

**SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM
(MEMORANDUM NO 4)**

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, a Supplementary Legislative Consent Memorandum (“SLCM”) (No.2) on 4 July 2025 and a further SLCM (No.3) on 23 December 2025.
3. The Bill completed the Commons Report stage and Third Reading on 20 June 2025. The First Reading at the House of Lords took place on 23 June 2025 and the Second Reading was held over two sessions on 12 and 19 September 2025. Committee Stage has now begun, with the first session taking place on 14 November 2025. This follows a Select Committee’s consideration of the Bill through October 2025 and marked the beginning of detailed scrutiny of individual clauses and proposed amendments. This SLCM covers amendments tabled by the Bill Sponsor during Committee Stage which have been assessed as having regard to devolved matters. The latest version of the Bill is available at: [Terminally Ill Adults \(End of Life\) Bill](#).

Amendments

4. Up to 12 February 2026, a total of 1,247 amendments have been tabled in the House of Lords and as the Bill continues through Committee Stage, this number is expected to rise. Of these, the Bill Sponsor has tabled 66 amendments. 5 amendments were previously identified as having regard to devolved matters and were captured in a SLCM (No.3) on 23 December 2025. Since then, a further 4 amendments tabled by the Sponsor have been assessed as having regard to devolved matters and therefore requiring a SLCM (No.4) and the Senedd’s consent, should they be agreed by the House of Lords. All amendments tabled are published on the [Bill website](#).
5. This SLCM is laid at a point where the amendments identified above have been tabled by the Bill Sponsor but have not yet been formally agreed by the House of Lords. This approach reflects the exceptionally high volume of amendments under consideration and the extended Committee Stage timetable. Laying the Memorandum at this stage is intended to ensure that Senedd Cymru has an early indication of the Sponsor’s intended direction and ensures that Members have a meaningful opportunity to scrutinise and debate key proposed amendments that

would have regard to devolved matters, should they ultimately be agreed in the House of Lords. It also mitigates the risk that consent could not be sought within the available parliamentary timetable were the Memorandum tabled and the debate held after the amendments were agreed during later stages of the Bill.

6. Given the unprecedented volume of amendments tabled to the Bill during Lords Committee Stage, the Welsh Government has adopted a pragmatic approach to determining which amendments require the Senedd's consent. As set out in my response to the Legislation, Justice and Constitution Committee's report on SLCM No.3, this approach focuses on "key" sponsor amendments – that is amendments tabled by the Bill Sponsor which:
 - i. introduce new clauses, or
 - ii. amend provisions previously subject to legislative consent.
7. This SLCM has been prepared on that basis and includes only those sponsor-tabled amendments assessed as having regard to devolved matters under Standing Order 29, with the exception of an amendment tabled to clause 4, for which the rationale for inclusion has been set out in paragraphs 20-21. The Welsh Government will continue to monitor all amendments tabled throughout the remaining House of Lords stages and will bring forward further SLCMs if required.
8. In further responding to the LJC Committee's report on SLCM No.3, I committed to ensuring that the Legislative Consent Motion sets out explicitly what the Senedd is being asked to consent to, providing full clarity to Members ahead of the 24 February debate.
9. The amendments subject to this SLCM that make provisions which have regard to devolved matters, are detailed in paragraphs 16 to 19 below.

Policy Objective(s)

10. 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 ("UKG") remains neutral on the issue citing the long-standing convention for issues of conscience. Guidance was issued to UKG 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

11. The Bill is a Private Member's Bill sponsored by Kim Leadbeater MP in the House of Commons and Lord Falconer of Thoroton in the House of Lords.
12. 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.

13. A summary of the Bill's provisions was provided in the preceding LCMs and remains accurate. This Supplementary LCM should be read alongside those summaries, which continue to reflect the key features and scope of the Bill.

Update on the position since the publication of the first Legislative Consent Memorandum and first Supplementary LCM

14. Since the first LCM published on 9 April 2025 and a SLCM (No.2) on 4 July 2025, the Bill has completed all stages in the House of Commons and progressed to the House of Lords. It had its First Reading on 23 June 2025, and its Second Reading took place over two sessions on 12 and 19 September. Committee Stage began on 14 November 2025 and is currently expected to conclude on 24 April 2026, during which a SLCM (No.3) was published on 23 December 2025. Lords Report Stage and Third Reading are anticipated to begin shortly after Committee Stage concludes.

