

## **SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO 2)**

### **TERMINALLY ILL ADULTS (END OF LIFE) BILL**

1. This Legislative Consent Memorandum (“LCM”) is laid under Standing Order (“SO”) 29.2. SO29 prescribes that an LCM must be laid, and a legislative consent motion may be tabled, before Senedd Cymru in relation to any UK Private Member’s Bill under consideration in the UK Parliament which makes provision in relation to Wales that has regards to devolved matters.
2. The Terminally Ill Adults (End of Life) Bill (“the Bill”) was introduced in the House of Commons on 16 October 2024. I laid an LCM on 9 April 2025.
3. The Bill completed the Commons Report stage and Third Reading on 20 June 2025 and the Lords First Reading stage on 23 June 2025. This Supplementary LCM covers the amendments agreed during the report state. The latest version of the Bill is available at: [Terminally Ill Adults \(End of Life\) Bill](#)

#### **Amendments**

4. 111 non-government amendments were tabled between 27 March and 16 June 2025. The Report stage commenced on 16 May with House of Commons Report Stage debates taking place on 13 and 20 June. The majority of the amendments do not have regard to devolved matters. All amendments are published on the [Bill website](#).
5. The amendments that make provisions which have regard to devolved matters, are detailed in paragraphs 12 to 15 below.

#### **Policy Objective(s)**

6. The policy objective relates to choice at the end of life, to allow adults who are terminally ill to request to be provided with assistance to end their own life. The UK Government remains neutral on the issue citing the long-standing convention for issues of conscience. Guidance was issued to UK Government Ministers on 3 October 2024 stating that ‘The UK Government will therefore remain neutral on the passage of the Bill and on the matter of assisted dying.’

#### **Summary of the Bill**

7. The Bill is a Private Member’s Bill sponsored by Kim Leadbeater, the MP for Spen Valley.

8. It seeks to allow adults who are terminally ill, subject to safeguards and protections, to request and be provided with assistance to end their own life.

9. Amongst its provisions, the Bill:

- i. sets out the circumstances in which assistance can be provided to a person to end their own life. The person must be terminally ill (see 6b below), have the necessary capacity to make the decision to end their own life (see 6c below), be aged 18 or over, be ordinarily resident in England and Wales and have been so for at least 12 months, and be registered as a patient with a GP practice in England or Wales.
- ii. defines when a person is 'terminally ill' as having an inevitably progressive illness or disease that cannot be reversed by treatment, and the person must also be reasonably expected to die within 6 months as a consequence.
- iii. makes clear that the test of whether a person has capacity to make a decision and end their own life is to be determined in accordance with the Mental Capacity Act 2005.
- iv. confirms that there is to be a Voluntary Assisted Dying Commissioner appointed by the Prime Minister who must hold or have held office as a judge of the Supreme Court, the Court of Appeal, or the High Court. The Commissioner's principal functions will be to receive documents made under the Act, make appointments to a list of persons eligible to sit on Assisted Dying Review Panels, referring cases to review panels, determining applications for reconsideration of panel decisions and monitoring the operation of this Act and reporting annually on it.
- v. makes clear that no registered medical practitioner is under any duty to raise the subject of the provision of assistance in accordance with this Act with a person. But that does not prevent a registered medical practitioner exercising their professional judgement to decide if, and when it is appropriate to discuss the matter with a patient.
- vi. requires the person who wishes to be provided with assistance to end their own life to make a declaration to that effect. The person must sign the declaration, and it must be witnessed by the co-ordinating doctor and another person both of whom must see the declaration being signed.
- vii. confirms that following the declaration, the coordinating doctor who witnessed the first declaration must carry out a first assessment of the person making the declaration.
- viii. necessitates a second assessment by an independent doctor, 7 days after the first assessment to allow for a period of reflection. The independent doctor must make a report about the assessment, which indicates if they are satisfied all the requirements are met.

