

Jeremy Miles AS/MS
Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol
Cabinet Secretary for Health and Social Care



Llywodraeth Cymru
Welsh Government

Peter Fox MS
Chair
Health and Social Care Committee
seneddhealth@senedd.wales

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
SeneddLJC@senedd.cymru

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Dear Peter and Mike

Thank you for the Health and Social Care Committee's report about the Supplementary Legislative Consent Memorandum (Memorandum No.3) on the Terminally Ill Adults (End of Life) Bill. I enclose my response to the recommendations set out in the report.

You will note in the response to recommendation one, I refer to the Legislation, Justice and Constitution Committee's report about the same memorandum and my response to that report. I have sought to clarify my response to that committee, which is why I am also addressing this letter to the chair of the Legislation, Justice and Constitution Committee.

Yours sincerely,

Jeremy Miles AS/MS
Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol
Cabinet Secretary for Health and Social Care

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Jeremy.Miles@llyw.cymru
Correspondence.Jeremy.Miles@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The Welsh Government's Legislative Consent Memorandum (Memorandum No.3) on the Terminally Ill Adults (End of Life) Bill

Welsh Government response to the Health and Social Care Committee Report

February 2026

In February 2026, the Health and Social Care Committee submitted its report on the Welsh Government's Legislative Consent Memorandum (No.3) for the Terminally Ill Adults (End of Life) Bill. The report includes two recommendations. This is the Welsh Government's response to those recommendations.

The Terminally Ill Adults (End of Life) Bill, introduced as a Private Member's Bill in the House of Commons, seeks to provide adults who are terminally ill with the choice to request assistance to end their own life, subject to safeguards and protections contained in the Bill.

The Welsh Government welcomes the Health and Social Care Committee's report about the legislative consent memorandum (memorandum No.3) for the Terminally Ill Adults (End of Life) Bill. The committee's scrutiny plays an important role in ensuring that policy and legislation are subject to thorough examination, particularly in relation to matters as sensitive and significant as voluntary assisted dying.

I note the committee's neutrality about the principle of voluntary assisted dying, and its focus on the provisions in the Bill, which are the subject of the legislative consent memoranda laid before the Senedd. I also recognise the committee's view that the forthcoming consent debate on 24 February 2026 is not a debate about the principle of assisted dying itself, but about whether the Senedd consents to those provisions. I agree this is an important distinction.

The Welsh Government remains committed to working constructively with the UK Government and the Bill's sponsors to ensure the devolution settlement is respected and the interests of Wales are considered as the Bill progresses.

The Welsh Government will continue to engage constructively with the Senedd and all relevant partners to support effective scrutiny and understanding of the implications for Wales.

I thank members of the committee for their consideration of memorandum No.3. I set out below my responses to the committee's recommendations.

Response to recommendations

Recommendation 1

The committee recommends that

In advance of the consent debate, the Cabinet Secretary should set out:

- why he has chosen to include only the five amendments tabled by the Bill sponsor to the four clauses named in Memorandum No.3; and
- given the likelihood that at least some of the other amendments to those clauses will have regard to devolved matters, what assessment he has made of those amendments in that regard and why they have been omitted from Memorandum No.3.

Response: Accept

Given the unique nature of this Private Member's Bill, its extended passage through the House of Lords Committee Stage, and the unprecedented volume of amendments tabled, the Welsh Government has taken a pragmatic approach to preparing the legislative consent memoranda for this Bill.

Under Standing Order 29, the Welsh Government is required to bring forward a memorandum in respect of (non-government) amendments that are agreed and make provision in relation to Wales, which have regard to devolved matters. There is no obligation to undertake a full analysis of all amendments that have not yet been agreed by the UK Parliament.

In this context, the Welsh Government undertook detailed assessment of the key amendments tabled in the House of Lords by the Bill Sponsor up to 18 December 2025.

In my response¹ to the Legislation, Justice and Constitution (LJC) Committee's report on SLCM (No.3)², I stated this assessment was to key amendments – namely those amendments to provisions already covered by legislative consent memoranda, or which proposed entirely new clauses. That assessment led to amendments 804 and 808 to clause 49 being included in SLCM (No.3).

¹ [Welsh Government response to the Legislation Justice and Constitution Committees report on Memorandum.pdf](#)

² [cr-ld17763-en.pdf](#)

I want to make it explicitly clear that SLCM (No.3) also covers amendments which insert new subsections into the Bill which were specifically requested by the Welsh Government, either by its own accord or as a response to recommendations from Senedd committees.

This applies to amendment 784 to clause 47; to amendment 824 to clause 50 and amendment 877A to clause 55. All of these amendments have regard to devolved matters.

To avoid further confusion and reflecting on this committee's and the LJC committee's comments, I have explicitly stated in SLCM (No.4), which was laid on 16 February, the rationale behind including the amendment to clause 4 in that SLCM, as well as other key amendments. Namely, that the amendment to clause 4 is also an amendment requested by the Welsh Government in response to Senedd committee scrutiny.

If any other amendments are considered and subsequently agreed by the House of Lords, and are assessed as meeting the test in Standing Order 29, the Welsh Government would bring forward further supplementary legislative consent memoranda.

Financial Implications – None

Recommendation 2

The committee recommends that

In advance of the consent debate, the Cabinet Secretary should provide further information about his decision to adopt a narrow approach when deciding which provisions of the Bill have regard to devolved matters and are therefore subject to a consent request. A direct consequence of this decision is to potentially limit the involvement of the Senedd in a decision of considerable public importance in an extensively devolved policy area. Given the significance of the subject matter and the strength of the public interest arguments, we believe that the Cabinet Secretary should put more information on his decision into the public domain, and that to do so would be possible without compromising the legal advice he has been given on this matter.

Response: Accept

As I have set out previously, the Welsh Government's assessment of which provisions require Senedd consent is grounded in Standing Order 29 and an evaluation of whether the relevant provisions of the Bill have regard to devolved matters.

The Welsh Government's analysis concluded that only the clauses identified in the legislative consent memoranda meet that test and therefore require the consent of the Senedd. The Bill's primary mechanism is the modification of the criminal offence in section 2 of the Suicide Act 1961, which concerns a restriction in paragraph 4 of Schedule 7B to the Government of Wales Act 2006. I remain committed to providing the Senedd with as much information as can be shared without compromising legal professional privilege, and to supporting scrutiny of the Bill where appropriate. Should further amendments be agreed by the House of Lords and assessed as meeting the Standing Order 29 test, the Welsh Government will bring forward additional supplementary legislative consent memoranda to ensure the Senedd is kept fully informed.

Financial Implications – None
