

# 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.

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 Response*

## 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

Representative organisation (trade union, professional association)

**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 Association of British Insurers is the voice of the UK's world-leading insurance and long-term savings industry. A productive and inclusive sector, our industry supports towns and cities across Britain in building back a balanced and innovative economy, employing over 310,000 individuals in high-skilled, lifelong careers, two-thirds of which are outside of London.

In Scotland, the insurance and long-term savings industry supports 23,000 full time equivalent jobs generating almost £3 billion for the Scottish economy in Gross Value Added. Scotland is a major centre for our industry, home to around one in four of life and pensions sector jobs in the UK, and Edinburgh is the biggest life and pensions centre in the UK, while Glasgow is one of the largest centres of general insurance employment outside London.

This response has been produced in discussion with members of the ABI's Protection Board and ABI member firms which write life insurance cover in the UK market.

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).

Association of British Insurers.

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?

Neutral (neither support nor oppose)

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

The ABI has no view on the arguments for or against assisted dying. We have been asked to consider the implications of the Bill for life insurance and will confine our comments to that.

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.

Legislation would be the preferred route in order to provide clarity under law.

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)?

Neutral (neither support nor oppose)

**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.**

The ABI has no view on the proposed process.

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.**

The ABI supports that there are strong safeguards in place that put transparency, protection and compassion at its core and is modelled on legislation that has passed rigorous testing in other countries around the world. We have sought views from our member companies and other jurisdictions which have similar approaches, including Switzerland and Canada. There was no significant impact identified on the majority of life insurance policies. If assisted dying is introduced in Scotland, we propose that insurers will still be able to rely on other checks when assessing a claim.

For example:

- any misrepresentation that may have been made in applying for coverage,
- or any medical conditions specifically excluded at the time the policy was issued.

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

For claims of dying where assisted dying has taken place, insurers may request information on the underlying illness. So, any death certificates should state the underlying illness where assisted dying has been undertaken.

As proposed in the Bill, assisted dying will not be classified as "suicide" for life insurance purposes. We agree where consultation states that "the use of 'suicide' in this context is not appropriate, given that the person will only be able to request an assisted death if they have a terminal illness that will end their life i.e., the choice to live has already been taken away". In the UK, the majority of life insurance policies will have a standard 1-year suicide exclusion clause. There may be a minority of older policies which have ongoing suicide exclusions. However, if the Bill does not classify assisted dying as "suicide", we do not foresee this to have an impact on a claim.

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

Neutral (neither support nor oppose)

**Please explain the reasons for your response, including whether you think this should be a new or existing body (and if so, which body) and what data you think should be collected.**

The ABI has no view on this.

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

The ABI has no view on 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:

don't know

**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.**

Insurers will continue to follow their current approaches to life insurance pay-outs upon a terminal illness diagnosis. The majority of life insurance policies include terminal illness cover as standards. This is an advance payment of the amount of cover where the life insured has a terminal illness. Terminal illness, for insurance purposes, is usually defined as a definite diagnosis by your hospital consultant of an illness that satisfies both of the following:

- The illness either has no known cure or has progressed to the point where it cannot be cured; and
- In the opinion of a hospital consultant and an insurers' Medical Officer, the illness is expected to lead to death within 12 or 18 months (depending on the policy).

In conclusion, insurers will continue to assess claims on a case-by-case basis and if the safeguards proposed in the Bill are upheld, there should be no significant impact on the majority of life insurance policies. The ABI has not investigated or considered the cost implications for organisations beyond the life insurance industry.

## 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?

Unsure

**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.**

The ABI has not investigated or considered this.

## 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?

Unsure

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

The ABI has not investigated or considered this.

## 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 Response*