

Health, Social Care and Sport Committee
Tuesday, 23 September 2025
24th Meeting, 2025 (Session 6)

Legislative consent memorandum on the Terminally Ill Adults (End of Life) Bill (UK Parliament legislation)

Note by the Clerk

1. Legislative consent memorandum LCM-S6-62 was lodged on 27 August 2025 by Neil Gray MSP, Cabinet Secretary for Health and Social Care, and has been referred to the Health, Social Care and Sport Committee for scrutiny.
2. The LCM is available on the Scottish Parliament [website](#).

Terminally Ill Adults (End of Life) Bill

3. The Terminally Ill Adults (End of Life) Bill was introduced by Kim Leadbeater MP as a Private Member's Bill in the House of Commons/Lords on 10 October 2024.
4. The Bill and associated documents can be viewed on the UK Parliament [website](#).
5. The purpose of the Bill is to make provision for a terminally ill person living in England or Wales, aged 18 and above, with capacity, who has been ordinarily resident in England or Wales for 12 months, and who is registered with a GP practice in England or Wales, to be given - on request - assistance to end their own life.
6. During the House of Commons' report stage, which took place from 16 May to 20 June 2025, several amendments were agreed, including amendment 77, which extend the scope of some of the provisions of the Bill to Scotland. The Bill is currently in its 2nd reading in the House of Lords.

Legislative consent procedure

7. Under the Sewel Convention, the UK Parliament does not normally legislate on devolved matters, or to alter the legislative competence of the Parliament or the executive competence of the Scottish Government, without the consent of the Scottish Parliament. Consent is given by means of a resolution of the Parliament.
8. Under Chapter 9B of the Standing Orders, the Scottish Government must lodge a legislative consent memorandum (LCM) in relation to each UK Parliament Bill that contains provision ("relevant provision") that would require the Parliament's consent under the Convention. Sometimes the Scottish Government may be required to lodge one or more supplementary LCMs during the passage of a Bill. It is also possible for an LCM to be lodged by an individual MSP.

9. Every LCM lodged is referred to a lead committee for scrutiny, and may also be referred to other committees. If the Bill confers power on the Scottish Ministers to make subordinate legislation, the Delegated Powers and Law Reform Committee (DPLRC) must also consider the LCM and may report on it to the lead committee.
10. Once the lead committee has reported, the Scottish Government normally lodges a motion on legislative consent for consideration in the Chamber. Such a motion may give consent to relevant provision in the Bill, refuse consent to such provision, or a mixture of the two. A draft of the motion is normally included in the LCM.

The Scottish Government's LCM

11. The Bill is a relevant Bill under Rule 9B.1.1 of the Standing Orders, as the Scottish Government considers it makes provision applying to Scotland for purposes within the legislative competence of the Scottish Parliament.
12. Clause 43 makes provision requiring the Secretary of State to make regulations prohibiting the publication, printing, distribution or designing (anywhere) of advertisements whose purpose or effect is to promote a voluntary assisted dying (VAD) service, and prohibiting causing the publication, printing, distribution or designing of such advertisements. There is scope for exemptions. For example, the provision of information to users or providers of these services. It also provides that regulations made under this section may make any provision that could be made by an Act of Parliament. Clause 54(3) of the Bill provides that regulations under clause 43 can only be made if a draft has been laid before and approved by a resolution of each of the House of Commons and House of Lords. Clause 43 also provides that any regulations may not amend this Act and must provide that any offence created by the regulation is punishable with a fine. A VAD service, for the purposes of this clause, means the service as set out in accordance with the Act (i.e. VAD services in England and Wales).
13. The analysis prepared for the sponsor concluded that clause 43 did not trigger the need for consent of the Scottish Parliament.
14. The Scottish Government's position differs in that in its view clause 43 (prohibition on advertising) appears to be for a purpose within the legislative competence of the Scottish Parliament.
15. Section C7 of Part II of Schedule 5 of the Scotland Act 1998 reserves regulation of (among other things) "(e) misleading and comparative advertising, except regulation specifically in relation to food, tobacco and tobacco products". Clause 43 is concerned with advertising that promotes the assisted dying service, which would be a control on advertising such a service in general rather than being concerned with consumer protection around misleading and comparative advertising. The Scotland Act is designed in such a way that anything which is not reserved is devolved.
16. The provision is concerned with the advertising in Scotland of the assisted dying scheme in England and Wales. There is potential that people in Scotland could

access the VAD service in England and Wales by taking action to meet its eligibility requirements. The Scottish Government's position is that the Scottish Parliament could make such provision within its devolved competence and so a LCM is required.

17. The draft motion on legislative consent is as follows:

“That the Parliament agrees that the relevant provisions of the Terminally Ill Adults (End of Life) Bill, introduced on 16 October 2024, and subsequently amended, relating to the prohibition on advertising of the England and Wales Voluntary Assisted Dying Service, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.”

Previous scrutiny by the Committee

18. In preparation for today's scrutiny of the LCM, clerks to the Committee wrote to selected stakeholders to request their written views on the LCM. Stakeholders were given until Wednesday 17 September to respond. A number of respondents indicated that they had no comments to make on the LCM. The Committee also received a [written submission from Alzheimer Scotland](#) which raises a number of points about the LCM.

Evidence session

19. At this meeting, the Committee will take evidence on the LCM from the Cabinet Secretary for Health and Social Care, Neil Gray MSP, and supporting officials.

Decision

20. After hearing from the Cabinet Secretary / Minister, the Committee will be invited to decide what recommendation to make to the Parliament – in particular, whether to recommend agreement to the Scottish Government's draft motion.

Report

21. The Committee is required to report to the Parliament on the LCM. One option is for the Committee to agree to consider a draft report via correspondence or, in private, at its next meeting. Alternatively, it could delegate responsibility to the Convener to finalise the wording of a short report reflecting the outcome of today's meeting.

**Clerks to the Committee
September 2025**