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## **The Welsh Government's Legislative Consent Memoranda on the Terminally Ill Adults (End of Life Bill)**

### **Welsh Government response to the Legislation, Justice and Constitution Committee's report**

**18 November 2025**

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In October 2025, the Legislation, Justice and Constitution Committee submitted its report on the Welsh Government's Legislative Consent Memoranda for the Terminally Ill Adults (End of Life) Bill. The report includes three recommendations. This is the Welsh Government's response to those recommendations.

### **Introduction**

The Welsh Government welcomes the Legislation, Justice and Constitution Committee's report about the Legislative Consent Memoranda for the Terminally Ill Adults (End of Life) Bill. The Committee's scrutiny plays a crucial role in ensuring that constitutional, legal and devolution issues are thoroughly examined, especially in relation to legislation with significant ethical, legal, and practical implications for Wales.

For clarity, all clause references in this response refer to the latest version of the Bill as brought from the House of Commons, which can be accessed at [Terminally Ill Adults \(End of Life\) Bill publications - Parliamentary Bills - UK Parliament](#).

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.

The Welsh Government recognises the complexity of this issue and the importance of ensuring that any legislative changes respect the devolution settlement and the distinct legal context in Wales.

We note the committee's focus on the constitutional and legislative aspects of the Bill, including the scope of the Legislative Consent Memoranda laid before the Senedd and the interaction between reserved and devolved matters. 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 that the interests of Wales are considered as the Bill progresses.

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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 relevant partners to ensure the policy intent is delivered effectively and in accordance with Wales' constitutional framework.

I thank the members of the Legislation, Justice and Constitution Committee for their detailed report. I have set out my response to the recommendations below.

## **Response to the three recommendations**

### **Recommendation 1**

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The committee recommends that

We consider that the Senedd's consent is required for clauses 1 to 31, 34, to 40 and 42 to 59 of the Bill (as brought from the Commons).

**Response: Reject.**

I note the committee's recommendation that the Senedd's consent is required for clauses 1 to 31, 34 to 40, and 42 to 59 of the Bill, including new clauses added at Report Stage in the House of Commons.

As set out in our Memoranda, our assessment under Standing Order 29 (SO29) concluded that the consent of the Senedd is required only in respect of provisions in clauses 40, 42, 49, 51, 54, and 58. For the other clauses referenced by the committee, our assessment determined that the test in SO29 was not met.

As explained previously, we are unable to provide further detail on this assessment without waiving legal professional privilege. Nonetheless, I remain committed to working with the Senedd to provide such information as can be shared and to supporting scrutiny of the Bill where appropriate.

**Financial Implications – None**

### **Recommendation 2**

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The committee recommends that

The Minister should explain why the Bill (as brought from the Commons) creates a concurrent power in clause 40 that is not subject to a relevant consent mechanism and an associated 'carve out' from the *Government of Wales Act 2006*.

**Response: Accept.**

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It remains the Welsh Government's preferred position that concurrent powers in devolved areas should, where appropriate, be subject to relevant consent mechanisms and associated 'carve outs' from the Government of Wales Act 2006.

Clause 40 of the Bill provides for a concurrent power for Welsh Ministers and the Secretary of State to issue guidance. This arrangement presents a low constitutional risk, particularly in circumstances where guidance issued by the Secretary of State may relate to devolved matters. While the Bill does not provide for a consent mechanism, it does include a statutory requirement for the Secretary of State to consult the Welsh Ministers before issuing guidance. In my view, this consultation requirement provides a safeguard that helps mitigate the risk of overlap or conflict, and we would expect any guidance to be developed collaboratively to ensure consistency with devolved policy and delivery arrangements.

**Financial Implications** – None.

### **Recommendation 3**

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The committee recommends that

The Cabinet Secretary should confirm that the Welsh Ministers may commence sections 42(1), 42(2), 51(2), and 51(3) of the Bill (as brought from the Commons) by regulations only and that no automatic commencement backstop applies.

**Response:** Accept.

I consider the automatic commencement backstop at clause 58(4) of the Bill (as brought from the Commons) does not apply to sections 42(1) and (2) and 51(2) and (3), which are to be commenced by regulations made by the Welsh Ministers. Paragraph 16 of Memorandum No. 2 refers to the automatic commencement backstop having previously not applied (under the Bill as amended in Public Bill Committee) to commencement in Wales, and how amendments agreed in the Commons brought commencement in Wales within the scope of the backstop, except for in respect of sections 42(1) and (2) and 51(2) and (3).

**Financial Implications** – None.

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