

Assisted Dying Bill [HL]

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

BARONESS GREY-THOMPSON

Page 1, line 4, leave out “assistance” and insert “lethal drugs to self-administer”

BARONESS GOUDIE

Page 1, line 12, leave out “to make” and insert “commensurate with making”

BARONESS GREY-THOMPSON

Page 1, line 15, at end insert –

“(d) is able to self-administer and orally ingest a lethal dose of drugs.”

Clause 2

LORD MOYLAN

Page 1, line 20, at end insert –

“(aa) as a consequence of that terminal illness will undergo severe or intolerable suffering that cannot be relieved by medical means, and”

Member’s explanatory statement

This amendment makes assisted suicide available only to those with a terminal illness that involves severe or intolerable suffering.

BARONESS FINLAY OF LLANDAFF

Page 1, line 22, leave out “months” and insert “weeks”

Member’s explanatory statement

This reduces the amount of time within which a person is reasonably expected to die as a result of their terminal illness.

LORD MOYLAN

Page 1, line 22, at end insert –

- “(1A) The registered medical practitioner must not be a person employed by or working under contract to the National Health Service or any of its constituent parts at the time of making the diagnosis nor at any point in the previous twelve months.
- (1B) Unless he or she has attended the patient for a period of at least three months prior to making the diagnosis referred to in subsection 2(1)(a), the registered medical practitioner may not undertake the diagnosis without first receiving from a registered medical practitioner who has attended the patient for at least three months up to that point a medical report relating to the patient that includes a diagnosis and a prognosis.
- (1C) The registered medical practitioner undertaking the diagnosis referred to in subsection (1)(a) must give material weight to the medical report referred to in subsection (1B), if one is required by that subsection.
- (1D) The registered medical practitioner making the diagnosis referred to in subsection (1)(a) may not be either the attending doctor or the independent doctor referred to in section 3.”

Member’s explanatory statement

This amendment ensures that the registered medical practitioner is operating entirely separately from the National Health Service; gives material weight to the diagnosis and prognosis of a physician with personal knowledge of the patient’s medical history; and requires a clear separation between the registered medical practitioner making the diagnosis and the attending doctor and independent doctor counter-signing the declaration.

BARONESS FRASER OF CRAIGMADDIE

Page 1, line 23, leave out “inevitably” and insert “incurable and”

After Clause 2

BARONESS FINLAY OF LLANDAFF

Insert the following new Clause –

“Pain management and support for activities of daily living

The person who is terminally ill will not be eligible to receive lethal drugs unless –

- (a) pain and symptom control has been addressed by a specialist palliative care team, after consultation with an acute or chronic pain team if needed,
- (b) all possible nerve block and other pain relief interventions, including but not confined to opioid rotation and regular co-analgesic medication have been considered, and
- (c) aids and appliances to assist with activities of daily living, as found to be required by occupational health assessment, have been supplied, and the person and their carers have been supported in their use.”

Member's explanatory statement

This new Clause ensures that assisted dying cannot be considered unless or until consideration has been given to pain and symptom relief interventions and measures to assist with daily activities of living, as found to be required by specialist health assessments.

Clause 3

BARONESS HOLLINS

Page 2, line 10, at end insert –

- “(zi) the registered medical practitioner who diagnosed that the person is terminally ill or first informed the person of that diagnosis and treatment options;
- (zii) the registered palliative care physician who assessed the patient and offered a multidisciplinary end of life care plan;
- (ziii) the appropriate specialist(s) who assessed the person's capacity, and mental state and confirmed the presence of capacity commensurate with making the decision to end their own life;

Member's explanatory statement

This amendment requires that countersignatures are made only if and when it has been established that the person has the commensurate capacity to make the decision to end their own life, that a comprehensive multidisciplinary palliative care plan has been offered, and that the person is fully informed of his or her diagnosis and treatment options.

