

ASSISTED SUICIDE PROPOSALS: IMPLICATIONS FOR THE SENEDD



BACKGROUND

Last year, on the 23rd of October 2024, the Senedd debated the Motion NDM8656 on assisted dying or as sometime referred to, assisted suicide. The motion called on the Welsh Government to support the principle of assisted dying and back Westminster Parliament in introducing such legislation for England and Wales. The motion was defeated by 26 votes to 19, with 9 abstentions. Notable opponents included First Minister Eluned Morgan and Health Secretary Jeremy Miles. A Senedd debate of this kind is not binding on the government and does not mean a change in the law. It is, however, a means of influencing subsequent debates on actual proposed changes to the law. It can also help identify where individual Senedd Members stand on contentious issues such as assisted suicide.

A short while before the Senedd debate, the Terminally Ill Adults (End of Life) Bill (the Leadbeater Bill), a private member's bill, was introduced in the House of Commons on 16 October 2024, passed Third Reading in June 2025, and is now before the House of Lords.

When proposals being considered by the UK Parliament within the devolved responsibilities of the Senedd and powers exercised by the Welsh Government it must agree or disagree to Westminster acting on its behalf. This is a process known as a Legislative Consent Motion.

When this process is triggered, the relevant committees of the Senedd consider the proposed law for England and Wales. This process begun on 9th of April when the Welsh Government presented a Legislative Consent Memorandum and continued, with a supplementary memorandum being laid in July and reports from the Health and Social Care Committee and the Legislation and Justice Committee.

Details of this process, the relevant memoranda and responses to consultations can be found on the [Senedd's Website](#).

The Health and Social Care Committee published a detailed report on the implications for Wales, based on the original Legislative Consent Memorandum on the 7th of October. In response, the [Most Reverend Mark O'Toole, the Catholic Archbishop of Cardiff-Menevia has urged Catholics to oppose assisted suicide in Wales](#) and to engage with their Senedd Members. Other denominations and campaign groups such as [Care](#), [The Salvation Army](#), and leaders within [the Church in Wales](#) and other denominations have opposed the principles of the bill as presented to the Westminster Parliament last year. Other denominations, based on their organisational

structures, have encouraged members to reflect on the difficult subject of euthanasia, palliative and end of life care and reflect on their own conscience. A helpful analysis of the positions of various denominations as of November 2024, has been prepared by [Churches Together in England](#).

Cytûn – Churches Together in Wales understands and respects all these approaches as part of the firm foundation of ecumenical witness. We also recognise the importance of Christians collectively and individually reflecting and responding on proposals being put forward by MPs and now being considered by the House of Lords. In the coming weeks and months, the Senedd will need to decide on how any proposed changes to the law and delivery of health services are implemented in Wales. Specifically, it will be asked via a Legislative Consent Motion how it chooses to respond to the Leadbeater Bill the likely changes to the criminal law and how assisted suicide may, or may not, be facilitated by the NHS in Wales.

Assisted Suicide and the Terminally Ill Adults (End of Life) Bill, implications for the Senedd.

THE LEGAL POSITION

Criminal Law (Reserved Matter)

The Suicide Act 1961 decriminalised suicide in England and Wales but created the offence of assisting suicide under Section 2. This remains criminal law, which is a reserved matter under Schedule 7B of the Government of Wales Act 2006 (as amended by the Wales Act 2017). The Senedd cannot legislate to modify criminal law, including offences relating to suicide and homicide. Any change to the Suicide Act must be made by the UK Parliament and would automatically apply to the England and Wales legal jurisdiction.

Health Policy (Devolved Matter)

Healthcare delivery, including NHS services, palliative care, end-of-life care, and the regulation of health professionals in Wales, are fully devolved responsibilities. The Welsh Government and Senedd have executive and legislative competence over how health services are provided in Wales.

THE DEVOLUTION BOUNDARY

This creates a unique constitutional position where:

- Westminster can change criminal law to permit assisted dying in England and Wales
- However, implementation requires health service delivery, which is devolved to Wales
- The Senedd cannot prevent the law from changing, but can refuse to implement the service through NHS Wales
- Private sector providers could offer assisted dying services in Wales even without NHS provision, creating potential inequality of access

THE LEGISLATIVE CONSENT PROCESS

The Welsh Government has laid Legislative Consent Memoranda (April and July 2025) seeking Senedd consent for specific provisions affecting devolved health matters. Under the Sewel Convention, Westminster 'will not normally' legislate on devolved matters without Senedd consent obtained through a Legislative Consent Motion (LCM).

