



DEBATE PACK

Number CDP 2019/0179, 3 July 2019

Functioning of the existing law relating to assisted dying

This pack has been prepared ahead of the debate to be held in the Commons Chamber on Thursday 4 July 2019 on the functioning of the existing law relating to assisted dying. The subject for the debate has been chosen by the Backbench Business Committee.

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

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1. General Debate on the Functioning of the Existing Law Relating to Assisted Dying

A debate will take place in the Commons chamber on 4 July 2019 on the functioning of the existing law relating to assisted dying. The debate will be led by Nick Boles, Sarah Champion and Norman Lamb.

In the [submission to the Backbench Business Committee](#) for the debate, Nick Boles said that assisted dying was a subject that will only ever be debated “if Back Benchers and the Backbench Business Committee make an opportunity for it.” He set out some of the developments that have happened in this area since the Commons Second Reading of the Assisted Dying Bill in 2015:

First, and as a background, the level of public support for some kind of very focused, very limited assisted dying legal change keeps on rising and is now up to mid-80%. Amazingly, that goes across all sorts of parties and age groups, including people who say they have an active religious faith— again, you get very, very high majorities in favour of it. It is one of those issues where Parliament seems to be lagging behind public opinion.

Medical opinion has also been shifting quite dramatically. In recent times, two of the most important Royal Colleges have shifted from being formally opposed to assisted dying reform to being formally neutral—that is the Royal College of Nursing and the Royal College of Physicians. We anticipate that the Royal College of General Practitioners and the British Medical Association will be reviewing their positions shortly.

Mr Boles also noted recent events in 2019, including those involving Geoffrey and Ann Whaley:

There have also been some very high-profile legal cases and legal opinion.

There was the legal position of the Whaley family. Ann Whaley, whose husband Geoff took his own life with the assistance of the Dignitas clinic— they did not want to go to Dignitas but were forced to because they were not able to make the same arrangements here—was interviewed under caution by police as part of that process, when all she was trying to do was help the man she loved be in control of his final moments.

We have had this extraordinary statement by Lord Sumption in “The Reith Lectures”, as recently as 21 May, in which he basically said that the law shouldn’t be changed, but that people should continue to break it if their conscience prompted them to do so. That is an extraordinary statement by a very senior jurist and one that reveals how entirely out of sync with not just current opinion, but current moral sentiments the law in the UK is.

That is why Canada has changed the law, various states in Australia have changed the law and various states in the United States of America have changed the law—to make some provision for people with terminal illness to be able to bring their lives to a close at a time and in a manner of their choosing.

We have a great deal of cross-party support for this on the Back Benches, but also, significantly, on the Front Bench. The Lord Chancellor and the Secretary of State for Justice recently said, following the case of Ann and Geoff Whaley, that he believes that some change in the law is justified. On that basis, I hope that you will find it a worthwhile subject for Parliament, which, as far as I can tell, has not much to do, to grapple with one of the most fundamental issues of our time.

1.1 The law on assisted dying

Under the [Suicide Act 1961](#) it is an offence for a person to encourage or assist the suicide (or attempted suicide) of another. Suicide or attempted suicide are not in themselves criminal offences.

There have been several legal cases regarding the offence of assisted suicide, particularly in the context of disabled or terminally ill people who are unable to end their lives without assistance from family, friends or doctors.

In July 2009, Debbie Purdy obtained a House of Lords ruling ordering the Director of Public Prosecutions (DPP) to formulate an offence-specific policy setting out the public interest factors the Crown Prosecution Service will consider when deciding whether to prosecute assisted suicide offences. [The DPP's policy](#) was published in February 2010 following a public consultation.¹

In June 2014 the Supreme Court revisited the issue of assisted suicide in *Nicklinson*, a case in which several claimants sought a declaration that the current law on assisted suicide was incompatible with their right to a private life under Article 8 of the European Convention on Human Rights. The Supreme Court decided against making such a declaration by a majority of seven to two. It took the view that Parliament was the most appropriate forum for considering changes to the law on this particular issue.²

In 2017, Noel Conway sought to judicially review the *Suicide Act 1961*, on the basis that it is incompatible with Article 8 of the European Convention on Human Rights. The [Court rejected](#) the judicial review in March 2017. Lord Justice Burnett set out the reason for the decision:

The core reason for doing so is that Parliament has reconsidered the issue of assisted dying following the decision of the Supreme Court in *Nicklinson*, as that court encouraged it to do. Both the House of Commons and the House of Lords have debated the matter in the context of bills proposing a relaxation of the strict application of section 2(1). The result is that Parliament has decided, at least for the moment, not to provide for legislative exceptions to section 2(1) of the 1961 Act. The policy of the DPP has also been subject to parliamentary scrutiny and debate.³

¹ CPS, Suicide: [Policy for Prosecutors in Respect of Cases of Encouraging or Assisting Suicide](#), (updated October 2014)

² Supreme Court, [Press Summary: R \(on the application of Nicklinson and another\) \(Appellants\) v Ministry of Justice \(Respondent\); R \(on the application of AM\) \(AP\) \(Respondent\) v The Director of Public Prosecutions \(Appellant\) \[2014\] UKSC 38 On appeal from \[2013\] EWCA Civ 96](#), 25 June 2014

³ [\[2017\] EWHC 640](#)

Despite distinguishing the case from Nicklinson because of the differing circumstances of the claimant, the Court of Appeal [dismissed an appeal](#) in June 2018. The Supreme Court [refused permission to appeal](#) in November 2018.

In May 2019, it was reported that Paul Lamb (one of the claimants in *Nicklinson*) intended to take further legal action. He had written to the Justice Secretary, David Gauke, to argue that the Suicide Act 1961 is incompatible with Article 14 of the European Convention on Human Rights, read with Article 8 and to ask him to take steps to remedy this. Mr Lamb has said that if he does not receive a satisfactory response, he intends to apply to the court to seek a judicial review of the current legislation.⁴

In July 2019 it was reported that Phil Newby, a motor neurone disease sufferer, would bring a new legal challenge to the law on assisted dying.⁵

1.2 The Assisted Dying Bill

The law on assisted suicide was last debated in the House of Commons in September 2015. The Assisted Dying Bill had been previously introduced in the House of Lords by Lord Falconer of Thoroton. In the 2015 Parliamentary session, the Labour MP, Rob Marris introduced the [Assisted Dying \(No 2\) Bill](#) in the House of Commons. It received its Second Reading on 11 September 2015. The Bill went to a division at Second Reading and did not proceed any further. The result of the division was: Ayes: 118, Noes: 330.⁶

The Bill aimed to enable competent adults who are terminally ill to be allowed assistance with ending their life if they request it.

It was very similar to the previous Bill introduced by Lord Falconer in the House of Lords in 2013 and 2014 but included amendments made at the Committee Stage of the Bill in the previous Parliamentary session.