BARONESS JOLLY

Page 2, line 11, after “practitioner” insert “, who has known the person for 6 months and must have regularly reviewed and assessed the person for at least the previous month,”

BARONESS HOLLINS

Page 2, line 17, leave out “neither” and insert “none”

LORD MOYLAN

Page 2, line 19, leave out subsection (2)

Member's explanatory statement

This is consequential on new subsection (5) in section 2 as proposed by Lord Moylan.

LORD HUNT OF KINGS HEATH

Page 2, line 21, at end insert –

- “(2A) The independent doctor must be a specialist in the person's incurable and progressive condition and must separately assess and examine the person, and the person's medical records alongside the objective, contemporary evidence of the diagnosis and its fatality being correct and defensible.
- (2B) The attending doctor or the independent doctor –
 - (a) may not be a relative or partner of, nor have any personal or social relationship with the person making the request,
 - (b) may not expect to receive any benefit, whether directly or indirectly, from the death of the person making the declaration,

Clause 3 - continued

- (c) must be able to communicate with the person making the declaration in the language of that person's choice, if necessary via an interpreter who is not a relative of the person,
- (d) must be satisfied that they are culturally attuned to the needs of the person, and
- (e) must present all assessment for appraisal and revalidation of a licence to practice as registered with the General Medical Council."

LORD MOYLAN

Page 2, line 21, at end insert –

“(2A) Neither the attending doctor nor the independent doctor may be a person employed by or working under contract to the National Health Service or any of its constituent parts at the time of exercising the functions described in section 3 and section 4 nor at any point in the previous twelve months.”

Member's explanatory statement

This amendment ensures that the attending doctor and the independent doctor are operating entirely separately from the National Health Service.

BARONESS JOLLY

Page 2, line 24, after “records” insert “and consulted with other health professionals who have been involved in the person's care”

Member's explanatory statement

This amendment requires the attending doctor and the independent doctor to consult other healthcare professionals involved in the person's care before countersigning a declaration.

BARONESS HOLLINS

Page 2, line 27, leave out paragraph (b)

BARONESS FINLAY OF LLANDAFF

Page 2, line 30, at end insert –

“(d) fully understands the permanence of their own death.”

Member's explanatory statement

This amendment ensures that a person has made a fully informed decision, which includes an awareness of the consequences of that decision.

BARONESS GREY-THOMPSON

Page 2, line 30, at end insert –

“(d) is able to self-administer and orally ingest a lethal dose of drugs.”

BARONESS HOLLINS

Page 2, line 30, at end insert –

“(d) has experienced and been assessed by a multidisciplinary specialist palliative care team or any relevant specialist service.”

Member's explanatory statement

This amendment places specialist palliative care assessments as a prerequisite for any declaration countersigned by attending doctors and independent doctors.

Page 2, line 30, at end insert –

- “(d) understands the palliative care offer that has been made (and this care plan must be attached to the declaration);
- (e) at the time of the declaration has the capacity to make the decision to end their own life (and the appropriate specialist’s report must be attached to the declaration).”

Member's explanatory statement

This amendment requires that countersignatures are made only if and when it has been established that the person has the commensurate capacity to make the decision to end their own life, that a comprehensive multidisciplinary palliative care plan has been offered, and that the person is fully informed of his or her diagnosis and treatment options.

BARONESS GREY-THOMPSON

Page 2, line 30, at end insert –

- “(3A) In reaching the judgements in subsection (3), the attending and the independent doctor must –
- (a) separately and independently examine the person requesting assistance to end his or her own life;
 - (b) conduct such clinical tests as may be necessary to confirm the diagnosis of the person’s medical condition and the prognosis of its outcome;
 - (c) examine all relevant information relating to the person’s request including his or her medical records and the results of any scans, biopsies, and other clinical tests;
 - (d) consult with other healthcare professionals who have been involved in the person’s care.”

