



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

Neil Gray MSP, Cabinet Secretary for Health, Social Care and Sport

Via email

24 September 2025

Dear Neil,

The Terminally Ill Adults (End of Life) Bill Legislative Consent Memorandum

The Committee considered the [Scottish Government's Legislative Consent Memorandum](#) ("LCM") on the above UK Parliament Bill at its meeting of 23 September 2025 and agreed to write to both the Scottish Government and Kim Leadbeater MP, as the Bill's sponsor in relation to **Clause 43: Prohibition on advertising – regulations to prohibit advertisements promoting a voluntary assisted dying service.**

The Committee is considering this clause in terms of its remit to consider proposed powers to make subordinate legislation which are exercisable within the Scottish Parliament's legislative competence. While the Committee accepts that exercise of the power is likely to have a very limited impact on the law relating to devolved matters, given the provision does not regulate the advertisement of any voluntary assisted dying ("VAD") services which might exist in Scotland, and might be considered incidental to the regulation of VAD services in England & Wales, it considers that it is a very wide power.

The power enables any provision which could be made by an Act of Parliament (subject to the limitations set out in s43(4)).

Notably, this means that the power can be used to create criminal offences, and to modify other Acts of Parliament or Acts of the Scottish Parliament.

In addition, the power enables exceptions to the prohibition on advertising to be set out in regulations (under section 43(2)). However, little indication is given of the principles which might inform the policy around exceptions.

Contact: Delegated Powers and Law Reform Committee, The Scottish Parliament, Edinburgh, EH99 1SP.

Email: dplr.committee@parliament.scot.

We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

To help it in forming a view on the LCM, **the Committee asks why the Scottish Government considers it appropriate to recommend consent to such a such a wide power**, particularly in light of the views expressed in the [House of Lords Delegated Powers and Regulatory Reform Committee's 32nd Report of Session 2024-26](#) on the Bill, drawing the attention of the House to aspects of the clause, and recommending various changes be made.

The Committee requests a response by **Tuesday 30 September 2025**.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stuart'.

Stuart McMillan MSP

Convener of the Delegated Powers and Law Reform Committee