



DEBATE PACK

Number CDP 2020/0009, 22 January 2020

The law on assisted dying

This pack has been prepared ahead of the debate to be held in Westminster Hall at 3pm on Thursday 23 January 2020 on the law on assisted dying. The debate will be opened by Christine Jardine MP.

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.

By Elizabeth Rough
Nikki Sutherland

Contents

1.	General debate on the law on assisted dying	2
1.1	The law on assisted dying	2
1.2	The Assisted Dying Bill	3
1.3	Request for a 'call for evidence' on existing assisted dying laws	4
2.	News items	6
3.	Press releases	9
4.	Parliamentary material	17
4.1	Recent PQs and debate	17
4.2	Previous Parliamentary proceedings and Bills	25

1. General debate on the law on assisted dying

A debate will take place in Westminster Hall on 23 January 2020 on the law on assisted dying. The debate will be led by Christine Jardine.

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

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

exceptions to section 2(1) of the 1961 Act. The policy of the DPP has also been subject to parliamentary scrutiny and debate.³

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 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.⁴ Mr Newby subsequently applied for judicial review and asked the High Court to undertake a “detailed examination of the evidence” to determine whether the “blanket ban on assisted dying was compatible with his human rights” under Articles 2 and 8 of the European Convention on Human Rights.⁵ The High Court [refused](#) his application in November 2019. In the judgement handed down by Lord Justice Irwin and Mrs Justice May, the judges stated that:

In the context of repeated and recent parliamentary debate, where there is an absence of significant change in societal attitude expressed through Parliament, and where the courts lack legitimacy and expertise on moral (as opposed to legal) questions, in our judgment the courts are not the venue for arguments which have failed to convince Parliament [...] In our judgment, there are some questions which, plainly and simply, cannot be ‘resolved’ by a court as no objective, single, correct answer can be said to exist. On issues such as the sanctity of life there is no consensus to be gleaned from evidence. The private views of judges on such moral and political questions are irrelevant, and spring from no identifiable legal principle. We struggle to see why any public conclusion judges might reach on matters beyond the resolution of evidence should carry more weight than those of any other adult citizen.⁶

It was [reported](#) that Mr Newby is planning to appeal.

Paul Lamb, (one of the claimants in *Nicklinson*) also made a separate application to the High Court for judicial review of assisted dying laws. The application was rejected on 19 December 2019 and did not proceed to a full hearing.⁷

1.2 The Assisted Dying Bill

Specific changes to the law on assisted suicide were last debated in the House of Commons in September 2015, though ‘general debates’ have taken place since that time (see section 1.3). 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

³ [\[2017\] EWHC 640](#)

⁴ [Terminally ill man Phil Newby launches new assisted dying case](#), PoliticsHome.com, 2 July 2019

⁵ Bindmans LLP, News article: [“Phil Newby v Secretary of State for Justice CO/2726/2019, judgement handed down”](#), 19 November 2019

⁶ [Newby, R \(on the application of\) v Secretary of State for Justice \[2019\] EWHC 3118 \(Admin\)](#)

⁷ [Paralysed Leeds man Paul Lamb loses 'right to die' case](#), *BBC News* [Online], 19 December 2019 [accessed on 22 Jan 2020]

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 was defeated – Ayes: 118, Noes: 330.⁸

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 (see section 1.3).⁹ It considers that this a conscience issue and a matter for Parliament. This issue has been subject to a free vote in the past.

