



Assisted Suicide (Scotland) Bill

Bill Number:	SP Bill 40
Introduced on:	13 November 2013
Introduced by:	Margo MacDonald MSP (Member's Bill)
Fell:	27 May 2015

Passage of the Bill

The [Assisted Suicide \(Scotland\) Bill](#) was introduced in the Scottish Parliament on 13 November 2013 by Margot MacDonald MSP.

This was the second attempt by Margo MacDonald to introduce a form of assisted dying in Scotland. Her previous End of Life Assistance (Scotland) Bill was considered by the Scottish Parliament in session 3 but was defeated after the stage 1 debate by 85 votes to 16, with 2 abstentions.

Sadly, Ms MacDonald passed away on 4 April 2014. On the Assisted Suicide (Scotland) Bill's introduction, Patrick Harvie MSP had, under Rule 9.2A of the Parliament's Standing Orders, been designated as an "additional Member in Charge" of the Bill. Such a member can exercise any right conferred on the "member in charge" by Standing Orders. Accordingly, Patrick Harvie took over responsibility for the Bill after Ms MacDonald's death.

The Health and Sport Committee was designated as the lead committee by the Parliament and, as such, was required to report to the Parliament on the general principles of the Bill. The Justice Committee was assigned as secondary committee for stage 1 consideration of the Bill and focussed its evidence-taking on the practical application and legal aspects of the Bill, as well as compliance of its provisions with the European Convention on Human Rights (ECHR). The Justice Committee published its [report to the Health and Sport Committee on 8 January 2015](#).

Following the Bill's introduction, the Health and Sport Committee issued a [call for evidence](#) which ran from 13 March 2014 to 6 June 2014. The Committee received [886 submissions during this period](#) with 16 further submissions after the closing date. The Committee took evidence on the Bill at its meetings on [13](#), [20](#) and [27](#) January and [3](#) and [17](#) February 2015 and published its [stage 1 report on 30 April 2015](#) (see below).

Objectives of the Bill

The stated policy objective of the Bill was to enable:

“...people with terminal or life-shortening illnesses or progressive conditions which are terminal or life-shortening and who wish to end their own lives to obtain assistance in doing so. It does this by removing criminal and civil liability from those who provide such assistance provided that the procedure set out in the Bill is followed. This procedure for accessing a lawful assisted suicide is designed to ensure that the individual seeking it meets the Bill’s eligibility criteria, has made his or her own informed decision to end his or her life and has had the opportunity to reflect before moving forward at key stages.”

Key provisions in the Bill

To be eligible to receive assistance to commit suicide under the Bill, an individual would require to:

- be diagnosed with an illness or progressive condition that was terminal or life-shortening;
- have come to the conclusion that his or her quality of life was unacceptable and that there was no prospect of any improvement;
- be aged 16 or over;
- be registered with a Scottish medical practice; and
- have the legal capacity to make such a decision.

The Bill did not specify what means of death would be available to an eligible individual but the accompanying documents to the Bill envisaged what would constitute “physician assisted suicide”, whereby a doctor would provide a prescription for a drug that would end the person’s life painlessly. The Bill envisaged the cause of death being the result of the individual’s own act and no-one else’s.

Parliamentary consideration

In its stage 1 report, the Health and Sport Committee, “noted the good intentions of the Member in Charge of the Bill” and recognised the complexity of the various moral and ethical issues that consideration of the Bill presented.

The Committee also recognised the strength of feeling expressed by those who gave evidence both in support of, and in opposition to, the general principles of the Bill. The Committee recommended that the Parliament should approach the stage 1 decision with due respect for this diversity of views.

The Committee concluded that the bill contained significant flaws and that these flaws presented major challenges as to whether the Bill could be progressed. A majority of Committee members did not support the general principles of the Bill and, as the issue of assisted suicide was a matter of conscience, the Committee chose to make no formal recommendation to the Parliament on the Bill.

The [stage 1 debate took place on 27 May 2015](#). MSPs were given a free vote on the Bill at stage 1.

During the stage 1 debate, Patrick Harvie acknowledged that there were clearly areas in the Bill where there was room for improvement, and he gave a commitment to work with other members to make those improvements should the Bill be passed at stage 1. He stated:

“I ask members who see the case for a change in the law, whether or not they are convinced by the detail of the bill, to let us go on after today to debate the detail, make changes if necessary and send a clear signal that society is moving away from a paternalistic approach to care at the end of life towards one that empowers people to make their own informed decisions and which respects people on those terms.”

However, following the stage 1 debate, the Assisted Suicide (Scotland) Bill fell as it was defeated by 82 votes to 36, with no abstentions.