Commissioner of case to multidisciplinary panel)* or *(Reconsideration of panel decisions refusing certificate of eligibility)* (and similar references are to be construed accordingly);

(b) "panel" means an Assisted Dying Review Panel.

List of persons eligible to be panel members

2 (1) The Commissioner must make appointments to a list of persons eligible to sit as members of panels.

(2) A person may be appointed to the list only if—

(a) the person (a "legal member")—

(i) holds or has held high judicial office,

(ii) is one of His Majesty's Counsel, or

(iii) has (at any time) been requested to act as a judge of the Court of Appeal or the High Court by virtue of section 9(1) of the Senior Courts Act 1981,

(b) the person (a "psychiatrist member") is—

(i) a registered medical practitioner,

(ii) a practising psychiatrist, and

(iii) registered in one of the psychiatry specialisms in the Specialist Register kept by the General Medical Council, or

(c) the person is registered as a social worker in a register maintained by Social Work England or Social Work Wales (a "social worker member").

(3) In this paragraph "high judicial office" means office as—

(a) a judge of the Supreme Court,

(b) a judge of the Court of Appeal, or

(c) a judge or deputy judge of the High Court.

Tenure of persons appointed to list

3 (1) Subject to the provisions of this paragraph, persons on the list hold and vacate their appointments in accordance with the terms on which they are appointed.

(2) An appointment to the list is to be for a period not exceeding five years.

(3) A person who has held appointment to the list is eligible for re-appointment for one further period not exceeding five years.

Membership of panels

4 (1) The Commissioner must make arrangements for determining the membership of a panel.

(2) The arrangements must ensure that a panel consists of—

(a) a legal member,

(b) a psychiatrist member, and

(c) a social worker member.

Decisions of panels

5 (1) The legal member of a panel is to act as its chair.

(2) Decisions of a panel may be taken by a majority vote; but this is subject to sub-paragraph (3).

(3) The panel is to be treated as having decided to refuse to grant a certificate of eligibility if any member votes against a decision to grant such a certificate.

Panel sittings

6 (1) Panels are to determine referrals in public (but this is subject to sub-paragraph (2)).

(2) The chair of a panel may, at the request of the person to whom a referral relates, decide that the panel is to sit in private.

Staff and facilities

7 The Commissioner may make staff and other facilities available to panels.

Practice and procedure

8 (1) The Commissioner may give guidance about the practice and procedure of panels.

(2) Panels must have regard to any such guidance in the exercise of their functions.

Reasons

9 Panels must give reasons, in writing, for their decisions.

Money

10 The Commissioner may pay to or in respect of members of panels—

(a) remuneration;

(b) allowances;

(c) sums by way of or in respect of pensions.