



Briefing

Assisted Dying for Terminally Ill Adults (Scotland) Bill

Summary

- Liam McArthur MSP introduced his Assisted Dying for Terminally Ill Adults (Scotland) Bill on 27 March 2024. The Bill would legalise assisted suicide for someone who is aged 16 or over, deemed mentally capable, ordinarily resident in Scotland and terminally ill (i.e. if they have an “advanced” or “progressive” disease, illness or condition “from which they are unable to recover”). There is no prognosis requirement specified.
- As part of its consideration at Stage One, the Bill has been allocated to the Health, Social Care and Sport Committee which has received written evidence, heard oral evidence from witnesses, and is in the process of producing a report for MSPs to consider. This is expected to be published by the end of April ahead of a Stage One debate and vote in mid-May.
- Legalising assisted suicide is inherently unsafe. The Bill MSPs are being asked to consider is broad, permissive and ill-defined. It represents an existential threat to many of the most vulnerable people in Scotland. Similar legislation was proposed, considered extensively and ultimately firmly rejected by MSPs in [2010](#) and [2015](#) at Stage One. In the interests of public safety, MSPs should follow in these footsteps and also reject this dangerous Bill at Stage One.

Key points

Vulnerable people will be placed at risk by legalised assisted suicide

- **Legalising assisted suicide is not a safe, rational or appropriate response to addressing suffering at the end of life.**
 - Legalising assisted suicide normalises the view that some lives are not worth living, to the extent that the state will sanction a means of assisting death. This will have a devastating impact on many vulnerable people in our society who are voiceless – those who are elderly, infirm, frail, disabled or lacking mental capacity in some way.
- **Presenting assisted suicide as an “option” or “choice” makes it extremely difficult to guard against coercion, whether that is overt or more subtle, including ‘self-coercion’ where someone feels they have a ‘duty to die’.**
 - Legalised assisted suicide leaves the door open for the thought to enter someone’s mind that assisted suicide would be the virtuous option to avoid being a [burden](#) on loved ones, whether that be [financially](#) or due to caring needs. Sadly, cases of [abuse](#) are more common than we would hope.
 - One in four Scottish women [experience](#) domestic abuse in their lifetime, and stark warnings have been issued to MSPs by experts that the Bill will be a “[lethal weapon](#)” for abusers.
- **Assisted suicide is not risk-free and does not guarantee a ‘good death’.**
 - In Oregon, when complications have been [recorded](#), patients have experienced difficulty swallowing, drug regurgitation and seizures, and have even regained consciousness. On one occasion, a patient took [over five days](#) to die. The Canadian Association of MAID Assessors and Providers has [noted](#) that patients can experience regurgitation, burning and vomiting. Assisted suicide does not automatically entail a dignified death, as supporters claim.
 - Senior leaders in the hospice sector have warned that hospices may be forced to turn patients away due to the ongoing “[insurmountable funding gap](#)” which exists. Instead of assisted suicide, the conversation on end-of-life care in Scotland – including palliative and hospice care – should be taken forward as a priority.

Other jurisdictions should give pause for thought, not be a green light for Scotland to charge forward

- **Eligibility criteria have rapidly expanded where assisted suicide or euthanasia has been legalised.**
 - In **Canada**:
 - In 2023, **15,343 people** died through Medical Assistance in Dying (MAID). This equates to **4.7% of all deaths**.
 - In the nine years since the law was passed in 2016, the requirement for death to be “reasonably foreseeable” has been [removed](#), and legislation was [introduced](#) in February 2024 so that euthanasia and assisted suicide would become legal on the grounds of mental illness alone from 2027.
 - In 2023, more than a fifth ([21.1%](#)) of those who ended their life through MAID cited **isolation or loneliness** as a factor in their decision. Age Scotland [data](#) shows that 58% of over-50s in Scotland “*experience loneliness most, or all of the time*”.
 - In **Oregon**:
 - [Almost half](#) (47%) of those who have ended their life by assisted suicide have cited concerns about **being a burden** on family, friends or caregivers as a motivating factor.
 - Tragically, 9.3% said they were [concerned](#) about the financial implications of treatment. [Research](#) from Marie Curie in 2024 found that “*one in six people (17%) who die in Scotland, die in poverty at the end of life*”.

- In **Australia**:
 - The law in Victoria [changed](#) in 2017 to permit 'Voluntary Assisted Dying'. Subsequent laws in Queensland (2021) and the Australian Capital Territories (2024) are progressively **[broader in scope](#)** and have seen **safeguards eroded**.
- Putting barriers or eligibility criteria in place to limit access, as Liam McArthur MSP has sought to do, albeit in a limited way, with his Bill, is fraught with difficulty.
 - The Bill [defines](#) terminal illness as being an "advanced and progressive disease, illness or condition" from which someone is "unable to recover" which will result in their "premature" death.
 - In written evidence provided to the Health, Social Care and Sport Committee at Holyrood, Marie Curie Scotland [warned starkly](#) about the ambiguity of this definition, stating that "*Premature death can be caused by circumstances such as homelessness, mental illness or being in prison.*" They go on to note that the definition appears "*designed to include people with a terminal illness diagnosis who will have many months – in some cases years – to live, and those for whom their prognosis is uncertain. It is important to be clear about the intent of this Bill, and whether MSPs would wish it to include those people.*"
 - Many of the supposed "safeguards" which MSPs are asked to rely upon in order to support the Bill are left to [guidance](#), leaving much detail without the benefit of parliamentary oversight and scrutiny by MSPs.
 - [UN human rights experts](#) caution that "*...even when access to medical assistance in dying is restricted to those at the end of life or with a terminal illness, **people with disabilities, older persons, and especially older persons with disabilities, may feel subtly pressured to end their lives prematurely due to attitudinal barriers as well as the lack of appropriate services and support**.*"

There is no good time to legalise assisted suicide, but this is a particularly bad time

- **Laws are not introduced into a vacuum.** Even a perfectly drafted piece of legislation sits in a wider context, one where at the moment:
 - **Disabled people** already face considerable discrimination and [difficulty accessing services](#).
 - In an open letter to the Prime Minister published in March 2025, Disability Equality Scotland [noted](#) that "*for disabled people living in Scotland in 2025, in the last 12 months, 27% of disabled people have had to choose between keeping their home warm or using the independent living equipment they desperately need.*"
 - In response to a May 2023 survey, Inclusion Scotland [reported](#) that "*problems accessing services from their local council that support them as a disabled person*" were experienced by 71% of respondents.
 - Age UK [notes](#) that **ageism** is the most widespread form of discrimination in the UK.
 - The 'Growing Old in the UK' [survey](#), commissioned by Hourglass (the UK's only charity focused on the abuse and neglect of older people), found that "*1 in 5 UK residents (22 percent) have personal experience of abuse as an older person (aged 65+) or know an older person who has been abused.*"
 - The **NHS** across the UK, including in Scotland, is under considerable pressure.
 - In a troubling New Year's [address](#) for doctors on 31 December 2024, British Medical Association Scotland Chair, Dr Iain Kennedy, said "*The NHS as we know it will struggle to see out another year*" and that more and more people will be "*simply left to suffer as they cannot access the care they need, when they need it.*"