

The Rt Hon Elin Jones MS
Chair, Business Committee

12 January 2026

Annwyl Lywydd

Supplementary Legislative Consent Memorandum: Terminally Ill Adults (End of Life) Bill

Earlier today we considered the above memorandum (Memorandum No. 3), which was laid before the Senedd on 23 December 2025.

Paragraph 4 of Memorandum No. 3 highlights that:

- between 14 November and 18 December 2025, 1,159 amendments were tabled to the Bill at Committee Stage in the House of Lords;
- more amendments are expected as the Bill continues its progress;
- the Bill sponsor in the House of Lords, Lord Falconer, has tabled 36 amendments of which five have been identified as having regard to devolved matters (and are the subject of Memorandum No. 3).

As matters currently stand, the legislative consent motion is scheduled for debate on 20 January 2026. This leaves very little time for us to conduct effective scrutiny of Memorandum No. 3 and that is of considerable concern to us given the significance of this legislation.

This concern is heightened because of the content of Memorandum No. 3 and some apparent gaps and contradictions it contains, which would benefit from further clarity. These include the following:

- Memorandum No. 3 does not confirm what assessments the Welsh Government has made in relation to any of the other 1,154 amendments to the Bill currently tabled or whether the Welsh Government considers that any of these amendments may make provision with regard to devolved matters. It is also notable that the Welsh Government

has not referred to any of the other amendments tabled that also propose to amend the clauses that are the subject of Memorandum No. 3;

- related to this point, paragraph 5 of Memorandum No. 3 describes the five relevant amendments as those “most likely to engage devolved matters” [emphasis ours], which may suggest that the Welsh Government acknowledges that additional amendments, not included in the memorandum, will have regard to devolved matters. But paragraph 6 confuses the picture further by stating that: “The amendments that make provisions which have regard to devolved matters, are detailed in paragraphs 13 to 16 below”, which is a more definitive statement.

We recognise that the debate on the legislative consent motion will cover the principles of whether legislation on assisted dying should extend to Wales. However, it is also important that Members are clear about the specific provisions in the Bill which they are being asked to consent to (there may be merit in including that information in the motion in the absence of clarity in the memoranda). Equally, given the amendments that are the subject of Memorandum No. 3 have not yet been formally considered by the Lords (see paragraph 5 of Memorandum No. 3), it is unclear whether they will have been disposed of by 20 January 2026, when the debate on the relevant legislative consent motion is currently due to take place.

For these reasons, we would request that a reporting deadline is set that provides sufficient time for us to scrutinise the implications of Memorandum No. 3, with a corresponding delay to the date of the debate on the legislative consent motion. In making this request, we note that time has been set aside for scrutiny of the Bill in the House of Lords beyond the date of dissolution, although we recognise it may be subject to change.

I am copying this letter to Peter Fox MS, the Chair of the Health and Social Care Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges

Chair