1.3 Request for a 'call for evidence' on existing assisted dying laws

A general debate on the [Functioning of the Existing Law Relating to Assisted Dying](#), led by Nick Boles, Sarah Champion and Norman Lamb, took place in the House of Commons Chamber on 4 July 2019.¹⁰ During the debate, Nick Boles asked:

the Secretary of State for Justice, to initiate a formal call for evidence on the impact of our existing laws on assisted dying, so that Parliament can benefit from a comprehensive assessment of the facts when it next decides to debate and vote on a possible change in the law.¹¹

Speaking for the Government, the then Parliamentary Under-Secretary of State for Justice, Edward Argar MP, stated that:

The Government's position remains that any changes to the law in this area remain an issue of conscience for individual Members of this House, and it is right that this is so given the strength of the deeply and sincerely held views on both sides of this debate. It remains a matter for this House to decide, not the Government, but a Government must implement and work with whatever this Parliament and future Parliaments decide.¹²

⁸ [HC Deb 11 September 2015 c656](#)

⁹ [Written question - HL15679 \[Euthanasia\] 24 May 2019](#)

¹⁰ [HC Deb, 4 July 2019, c1412](#)

¹¹ [HC Deb, 4 July 2019, c1414](#)

¹² [HC Deb, 4 July 2019, c1448](#)

Responding specifically on the point about a call for evidence, Mr Argar added that:

I know that he [Nick Boles] has recently met and spoken to my right hon. Friend the Secretary of State for Justice, where he put, with typical eloquence and persuasiveness, his case. I know that my right hon. Friend the Secretary of State is reflecting carefully on the case that the hon. Gentleman put to him.¹³

More recently, at [Justice Questions](#) on 8 October 2019, Sir Vince Cable MP asked the Secretary of State for Justice, Robert Buckland MP “What recent public consultation he has conducted on the law in relation to assisted dying?”

The Secretary of State replied that:

The Government have not conducted a public consultation on the law in relation to assisted suicide. We remain of the view that any change to the law in this sensitive area is a matter of conscience and a matter for Parliament, rather than one of Government policy.¹⁴

Following on from the Secretary of State's reply, Nick Boles told the House that the former Justice Secretary (David Gauke MP) had taken the matter of a call for evidence to the then Prime Minister, Theresa May, stating:

I fear that he may not have received complete information from his officials, because his immediate predecessor did ask for a call for evidence and for No. 10 approval of a call for evidence. It is true that the previous Prime Minister resigned before that request could be approved, but the previous Lord Chancellor did make it clear that he thought a call for evidence was justified. To be clear about the reasons why: it is not that Government are going to take a position on a possible change of law, but only the Government can gather the information about the effect of the current law so that Parliament can decide whether that law needs to be changed.¹⁵

The Secretary of State responded that:

It was not agreed that there should be a call for evidence, and it is not my plan to initiate one. However, discussions and conversations will continue, and the wealth of information out there on both sides of the argument is something that will prompt right hon. and hon. Members to continue this debate, either on the Floor of the House or by other means.¹⁶

¹³ [HC Deb, 4 July 2019, c1450](#)

¹⁴ [HC Deb, 8 Oct 2019, c1622](#)

¹⁵ [HC Deb, 8 Oct 2019, c1622](#)

¹⁶ [HC Deb, 8 Oct 2019, c1623](#)

2. News items

Scotsman

20 January 2020

Why the law on assisted dying must change – Christine Jardine

<https://www.scotsman.com/news/opinion/columnists/why-the-law-on-assisted-dying-must-change-christine-jardine-1-5076850>

Politics Home

14 January 2020

Ann Whaley, Joy Munns lead new campaign for inquiry into cruel assisted dying laws

<https://www.politicshome.com/news/uk/home-affairs/law/press-release/dignity-dying/109067/ann-whaley-joy-munns-lead-new-campaign>

Globe and Mail

13 January 2020

Ottawa launches public consultations to meet court deadline to loosen rules for medically assisted death

<https://www.theglobeandmail.com/politics/article-ottawa-launches-public-consultations-to-meet-court-deadline-to-loosen/>

Guardian

19 December 2019

Right-to-die campaigner fails to overturn ban in court

Paul Lamb argued assisted dying ban discriminated against people with disabilities

<https://www.theguardian.com/society/2019/dec/19/right-to-die-campaigner-paul-lamb-fails-to-overturn-ban>

Guardian

19 November 2019

Right-to-die campaigners to appeal against court ruling

The high court ruled on Tuesday that it will not consider further evidence presented on behalf of Phil Newby, 49, from Rutland, who is terminally ill, cannot walk or use his lower arms.