LORD MOYLAN

Page 2, line 40, at end insert –

- “(5A) The appropriate specialist must not be a person employed by or working under contract to the National Health Service or any of its constituents at the time of carrying out the assessment or at any point in the previous twelve months.”

Member's explanatory statement

This amendment ensures that the appropriate specialist is operating entirely separately from the National Health Service.

BARONESS RITCHIE OF DOWNPATRICK

Page 2, line 44, at end insert –

- “(7A) A revocation under section (7) must be reported to the statutory authority.”

Clause 3 - continued

LORD HUNT OF KINGS HEATH

Page 3, line 1, leave out subsection (8) and insert –

- “(8) For the purpose of subsection (1)(b) the attending doctor or independent doctor is suitably qualified if that doctor is on a specialist register and holds such qualification or has such experience, including in respect of the diagnosis and management of the specific illness, as recognised by their relevant professional bodies.”

BARONESS HOLLINS

Page 3, line 8, after “psychiatry” insert “with a subspecialty of end of life care and, if intellectual disability or autism are present, a registered practitioner with a specialty of intellectual disability”

Member’s explanatory statement

This amendment requires the “registered practitioner” involved in countersigning a declaration to be sufficiently qualified in psychiatry, end of life care, and, if needed, intellectual disability, in order to carry out assessments.

After Clause 3

LORD HARRIES OF PENTREGARTH

Insert the following new Clause –

“Voluntary request

For the purpose of this Act, a request for assistance with suicide may be regarded as voluntary if –

- (a) the person seeking such assistance is acting of his or her own free will and without coercion, pressure or duress from others or from a sense of obligation or duty to others, and
- (b) the attending doctor and independent doctor are satisfied, on the basis of in-depth discussions with the person making the request and with others close to him or her, that the request meets the requirements in paragraph (a).”

Clause 4

BARONESS HOLLINS

Page 3, line 16, leave out “or”

Member’s explanatory statement

This amendment ensures that only the attending doctor may deliver any medicines prescribed under subsection (1) to the person for whom they are prescribed.

Page 3, line 17, leave out paragraph (b)

Member's explanatory statement

This amendment ensures that only the attending doctor may deliver any medicines prescribed under subsection (1) to the person for whom they are prescribed.

LORD MOYLAN

Page 3, line 21, leave out “assisting health professional” and insert “attending doctor”

Member's explanatory statement

This amendment, along with other amendments to Clause 4 in the name of Lord Moylan, requires the attending doctor to be present in person in the course of the assisted suicide in case anything unforeseen transpires that requires the attention of a registered medical professional.

BARONESS RITCHIE OF DOWNPATRICK

Page 3, line 21, after “confirmed” insert “in the presence of another witness”

Page 3, line 22, after “declaration” insert “by providing an explicit opportunity for the person to revoke their declaration”

BARONESS GREY-THOMPSON

Page 3, line 24, at end insert –

“(e) if the person is able to self-administer and orally ingest a lethal dose of drugs.”

BARONESS GOUDIE

Page 3, line 24, at end insert –

“(e) if the person retains capacity commensurate with the decision to end his or her own life.”

LORD MOYLAN

Page 3, line 24, at end insert –

“(2A) The assisting health professional must not be a person employed by or working under contract to the National Health Service or any of its constituents at the time of exercising the functions described in section 4 or at any time in the previous twelve months.”

Member's explanatory statement

This amendment ensures that the assisting health professional is operating entirely separately from the National Health Service.

LORD CURRY OF KIRKHARLE

Page 3, line 28, at end insert “with the agreement of the High Court, and the attending doctor must ensure that a specialist palliative care team is actively involved in the person's care.”

LORD MOYLAN

Page 3, line 30, leave out “assisting health professional” and insert “attending doctor”

Member's explanatory statement

This amendment, along with other amendments to Clause 4 in the name of Lord Moylan, requires the attending doctor to be present in person in the course of the assisted suicide in case anything unforeseen transpires that requires the attention of a registered medical professional.