Key provisions of the Leadbeater Bill requiring Senedd consent include:

- **Clause 42 (previously 39):** Welsh Ministers may make regulations about how voluntary assisted dying services operate in Wales
- **Clause 40 (previously 37):** Welsh Ministers may issue guidance on the operation of the Act in Wales
- **Clause 51 (previously 47):** Requirements for Welsh language provision in assisted dying services
- **Clause 58 (previously 54):** Commencement provisions - Welsh Ministers control when provisions take effect in Wales

Health Secretary Jeremy Miles confirmed, on behalf of the current Government of Wales, that Senedd approval would be required for regulations enabling NHS Wales to provide assisted dying services. Without such regulations, NHS Wales could not offer the service, though private sector provision would remain possible.

SENEDD HEALTH COMMITTEE REPORT (OCTOBER 2025)

The Health and Social Care Committee has examined the Legislative Consent Memoranda and, whilst taking a neutral position on assisted dying itself, identified **significant concerns for Wales**:

Key Findings:

- **Narrow consent approach:** The Welsh Government sought consent only for specific clauses, though most of the Bill relates to health service delivery which is extensively devolved
- **Workforce implications:** Approximately 50,000 NHS and social care professionals would require training (estimated £80,000-£750,000 for Wales)
- **Welsh language provision:** Concerns about sufficiency of Welsh-speaking staff to deliver services bilingually
- **Cross-border complications:** Potential for different availability of services between England and Wales, particularly affecting border communities
- **Palliative care funding:** Strong concerns that assisted dying implementation must not divert funding from palliative and end-of-life care
- **Private sector provision:** Risk of inequality if NHS Wales does not provide services but private providers do
- **Regulatory oversight:** Questions about whether a separate Voluntary Assisted Dying Commissioner is needed for Wales

Financial Implications:

UK Government impact assessment estimates for Wales:

- Year 1 (half year): 17-80 applicants; 10-48 assisted deaths

- Year 10: 106-462 applicants; 63-277 assisted deaths
- Staff time costs: £26k-£123k (Year 1) to £163k-£716k (Year 10)

If a consent motion is granted to the UK Parliament, the Senedd will then be required to approve the specific ways in which assisted suicide is provided for by the NHS. This will be done by what's known as Secondary Legislation introduced by the Welsh Government. The committee has urged for these regulations to be scrutinised by the Senedd should they need to be introduced.

CURRENT POSITION AND TIMELINE

The Bill has passed Third Reading in the Commons and awaits House of Lords scrutiny at Westminster. A Senedd vote on the LCM is expected before the May 2026 Senedd elections. Given the October 2024 vote (26-19 against), there is a possibility the current Senedd may refuse consent. Significant changes to the makeup, membership and size of the Senedd will follow the May 2026 elections.

So far, the Welsh Government has adopted a position of neutrality on assisted dying. Health Secretary Jeremy Miles (who is not seeking re-election) confirmed that any decision on implementation would likely rest with the government formed after the May 2026 elections, and that preliminary work on workforce planning would begin in autumn 2025.

IMPLICATIONS FOR WALES AND THE CHURCHES

Service Delivery Issues:

- Potential inequality of access between Wales and England
- Risk of two-tier system if only private providers offer services in Wales
- Cross-border complications for residents near the England-Wales border
- Workforce capacity and training challenges
- Need for adequate Welsh-speaking professionals at every stage of the process
- Provision for people whose first language is neither Welsh nor English

Constitutional and Ethical Concerns:

- Constitutional tension regarding the devolution settlement and Sewel Convention
- Impact on palliative care funding and services - must be protected
- Rights of healthcare professionals to conscientious objection
- Safeguarding concerns for vulnerable people, particularly those with disabilities, mental health conditions, or feeling themselves a burden
- Need for clear distinction between assisted dying and palliative/end-of-life care

- Questions about adequacy of safeguards and potential for future expansion of eligibility criteria

CONCLUSION

In addition to the specific matters regarding end-of-life care, assisted suicide and health care, this matter represents a significant test of the Welsh devolution settlement, where the unified England and Wales legal jurisdiction meets devolved health policy. The Health Committee has emphasised that any future Welsh Government bringing forward regulations should do so in draft form for full public consultation, with thorough examination by relevant Senedd committees. The implementation decision will rest with the government elected following the Senedd Cymru elections in May 2026.

For Cytûn, member churches and individual Christians, this raises profound ethical, pastoral and practical on-going questions about end-of-life care, the protection of vulnerable people, the adequacy of current palliative care provision, and the role of faith communities in supporting people facing terminal illness.

- We urge all denominations and individuals to consider, prayerfully and respond in a spirit of grace to the wide-ranging moral and practical questions the bill sets out as well as the constitutional issues they raise.
- We ask for prayer for all elected members, civil servants and health and care workers as they consider this issue, and above all for those living with terminal illness and receiving end-of-life care.

“Blessed be the God and Father of our Lord Jesus Christ, the Father of mercies and the God of all consolation, who consoles us in all our affliction, so that we may be able to console those who are in any affliction with the consolation with which we ourselves are consoled by God.”

2 Corinthians 1:3-4 (NRSV)

Date: 24th November 2025