- ix. requires the Commissioner to refer the person's case to an Assisted Dying Review Panel for determination of the person's eligibility to be provided with assistance, subject to all relevant assessments and reports being received and indicating all requirements are met.
- x. permits the Welsh Ministers by regulations to make provision about voluntary assisted dying services in Wales, including provision securing that arrangements are made for the provision of such services.
- xi. requires the Commissioner to monitor the operation of the Act, investigate, and report to an appropriate national authority on any matter connected with the operation of the Act which the appropriate national authority refers to the Commissioner, and submit an annual report to each appropriate national authority on the operation of the Act. In preparing the report, the Commissioner must consult with (among others) the Chief Medical Officer for Wales.
- xii. requires the Welsh Ministers (if regulating about voluntary assisted dying services in Wales) to make provision as they consider appropriate to ensure that, where a person in Wales who wishes to be provided with assistance indicates they wish to communicate in Welsh, all reasonable steps are taken to secure communications and reports are in Welsh; and requires the Commissioner to take reasonable steps to secure that communications by the Commissioner and panels are in Welsh and panel members speak Welsh.
- xiii. requires the Secretary of State to make regulations specifying drugs or other substances for the purposes of the Act.
- xiv. confirms that a person is not guilty of an offence by virtue of providing assistance to a person to end their own life in accordance with the Act.

### **Update on the position since the publication of the first Legislative Consent Memorandum**

- 10. Since the first LCM was published on 9 April 2025 the Bill has passed through the Report Stage, which began on 16 May and continued on 13 and 20 June 2025, and the Third Reading on 20 June 2025. The Bill had its First Reading in the Lords on 23 June 2025.
- 11. During the Report Stage, the following amendments were agreed, which omitted provisions of the Bill in respect of which an LCM was previously laid on 9 April 2025:
  - i. Amendment 89  
This amendment omitted clause 37 (Guidance about operation of the Act);
  - ii. Amendment 90  
This amendment omitted clause 47 (Provision of information in English and Welsh);
  - iii. Amendment 95

This amendment omitted subsection (6) of clause 58 (originally clause 54) (Commencement), which conferred a power on the Welsh Ministers to bring into force, by regulations subject to the affirmative procedure, provisions of the Act not brought into force by subsection (1) of that clause.

12. Welsh Government officials are working constructively with UK Government officials and the Bill Sponsor to ensure that the Welsh Government's interests are taken into account in the drafting of the Bill, and that the devolution settlement is respected in the Bill process. This has included weekly technical meetings.

### **Provisions agreed to the Bill at Report Stage for which consent is required**

13. Our assessment of the Bill as amended in House of Commons Report Stage on 13 and 20 June has concluded that the test in Standing Order 29 is met and the consent of Senedd Cymru is required in respect of new clauses 40 (Amendment NC20) and 51 (other than subsection (4)) (Amendment NC21) and clause 58(5) (as amended by amendment 94 – originally clause 54(5)). The following is a summary of these provisions of the Bill that meet the test under SO29.2(iii) and therefore trigger the requirement for consent. Where the provision contains a power for Welsh Ministers to make subordinate legislation, the Senedd procedure applicable to the power is also indicated.
14. **New Clause 40 (Amendment NC20) - Guidance about operation of Act.** This new clause makes provision about guidance relating to the operation of the Act. It confers a power on the Welsh Ministers to issue guidance relating to the operation of the Act in Wales, about matters within devolved competence. The Welsh Ministers must consult with specified persons before issuing guidance, including the Chief Medical Officer for Wales. It confers a power on the Secretary of State to issue guidance relating to the operation of the Act, including guidance which relates to matters about which the Welsh Ministers may issue guidance. The Secretary of State must similarly consult with specified persons, including the Chief Medical Officer for Wales, before issuing any guidance under this clause, and with the Welsh Ministers if any part of the guidance relates to Welsh devolved matters. This clause imposes requirements on the Welsh Ministers to publish any guidance they issue and to have regard to specified matters when preparing guidance.
15. **New Clause 51 (other than subsection (4)) (Amendment NC21) - Provision about the Welsh Language.** This new clause makes provision about the use of the Welsh language. It places a duty on the Welsh Ministers, when making regulations under section 42 of the Bill (as amended) about voluntary assisted dying services in Wales, to make such provision as they consider appropriate for the purpose of ensuring that, where a person in Wales who wishes to be provided with assistance to end their own life indicates that they wish to communicate in Welsh ("a relevant person"), all reasonable steps are taken to secure that

communications and reports are in Welsh. This clause also requires consultation between the Secretary of State and the Welsh Ministers before the Secretary of State makes regulations under specified sections of the Act which specify the form of a first or second declaration, a report about the first or second assessment of a person, or a final statement, to be in Welsh (as well as English).