The Bill would have allowed an individual who had been diagnosed by two doctors to be terminally ill and reasonably expected to have six months or less to live, to request assistance with ending their life. To be eligible, the person must be resident in England or Wales and aged 18 or over.

For a more detailed discussion of the contents of the Bill, see the 2015 [Assisted Dying \(No 2\) Bill 2015 paper](#).

A large number of Members contributed to the [debate on the Bill](#), expressing views in both support and opposition to the change in the law.

At the time of the Bill, and since this time, the Government has set out that it has no intention to change the law in this area.⁷ It considers that

⁴ Humanists UK, [Paul Lamb to bring new legal case for the right to die](#), 7 May 2019, and BBC News, [Assisted suicide: Paul Lamb renews bid for right to die](#), 7 May 2019

⁵ [Terminally ill man Phil Newby launches new assisted dying case](#), PoliticsHome.com, 2 July 2019

⁶ [HC Deb 11 September 2019 c656](#)

⁷ [Written question - HL15679 \[Euthanasia\] 24 May 2019](#)

this a conscience issue and a matter for Parliament. This issue has been subject to a free vote in the past.

This debate pack will include press, parliamentary material and links to further reading on this subject.

2. News items

Times [subscription]

Father's plea to die legally and with dignity

2 July 2019

<https://www.thetimes.co.uk/article/father-s-plea-to-die-legally-and-with-dignity-95qvcrt3g>

Times [subscription]

Expert calls for clarity in law on assisted dying

20 May 2019

<https://www.thetimes.co.uk/article/expert-calls-for-clarity-in-law-on-assisted-dying-rtnjg6hmr>

BBC News Online

Assisted suicide: Paul Lamb renews bid for right to die

7 May 2019

<https://www.bbc.co.uk/news/uk-48184199>

Scotsman

Fresh bid to legalise assisted suicide for the dying in Scotland

20 April 2019

<https://www.scotsman.com/news/politics/fresh-bid-to-legalise-assisted-suicide-for-the-dying-in-scotland-1-4727400>

Guardian

Ex-supreme court justice defends those who break assisted dying law

17 April 2019

<https://www.theguardian.com/society/2019/apr/17/ex-supreme-court-jonathan-sumption-defends-break-assisted-dying-law>

Guardian

Legalise assisted dying for terminally ill, say 90% of people in UK

3 March 2019

<https://www.theguardian.com/society/2019/mar/03/legalise-assisted-dying-for-terminally-ill-say-90-per-cent-of-people-in-uk>

3. Press releases

Dignity in Dying

Terminally ill man Phil Newby launches new assisted dying case

2nd July 2019

Case seeks new approach by the courts on expert evidence

Phil Newby, a 48-year-old man with Motor Neurone Disease (MND), a progressive terminal illness, is launching a new challenge to the law criminalising assisted dying.

Dignity in Dying member Phil is determined to live well with his family for as long he can, but he fears that without a change in the law he may be forced to suffer against his wishes as his illness progresses.

His case is different from previous cases challenging the law because it will ask the courts to look at the evidence on assisted dying in more detail than the English courts have ever done before. This would include detailed cross-examination of expert witnesses, allowing judges to test the strength of the evidence. This is the approach that was taken in *Carter v Canada*, the case that ultimately prompted law change on assisted dying in Canada.

Explaining his decision to launch the case Phil Newby said:

I've come to accept that MND will eventually kill me, but I'm determined to enjoy life and contribute to my family for as long as I possibly can. When the time comes, I would like compassionate medical help to die in peace at home, with my family. Instead, my wife and girls face watching me starve, choke or suffocate to death, because of our inhumane and outdated laws that criminalise assisted dying.

It doesn't have to be this way. Other countries have introduced a compassionate and common-sense assisted dying legal framework, with safeguards. I'm bringing this legal case to give our highest courts the opportunity to fully examine the evidence, and make an informed decision on assisted dying.

I can't do this alone. I'm asking the public to support me by sharing my story and donating to our legal fund through [CrowdJustice](#). Together, we can make a change.

Sarah Wootton, Chief Executive of Dignity in Dying:

For too long, terminally ill people like Phil have been denied choice and control over their deaths, despite 84% of the public supporting a change in the law to allow this. Parliamentarians and medical professionals are lagging behind but the balance is shifting away from automatic opposition and towards evidence gathering and careful consideration. The Royal College of Physicians recently moved to neutrality on assisted dying following a survey of its members, the Royal College of General Practitioners and the British Medical Association last week announced that they will survey their members on the issue of assisted dying, and MPs will this week consider the functioning of the current law on assisted dying in a debate in the Commons Chamber.

Phil picks up the baton from Noel Conway, who also has motor neurone disease and battled in the courts for over two years so that he and other terminally ill people could have the right to die on his own terms. Noel's case won huge public support and secured important legal gains which will give future cases an easier passage through the courts. Phil's case will provide an important opportunity for the UK courts to change their approach so they can fully consider the evidence on assisted dying in more depth than ever before.

Following recent developments in Victoria in Australia and Maine and New Jersey in the US, soon 1 in 4 Australians, 1 in 5 Americans and all Canadians will have access to true choice at the end of life. Yet here in the UK, 0 Britons do. It is clear that this issue is not going away and we hope Phil will get the chance to make his case in court so that the growing body of evidence from overseas on safeguarded assisted dying can be considered.

The law on assisted dying in the UK

- Assisted dying is prohibited in England and Wales under the Suicide Act (1961), and in Northern Ireland under the Criminal Justice Act (1966) which states that anyone who "encourages or assists a suicide" is liable to up to 14 years in prison. There is no specific crime of assisting a suicide in Scotland, but it is possible that helping a person to die could lead to prosecution for culpable homicide.
- In February 2010, following the [Debbie Purdy case](#), the Director of Public Prosecutions (DPP) issued the [prosecuting policy](#) on cases of 'Encouraging or Assisting Suicide'. It covers actions that happen in England and Wales, even if the death happens abroad. The policy includes a list of public interest factors that will influence whether or not someone is prosecuted for assisting suicide. The policy states that in cases of encouraging or assisting suicide, prosecutors must apply the public interest factors in making their decision about whether or not to prosecute. A prosecution will usually take place unless the prosecutor is sure that there are sufficient public interest factors against it.
- A prosecution is less likely if the person made a voluntary, informed decision to end their life, and if the assister was wholly motivated by compassion.
- A prosecution is more likely if the person ending their own life was under 18, lacked capacity to make an informed decision about ending their life or was physically able to end their life without assistance. The assister is more likely to be prosecuted if they had a history of violence or abuse against the person they assisted, were unknown to the person, were paid by the person ending their own life, or were acting as a healthcare professional.

Noel Conway's legal case

- The High Court judgment on Noel Conway's case (Oct 2017) asserted that the Courts do have the authority to decide assisted

dying cases – a decision which was affirmed in the Court of Appeal’s judgment (June 2018).

