

**6 October 2025**

Via email

Dear members of the Delegated Powers and Law Reform Committee,

Thank you for your letter concerning Clause 43 of the Terminally Ill Adults (End of Life) Bill and please accept our apologies for the delay in acknowledging receipt. We write to you as the sponsors of the bill in the Lords and Commons respectively.

Clause 43 (Prohibition on advertising – regulation to prohibit advertisements promoting a voluntary assisted dying service) was accepted into the Bill during the Commons' Report Stage. This broadly achieves the desired policy to ensure voluntary assisted dying advertising will be prohibited, though (as drafted) it leaves much of the further detail about the prohibitions to be provided for in future regulations made by the Secretary of State.

We believe these regulation-making powers are necessary to provide flexibility in respect of potential changes to the advertising landscape. If, for instance, future regulations need to provide for further exceptions or defences to advertising prohibitions, there would likely then need to be corresponding amendments to the Communications Act 2003 and/or Suicide Act 1961 to help ensure the regimes align. There is no intention to change the current affirmative procedure.

That said, after seeking further technical advice from the Government on this matter, and recommendations published by the House of Lords Delegated Powers and Regulatory Reform Committee, we are looking at further amendments which would provide more detail on exceptions and/or defences to Clause 43's prohibitions on assisted dying advertisements.

Ahead of the next stage of the bill's progress in the House of Lords, we have provided provisional instructions to officials to work up amendments that set out what these exceptions/defences may look like. The additional detail required to prepare these new amendments necessitates further technical work by the Government.

To inform this drafting we have also met with the Advertising Standards Authority and Ofcom to better understand how they would approach enforcing a ban and what they may need to aid enforcement if further details were on the face of the bill.

We anticipate that, if we are to make further amendments to the prohibition on advertising in the bill, they will be tabled ahead of Committee stage in the House of Lords (Friday 14 November). Please let us know if we can provide any further context or answer any questions before then.

With very best wishes,

Lord Falconer of Thoroton

Kim Leadbeater MP