

BHA BRIEFING 2009: Coroners and Justice Bill

Amendments to the Suicide Act

Briefing for Lords Committee Stage

The British Humanist Association has long been involved in the debates around assisted dying. We defend the ethical principles of the right of each individual to live by her/his own personal values, and the freedom to make decisions about her/his own life so long as this does not result in harm to others.

We believe that people should be able to access good quality, patient-centred treatment and care at the end of life; and terminally ill, mentally competent adults should have the choice of an assisted death, within strict legal safeguards, if they feel their suffering is unbearable.

Amendment

An amendment to the Coroners and Justice Bill (see overleaf) has been tabled by the former Lord Chancellor, the Rt Hon Lord Falconer, to bring the law on travelling abroad to die in line with public opinion and current prosecuting policy.

The amendment would remove the threat of prosecution to those who accompany a loved one to a country in which assisted dying is lawful.

The Coroners and Justice Bill is currently at Committee stage in the House of Lords. This amendment will be debated, and possibly voted on, during this stage. **The amendment will be debated on Tuesday 30th June, but subject to delays this debate may roll over to the 5th day of Committee on Tuesday 7th July.**

We are encouraging Peers to support this important amendment through lending their voice to the debates in support of a reformed law on assisted dying in the UK and voting in favour of this amendment.

For more information, contact Naomi Phillips, BHA Public Affairs Officer, on 020 7079 3585 or naomi@humanism.org.uk

Amendment 173

After Clause 49 insert new clause

“2ZA Acts not capable of encouraging or assisting

(1) An act by an individual (“D”) is not to be treated as capable of encouraging or assisting the suicide or attempted suicide of another adult (“T”) if—

- (a) the act is done solely or principally for the purpose of enabling or assisting T to travel to a country or territory in which assisted dying is lawful;
- (b) prior to the act, two registered medical practitioners, independent of each other, have certified that they are of the opinion in good faith that T is terminally ill and has the capacity to make the declaration under subsection (2); and
- c) prior to the act, T has made a declaration under subsection (2).

(2) A declaration by T is made under this subsection if the declaration—

- (a) is made freely in writing and is signed by T (or is otherwise recorded and authenticated if T is incapable of signing it),
- (b) states that T—
 - (i) has read or been informed of the contents of the certificates under subclause (1)(b) and
 - (ii) has decided to travel to a country or territory falling within subsection (1)(a) for the purpose of obtaining assistance in dying, and

(c) is witnessed by an independent witness chosen by T.

(3) “Independent witness” means a person who is not—

- (i) likely to obtain any benefit from the death of T; or
- (ii) a close relative or friend of T; or
- (iii) involved in caring for T.

(4) D is not to be treated as having done an act capable of encouraging or assisting the suicide or attempted suicide of T by virtue of being with T when, in a country or territory falling within subsection (1)(a), T takes steps (including steps taken with the assistance of D) to commit suicide by lawful means.”