- The Courts’ judgments on Noel’s case confirmed that “all are agreed” that the blanket ban is “an interference with the right to respect for private life” protected by the Human Rights Act. This is the clearest statement of the engagement of the Human Rights Act we have to date.
- Although the Supreme Court declined to give Noel’s case permission to have a full hearing, that decision acknowledged that assisted dying is an “issue of transcendent public importance” and “touches us all” (November 2018).

International developments

- Assisted dying as an option for terminally ill, mentally competent adults in their final months of life is legal in eight US jurisdictions: Oregon (1997), Washington, Vermont, Montana, the District of Columbia, California, Colorado and Hawaii (January 2019). New Jersey (April 2019) and Maine (June 2019) voted to introduce assisted dying laws which will come into effect in the coming months.
- Victoria became the first Australian state to legalise assisted dying for terminally ill people in June 2019. The Government of Western Australia plan to introduce an Assisted Dying Bill in their state Parliament in the second half of 2019.
- Canada legalised medical aid in dying (MAID) in June 2016. As a result of the Canadian Supreme Court’s judgment in Carter v Canada in February 2015, the Canadian government introduced assisted dying legislation in June 2016.
- New Zealand is currently considering an End of Life Choice Bill which having passed a second reading on Wednesday 26 June 2019 will now go to a Committee stage.

About Dignity in Dying

- Dignity in Dying campaigns for greater choice, control and access to services at the end of life. It campaigns within the law to change the law, to allow assisted dying as an option for terminally ill, mentally competent adults with six months or less to live – something supported by 84% of the public [1].
- Dignity in Dying does not provide practical assistance or advice in ending life, nor does it provide enquirers with the contact details of organisations who do so.

[1] Polling conducted by Populus, March 2015.

BMA

Doctors vote to poll members on assisted dying

Last updated: 01 July 2019

The medical profession's view on assisted dying has been much in the news of late.

It's an area of intense debate and often polar-opposite viewpoints, and unsurprisingly so.

There can be few debates so contentious. But it's not one the profession is shying away from. It's quite the reverse.

Just last week, the Royal College of GPs announced plans to consult its members on whether there should be change in the law on assisted dying.

This, just months after the Royal College of Physicians dropped its opposition to it and adopted a 'neutral position' – a repositioning which caused much consternation.

The RCP faced a judicial review but this was turned down by the high court.

A separate challenge has been launched against the decision of the Charity Commission to refuse permission for a legal challenge to the RCP under charity law.

The Charity Commission said in a statement:

We are aware of concerns over a poll conducted by the RCP. We do not have an active case at this time, as there is a potential legal action relating to this poll ongoing. Following the conclusion of this potential action, we will engage with the trustees to determine next steps in line with our regulatory framework. We expect all charities to ensure that significant decisions are properly thought out, in line with the principles of good decision-making.

Ask the doctors

This week, it was the turn of the doctors at the BMA's policy-making conference. They had agreed to carry out their own poll of members on whether to adopt a 'neutral position' with respect to a change in the law on assisted dying.

The association is opposed to assisted dying, a position which will remain unchanged until a decision is made to the contrary, BMA medical ethics committee chair John Chisholm told its annual representative meeting in Belfast.

The results of the poll will inform a future decision on policy.

The call to poll members was passed after 56 per cent of members of the representative body who voted agreed to the move versus 44 per cent who voted against it.

It was made by London-based consultant radiologist Jacky Davis (pictured below), chair of the campaign group Healthcare Professionals for Assisted Dying and a board member of Dignity in Dying.

Over recent years, two things have become conflated: the policy of medical organisations and what most doctors think,

Dr Davis told the meeting.

Assisted dying is a contentious issue. But there's a spectrum of views and we need to hear them. I'm suggesting that most people deserve a voice on this historic issue.

Let's show that we trust our members to get this right.

Views and opinion

A substantial minority of doctors opposed the polling of members. Some raised the prospect of the message that a neutral position would give out, if the BMA were to switch to that in the future.

However, for Ian Wilson, a consultant in pain medicine and anaesthesia, the issue was about whether a poll was the best way to inform the BMA's position.

On speaking about this motion you should not draw any conclusions about my views on assisted dying,

he said.

You should, however, read plenty into it about how we make decisions, particularly on complex issues.

If it was structured to engage complex views and opinion, then I would say it's worth spending money on. But it isn't that.

Don't be hoodwinked into mimicking other organisations' mistakes. There are occasions when plebiscites are right. This is not one of them.

Royal College of General Practitioners

RCGP to consult members on assisted dying

22 June 2019

The Royal College of General Practitioners will consult its 53,000 members as to what its stance should be on whether there should be a change in the law on assisted dying.

The decision was made by the College's governing Council, which met today.

The College last consulted its members on the issue in 2013. The result, announced in February 2014, was that the College should not change its stance, and as such, its current position is that it is opposed to any change in the law on assisted dying.

Further details of how we consult will be made public in due course.

Professor Helen Stokes-Lampard, Chair of the RCGP, said:

Assisted dying is an incredibly emotive issue that polarises opinions.

It has been nearly six years since we asked our members as to whether we should support a change in the law on assisted dying

– since then, it is possible that views within our membership have shifted.

As such, RCGP Council has decided that the time is right to conduct this consultation, and we will be issuing further details of how we will do this in due course.

Dignity in Dying

Compassion is not a crime: New campaign 'Acts of Love' launched by families devastated by ban on assisted dying

21st May 2019

- Campaign led by Ann Whaley, who was investigated by police in February for supporting her husband's wish to die at Dignitas
- Ann has written open letter to MPs and Peers and will meet Justice Secretary next month to ask Government to examine problems with law
- Launch comes as Lord Sumption's first Reith lecture is broadcast, in which he claims assisted dying ban should remain but be broken by compassionate families
- Baroness Meacher due to raise the issue of families suffering from this cruel law in Lords this Thursday

Families across the country who have felt the devastating effects of the blanket ban on assisted dying have come together today (Tuesday 21 May 2019) to launch a new campaign calling for a change in the law.

'Acts of Love' is led by [Ann Whaley](#), who was interviewed under caution earlier this year after police were anonymously notified of her plan to accompany her terminally ill husband Geoffrey to Dignitas. Ann is due to meet with the Secretary of State for Justice, David Gauke, next month, whose support for a change in the law was recently revealed (Sunday Express, 19 May 2019). Ann will be urging Mr Gauke to look at the dreadful consequences that the current law on assisted dying is causing for families like hers.

Ann has the backing of Great British Bake Off presenter Prue Leith, patron of Dignity in Dying, who said:

How can it be that a wife who helps her husband hasten a death too wretched to bear has to face police investigation on top of the grief and anguish that widowhood brings.