BARONESS GREY-THOMPSON

Page 3, line 31, after “for” insert “oral”

LORD ALTON OF LIVERPOOL

Page 3, line 31, at end insert “in the presence of that person”

BARONESS FINLAY OF LLANDAFF

Page 3, line 32, leave out paragraphs (b) and (c)

Member's explanatory statement

This amendment ensures that the attending doctor or the independent doctor may not help the person to self-administer the lethal drugs in any way, and that the person must only self-administer the lethal drugs by oral ingestion.

Page 3, line 34, at end insert –

“(d) supply medication, such as an anti-emetic dosage, in order to facilitate absorption of the drugs;”

Member's explanatory statement

This amendment ensures that the attending doctor or the independent doctor may not help the person to self-administer the lethal drugs in any way, and that the person must only self-administer the lethal drugs by oral ingestion.

Page 3, line 35, at end insert “orally”

Member's explanatory statement

This amendment ensures that the attending doctor or the independent doctor may not help the person to self-administer the lethal drugs in any way, and that the person must only self-administer the lethal drugs by oral ingestion.

LORD MOYLAN

Page 3, line 37, leave out “assisting health professional” and insert “attending doctor”

Member's explanatory statement

This amendment, along with other amendments to Clause 4 in the name of Lord Moylan, requires the attending doctor to be present in person in the course of the assisted suicide in case anything unforeseen transpires that requires the attention of a registered medical professional.

BARONESS FINLAY OF LLANDAFF

Page 3, line 38, after “medicine” insert “whether intravenously or by some other method”

Member's explanatory statement

This amendment ensures that the attending doctor or the independent doctor may not help the person to self-administer the lethal drugs in any way, and that the person must only self-administer the lethal drugs by oral ingestion.

LORD MOYLAN

Page 3, line 40, leave out “assisting health professional” and insert “attending doctor”

Member's explanatory statement

This amendment, along with other amendments to Clause 4 in the name of Lord Moylan, requires the attending doctor to be present in person in the course of the assisted suicide in case anything unforeseen transpires that requires the attention of a registered medical professional.

LORD ALTON OF LIVERPOOL

Page 3, line 40, after “remain” insert “physically”

LORD MOYLAN

Page 4, line 1, leave out “assisting health professional” and insert “attending doctor”

Member's explanatory statement

This amendment, along with other amendments to Clause 4 in the name of Lord Moylan, requires the attending doctor to be present in person in the course of the assisted suicide in case anything unforeseen transpires that requires the attention of a registered medical professional.

Page 4, line 2, leave out “assisting health professional” and insert “attending doctor”

Member's explanatory statement

This amendment, along with other amendments to Clause 4 in the name of Lord Moylan, requires the attending doctor to be present in person in the course of the assisted suicide in case anything unforeseen transpires that requires the attention of a registered medical professional.

LORD ALTON OF LIVERPOOL

Page 4, line 3, leave out “in close proximity to, but not”

Member's explanatory statement

This amendment ensures that the attending doctor must remain, physically, in the same room as the person until they have died or have revoked their request.

LORD HUNT OF KINGS HEATH

Page 4, line 4, leave out subsections (7) to (9)

LORD MOYLAN

Page 4, line 10, leave out “assisting health professional” and insert “attending doctor”

Member's explanatory statement

This amendment, along with other amendments to Clause 4 in the name of Lord Moylan, requires the attending doctor to be present in person in the course of the assisted suicide in case anything unforeseen transpires that requires the attention of a registered medical professional.

Page 4, line 23, leave out subsection (10)

Member's explanatory statement

This amendment, along with other amendments to Clause 4 in the name of Lord Moylan, requires the attending doctor to be present in person in the course of the assisted suicide in case anything unforeseen transpires that requires the attention of a registered medical professional.

