**Briefing Note on the Assisted Dying Bill**

* A Bill to enable competent adults who are terminally ill to be provided at their request with specified assistance to end their own life; and for connected purposes.

**Disclaimer:**

This is a position-neutral briefing note intended for the constituents of Luke Hall MP. The arguments within it have been collated from key campaigning groups and official sources and are intended to help constituents to understand the Bill and form an opinion on it. The arguments are not exhaustive, and we do encourage constituents to follow the ‘further reading’ links if they wish to know more.

**The Bill**

The Assisted Dying Bill was originally introduced by Lord Falconer in the last parliament, but ran out of time and so failed to become law before the general election. Since then, Rob Marris, the MP for Wolverhampton South West, has reintroduced the Bill. It was introduced to the Commons on 24th June and is scheduled to have its second reading on 11th September 2015. It is at the second reading when MPs will have the chance to vote on the Bill.

Confusingly, Lord Falconer has also re-introduced his original Bill to the House of Lords, meaning there are currently two almost identical Bills going through Parliament.

Rob Marris’ Bill’s progress can be tracked through Parliament here. Lord Falconer’s original Bill can be read here.

**Current legal status of assisted dying**

Assisted dying is currently illegal under UK law. Anyone who assists another individual to end their life is liable for prosecution. However, the Director of Public Prosecutions has previously published guidance for the Crown Prosecution Service to set out in what cases prosecutions should be sought. This guidance applies a ‘public interest test’ with the intention of identifying whether the individual who assisted in the death had an alternative motive beyond the wishes of the patient.
Technical details

- Two different doctors would have to agree to any application for assisted dying, stating that the patient was terminally ill and of a fit mental state to make the decision to end their life. They must also be satisfied that there is a ‘clear and settled’ intention to die without ‘coercion or duress’. The second doctor must be of a different medical practice, and not related to or work with the first doctor.
- Patients must be fully informed by their doctors of the available ‘palliative, hospice, and other care available’.
- Following final approval there would be at 14-day ‘cool-down’ period to give the patient time to reflect on their decision before the procedure could go ahead.
- The patient must be ‘reasonably expected to die within six months’ from terminal illness.
- The patient must be 18 years old or above and have been resident in England or Wales for one year. The Bill does not apply to patients in Scotland.
- The Bill is designed only to permit the terminally ill to be assisted to die. It would not change the law on assisting the elderly to die or those who are disabled or lack the mental capacity to fully understand their decision.
- The Bill requires the individual wishing to end their life to self-administer the necessary life-ending medication. It would not permit doctors to do so on their behalf.
- No medical professional is required to help a patient commit euthanasia – they are allowed to opt out for reasons of conscience.
Arguments in Favour

- Some polls suggest public support for a change in the law on assisted dying for terminally-ill mentally-competent adults is as high as 82%. It should be noted that other polls vary around the 59% mark depending on the exact question posed.
- The measure would allow individuals who live with terminal illnesses to end their lives at the time of their choosing, thereby preventing pain or suffering.
- Campaign groups believe the requirement for two doctors to verify a patient as being mentally competent and terminally ill will protect patients. Doctors who were not satisfied that the patient was mentally competent would be required to seek consultation from a registered psychologist.
- There is little or no evidence of abuse of euthanasia laws in countries which have similar provisions in place already.
- While doctors may be able to relieve physical pain in the last six months of a terminally ill patient’s life, this may not relieve, and in some cases could add, to mental suffering.
- The Bill would provide clarity and structure to patients, family members, and doctors in cases where terminal patients wish to end their lives. Currently, no such structure exists and those who choose to end their lives overseas risk any accompanying family members being prosecuted on their return.
Arguments Against

- Any change to the law could place pressure on vulnerable patients to end their lives for financial or emotional reasons.
- Pressure could be put on terminally ill patients by factors such as poor care, or family and household pressures.
- Once one form of assisted dying is legalised, there may subsequently be pressure to extend the measure, such as to severely disabled individuals who are not terminally ill.
- Belgium legalised euthanasia in 2002. Between 2003 and 2012 euthanasia deaths increased by 500%. It should be noted that the legal framework in Belgium is very different from that being proposed in the UK.
- The current system provides a strong deterrent.
- About 65% of doctors are opposed to legalising euthanasia. Alternative figures suggest 57% are in favour where robust safeguards are in place.
- The British Medical Association, the Royal College of Physicians, the Royal College of General Practitioners, the Association for Palliative Medicine and the British Geriatric Society are all opposed to the measure.
- Medical definitions of ‘mental capacity’ and ‘terminal illness’ are not always concrete, and can vary from doctor to doctor or if new information becomes available.
Key campaign groups

Campaign for Dignity in Dying (in favour of the Bill) - http://www.dignityindying.org.uk

Care not Killing (opposed to the Bill) - http://www.carenotkilling.org.uk

Further information

Both of the above campaign groups have produced independent briefing notes on this subject. Please click the links below to open these in your web browser.

Care Not Killing Briefing

Campaign for Dignity in Dying

The House of Commons Library produced a briefing paper on Assisted Suicide in August 2014. This comprehensive paper covers some of the high profile legal cases, the existing legal guidance, previous attempts to change the law, and information on stakeholders. It can be accessed here.

Further information is available from the following sources.

The National Health Service.

The BBC Euthanasia Ethics Guide.

The National Council for Palliative Care.

The British Medical Council policy on assisted dying.
Contact me

I strongly encourage any constituent with an opinion on this issue to get in touch with me. The vote on the Assisted Dying Bill is one of personal conscience, and so is a free vote for MPs. I am currently consulting with constituents and stakeholders and have yet to decide how I will vote on the Bill.

Please do contact me using the details below to make me aware of your feelings on this issue. I would be grateful if you would include your full address in all correspondence.

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