The campaign, comprised of over 30 relatives and friends from across the country, launches as [Lord Sumption's first Reith lecture](#) is broadcast on BBC Radio 4 today. At its recording, Ann asked the former Supreme Court judge for his views on the current law, to which [he replied](#) "I think that the law should continue to criminalise assisted suicide, and I think that the law should be broken from time to time... That is an untidy compromise few lawyers would adopt but I don't believe there's

a moral obligation to obey the law. Ultimately it's for each person to decide."

On Thursday, Baroness Molly Meacher, Chair of Dignity in Dying, will be pressing the Minister to accept that when a former Supreme Court Judge suggests that families of dying relatives should break the law, that law is itself broken and needs reform. She will ask what plans the Government has to prepare for legislative change on assisted dying.

Ann has written an [open letter](#) to all MPs urging them to listen to the Reith lecture broadcast and to support Acts of Love.

Ann said:

Lord Sumption's comments show complete unawareness of the reality faced by families like mine. We were fortunate enough to have the money to help Geoffrey get his final wish to die on his own terms, but many in this country are not so lucky. We also had to say goodbye before we were ready as Geoffrey feared he was losing the strength to travel. When the police got involved, our world fell apart. I was made to feel like a criminal for acting out of love and this has spurred me on to launch this campaign with Dignity in Dying.

I am delighted that David Gauke has agreed to meet me to discuss these issues and I am encouraged by his support for my family's plight. Compassion is not a crime and the current law cannot be allowed to continue as it is – that is my message to him and to all MPs.

Sarah Wootton, Chief Executive of Dignity in Dying, said:

The families behind Acts of Love have all felt the effects of the UK's cruel and outdated law on assisted dying. Some, like Ann, have been criminalised for acting out of love for a terminally ill relative after the blanket ban on assisted dying forced them to take the law into their own hands. Others did not have the funds or means to act, and instead watched helplessly as a loved one suffered a traumatic death at home or took drastic steps to end their own life. Families should not be put in this agonising position.

Over 100 million people around the world are covered by laws that take this dilemma out of the hands of loved ones and instead provide dying citizens with choice and compassion alongside robust protection for the rest of society. It is high time the UK followed suit. We are calling on the Justice Secretary to look into the suffering caused by the blanket ban on assisted dying in this country. Until change comes, acts of love will continue to be criminalised and compassion will be punished. If we really care about our dying citizens and their families, there is only one thing to do: fix this broken law.

Notes to Editor:

Geoffrey and Ann Whaley

- Geoffrey Whaley, 80, father of two and grandfather of four from Chalfont St Peter in Buckinghamshire, was diagnosed with motor neurone disease, an incurable, terminal illness, in December 2016. In December 2018 Geoffrey was given a prognosis of six to nine months. He had lost the use of both legs

and arms and was beginning to lose his ability to speak, breathe and swallow.

- In order to avoid the final weeks of suffering and a traumatic death, Geoffrey set about organising an assisted death at Dignitas in Switzerland – a process that took several months and cost the family over £11,000.
- In January 2019, Geoffrey lost the use of his hands and instructed his wife Ann to book their flights and accommodation.
- Weeks before their intended journey to Switzerland, social services and police were anonymously notified of their plan. Ann was interviewed under caution by police.
- Days before their scheduled trip, the investigation was dropped. It may be reopened should new evidence come to light.

The law on assisted dying in the UK

- Assisted dying is prohibited in England and Wales under the Suicide Act (1961), and in Northern Ireland under the Criminal Justice Act (1966) which states that anyone who “encourages or assists a suicide” is liable to up to 14 years in prison. There is no specific crime of assisting a suicide in Scotland, but it is possible that helping a person to die could lead to prosecution for culpable homicide.
- In February 2010, following the [Debbie Purdy](#) case, the Director of Public Prosecutions (DPP) issued the [prosecuting policy](#) on cases of ‘Encouraging or Assisting Suicide’. It covers actions that happen in England and Wales, even if the death happens abroad. The policy includes a list of public interest factors that will influence whether or not someone is prosecuted for assisting suicide. The policy states that in cases of encouraging or assisting suicide, prosecutors must apply the public interest factors in making their decision about whether or not to prosecute. A prosecution will usually take place unless the prosecutor is sure that there are sufficient public interest factors against it.
- A prosecution is less likely if the person made a voluntary, informed decision to end their life, and if the assister was wholly motivated by compassion.
- A prosecution is more likely if the person ending their own life was under 18, lacked capacity to make an informed decision about ending their life or was physically able to end their life without assistance. The assister is more likely to be prosecuted if they had a history of violence or abuse against the person they assisted, were unknown to the person, were paid by the person ending their own life, or were acting as a healthcare professional.

The true cost of the current law

- Currently, every 8 days [1] someone travels to Switzerland from Britain for a legal assisted death – a process which costs £10,000 on average [2] and often causes people to die earlier than they would have wanted in order to be well enough to make the journey.
- Polling has found that over half (53%) of Brits would consider travelling abroad for an assisted death if terminally ill and two-thirds (66%) would consider breaking the law to help a loved one do so, yet only a quarter (25%) would be able to afford it [3]. A further 300 terminally ill people end their own life in the UK every year [4].

International developments

- Assisted dying as an option for terminally ill, mentally competent adults in their final months of life is legal in nine US jurisdictions: Oregon (1997), Washington, Vermont, Montana, the District of Columbia, California, Colorado, Hawaii and New Jersey (April 2019).
- Victoria will become the first Australian state to pass a Bill legalising assisted dying for terminally ill people in June 2019. A similar Bill was defeated in New South Wales by just one vote in November 2017. The Government of Western Australia plan to introduce an Assisted Dying Bill in their state Parliament in the second half of 2019.
- Canada legalised medical aid in dying (MAID) in June 2016.

About Dignity in Dying

- Dignity in Dying campaigns for greater choice, control and access to services at the end of life. It campaigns within the law to change the law, to allow assisted dying as an option for terminally ill, mentally competent adults with six months or less to live – something supported by 84% of the public [5].
- Dignity in Dying does not provide practical assistance or advice in ending life, nor does it provide enquirers with the contact details of organisations who do so.

[1] Estimated using publicly available figures from Dignitas and figures supplied through private correspondence with the Life Circle (Eternal Spirit) facility.

[2] The True Cost: How the UK outsources death to Dignitas – Dignity in Dying, November 2017

[3] Polling conducted by YouGov, August 2017.

[4] A Hidden Problem: Suicide by terminally ill people – Dignity in Dying, October 2014.

[5] Polling conducted by Populus, March 2010.

Care Not Killing

Lamb renews legal bid

7th May 2019

Mr Lamb who was paralysed in a road accident nearly three decades years ago is again seeking permission for a doctor to assisted him in ending his life. He has previously argued that a blanket ban on assisted suicide and euthanasia is a breach of his human rights - However, these arguments have been rejected by the Courts.

Judges concluded that Article 8 of the Human Rights Act 1998 (Right to respect for private life) is not unlimited, but a qualified right and did not extend to compelling the State and doctors to provide the lethal cocktail of barbiturates to kill himself or to be killed.

