



The Welsh Government's Legislative Consent Memorandum for the Terminally Ill Adults (End of Life) Bill

Response to the HSC Committee report (November 2025)

18/11/2025

In October 2025, the Health and Social Care Committee submitted its report on the Welsh Government's Legislative Consent Memorandum for the Terminally Ill Adults (End of Life) Bill. The report includes six recommendations. This is the Welsh Government's response to those recommendations.

Contents

Introduction	3
Response to the six recommendations.....	4
Recommendation 1.....	4
Recommendation 2.....	4
Recommendation 3.....	5
Recommendation 4.....	5
Recommendation 5.....	6
Recommendation 6	6

Introduction

The Terminally Ill Adults (End of Life) Bill, introduced as a Private Member's Bill in the House of Commons, seeks to provide adults who are terminally ill with the choice to request assistance to end their own life, subject to safeguards and protections contained within the Bill.

The Welsh Government welcomes the Health and Social Care Committee's report about the Legislative Consent Memorandum for the Terminally Ill Adults (End of Life) Bill. The committee's work is vital in ensuring that policy and legislation are subject to thorough examination, particularly in relation to matters as sensitive and significant as voluntary assisted dying.

I note the committee's neutral position about the principle of voluntary assisted dying, and its focus on the provisions in the Bill, which are the subject of the Legislative Consent Memoranda laid before the Senedd.

The Welsh Government remains committed to working constructively with the UK Government and the Bill's Sponsors to ensure the devolution settlement is respected and the interests of Wales are considered as the Bill progresses.

Where the committee's recommendations relate to devolved matters, such as health and social care, the Welsh Government will continue to work closely with the Senedd and all relevant partners to ensure the policy intent is delivered effectively, and in the best interests of the people of Wales.

I thank the members of the Health and Social Care Committee for this report about the Legislative Consent Memorandum for the Terminally Ill Adults (End of Life) Bill. I have set out my response to the committee's recommendations below.

Response to the six recommendations

Recommendation 1

The committee recommends that

In his response to this report, the Cabinet Secretary should set out why he has taken a narrow approach when deciding which provisions of the Bill should be the subject of a legislative consent request, when the matter of 'health' is extensively devolved. A broader interpretation, which accounted for the services in the Bill to be delivered largely in a healthcare setting by health and social care professionals, could have led to the majority of the clauses in the Bill being considered to require consent and thus being subject to scrutiny by this Senedd.

Response: Accept

The Welsh Government's assessment of which clauses require Senedd consent is based on Standing Order 29 and a consideration of whether the Bill's provisions have regard to devolved matters. While health is a broadly devolved area, our assessment concluded that only the clauses identified in the Legislative Consent Memoranda have regard to devolved matters and therefore require the consent of the Senedd under Standing Order 29.

The Bill seeks to enable adults who are terminally ill to be lawfully provided with assistance to end their own life. The primary mechanism through which the Bill achieves this is via modification of the current criminal offence in section 2 of the Suicide Act 1961, which is restricted under Schedule 7B to the Government of Wales Act 2006.

I remain committed to working with the Senedd to provide such information as can be shared without compromising legal professional privilege, and to supporting scrutiny of the Bill where appropriate.

Financial Implications – None.

Recommendation 2

The committee recommends that

The Cabinet Secretary should update the committee periodically on progress with work to prepare for the workforce implications of implementing the Bill in Wales. This should include, amongst other matters, consideration of increased responsibilities for staff, additional training needs, sufficiency of the Welsh-speaking workforce (see also recommendation 4), and initial costings.

Response: Accept

The Welsh Government will continue to update the committee about work relating to the Terminally Ill Adults (End of Life) Bill, in accordance with the usual scrutiny arrangements of the Senedd.

The Bill is currently in the legislative phase, and while initial consideration has been given to potential operational implications, this work remains limited. If the Bill is passed by the UK Parliament and receives Royal Assent, implementation across England and Wales will be over several years. As such, detailed service planning and delivery will be a matter for

the next Welsh Government and will depend on the final duties and functions set out in the enacted legislation.

