

TERMINALLY ILL ADULTS (END OF LIFE) BILL

Supplementary Delegated Powers Memorandum

Introduction

1. The Sponsor has tabled amendments to the Terminally Ill Adults (End of Life) Bill for Lords Committee stage, including an amendment to clause 31, which relates to the delegated powers contained in clauses 8, 11 and 26. This supplementary memorandum has been prepared for the Delegated Powers and Regulatory Reform Committee to assist with its scrutiny of the Bill.
2. As the Government is neutral on the Bill, the Government has not provided a justification for why the powers have been taken or parliamentary procedure being applied but have instead provided consideration of matters which may affect whether Parliament considers these appropriate.
3. Should the Sponsor table further relevant amendments to the delegated powers in the Bill, the Government will publish further supplementary memoranda on these.

Amendments to Delegated Powers

Amendment to clause 31: No obligation to provide assistance etc.

Power conferred on: None

Power exercised by: None

Parliamentary Procedure: None

Context and Purpose

1. This amendment inserts a new paragraph in clause 31 which provides that any training for the purposes of clauses 8(7), 11(9) or 26(2)(b) must be provided on an opt-in basis, and no registered medical practitioner is under a duty to opt into it (or to have the training). Those clauses currently contain the following regulation making powers:
 - a. clause 8(7) requires the Secretary of State to make provision about the training, qualifications and experience that a registered medical practitioner must have to act as the coordinating doctor;
 - b. clause 11(9) requires the Secretary of State to make provision about the training, qualifications and experience that a registered medical practitioner must have to carry out the functions of the independent doctor; and

- c. clause 26(2)(b) provides that a registered medical practitioner may be authorised to carry out the coordinating doctor's functions under clause 25 only if that practitioner has completed such training, and gained such qualifications and experience, as the Secretary of State may specify by regulations.
- 2. This amendment does not directly amend the regulation making powers in clauses 8(7), 11(9) or 26(2)(b). However, the amendment does clarify that the training required by virtue of those regulations must be provided on an opt-in basis, and that no registered medical practitioner is under a duty to opt into it (or have the training).

Rationale for taking the power

- 3. It is understood that this amendment relates to the Sponsor's policy choice. This amendment does not directly amend any regulation-making powers.

Consideration of the procedure

- 4. This amendment does not directly amend any delegated powers and therefore does not have any impact on the choice of parliamentary procedure. It relates to existing regulation-making powers in clauses 8(7), 11(9) and 26(2)(b), for which the consideration of parliamentary procedure remains unchanged.