The Courts also made clear that changing the law is a matter for Parliament.

British Parliaments have looked at this issue a dozen times since 2003. Most recently MPs were asked in 2015 to look at the current law in the Marris Bill and comprehensively rejected changing the legislation by 330 to 118.

Dr Gordon Macdonald, Chief Executive of Care Not Killing, commented:

We are disappointed that yet another unnecessary legal challenge is being brought. There have been numerous attempts to legalise assisted suicide and euthanasia through the Courts, all of which have failed, because the judges recognise the limitation of Article 8 and 14 of the European Convention of Human Rights. They also said this is a matter for parliamentarians, who have looked at the legislation in detail and rejected weakening our current laws.

At the heart of this latest legal challenge is an attempt to treat the terminally ill, and those with chronic conditions differently in law by removing important and universal legal protections.

According to the Kings Fund, there about 15 million people in England, who have a long-term or chronic condition for which there is currently no cure and which are managed with drugs and other treatment, for example diabetes, arthritis and hypertension.

The Courts and Parliament have previously recognised any change to the law would put pressure, real or imaged, on vulnerable people to end their lives, because of fears of being a burden upon relatives, carers or on the NHS which is short of resources.

These are not imagined fears as we only have to look at what is happening in the tiny number of places that have legalised assisted suicide or euthanasia. Places like Oregon and Washington where a majority of those ending their lives cite fear of becoming a burden as the reason for their decision.

Or Canada, which has seen a five-fold increase in the number of people ending their lives since they changed their law in 2016. At the same time, there have been cases where those requiring expensive care have seen this cut or refused, but have been offered the drugs to kill themselves. Cases like Roger Foley from Ontario who suffers from a neurological disease. He secretly taped hospital staff offering him a "medically assisted death", despite his repeated requests to live at home.

The safest law is the one we currently have, which gives a blanket prohibition on assisted suicide and euthanasia. This deters exploitation and abuse through the penalties that it holds in reserve, but at the same time gives some discretion to prosecutors and judges to temper justice with mercy in hard cases. It does not need changing.

Notes for Editors

Care Not Killing is a UK-based alliance bringing together organisations spanning disability rights, healthcare and faith groups, and thousands of concerned individuals.

We have three key aims:

- to promote more and better palliative care;
- to ensure that existing laws against euthanasia and assisted suicide are not weakened or repealed;
- to inform public opinion further against any weakening of the law.

Assisted Dying Coalition

Paul Lamb to bring new legal case for the right to die

May 7, 2019

The post [Royal Paul Lamb to bring new legal case for the right to die](#) appeared first on [Humanists UK](#).

Paul Lamb, paralysed from the neck down, is bringing a new legal case against the Secretary of State for Justice, challenging the law on assisted dying in the UK. He is being supported by Humanists UK and represented by law firm, Leigh Day.

Paul, 63, was severely injured in a car accident in 1990 and has no function below his neck apart from limited movement in his right hand. He requires around the clock care and lives in constant pain.

Paul knows, as he gets older, he will inevitably want assistance to die. Paul wants to be able to end his life at the time and in the manner of his choosing. He argues that the current law – which prohibits any assistance under threat of up to fourteen years' imprisonment – breaches his human right to a private life.

Alongside Jane Nicklinson, the widow of locked-in sufferer Tony Nicklinson, Paul Lamb previously challenged the UK's 1961 Suicide Act in a case to the Supreme Court in 2014, and the European Court of Human Rights in 2015. With a notable dissent from the now President of the Supreme Court, Lady Hale, the Supreme Court held that Parliament must be afforded an opportunity to debate the issue before the courts decide whether to declare the current law incompatible with Paul's human rights and those who find themselves in a similar position.

In 2015, the House of Commons debated but rejected a proposal from Rob Marris MP, which would have legalised assisted dying for those who are likely to die within six months, by 330 votes to 118.

In a letter sent to Justice Secretary David Gauke MP on 3 May 2019, Paul argues that the Suicide Act 1961 is incompatible with Article 14 of the European Convention on Human Rights, read with Article 8. Article 14 provides a qualified right not to be discriminated against on the ground of disability in respect of the enjoyment of other Convention rights. Article 8 encompasses the right to decide how and when to die, and in particular, the right to avoid a distressing and undignified end to life provided that the decision is made freely.

In the letter before action Mr Lamb asks the Secretary of State to 'concede that sections 2(1), 2A(1) and 2B of the Suicide Act are incompatible with Articles 8 and 14... and undertake to take timely steps to remedy the incompatibility, either by employing the remedial power provided by section 10(2) of the Human Rights Act 1998 or by introducing and promoting an appropriate bill in Parliament.'

If a satisfactory response is not received from the government, Paul intends to apply to the court to seek a judicial review of the current legislation. Paul argues that the law should be changed to allow assisted dying to be legal for those in his position and the terminally ill.

Assisted dying is now legal in this form in five countries, most recently Canada, and is also legal for terminally ill people specifically in one country, nine US jurisdictions, and soon to be in the Australian state of Victoria.

Commenting on his decision Paul Lamb said:

I am paralysed from the neck down and live in a state of constant pain. In the future my suffering will inevitably become too much to bear. When that happens, I want to be able to control and choose the circumstances of my death. As the law stands, my only option would be to die through the inhumane process of dehydration and starvation. This situation cannot be allowed to continue.

Five years ago, I asked our courts to give me the right to control my own death and they told me to wait. Since then I have watched and waited as new evidence has emerged and progressive countries have given millions of others the choice I have asked for. And still the UK Parliament has done nothing. I have no option but to ask the Court to intervene again. I need them to help me, and many others in my position, to end this cruel and discriminatory law.

Humanists UK Chief Executive Andrew Copson said:

It is a national disgrace that too many politicians have allowed themselves to turn a blind eye to the suffering of those like Paul for so long and instead rely upon our courts.

The right to die in a manner and timing of your own choice is a fundamental human right, which the UK has neglected for too long. It should not depend upon your ability to afford travel to Switzerland, nor force families into a heart-wrenching dilemma

between letting their loved ones suffer, or supporting them and risking criminal investigation.

We are delighted by the news that Paul intends to bring this landmark case and challenge such a heartless law. Paul's case seeks a more compassionate law, as it will give those who are terminally ill or incurably suffering the dignity they deserve. We will back him at every stage.

Rosa Curling, solicitor at law firm Leigh Day who is representing Paul, said:

For many years, our client has patiently waited for Parliament to address the issue of whether section 2 of the Suicide Act should be relaxed or modified. But the pain and suffering he experiences, on a daily basis, means he cannot wait any longer. He believes the time is now right for the courts to intervene and declare section 2 incompatible with Articles 8 and 14 of European Convention on Human Rights because it unlawfully discriminates against seriously disabled people who wish to end their lives.