After Clause 4

LORD HUNT OF KINGS HEATH

Insert the following new Clause—

“Provisions concerning lethal drugs

The lethal drugs to be used under section 4 must—

- (a) have been tested for efficacy and safety and approved by the Medicines and Healthcare Products Regulatory Agency before they can be authorised for use under this Act,
- (b) have been previously prepared by a manufacturing pharmacy,
- (c) be issued on the authority of the High Court under section 1,
- (d) be requested by and signed for by the person who is the subject of the Court Order under section 1,
- (e) be kept in a locked controlled drug cupboard until delivery in line with regulations on the handling of controlled substances,
- (f) be delivered immediately before use and in a form that can be taken without any additional actions being necessary,
- (g) not be kept in the person's home for more than 48 hours, and
- (h) in instances where there are unused lethal drugs, be recorded and disposed of according to current regulations.”

Clause 5

LORD STIRRUP

Page 4, line 29, after “conscientious” insert “or other”

Page 4, line 29, at end insert—

- “(2) A doctor or other healthcare professional who refuses for whatever reason to participate in assessing a request for assistance with suicide under this Act or in prescribing or supplying a lethal dose of drugs to a person who qualifies under this Act for assistance with suicide shall be under no obligation to refer the person making the request to another doctor for that purpose.”

Clause 6

BARONESS FINLAY OF LLANDAFF

Page 4, line 34, leave out “dying” and insert “suicide”

Member’s explanatory statement

This amendment and other similar ones in the name of Baroness Finlay ensure the terminology of this Bill is compatible with the 1961 Suicide Act and its subsequent amendments.

Clause 7

BARONESS FINLAY OF LLANDAFF

Page 5, line 5, after “assistance” insert “with suicide”

Member’s explanatory statement

This amendment and other similar ones in the name of Baroness Finlay ensure the terminology of this Bill is compatible with the 1961 Suicide Act and its subsequent amendments.

Page 5, line 8, leave out “dying” and insert “suicide”

Member’s explanatory statement

This amendment and other similar ones in the name of Baroness Finlay ensure the terminology of this Bill is compatible with the 1961 Suicide Act and its subsequent amendments.

Page 5, line 28, leave out second “death” and insert “suicide”

Member’s explanatory statement

This amendment and other similar ones in the name of Baroness Finlay ensure the terminology of this Bill is compatible with the 1961 Suicide Act and its subsequent amendments.

Clause 8

BARONESS GOUDIE

Page 5, line 37, leave out “to make” and insert “commensurate with making”

BARONESS FINLAY OF LLANDAFF

Page 5, line 38, at end insert “including whether the person understands the permanence of their own death;”

Member’s explanatory statement

This amendment ensures that a person has made a fully informed decision, which includes an awareness of the consequences of that decision.

BARONESS JOLLY

Page 6, line 2, after “them” insert “, including the provision of appropriate social care and support from their local authority”

Member's explanatory statement

This amendment enables the Secretary of State to issue codes of practice which relate to the information of provision of appropriate social care and support provided during the assessment of a person's "clear, autonomous and settled wish to die".

LORD ALTON OF LIVERPOOL

Page 6, line 2, after "them" insert ", including specialist palliative care and pain and symptom control"

Page 6, line 3, after "life" insert ", including the effect on others close to them;"

BARONESS GREY-THOMPSON

Page 6, line 7, leave out "assistance which such" and insert "requirements to confirm that"

Page 6, line 8, leave out "may be given" and insert "is able"

Page 6, line 8, after "ingest" and insert "the lethal drugs orally"

Page 6, line 8, leave out "or" and insert "and"

Clause 13**LORD ALTON OF LIVERPOOL**

Page 8, line 20, leave out subsection (4) and insert —

- "(4) This Act will, subject to the following provisions of this section, expire at the end of the period of five years beginning on the day that the provisions in subsection (3) come into force.
- (4A) The Secretary of State may, by regulations made by statutory instrument, provide that this Act will not expire in accordance with this section but will continue in force —
 - (a) indefinitely, or
 - (b) for a specified period.
- (4B) A statutory instrument containing regulations under subsection (4A) may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament."

