

Assisted Dying for Terminally Ill Adults (Scotland) Bill

As passed at Stage 1 on 13 May 2025

Suggested amendments for consideration at Stage 2

Note prepared by the Scottish Christian Forum on Assisted Dying (SCFAD)

www.scfad.org.uk and shared with various MSPs

CONTEXT

SCFAD strongly supports the broad principles of the Bill as we argued in our submission to the Health Committee and in oral evidence we gave on 21 January 2025. We believe its overall principles are firmly in line with Christian ethics especially in terms of ensuring that no one in Scotland is forced to suffer unnecessarily at the end of life if they would genuinely wish to die sooner.

However, we believe that a number of points of detail in the Bill could be improved, and we invite MSPs to consider tabling the following amendments at Stage 2.

SPECIFIC AMENDMENTS SUGGESTED

Section 3

- In section 3, line 16, leave out <12 months> and insert <3 months>.

Reason: To restrict an assisted death only to those who have been resident in Scotland for at least 12 months before the first declaration would potentially exclude someone with a terminal illness who has specifically moved to Scotland to be closer to relatives or to receive pastoral support in their final months. Moreover, with legislation for assisted dying progressing in England and Wales, it is unlikely that 'death tourism' from England will be a major factor. We suggest a 3 month period is sufficient to exclude short-term visitors and will avoid needless suffering from those who would otherwise have a very long wait to be eligible.

- In section 3, line 21, leave out <which might affect the making of the request> and insert <which, in the opinion of the coordinating medical practitioner, prevents the person from understanding the request>.

Reason: It cannot be right to exclude someone from an assisted death simply because of moderate anxiety or depression – almost anyone who has received a terminal diagnosis is likely to have some symptoms of this kind. In any case the words 'might affect' are very vague. The 'mental disorder' disqualification should only apply to someone whose mental condition makes them unable to appreciate what they are requesting.

Section 5

- Delete section 5.

Section 5, requiring an adult requesting an assisted death to provide two forms of identity, seems completely unnecessary. There are already very clear controls in section 15 to ensure that assistance is only provided to the adult who made the first and second declarations. The ID requirement will create a huge barrier for those – often elderly or disadvantaged – who do not have this kind of documentation. The Scottish Parliament has already expressed serious concern at the barriers created by the ID requirement for voting in UK parliamentary elections. Even those who do have the relevant documents are likely to face substantial difficulties in producing them if they live alone and are being treated in a hospital or hospice.

Section 10

- In section 10, page 6, lines 2-6 delete para (c) and insert:

<(c) witnessed by a person who must see the declaration being signed.>

Reasons: We feel it will create unnecessary obstacles to require that the both the first and second declaration have to be witnessed by the coordinating registered medical practitioner as well as an independent witness. If the coordinating registered medical practitioner who witnessed the first declaration were on holiday or working at a different location, requiring the same doctor to act a witness for the second declaration is a significant barrier and will lead to long delays for those in great suffering. The challenges of requiring the same doctor to sign could be enormous in rural or island settings if an assisted dying specialist has to travel twice to the patient's location. So long as the second declaration is independently witnessed we feel that is sufficient.

Schedule 5

- At the end, insert

<5 For the purposes of paragraph 2(g):

- (a) a person shall not be disqualified if they had no knowledge or expectation of benefiting financially in the event of the person's death, and
- (b) a benefit to a charity as a result of the person's death shall not be considered to provide a benefit to any individual. For this purpose, "charity" has the same meaning as in the Charities and Trustee Investment (Scotland) Act 2005.>

Reasons: There may well be cases where someone who is very appropriate to act as a witness or proxy is reluctant to do so, simply because of a remote possibility of benefiting from the person's death: in most cases, the terms of someone's will are not known until after their death. Also, a person of faith may be keen to have a minister or pastor act as a witness or proxy, and it is important to ensure that if they have made a bequest to the relevant church or religious organisation (which will almost always be a charity) that it does not exclude anyone connected with that charity from acting as a witness or proxy.