NOTES:

For further comment or information, please contact Humanists UK press manager Casey-Ann Seaniger at casey@humanism.org.uk or phone 020 7324 3078 or 07393 344293. To request an interview with Paul, further comment from him, or video footage, contact Humanists UK at the above number.

The case will be between Paul Lamb and the Secretary of State for Justice. Paul has written to the Secretary of State under the pre-action protocol. Assuming the Secretary of State does not provide him with a satisfactory response (see above), papers may be issued asking the courts to decide whether the case should be given permission to proceed.

Paul Lamb is represented by Rosa Curling of Leigh Day, Philip Havers QC of 1 Crown Office, Adam Sandell of Matrix Chambers, and Eesvan Krishnan of Blackstone Chambers. Ms Curling, Mr Havers, and Mr Sandell previously acted for the claimant known as 'Martin' during the 2014 Supreme Court case.

Paul Lamb's case is different from a case brought by humanist Noel Conway in 2018, supported by Dignity in Dying. Noel was only seeking a change in the law, which would have enabled those who were likely to die within six months, assistance to die. Unlike Mr Conway, Paul Lamb does not require a non-invasive ventilator, the presence of which we understand is one of the reasons why Noel was refused permission to have his case heard by the Supreme Court.

Read more about Paul Lamb: <https://humanism.org.uk/about/our-people/patrons/paul-lamb/>

[New figures released by the Assisted Dying Coalition](#), of which Humanists UK is a member, found that more than one British person a week now travels to Switzerland to end their life.

Read more about Humanists UK's campaign for assisted dying reform: <https://humanism.org.uk/campaigns/public-ethical-issues/assisted-dying/>

Humanists UK is the national charity working on behalf of non-religious people. Powered by over 85,000 members and supporters, we advance free thinking and promote humanism to create a tolerant society where rational thinking and kindness prevail. We provide ceremonies, pastoral care, education, and support services benefitting over a million people every year and our campaigns advance humanist thinking on ethical issues, human rights, and equal treatment for all.

Royal College of Physicians

No majority view on assisted dying moves RCP position to neutral

21 March 2019

The Royal College of Physicians (RCP) has adopted a neutral position on assisted dying following a survey of its UK fellows and members, reflecting their range of views.

Of the three options, 43.4% of respondents thought the RCP should be opposed to a change in the law on assisted dying, compared to 44.4% when the survey was last conducted in 2014. The percentage wanting the RCP to support a change in the law increased to 31.6% from 24.6%, and 25% thought the RCP should be neutral.

Neutrality reflects the decision taken ahead of the survey by the RCP's Council, its main professional decision-making body, to require a supermajority of 60% for a position either supporting or opposing a change in the law. Neutrality also reflects the lack of a simple majority for any particular view.

The online survey, carried out between 5 February and 1 March, also asked fellows and members whether they personally support a change in the law on assisted dying. Those supporting such a change increased to 40.5% from 32.3%, while those opposing it fell from 57.5% to 49.1%. The survey was completed by 6,885 respondents from more than 30 specialties.

The percentage of fellows and members saying that if the law changed they would be prepared to participate in assisted dying increased from 21.4% to 24.6%, while the percentage saying no to this fell by a similar amount, from 58.4% to 55.1%.

RCP president Professor Andrew Goddard said:

It is clear that there is a range of views on assisted dying in medicine, just as there is in society. We have been open from the start of this process that adopting a neutral position will mean that we can reflect the differing opinions among our membership.

Neutral means the RCP neither supports nor opposes a change in the law and we won't be focusing on assisted dying in our work. Instead, we will continue championing high-quality palliative care services.

The RCP defines 'assisted dying' as:

- The supply by a doctor of a lethal dose of drugs to a patient who is terminally ill, meets certain criteria that will be defined by law, and requests those drugs in order that they might be used by the person concerned to end their life.

The criteria a patient would have to meet would be defined by the law, and we cannot predict the content of any legislation. Considering past bills, it is likely that two doctors would be required to satisfy themselves that the person making the request

- was terminally ill (defined as having an incurable and progressive condition as a result of which death is reasonably expected within 6 months)
- had the capacity to make the decision to end their life
- had the capability to end their own life
- had been fully informed of their palliative care options
- had a clear and settled intention to end their life which had been reached voluntarily, on an informed basis and without coercion or duress.

The legislation would probably also include a conscientious objection clause for all healthcare professionals. For more information, you can read [the Assisted Dying Bill that was considered by Parliament in 2016-17](#).

Downloads

[RCP assisted dying survey 2019 - results by specialty and respondent profile](#) 511.76 KBUploaded: 5 April 2019

4. Parliamentary material

Recent PQs

[Euthanasia](#)

Asked by: Baroness Lister of Burtersett

To ask Her Majesty's Government what assessment they have made of recent research from the UK's Assisted Dying Coalition, published on 8 February, which found that more than one person a week now travels from the UK to Switzerland to end their life; and in light of that research, whether they plan to review the UK's assisted dying law.

Answering member: Lord Keen of Elie | Department: Ministry of Justice

It remains the Government's view that any change to the law in this area in England and Wales is an issue of conscience and a matter for Parliament to decide rather than one for Government policy.

Parliament has not so far voted to legalise assisted suicide in any circumstances.

HL Deb 24 May 2019 | PQ HL15679

Lords exchange of questions - [Suicide Act 1961: Prosecutions](#)

HL Deb 23 May 2019 | Vol 797 c2075-

Baroness Meacher

To ask Her Majesty's Government what assessment they have made of whether the threat of prosecutions under the Suicide Act 1961 is causing suffering to mentally competent, terminally ill people at the end of their lives.

The Advocate-General for Scotland (Lord Keen of Elie) (Con)

My Lords, the Government recognise the challenges faced by those suffering from a terminal illness, and the desire of some to have choice over how to end their lives without fear of prosecution of themselves or those close to them. In a recent case, the High Court found that Parliament's decision not to change the current law strikes a fair balance between the interests of the wider community and those of people who are terminally ill and wish to be helped to die.

Baroness Meacher (CB)

My Lords, the Minister will be aware that Ann Whaley recently took her husband, Geoff, to Dignitas for a peaceful death. Geoff suffered from motor neurone disease and faced the complete loss of any movement and the ability to speak, swallow, eat, drink or breathe without a ventilator. In answer to a question from Ann, Lord Sumption, our Reith

lecturer, said that the assisted dying law—that is, the prohibition of assisted dying—should remain but that compassionate families should break the law. I find that remarkable. If a former Supreme Court judge is telling people to break the law, does that not indicate that the law itself is broken and should be reformed? What plans do the Government have to prepare for a change in this broken law so that terminally ill people who suffer unbearably—there are a number of them—and have only six months to live can have a peaceful death?