Member's explanatory statement

This amendment would ensure that the Act would receive effective Parliamentary scrutiny prior to any extension.

The Schedule**BARONESS FINLAY OF LLANDAFF**

Page 9, line 10, at end insert —

"I confirm that I have had the opportunity to have palliative care."

Member's explanatory statement

This amendment makes the opportunity for palliative care and the consultation on pain management prerequisites for a signed request for assistance in suicide.

Page 9, line 10, at end insert —

“I confirm that I have had a consultation to manage my pain.”

Member's explanatory statement

This amendment makes the opportunity for palliative care and the consultation on pain management prerequisites for a signed request for assistance in suicide.

BARONESS GREY-THOMPSON

Page 9, line 10, at end insert —

“I confirm that I have all the social care support and services I need to conduct my daily life.”

BARONESS FINLAY OF LLANDAFF

Page 9, line 11, after “information” insert “I refuse the treatment offered to me to continue with my life,”

Member's explanatory statement

This amendment requires acknowledgement from the attending doctor and the independent doctor that, having been informed of the palliative, hospice and other care which is available to them, the person is making a genuine, consensual choice between palliative care and assisted suicide.

BARONESS GREY-THOMPSON

Page 9, line 13, at end insert —

“I am able to ingest orally the lethal drugs and am able to self-administer the lethal drugs.”

BARONESS FINLAY OF LLANDAFF

Page 9, line 15, at end insert —

“I understand the complications that could be involved from taking lethal drugs and that my death may not occur quickly. I also understand the finality of death.”

BARONESS RITCHIE OF DOWNPATRICK

Page 9, line 16, at end insert “and that I will be given an opportunity to do so before I orally ingest lethal drugs.”

BARONESS GREY-THOMPSON

Page 9, line 25, after “that”, insert “I have examined”

Page 9, line 25, after “[name]”, insert “and his/her medical records”

The Schedule - continued

Page 9, line 28, at end insert “, taking into account the age, strength, and general health of the person; and that this is not prejudiced by the patient refusing to take ordinary medications for their diagnosis.”

BARONESS GOUDIE

Page 10, line 1, leave out “to make” and insert “commensurate with making”

BARONESS GREY-THOMPSON

Page 10, line 1, at end insert —

“(2A) is able to ingest lethal medication orally by self-administration;”

BARONESS HOLLINS

Page 10, line 3, leave out “and”

Page 10, line 4, at end insert “, and that this is a genuine choice between palliative care and medically assisted suicide; and

(4) that I have read the end of life care plan and the appropriate specialist’s reports and confirm that they are attached to this declaration.”

BARONESS GREY-THOMPSON

Page 10, line 8, after “that”, insert “I have examined”

Page 10, line 8, after “[name]”, insert “and his/her medical records and that I am countersigning this declaration after the attending doctor. I confirm that [name]”

Page 10, line 11, at end insert “, taking into account the age, strength, and general health of the person; and that this is not prejudiced by the patient refusing to take ordinary medications for their diagnosis;”

BARONESS GOUDIE

Page 10, line 12, leave out “to make” and insert “commensurate with making”

BARONESS HOLLINS

Page 10, line 14, leave out “and”

Page 10, line 15, at the end insert “, and that this is a genuine choice between palliative care and medically assisted suicide; and

(4) that I have read the end of life care plan and the appropriate specialist’s reports and confirm that they are attached to this declaration.”

Member's explanatory statement

This amendment requires acknowledgement from the attending doctor and the independent doctor that, having been informed of the palliative, hospice and other care which is available to them, the person is making a genuine, consensual choice between palliative care and assisted suicide.

In the Title

BARONESS GREY-THOMPSON

Line 2, leave out “assistance” and insert “lethal drugs to self-administer”

Assisted Dying Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

12 November 2021