<https://www.theguardian.com/society/2019/nov/19/right-to-die-campaigners-to-appeal-against-court-ruling>

BMJ

21 October 2019

Assisted dying: restricting access to people with fewer than six months to live is discriminatory

Cite this as: BMJ 2019;367:l6093

<https://www.bmj.com/content/367/bmj.l6093>

Telegraph

18 September 2019

Family of pensioner cleared of 'mercy killing' of terminally ill husband, call for a change in the law

<https://www.telegraph.co.uk/news/2019/09/18/family-pensioner-cleared-mercy-killing-terminally-husband-call/>

Telegraph

26 September 2019

Assisted dying is legal if patients suffering from intolerable pain, Italian court rules in landmark decision

<https://www.telegraph.co.uk/news/2019/09/26/assisted-dying-legal-patients-suffering-intolerable-pain-italian/>

Independent

6 September 2019

Terminally ill man makes final plea to for right to die to be legalised ahead of assisted death at Dignitas

<https://www.independent.co.uk/news/uk/home-news/terminally-ill-man-dead-dignitas-right-to-die-legal-richard-selley-a9095301.html>

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>

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

Ann Whaley, Joy Munns lead new campaign for inquiry in to cruel assisted dying laws

14th January 2020

Ann Whaley, Joy Munns and others who have been criminalised by the UK's assisted dying laws are today (Tuesday 14 January 2020) calling on the Justice Secretary to launch an inquiry into the impact of "cruel, outdated" legislation.

Alongside Dignity in Dying they today launch a new campaign, Compassion is Not a Crime, urging the Ministry of Justice to announce a call for evidence on the functioning and impact of the current blanket ban on assisted dying. Assisted dying is a crime under Section 2(1) of the Suicide Act 1961, which states that a person found guilty of "assisting a suicide" can be imprisoned for up to 14 years.

Compassion should not be a crime, but under the UK's ban on assisted dying, it is.

An inquiry would enable the views of those most affected to be heard.

We call on Justice Secretary [@RobertBuckland](#) to launch a call for evidence as a matter of urgency. [#CompassionIsNotACrime](#)

The campaign also has the backing of former Durham Chief Constable Mike Barton, a colleague of Police and Crime Commissioner Ron Hogg who publicly called for reform on assisted dying laws before his death from motor neurone disease in December 2019.

Ann, 77, from Buckinghamshire, was investigated by police after an anonymous call alerted social services of her plan to accompany her terminally ill husband Geoffrey, 80, to Dignitas in February 2019.

Ann said:

Geoffrey had been by my side for over 50 years and I was determined to be by his until the very end. But in supporting his final wish to die with dignity, I became a criminal under British law. It was utterly devastating to think that I might be arrested or that Geoffrey might be stopped from travelling. I hope the Justice Secretary listens to experiences like ours and conducts a much-needed review of our cruel, outdated assisted dying laws.

Joy, 54, was horrified when her mother Mavis Eccleston, 80, from Staffordshire, was charged with the murder and manslaughter of her husband Dennis, 81, after he ended his own life at home in February 2018 while dying of bowel cancer. Mavis, who had attempted to overdose at the same time, was resuscitated and later charged. A jury unanimously found her not guilty on both counts following a trial at Stafford Crown Court in September 2019.

Joy said:

My mom would have done anything for her husband, but she had no idea that her actions, motivated purely by love, would land her in the dock. On top of losing Dad, we were terrified we would lose Mom to life in prison. Under an assisted dying law, this would never have happened. Politicians have to face facts – a law is clearly not working if it makes criminals of innocent great-grandmothers.