Lord Keen of Elie

My Lords, the Government do not plan to change the law at this time. Lord Sumption is a distinguished author and retired judge, of course. In his retirement and in delivering his Reith lecture a few days ago, he is entitled to express his personal opinions on morality and the law. I remind noble Lords that, while sitting as a Justice of the Supreme Court in the case of Nicklinson and Lamb in 2014, he said that,

“there is a diversity of opinion about the degree of risk involved in relaxing or qualifying the ban on assisted suicide, but not about its existence. The risk exists and no one appears to regard it as insignificant. There is a reputable body of experienced opinion which regards it as high”.

Lord Dubs (Lab)

My Lords, how much longer can we say to people that the only legal thing they can do is take the lonely journey to Switzerland? Surely we as a society can show more compassion to people than that. Can the Minister confirm that all surveys show that the majority of people in this country want a change in the law?

Lord Keen of Elie

My Lords, I am not in a position to comment on all surveys because that may embrace ones of which we are not aware. The Government have always taken the view that this is a matter of individual conscience and for Parliament to decide, rather than one of government policy.

Lord Mackay of Clashfern (Con)

My Lords, noble Lords will remember that I chaired a committee of the House on this issue many years ago. Is it possible to take account of the suffering that may be experienced by vulnerable people, surrounded in their weakness by relatives whose interests may not be completely in the best interests of the vulnerable person? That is a serious risk to be taken into account. On the other hand, the Director of Public Prosecutions has issued very clear guidelines on these matters in accordance with a requirement from what was then the Supreme Court in his jurisdiction.

Lord Keen of Elie

The noble and learned Lord is entirely right. The Director of Public Prosecutions has issued very clear guidelines, which address not only the evidential test but the public interest test that arises in such a complex and difficult area. That is why we see the need for a careful and

balanced approach to what is, at the end of the day, an issue of conscience.

Baroness Brinton (LD)

My Lords, many families do not have access to Dignitas. Indeed, before it was available, a family friend of ours waited until his wife was away for two days before killing himself because he was very worried that the police might take action. The DPP guidance states:

“A prosecution is less likely if the person made a voluntary, informed decision to end their life, and if the assister was wholly motivated by compassion”.

However, it then lists a string of reasons why a prosecution may be more likely. Despite the fact that Ann Whaley clearly fell into that first category, she was immediately interviewed under caution by police. The distress that caused was phenomenal. On Sunday, the Justice Secretary said in the *Sunday Express*:

“Personally I am in favour of reform in this area, and sympathise with calls to allow individuals choice”.

When will the Ministry of Justice change the guidance?

Lord Keen of Elie

My Lords, my right honourable friend the Secretary of State for Justice expressed his personal views on this issue of conscience, but it is not a matter of government policy. With regard to the involvement of the police in cases where a matter is reported to them, that is not prompted simply by Section 2 of the Suicide Act, because if the police receive a report that someone’s life is going to be terminated they would in any event investigate lest it be a case of murder or manslaughter.

The Lord Bishop of Winchester

My Lords, in a recent Royal College of Physicians survey just over 80% of palliative care doctors opposed the assisted suicide law reforms. The Secretary of State for Justice is committed to meeting organisations that support changes. Can the Minister assure this House that the views of those opposing such reforms, out of due concern for vulnerable patients placed at risk of abuse, have been and will be equally considered?

Lord Keen of Elie

I can give the right reverend Prelate that assurance. Indeed, we have had recent contact with some organisations representing the very parties to which he refers. They will be given an equal opportunity to express their views on this difficult matter.

Baroness Finlay of Llandaff (CB)

My Lords, do the Government accept the evidence from jurisdictions that have changed the law? A recent paper from Holland shows that a majority of Dutch physicians feel pressure when dealing with requests for euthanasia or physician-assisted suicide, and their confidential survey shows a mismatch of many thousands more between euthanasias and assisted suicides and the reported figures. In Belgium there are

estimates that up to 50% may not be reported. It is on the basis of the danger to those who can be pressurised that many people feel that a change in the law is too dangerous to contemplate.

Lord Keen of Elie

The noble Baroness makes a very clear point with reference to the findings in Holland and Belgium. The British Medical Association and the Royal College of Physicians have come out with diverse views on this issue, which raises challenges for the medical profession in general.

Lords exchange of questions - [Assisted Suicide](#)

HL Deb 14 February 2019 | Vol 795 c1946-

Baroness Blackstone

To ask Her Majesty's Government, in the light of Geoffrey Whaley's case, what assessment they have made of the Crown Prosecution Service's Policy for Prosecutors in respect of Cases of Encouraging or Assisting Suicide.

The Advocate-General for Scotland (Lord Keen of Elie) (Con)

My Lords, CPS policy on assisted suicide provides guidance to prosecutors on assessing the evidential and public interest stages in reaching decisions in cases of encouraging or assisting suicide. The policy sets out the public interest factors that must be applied in reaching decisions in these cases and balances the various important factors that need to be considered. There are no plans to reassess the CPS policy in relation to such cases.

Baroness Blackstone (Ind Lab)

I thank the Minister for his reply, but does he really think that it is a good use of police time to interview, under caution, the wife of a dying man who wishes to choose how he dies? In the light of the Whaley story and loving families being treated like criminals, does the Minister think that the law on assisted dying is working well?

Lord Keen of Elie

My Lords, it is for the CPS to apply the law, not to make the law. Every case has to turn on its own facts and circumstances. Where matters are drawn to the attention of the police relating to an assisted suicide or potential assisted suicide, they will investigate. They are bound to investigate what is potentially criminal conduct in terms of Section 2 of the Suicide Act 1961. I therefore see no reason why they should pause those investigations, given the current state of the law.

Lord Pannick (CB)

Does the Minister recall that the CPS policy was adopted after the decision of the Appellate Committee of this House in 2009 in the Debbie Purdy case—I declare an interest as her counsel. The Appellate Committee required a policy because of the uncertainty of the law. Does the Minister accept that there continues to be considerable

uncertainty in this area, as indicated by the Question of the noble Baroness, Lady Blackstone, which is causing enormous distress to those at the end of their lives and their families?

Lord Keen of Elie

The noble Lord is quite right that a consultation was prompted by a decision of the courts in England and Wales. That led to a consultation exercise that commenced in September 2009, to which there were more than 5,000 responses, and resulted in the publication of the CPS policy document in 2010. I consider that that policy is working well at the present time.

Lord Sherbourne of Didsbury (Con)

My Lords, does my noble and learned friend understand—I am sure he does—that, for people with a terminal illness who have no hope of recovery and are suffering great distress, the current law, which prevents them being able to end their own lives in dignity, is condemning them to great and unnecessary suffering?

Lord Keen of Elie

We are of course conscious of the difficulties and challenges facing people in the situation that the noble Lord has outlined, but I emphasise again that it is for the CPS to apply the law, not to make the law. In doing so, it follows a policy that addresses not only an evidential test but a public interest test with regard to such cases. The consequence is that, of the 140-odd cases referred in the last nine years to the CPS, there were prosecutions in respect of Section 2 of the Suicide Act 1961 in only four of them, resulting in one acquittal and three convictions.