Financial Implications – None.

Recommendation 3

The committee recommends that

In his response to this report, the Cabinet Secretary should set out his views on whether the Voluntary Assisted Dying Commissioner should be able to undertake investigations into matters other than those which have been referred by a national authority and produce additional reports, including reports on areas of concerns and own-initiative investigations. He should also set out whether, in the Welsh Government's opinion, the Bill as currently drafted enables this.

Response: Accept

The functions and remit of the Voluntary Assisted Dying Commissioner are determined by the Bill Sponsor and set out in the legislation. While the Welsh Government does not have a role in defining those functions, we note that paragraph 2 of Schedule 1 to the Bill states "the Commissioner may do anything the Commissioner considers appropriate for the purposes of, or in connection with, the Commissioner's functions."

This broad general power could reasonably be interpreted to include instigating investigations and the publication of additional reports in relation to matters other than those referred by a national authority, including thematic or concern-based reports, where such activity is considered appropriate for the purposes of, or in connection with, the Commissioner's functions.

Financial Implications – None.

Recommendation 4

The committee recommends that

In his response to this report, the Cabinet Secretary should set out what consideration has been given by the Welsh Government to the creation of a Voluntary Assisted Dying Commissioner for Wales and, if ruled out, the reasons for this.

Response: Accept

Ultimately, the legislative structure of the Commissioner's role is a matter for the Sponsor, who retains discretion over the Bill's design.

However, I have considered the creation of a Voluntary Assisted Dying Commissioner for Wales. A joint role, covering England and Wales, is similar to arrangements in other areas outside of devolved legislative competence, but where the Welsh Ministers have some responsibility for implementation and practical arrangements, for example, the National Medical Examiner.

Introducing separate Voluntary Assisted Dying Commissioner's for England and Wales could create complexity, particularly as some aspects of the role relate to matters that are not devolved and are intended to operate across England and Wales.

The current provisions in the Bill enable Welsh Ministers to refer matters to the Commissioner, which the Commissioner must therefore investigate and report on. They also require the Commissioner to consult with the Chief Medical Officer for Wales in preparing the annual report and to submit that report to the Welsh Ministers for their response. A copy of the report and response must also be laid before the Senedd.

These provisions offer a proportionate and effective means of ensuring Welsh interests are reflected in the Commissioner's work. However, further consideration will be given to whether there is a case for exploring additional arrangements to support this.

Financial Implications – None.

Recommendation 5

The committee recommends that

In his response to this report, the Cabinet Secretary should set out how the Welsh Government plans to increase the number of Welsh-speaking staff able to deliver voluntary assisted dying services through the medium of Welsh.

Response: Accept.

The Terminally Ill Adults (End of Life) Bill, as brought from the House of Commons, includes explicit provisions to protect the rights of Welsh speakers when accessing assisted dying services. Ensuring staff have the necessary Welsh language skills will need to be a key consideration in terms of any planning and delivery of services, if the Bill is passed by the UK Parliament and receives Royal Assent.

Any approach to increasing the number of Welsh-speaking staff would also need to be planned and delivered in line with the final duties and functions set out in the enacted legislation. Decisions on implementation, including workforce planning and service design, will therefore be a matter for the next Welsh Government to consider, if the Bill becomes law.

Financial Implications – None.

Recommendation 6

The committee recommends that

In his response to this report, the Cabinet Secretary should set out how the Welsh Government plans to ensure adequate provision of voluntary assisted dying services to people whose first language is not Welsh or English.

Response: Accept

The Bill includes explicit provisions to support people whose first language is not Welsh or English. These include placing a statutory duty on practitioners and service providers to ensure the provision of adjustments for language and literacy barriers, including to the use of interpreters, at key stages of the process.

The Bill is currently in the legislative phase, and while some initial consideration has been given to potential operational implications, detailed service planning and delivery – including language access – will be a matter for the next Welsh Government to consider

and implement in line with the final duties and functions set out in the enacted legislation, if the Bill is passed by the UK Parliament and becomes law.

Financial Implications – None