Former Justice Secretary David Gauke [expressed support for a call for evidence](#) on assisted dying laws last year. This was backed by cross-party MPs in a [Commons debate](#) in July, during [Justice Questions](#) in October and in a [joint letter](#) later that month.

Compassion is Not a Crime is backed by colleagues of Ron Hogg, Police and Crime Commissioner for Durham, who died of motor neurone disease in December 2019. Ron used his final months to [call for reform](#) on assisted dying, and [wrote](#) to the Justice Secretary alongside 17 fellow PCCs in October urging him to launch an inquiry into current laws.

Mike Barton, former Chief Constable for Durham, served alongside Ron and delivered the eulogy at his funeral on the 7th of January. He said:

The police can only really enforce laws which command wide public support. When there is clear injustice in the arrest of caring and traumatised relatives, nobody gains; prolonging a cruel illness is surely the greater sin. I don't think the public want us to use our valuable resources to turn grieving family members into criminals. Surely it's time for a review of the UK's assisted dying legislation. I know that's what Ron would've wanted.

Martyn Underhill, PCC for Dorset, a friend and colleague of Ron's and national lead for PCCs on suicide, said:

It is deeply concerning that our assisted dying laws may be doing more harm than good. Banning the practice merely drives it underground or overseas; it creates a two-tier system where only those who are wealthy enough to go to Switzerland can avail themselves of this option; and there is a scattergun approach to enforcing the law, where there is either no scrutiny at all or families are forced to endure intrusive investigations at great cost to the public purse.

Ron was sadly unable to live to see the change he so desperately wanted, but his powerful words live on. I hope the Justice Secretary will honour his commitment to meet with me in Ron's place and give law-enforcers the opportunity to offer our valuable insight. It's time to investigate our broken laws, not innocent families.

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

Compassion should not be a crime, but under the UK's blanket ban on assisted dying, it is. Not only are dying people denied the right to die on their own terms, forcing them to resort to drastic measures at home and abroad, but their family members are then criminalised for acts of love.

An inquiry would enable the views of those most affected to be heard – terminally ill people, their loved ones, the police and other public services. We call on the Justice Secretary, Robert Buckland,

to launch a call for evidence as a matter of urgency. Our outdated assisted dying laws deserve to be scrutinised, not dying people or their loving families.

Notes to Editor:

Assisted dying proposals in the British Isles and Crown Dependencies

- The Isle of Man's Parliament, Tynwald, has announced it will debate assisted dying at its January sitting. It last debated legislation in 2015.
- Jersey's Council of Ministers announced in 2019 that it would undertake detailed research into the views of residents, overseas developments and potential legislation.
- The Legislative Assembly of the Falkland Islands voted in favour of two motions on assisted dying in July 2018 (that terminally ill residents should have the right to die at a time and place of their choosing, and that should legislation be introduced in the UK, the Falkland Islands would consider adopting it).
- The States of Guernsey last debated assisted dying proposals in May 2018.
- The House of Commons last debated an assisted dying bill in September 2015.

International developments

- Assisted dying as an option for terminally ill, mentally competent adults in their final months of life is legal in ten US jurisdictions: Oregon (1997), Washington, Vermont, Montana, the District of Columbia, California, Colorado, Hawaii, New Jersey and Maine (June 2019).
- Victoria became the first Australian state to legalise assisted dying for terminally ill people in June 2019. Western Australia voted to legalise a similar bill in December 2019.
- New Zealand will put an End of Life Choice Bill to a public referendum in 2020 after the legislation passed third reading in November 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.

Healthcare professionals

- The Royal College of GPs is set to announce the results of a membership survey on assisted dying in February 2020.
- The British Medical Association is due to launch its first ever membership survey on assisted dying in February 2020.
- Last year, the Royal College of Physicians dropped its longstanding opposition to assisted dying in favour of neutrality following a member survey.

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 (Populus, 2019).
- 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.