Lord Low of Dalston (CB)

My Lords, as the noble and learned Lord has implied, the police are only enforcing the law, so it is really the law that is the problem rather than the police. When will the Government bring in a new law to free the police from having to treat loving families like criminals?

Lord Keen of Elie

My Lords, it is not a case of having to treat loving families like criminals. It is a matter of having to look at the facts and circumstances of every case, in situations where the victim may be extremely vulnerable. As the Government have said before, it is therefore a matter for Parliament because it is a matter of conscience. It is not a matter for government to bring forward such legislation. The noble Lord will be aware that such legislation was proposed in 2015 and did not succeed.

Baroness Barker (LD)

My Lords, given the statistics which the noble and learned Lord has just quoted, does he not consider that that in itself is an indication that the law is not working properly?

Lord Keen of Elie

No, I do not. As I say, only in a small minority of cases has there been a successful prosecution. I should also add, however, that there have been

a number of instances in which the case taken forward involved prosecution for homicide, not assisted suicide.

Baroness Meacher (CB)

My Lords, indeed Geoff Whaley did die a dignified death in Switzerland last Thursday, but most people cannot afford to take their family to Switzerland for such a death, or they cannot get the medical report from their doctor to enable them to have such a death. Does the Minister agree that, in a civilised society, someone in Geoff Whaley's position should be able to avoid months of being unable to swallow, eat, drink, speak or move—totally, therefore, cut off from communication? Will the Minister discuss with his colleagues what can be done to change the law?

Lord Keen of Elie

It is not the intention of the Government to seek to change the law in this area. I emphasise that every case has to be considered according to its own particular facts and circumstances. I readily acknowledge that many of these cases are extremely tragic.

Baroness Chakrabarti (Lab)

My Lords, whatever the conflicting views—and there are many—on public and prosecutorial policy in this area, I hope we can all agree that the current situation presents loved ones of people with motor neurone disease and similar conditions at the end of their lives with an emotional, ethical and legal minefield. Is the Minister confident that these people, at a very difficult time, are getting the advice and support they need to navigate that?

Lord Keen of Elie

I am not in a position to say where such people seek advice on these matters, but such advice is available, and the policy of the CPS with regard to this matter is publicly available.

[Business of the House](#)

Asked by: Dame Cheryl Gillan

A week ago today, my constituent Geoff Whaley—a very brave man—travelled to Switzerland to end his life before the ravages of motor neurone disease made his suffering, and that of his family, unbearable. He wrote to all MPs to impress on us that a change needs to be considered after his fantastically loving and loyal wife was reported to the police, in an anonymous phone call, as a person potentially assisting someone to end their life. She and Geoff had to suffer the added mental anguish of facing a criminal investigation at a time when the family, and most of all Geoff, wanted to prepare his goodbyes and fulfil his last wish in peace. May I ask the Leader of the House if we can have a debate in Government time so that we can re-examine this area of law, particularly in the light of this amazing man's efforts to give

terminally ill people a choice over the way they leave this world, and to afford protection to their loved ones?

The Leader of the House (Andrea Leadsom)

My right hon. Friend raises a truly heartbreaking case, and I commend her for doing so. I am sure the thoughts of the whole House are with the family of Geoff Whaley at this very difficult time. I can say to her that it remains the Government's view that any change to the law in this area is an issue of individual conscience and a matter for Parliament to decide, rather than one for Government policy. Parliament has debated this issue on several occasions, the most recent being a debate in the House of Commons on 11 September 2015, when the Assisted Dying (No. 2) Bill had its Second Reading. As things stand, the will of Parliament is that there should be no change to the law, but it is a thought-provoking matter, and I encourage her to raise it directly with Justice Ministers.

HC Deb 14 February 2019 | Vol 654 c1049

Previous Parliamentary proceedings and Bills

- The most recent Commons Private Member's Bill on this matter was the [Assisted Dying \(No. 2\) Bill 2015-16](#), which was introduced by Rob Marris MP and had a [Second Reading](#) debate on 11 September 2015 (HC Deb Vol 599 | c 656-). The Second Reading was not granted, so the Bill did not progress further.
The Commons Library produced a [Briefing Paper](#) for the Second Reading of this Bill.
- In the same Session, Lord Falconer of Thoroton had introduced a Lords Private Member's Bill, the [Assisted Dying Bill \[HL\] 2015-16](#), on 4 June 2015. This did not progress beyond its Lords first reading. Lord Falconer published his own [Explanatory Notes](#) on the Bill.
- This followed Lord Falconer of Thoroton's Private Member's Bill in the previous Session, the [Assisted Dying Bill \[HL\] 2014-15](#), which had a [Second Reading](#) in the Lords on 18 July 2014 (HL Deb Vol 755 | c776-) and began its Committee stage but did not progress further. Lord Falconer published his own [Explanatory Notes](#) on the Bill.

Parliamentary proceedings since then are listed below:

- There was a Lords Question for Short Debate on [Assisted Dying](#) on 06 March 2017 (HL Deb Vol 779 | c1175-). The Lords Library produced a [briefing](#) ahead of this debate.
- In a Lords exchange of questions on [Assisted Dying: Legislation](#) on 16 January 2017 (HL Deb Vol 778 | c2-), the Government's position that assisted dying is a matter for Parliament, not for Government policy, was reiterated.

- The potential constitutional implications of the Supreme Court's 2014 judgment in the case of *R (Nicklinson) v Ministry of Justice* [2014] UKSC 38 were discussed in a Lords exchange of questions on the [Right to Die](#) on 14 July 2016 (HL Deb Vol 774 | c328-)
- The last Private Member's Bill in the Lords on assisted dying was the [Assisted Dying Bill \(HL Bill 42\)](#) 2016-17, which received a [first reading](#) on 9 June 2016 but did not progress further.

5. Useful links and further reading

Royal College of Nursing *Position statement on assisted dying* March 2017

<https://www.rcn.org.uk/about-us/policy-briefings/pol-2314>

Crown Prosecution Service *Assisted Suicide*

<https://www.cps.gov.uk/publication/assisted-suicide>

By the time you read this, I will be dead: An open letter to all MPs from Geoffrey Whaley. Written before his death at Dignitas 7th February 2019

<https://www.theguardian.com/society/2019/feb/07/assisted-dying-couple-tell-of-anguish-over-police-inquiry-dignitas>

Acts of love and compassion should not be criminalised an open letter to MPs and Peers from Ann Whaley 21 May 2019

<https://cdn.dignityindying.org.uk/wp-content/uploads/Ann-Whaley-letter-to-MPs-WEB.pdf>

Dignity in dying

<https://www.dignityindying.org.uk/>

Care not killing

<https://www.carenokilling.org.uk/>

Assisted dying coalition

<https://assisteddying.org.uk/>

Not dead yet

<http://notdeadyetuk.org/>

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