

# Proposed Assisted Dying for Terminally Ill Adults (Scotland) Bill

## Introduction

A proposal for a Bill to enable competent adults who are terminally ill to be provided at their request with assistance to end their life.

The consultation runs from 23 September 2021 to 22 December 2021.

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (\*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation Document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used.

---

If you are under 12 years old and making a submission, we will need to contact you to ask your parent or guardian to confirm to us that they are happy for you to send us your views. Please **ONLY** tick this box if you are **UNDER** 12 years of age.

On the previous page we asked you if you are **UNDER 12 YEARS** old, and you responded **Yes** to this question.

If this is the case, we will have to contact your parent or guardian for consent.

If you are under 12 years of age, please put your contact details into the textbox. This can be your email address or phone number. We will then contact you and your parents to receive consent.

Otherwise please confirm that you are or are not under 12 years old.

No, I am over 12 years old and I have read and agree the Privacy Notice

## About you

Please choose whether you are responding as an individual or on behalf of an organisation.  
Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

*No Response*

Please select the category which best describes your organisation

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

**Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).**

The Caledonian Humanist Association (CHA) is a not for profit Humanist organisation whose Celebrants conduct funeral ceremonies within their local communities. The views expressed in this response have been arrived at by engaging with the people we have met through conducting funerals and our experiences in working with both the terminally ill and their families.

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your Full Name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Caledonian Humanist Association

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

We will not publish these details.

**Aim and Approach - Note: All answers to the questions in this section may be published (unless your response is "not for publication").**

Q1. Which of the following best expresses your view of the proposed Bill?

Fully supportive

**Please explain the reasons for your response.**

Our view is that this proposed Bill is long overdue and we were deeply disappointed at the failure of previous Bills laid before the Scottish Parliament by the late Margo McDonald.

Q2. Do you think legislation is required, or are there other ways in which the Bill's aims could be achieved more effectively? Please explain the reasons for your response.

The subject matter is such that legislation is the only way in which this can be achieved. The medical professionals who would assist the terminally ill must have assurance that they would not face prosecution or any other form of legal challenge.

Q3. Which of the following best expresses your view of the proposed process for assisted dying as set out at section 3.1 in the consultation document (Step 1 - Declaration, Step 2 - Reflection period, Step 3 - Prescribing/delivering)?

Partially supportive

**Please explain the reasons for your response, including if you think there should be any additional measures, or if any of the existing proposed measures should be removed. In particular, we are keen to hear views on Step 2 - Reflection period, and the length of time that is most appropriate.**

Our position is that there should be no statutory reflection period. The aim of this legislation is to reduce, minimise or end suffering. If a terminally ill person meets the requirements of Step 1 - The Declaration, they should have the option of moving directly to Step 3 - Prescribing / delivering. The legislation therefore should not impose any arbitrary reflection period else it risks defeating it's own purpose.

Q4. Which of the following best expresses your views of the safeguards proposed in section 1.1 of the consultation document?

Partially supportive

**Please explain the reasons for your response.**

As stated previously, we are not supportive of any legally imposed period of reflection if the other criteria have been met. We must also query the requirement for the person to sign a written declaration. There are numerous life-limiting conditions which would prevent this therefore we would like to see some other method through which a terminally ill person's wishes can be confirmed. We are also concerned at the last two safeguards, namely that the terminally ill person continues to retain their capacity and that they must administer the life-ending medication themselves. We feel very strongly that once a terminally ill person has made their wishes clear, if they then lose capacity after that point then those wishes should still be carried out if they otherwise meet the criteria. It follows that if they are unable to administer the life-ending medication themselves then the purpose of the legislation has been defeated.

Q5. Which of the following best expresses your view of a body being responsible for reporting and collecting data?

Neutral (neither support nor oppose)

Q6. Please provide comment on how a conscientious objection (or other avenue to ensure voluntary participation by healthcare professionals) might best be facilitated.

We would not be averse to an "opt-in" process rather than "opt-out" one (at least to begin with). This would ensure that only healthcare professionals committed to providing this service would be involved. However this question is probably one that should be left in the hands of organisations such as the BMA as their members are best placed to decide whether they support "opt-in" or "opt-out", and how to facilitate this.

## Financial Implications

Q7. Taking into account all those likely to be affected (including public sector bodies, businesses and individuals etc), is the proposed Bill likely to lead to:

some increase in costs

**Please indicate where you would expect the impact identified to fall (including public sector bodies, businesses and individuals etc). You may also wish to suggest ways in which the aims of the Bill could be delivered more cost-effectively.**

We do not have any hard data on which to base our answer on but common sense would dictate that providing any new service would naturally lead to some increase in costs. In any case our position is that any financial costs are far outweighed by the cost in human suffering.

## Equalities

Q8. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation?

Neutral (neither positive nor negative)

**Please explain the reasons for your response. Where any negative impacts are identified, you may also wish to suggest ways in which these could be minimised or avoided.**

We can see no impact on equality as this service is an individual choice that would be available to all, regardless of any protected characteristics. Whether or not a terminally ill person partakes in this service based on any protected characteristic is beyond the scope of this legislation, as it should be. In essence, if a terminally ill person freely chooses not to partake in this service due to a protected characteristic, that should not prevent any other terminally ill person from freely choosing the opposite route. That would be inequality, not the Bill itself.

## Sustainability

Q9. In terms of assessing the proposed Bill's potential impact on sustainable development, you may wish to consider how it relates to the following principles:

- living within environmental limits
- ensuring a strong, healthy and just society
- achieving a sustainable economy
- promoting effective, participative systems of governance
- ensuring policy is developed on the basis of strong scientific evidence.

With these principles in mind, do you consider that the Bill can be delivered sustainably?

Yes

**Please explain the reasons for your response.**

We are entirely in agreement with the above principles and have nothing further to add.

## General

Q10. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

No, thank you.