Amendments tabled to the Bill during Committee Stage for which consent is required if agreed

15. Our assessment of key amendments tabled by the Bill Sponsor between 18 December 2025 and 12 February 2026 during the House of Lords Committee Stage, has concluded that the test in Standing Order 29 is met in respect of amendments to clauses 4, 54 and 58. The following is a summary of these provisions requiring consent:

16. **Clause 4(3A) (to be inserted by an amendment listed in Paper HL Bill 112-IX(b) (Supplementary to the Ninth Marshalled List of Amendments)**. This amendment inserts a new subsection into clause 4 to introduce a requirement for the Prime Minister to consult with the Welsh Ministers before appointing the Voluntary Assisted Dying Commissioner. The amendment inserts a new subsection at the end of page 2, line 29 as follows:

- i. "(3A) Before making an appointment under this section, the Prime Minister must consult the Welsh Ministers."

The effect of this amendment is to place a statutory duty on the Prime Minister to consult the Welsh Ministers ahead of any appointment, thus involving the Welsh Ministers in the appointment.

17. **Clause 54(2) (to be amended by amendment 857CA) – Welsh statutory instruments**. Amendment 857CA amends clause 54(2) to reflect the new statutory regime for Welsh subordinate legislation created by the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 ("LPPRWA"). The amendment leaves out at clause 54, page 40, line 3 "by statutory instrument" and replaces it with:

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

This ensures that regulations made by the Welsh Ministers under the Act would follow the LPPRWA framework, which places the concept of a “Welsh statutory instrument” on a statutory footing.

18. **Clause 54(5) (to be amended by amendment 872A – Senedd approval procedure for section 42 regulations.** Amendment 872A further updates clause 54 to reflect the new statutory regime for Welsh subordinate legislation established by the LPPRWA. The amendment leaves out subsection (5) at page 40, line 11 and replaces it with a new provision stating that:

“(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)).”

This aligns the Bill with the revised procedures for Welsh subordinate legislation resulting from the LPPRWA. While the drafting changes, this amendment does not alter the level of Senedd scrutiny applied to regulations made under section 42 (“voluntary assisted dying services: Wales”). The Senedd approval procedure continues to require that a draft Welsh statutory instrument be laid before, and approved by a resolution of, Senedd Cymru.

19. **Clause 58(8) (to be amended by amendment 905A) – Welsh statutory instruments for commencement regulations.** Amendment 905A amends clause 58(8) to reflect the new statutory regime for Welsh subordinate legislation created by the LPPRWA. The amendment leaves out at clause 58, page 42, line 20 “by statutory instrument” and replaces it with:

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

This ensures that commencement regulations made by the Welsh Ministers under this Bill must be made as Welsh statutory instruments, consistent with the LPPRWA framework.

Rationale for inclusion of the amendment to clause 4 of the Bill

20. I acknowledge that the amendment to clause 4(3A) at paragraph 16 sits outside the approach the Welsh Government has taken in focusing on the “key” Sponsor amendments - namely those introducing new clauses or amending provisions previously subject to legislative consent. While this amendment sits outside that approach, Members may reasonably wish to explore the reasons for this exception during scrutiny. This amendment was brought forward at the Welsh Government’s request following recommendations from the Health and Social Care Committee during scrutiny of LCMs Nos. 1 and 2, in which the Committee enquired about

consideration given to establishing a Wales-only Voluntary Assisted Dying Commissioner. In response to that recommendation, I committed to exploring opportunities to strengthen Welsh oversight within the Bill. This amendment gives effect to that commitment by ensuring a formal statutory consultation role for the Welsh Ministers in appointments to the Voluntary Assisted Dying Commissioner.

21. For this reason, the amendment has been included within SLCM No.4 as a Welsh-Government initiated change arising directly from Senedd committee recommendations. Members may wish to take this context into account during their scrutiny.

UK Government view on the need for consent

22. 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. I agree with this assessment and will continue to liaise with UKG and assess this position as the Bill progresses in the remaining stages of the Lords.

23. As referred to in paragraph 12 above, my assessment is that an LCM is required in relation to amendments to clauses 4, 54 and 58.

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

24. 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.
25. The primary mechanism through which the Bill achieves this is via modifications to the Suicide Act 1961, which is restricted by Schedule 7B to the Government of Wales Act 2006.
26. Clauses 4(3A), 54(2) and (5) and 58(5), as proposed to be amended by the Bill Sponsor during Lords Committee Stage, make provision that has regard to devolved matters.

Financial Implications

27. Financial implications have been identified in the UKG's impact assessment, as previously set out in the preceding LCMs. These include estimated costs for England and Wales, with no specific breakdown for Wales. The financial estimates, as well as projected applicant and assisted death numbers for Wales, remain as outlined in those earlier LCMs. We will continue to consider any potential financial implications as the Bill passes through Parliament.

Conclusion

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

Jeremy Miles MS
Cabinet Secretary for Health and Social Care
16 February 2026