



Association for Palliative Medicine of Great Britain and Ireland

Serious Clinical Concern regarding the Assisted Dying for Terminally ill Adults (Scotland) Bill 2024

The Association for Palliative Medicine (APM) has serious clinical concern regarding the absence of key provisions within the Assisted Dying for Terminally Ill Adults (Scotland) Bill.

Correspondence from the Cabinet Secretary for Health and Social Care (Dec 25) drew attention to aspects of the Bill which are now determined to be out-with the legislative competence of the Scottish Government ([Here](#)). Provisions in the Bill relating to medical regulation of professions (Schedule G2) and any provisions related to employment protections (Schedule H1) have been removed before the final vote on this Bill. Instead, it is proposed these essential provisions will be dealt with at a later date by the UK government.

The clinical implications of this are:

- MSPs will be voting on a Bill which excludes the necessary clinical safeguards the Scottish Government itself deemed essential for patients and staff.
- The UK Government and Westminster civil servants - who are neither responsible for Scottish healthcare, nor locally accountable to the Scottish electorate - will decide these fundamental matters without opportunity for final scrutiny, debate, or amendment by the Scottish Parliament.
- The Scottish Government can no longer assure the Scottish people that doctors have a certain right to conscientiously object to assisted dying. Indeed the absence of a "no duty to raise" clause could impose a common law duty on doctors to proactively discuss assisted dying as a reasonable alternative with eligible patients. It could also permit them to suggest it directly.

Healthcare professionals and organisations (such as hospices and care homes) must have the unconditional right to opt-out of any involvement without penalty. Conscience matters, and both this and professional regulation are now removed from the remit of this Bill. Indeed, the previous protections related to conscientious objection for healthcare professionals within this Bill (Section 18), which have been debated, amended and voted on by MSPs over many hours, will no longer be part of this Bill.

In 2022, Scottish Palliative Care doctors were surveyed for their views on Assisted Dying ([Here](#)). 75% stated that they would not be willing to participate in any part of the assisted dying process and 43% stated they would resign if their organisation undertook assisted dying.

We urge all stakeholders to recognise the seriousness of this procedural shift and its stark implications for clinical practice and professional rights in Scotland.

Sincerely,

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