Care Not Killing

Call for assisted suicide law review criticised

10th January 2020

Evidence from around the world shows that removing these protections puts vulnerable people at risk of abuse and of coming under pressure, real or perceived, to end their lives prematurely.

Responding to the news that Lucy Allan MP is calling for a review by the Ministry of Justice of the Suicide Act and murder legislation, Dr Gordon Macdonald, Chief Executive of Care Not Killing, commented:

The inquiry being called for is neither necessary nor wanted. The issue of assisted suicide and euthanasia has been considered more than a dozen times in UK Parliaments since 2003 and overwhelmingly rejected by MPs as recently as 2015. While the courts and prosecutors have examined this issue on more than 20 occasions over the same period.

On every occasion, MPs, Peers, MSPs and judges have rejected ripping up long held universal protections, that are enshrined in statute that ensure the law treats all people equally and protects the vulnerable.

This is important as evidence from around the world shows that removing these protections puts vulnerable people at risk of abuse and of coming under pressure, real or perceived, to end their lives prematurely.

As we saw last summer, with the publication of a major US report from the National Council on Disability, which found the laws in the handful of states that allow assisted suicide were ineffective and oversight of abuse and mistakes was absent. This put a sword to the lie that systems in places like Oregon and Washington are safe and a good model for the UK.

Of course, it's not just the US that acts as a warning against these changes. In 2016, Canada changed their law to allow terminally ill people to request assisted suicide and euthanasia. In just three years the numbers of those dying in this way has exploded. Indeed, a pro-assisted suicide Canadian academic reported a four-fold increase between 2016 and 2018, from 1,010 - 4235. Speaking to British politicians recently, one Canadian euthanasia

practitioner estimated that around 13,000 people have been euthanised in Canada in just 3 and a half years.

There are other problems too. In September, the Quebec Superior Court struck down the requirement that a person be terminally ill before they qualify for euthanasia in Canada.

While in July a depressed, but otherwise healthy 61-year-old man, was euthanised in the province of British Columbia. Alan Nichols, a former school caretaker, who had struggled with depression for many years was admitted to Chilliwack General Hospital. Despite not being terminally ill, he received a lethal injection.

Worryingly Alan's case is not isolated. There are a growing number of reports that terminally ill patients and those with chronic conditions are being denied care, but offered the drugs to kill themselves. In one such case, Roger Foley from Ontario who suffers from a neurological disease, recorded hospital staff offering him a 'medically assisted death', despite his repeated statements that he did not want to die and wanted to return to his home.

No wonder not a single doctors group or major disability rights organisation in the UK supports changing the law, including the British Medical Association, the Royal College of General Practitioners, the Royal College of Physicians, the British Geriatric Society and the Association for Palliative Medicine.

The current laws prohibiting assisted suicide and euthanasia provide a safeguard against abuse and exploitation and do not need changing. Rather we should consider how to ensure that everyone has access to the very best palliative care, as according to Marie Curie around one in four cancer patients who need palliative care do not receive the care they require.

British Medical Association

BMA to seek members' views on physician-assisted dying

15 November 2019

The BMA plans to gather members' opinions around physician-assisted dying.

It follows a vote at this year's annual representative meeting to carry out a poll on whether the association should adopt a neutral position with respect to a change in the law on assisted dying.

The results of the survey will be made available to members ahead of next year's ARM, where they will inform a debate and a vote by representatives on the BMA's policy position and any related motions.

Its policy has opposed doctors assisting patients to end their own lives in all forms since 2006.

This same policy, which was reaffirmed in 2016, supports the UK's legal framework, which allows for 'compassionate and ethical care' for patients who are dying.

The ARM is the BMA's policy-making body. Representatives are drawn from BMA divisions and branches of practice.

The BMA wants as many members as possible to respond to the survey and is asking you to:

- Check your contact details are up to date, including your email address
- Ensure you have not 'opted out' of electronic communications
- Look out for BMA emails and details in forthcoming issues of The Doctor magazine
- Encourage your colleagues to do the same.