**16. Clause 58(5) (as amended by amendment 94 – originally clause 54(5)) – Commencement**

Clause 58(5) confers a power on the Welsh Ministers to bring into force sections 42(1) and (2) and 51(2) and (3) of the Act on such day as they by regulations may appoint. Regulations are to be made by Statutory Instrument. There is no applicable Senedd procedure when exercising this power. This provision previously provided that both the Secretary of State's commencement powers under the Act and the four-year 'backstop' for the coming into force of the Act's provisions, did not apply in relation to Wales. Following the agreed amendment, those provisions do apply in relation to Wales.

**UK Government view on the need for consent**

17. The UKG has not confirmed their position as to whether they believe the consent of the Senedd is required for this Bill as amended at the House of Commons Report stage but have acknowledged that some clauses do cut across devolved matters. We agree with this assessment and will continue to liaise with UKG and assess this position as the Bill progresses.

18. As referred to in paragraph 9 above, my assessment is that an LCM is required in relation to new clauses 40 (Amendment NC20) and 51 (other than subsection (4)) (Amendment NC21) and clause 58(5) (as amended by amendment 94 – originally clause 54(5)).

**Provisions Relating to Wales in the Terminally Ill Adults (End of Life) Bill**

19. This Bill seeks to allow adults who are terminally ill, subject to safeguards and protections, to request and be provided with assistance to end their own life.
20. The primary mechanism through which the Bill achieves this is via amendments to the Suicide Act 1961, which is restricted by Schedule 7B.
21. New clauses 40 (Amendment NC20) and 51 (other than subsection (4)) (Amendment NC21) and clause 58(5) (as amended by amendment 94 – originally clause 54(5)) make provision that confers functions on, or impacts functions of, the Welsh Ministers and the Chief Medical Officer for Wales and therefore has regard to devolved matters.

## Financial Implications

22. Financial implications have been identified in the UK Government's impact assessment which estimated costs for England and Wales, with no specific breakdown for Wales:

Category	Estimated cost
Initial education campaign to ensure health and social care staff are aware of the changes and what they mean	£550k - £850k
Training	£1.23m - £11.5m Year 1 (half year) £1.53m – £9.71m Year 10
Staff time to deliver VAD services	£412k - £1.98m Year 1 (half year) £2.62m - £11.5m Year 10
Voluntary Assisted Dying Commissioner and panel approval	£10.9m - £13.6m per year

23. A very rough estimate of staff time to deliver VAD services calculated by the proportion of the estimated number of assisted deaths in Wales is:

**£26k – £123k** in Year 1 (half year) and

**£163k – £716k** in Year 10

24. The Impact Assessment estimated applicants and assisted deaths in Wales as follows:

- Estimated number of applicants in Wales in Year 1 (half year<sup>1</sup>) is **17 - 80**
- Estimated number of applicants in Wales in Year 10 is **106 – 462**
- Estimated number of assisted deaths in Wales in Year 1 (half year) is **10 – 48**
- Estimated number of assisted deaths in Wales in Year 10 is **63 – 277**

25. We will continue to consider any potential financial implications as the Bill passes through Parliament.

## Conclusion

26. Welsh Government is neutral on issue of voluntary assisted dying, and by extension the appropriateness of this matter and its inclusion in a UK Bill.

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<sup>1</sup> A key assumption is that services in England and Wales would become available from October 2029, meaning that Year 1 of implementation is half-a-year;

**Jeremy Miles MS**  
**Cabinet Secretary for Health and Social Care**  
**4 July 2025**