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Stuart McMillan MSP  
Convener  
Delegated Powers and Law Reform Committee  
Scottish Parliament  
Edinburgh  
EH99 1SP

29 September 2025

Dear Stuart

Thank you for your letter of 24 September 2025, seeking further clarity for the Committee of the Scottish Government's decision to recommend consent to clause 43 of Kim Leadbeater MP's Terminally Ill Adults (End of Life) Bill.

Clause 43 of the Terminally Ill Adults (End of Life) Bill imposes a duty on the Secretary of State to make regulations to prohibit the publication, printing, distribution or designing of advertisements whose purpose or effect is to promote the England and Wales voluntary assisted dying service.

The purpose of Clause 43 is stated to be to prevent pressure from being put on vulnerable people, or the undermining of national suicide prevention strategies, through the unethical advertisement of the England and Wales service.

By consenting to this provision, the Scottish Parliament would be agreeing that that service, if introduced in England and Wales, could not be promoted in Scotland and therefore closing a possible gap.

The Scottish Government's recommendation that the Scottish Parliament consents to clause 43 is primarily based on the substance of the provision, not the scope of the enabling power, which will be determined by the UK Parliament. Our role is to ensure that the devolution settlement is protected and I was grateful that, during our meeting on 2 September, Kim Leadbeater MP noted her willingness to work constructively with the Scottish Government and Scottish Parliament to gain the required consent.

As you noted in your letter, the exercise of the power in clause 43 is likely to have a very limited impact on the law relative to devolved matters, given that the relevant provision is

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concerned with the prohibition of advertising of the England and Wales voluntary assisted dying service, albeit in Scotland, and not with assisted dying services as a whole.

I have also noted the views expressed by the House of Lords Delegated Powers and Regulatory Reform Committee's report. I am aware that the scope of powers in the Terminally Ill Adults (End of Life) Bill was subject to scrutiny as it passed through the House of Commons and has been raised as an issue of significance in the House of Lords.

I would like to give the Committee my assurance that we are continuing to monitor the House of Lords' scrutiny of the Terminally Ill Adults (End of Life) Bill, as well as any further amendments made to the Bill, and will take appropriate action, including lodging any supplementary legislative consent memorandums, should this be necessary.

Yours sincerely



**NEIL GRAY**

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