

Parliamentary Bureau – referral of Bill for Stage 2

Assisted Dying for Terminally Ill Adults (Scotland) Bill

Introduction

1. The general principles of the Assisted Dying for Terminally Ill Adults (Scotland) Bill were agreed to on 13 May, by 70 votes to 56, with one abstention. The next step is for the Bill to be referred to a committee to take Stage 2.
2. Under the Standing Orders (Rule 9.7.1), a Bill can be referred at Stage 2 to:
 - the Stage 1 lead committee
 - another existing committee (so long as the committee's remit covers the subject-matter of the Bill)
 - an ad hoc committee established for that purpose
 - a Committee of the Whole Parliament (that is, all MSPs meeting in the Chamber, but subject to the procedures that apply to committees).
3. In the vast majority of cases, Bills are referred back at Stage 2 to the Stage 1 lead committee (in this case, the Health, Social Care and Sport Committee). However, there are unusual circumstances in this case that may make it appropriate for alternative options at least to be considered.

Reasons for considering alternative options

4. On the basis of the ethical issues raised by the Bill, the parties allowed their members a free vote at Stage 1. That vote did not split along party lines.
5. When the Bureau took a decision on the referral of the Bill at Stage 1, it considered correspondence from the Scottish Conservative Party proposing the establishment of an ad hoc committee to scrutinise the Bill. The Scottish Conservative Party stated that “establishing a new committee would allow parties to populate the committee's membership with MSPs who hold different views on the Bill. This would enhance scrutiny and ensure that, in the eyes of the public, the Bill is beyond reproach.”
6. During its Stage 1 consideration, the Health, Social Care and Sport Committee was careful to ensure that a wide range of evidence was gathered, and that both sides were given an equal chance to put across their arguments. In addition, the committee deliberately chose not to make an overall recommendation on the general principles in its Stage 1 report. The quality of the committee's scrutiny to date has been recognised across the Chamber.
7. Following the Stage 1 debate, the Parliament voted 56% in favour and 44% against the general principles of the Bill. By comparison, committee members voted 90% in favour and 10% against, (of the 10 members of the committee, nine voted in favour of the Bill and only one - the Convener - voted against).

8. Given the nature of the subject matter and result of the vote at Stage 1, the Bureau may wish to give consideration to the pros and cons of the various options available before agreeing on a referral.

Decision

9. The Bureau is invited to take a view on whether to consider a detailed options paper, including the option of referral back to the Health, Social Care and Sport Committee, before agreeing on the Stage 2 referral of the Assisted Dying for Terminally Ill Adults (Scotland) Bill

Parliamentary Business team
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