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.

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 KB Uploaded: 5 April 2019

4. Parliamentary material

4.1 Recent PQs and debate

[Assisted Dying](#)

Asked by: Sir Vince Cable

What recent public consultation he has conducted on the law in relation to assisted dying.

Answered by: The Lord Chancellor and Secretary of State for Justice (Robert Buckland) | Department: Justice

The Government have not conducted a public consultation on the law in relation to assisted suicide. We remain of the view that any change to the law in this sensitive area is a matter of conscience and a matter for Parliament, rather than one of Government policy.

Sir Vince Cable

The Secretary of State will be aware that, under the current law, people can be sentenced to up to 14 years in prison for assisting the suicide of a terminally ill loved one in great pain, and that the Crown Prosecution Service is pursuing prosecutions, with traumatic effects in some cases, so why have the Government decided to abandon even the call for evidence that his predecessor initiated only a few weeks ago?

Robert Buckland

I am grateful to the right hon. Gentleman for his question. There was no initiation of a call for evidence. However, I hear his point about prosecutions. The Crown Prosecution Service guidelines, which were actually pioneered by the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), in my view strike a very sensitive and sensible balance between the need to protect the vulnerable and the need to understand the sensitive and emotive circumstances of many of these tragic cases.

Sarah Newton (Truro and Falmouth) (Con)

Last week, the police and crime commissioner for Durham, Ron Hogg, said there needed to be changes in the law on assisted dying, and this reflects the view of many in the police. I know that the Secretary of State for Justice is a very compassionate man, so will he meet police officers to discuss their concerns?

Robert Buckland

I am grateful to my hon. Friend, who has taken a very close interest and been actively involved in this issue. Of course I would be happy to meet police officers—indeed, I have committed to meet others on this issue—but I do harbour the gravest of doubts about the ability of legislation to be watertight when it comes to the potential, sadly, for abuse.

Nick Boles (Grantham and Stamford) (Ind)

It is a great pleasure to ask a question of my old friend the Lord Chancellor. I fear that he may not have received complete information from his officials, because his immediate predecessor did ask for a call for evidence and for No. 10 approval of a call for evidence. It is true that the previous Prime Minister resigned before that request could be approved, but the previous Lord Chancellor did make it clear that he thought a call for evidence was justified. To be clear about the reasons why: it is not that Government are going to take a position on a possible change of law, but only the Government can gather the information about the effect of the current law so that Parliament can decide whether that law needs to be changed.

Robert Buckland

I am grateful to my old friend for the way in which he asked that question. I accept the comments that he made. It was not agreed that there should be a call for evidence, and it is not my plan to initiate one. However, discussions and conversations will continue, and the wealth of information out there on both sides of the argument is something that will prompt right hon. and hon. Members to continue this debate, either on the Floor of the House or by other means.

Lucy Allan (Telford) (Con)

Parliament is out of step with the people on this issue—90% of the UK population believe that assisted dying should be legalised. Shropshire man Noel Conway recently had his case turned down in the Supreme Court, which believed that it was a matter for Parliament to decide. Does the Minister agree that Parliament must look at this issue once again, because it is not right for us to decide that terminally ill people, who are enduring great suffering, have no right over how they choose to die?

Robert Buckland

My hon. Friend raises the Noel Conway case, in which the Court found that Parliament's decision not to change the law did indeed strike a fair balance between the interests of the wider community and the interests of people who were in that tragic position. That was upheld by the Court of Appeal. It is a matter for right hon. and hon. Members to raise that issue, either in a private Member's Bill or in a general debate.

HC Deb 08 October 2019 | Vol 664 cc1621-3

Commons debate: [Assisted Dying](#)

Motion that this House has considered the functioning of the existing law relating to assisted dying. Agreed to on question.

HC Deb 04 July 2019 | Vol 662 cc1411-1451

[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

4.2 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.

About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publicly available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email hcinfo@parliament.uk.

Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).