

Parliamentary Bureau – Referral of Bill at Stage 1

Assisted Dying for Terminally Ill Adults (Scotland) Bill

Introduction

1. The Assisted Dying for Terminally Ill Adults (Scotland) Bill was introduced in the Parliament on Wednesday 26 March 2024 by Liam McArthur MSP.
2. The Bill makes provision for terminally ill adults in Scotland, who are eligible, to lawfully request, and be provided with, assistance by health professionals to end their own life. To be eligible to be provided with assistance to end their life, a person must:
 - be terminally ill (have an advanced and progressive disease, illness or condition which they cannot recover from, and which is expected to cause their premature death),
 - be aged 16 or over,
 - have been resident in Scotland for at least 12 months,
 - be registered with a GP practice in Scotland,
 - have sufficient capacity to make and understand the decision.
3. The Bill sets out the procedure that must be followed once a request is made.
4. The final provisions of the Bill require the Scottish Ministers to prepare and publish guidance and an annual report setting out a detailed breakdown of requests for assisted dying. To aid the Scottish Ministers in their duties for reporting, Public Health Scotland are required to collect and provide such information to the Scottish Ministers.

Discussion

5. The Bill relates to matters about a person's health and end of life choice as well as setting out a new procedure supervised by a health professional. The new procedure includes a health professional providing a terminally ill adult with approved substances to end their own life.
6. The remit of the Health, Social Care and Sport Committee includes considering and reporting on matters falling within the responsibility of the Cabinet Secretary for NHS Recovery, Health and Social Care and matters relating to drugs and alcohol policy. The responsibilities of the Cabinet Secretary include patient services, patient safety and person-centred care.
7. Business Managers will also be aware of the letter from Alexander Burnett (see Annexe) which proposes the establishment of a new Committee to consider the Bill.

Recommendation

8. **The Bureau is invited to consider whether to agree to refer the Assisted Dying for Terminally Ill Adults (Scotland) Bill to the Health, Social Care and Sport Committee under Rule 9.6.1 for consideration at Stage 1 or to consider options for the establishment of a new Committee in more detail at a future meeting.**

Parliamentary Business Team

April 2024

ANNEXE

LETTER FROM ALEXANDER BURNETT TO BUREAU 27 MARCH 2024

Dear Bureau members,

Ahead of its lodging, I am writing to propose that a bespoke Bill Committee be established for the Assisted Dying for Terminally Ill Adults Bill.

In previous sessions, the Scottish Parliament has opted to establish bespoke committees for certain bills or inquiries, which has allowed existing committees to continue with their heavy workload while providing the opportunity for focus on the single issue at hand.

The largest parties, which represent the majority of MSPs in Holyrood, do not intend to whip their MSPs to vote in a particular way. Therefore, establishing a new committee would allow parties to populate the committee's membership with MSPs who hold different views on the Bill. This would enhance scrutiny and ensure that, in the eyes of the public, the Bill is beyond reproach.

As it stands, the Health, Social Care and Sport Committee's membership may be skewed towards a certain position and it does not seem the most sensible approach to change the membership for this one Bill, given that the committee will continue to consider other business throughout the process.

Therefore, establishing a bespoke committee to scrutinise the Assisted Dying Bill would seem the most appropriate solution. I understand that this decision will not be made until the Bill is formally lodged. However, I wished to put forward my party's viewpoint ahead of any such discussions at Bureau.

All the best,

Alex

Alexander Burnett