

# The Legislative Process - End of Life Assistance (Scotland) Bill

---

## About this Briefing Paper

This paper:-

- Describes the process by which a bill in the Scottish parliament may become law.
- Updates on the progress of the End of Life Assistance (Scotland) Bill through this process, including the timescale for individuals and organisations to submit evidence to parliament.
- Provides information about submitting evidence on the Bill to parliament.
- Identifies ways in which individuals and organisations may influence the legislative process.

## The process by which a bill in the Scottish parliament may become law

Appendix 1 shows in diagrammatic detail how a bill may become law. There are 3 broad stages.

In **Stage One** a committee of MSPs considers the general principles of the Bill. As part of this process the Committee calls for written evidence. After considering this written evidence the Committee will normally invite oral evidence from witnesses they select. The Committee then reports to the Parliament and there is a debate and vote on whether or not the general principles of the Bill are agreed to. If the Bill falls at this stage then it cannot return for six months. If the Bill survives then it proceeds to Stage Two.

In **Stage Two** the Committee considers amendments to the Bill. Any MSP is able to submit amendments to the Bill and all relevant amendments will be considered by the Committee (although amendments designed to “wreck” the Bill are not allowed). The thrust of the process at Stage Two is about improving the legislation. During this stage only members of the Committee get to vote on the amendments. At the end of Stage Two the Committee sends the amended Bill back to Parliament for the next stage.

In **Stage Three** the Parliament considers the amended Bill. Again any MSP is able to submit amendments. The Presiding Officer decides which amendments should be considered. Often amendments which were considered by the Committee and rejected will be called again for reconsideration, particularly if the Committee’s vote in Stage Two was close. In Stage Three all MSPs get to vote on each

amendment. After amendments have been considered MSPs vote on whether the amended Bill should be passed or not. MSPs who may have supported the Bill at Stage 1, but perhaps with reservations, will need to consider whether the Bill has improved sufficiently through amendment to become law.

If the Bill is not passed then that is the end of the process. If the Bill passes then it will normally become law, although occasionally senior law officers may require the debate of further amendments they consider necessary.

This is a simplified account of the normal process. More detailed information is available here:-

<http://www.scottish.parliament.uk/business/bills/billguidance/GuidanceonPublicBills.pdf>

## **Progress of the End of Life Assistance (Scotland) Bill**

The Parliament has established a special ad hoc committee to consider the Bill. The Committee met for the first time on March 2<sup>nd</sup>. The Committee is chaired by [Ross Finnie](#). The other members are [Ian McKee](#), [Helen Eadie](#), [Michael Matheson](#), [Nanette Milne](#) and [Cathy Peattie](#).

The Committee has issued a call for written evidence **to be submitted by May 12<sup>th</sup> 2010**. Other elements of the timetable for Stage One are not yet public. The Bureau (a committee which manages and timetables all parliamentary business) will shortly agree an end date for Stage 1 – the date by which the Committee must report back to Parliament. The current best guess is that it will take the Committee until the end of May to publish and consider written evidence and that it will then invite witnesses to give oral evidence. Oral evidence is likely to begin after the summer recess (i.e. in September/October).

The progress of the Bill and the work of the committee can be followed at <http://www.scottish.parliament.uk/s3/bills/38-EndLifeAssist/>. All proceedings in the Committee and Parliament can be watched online.

## **Submitting Evidence to Committee**

The Committee has invited views on all aspects of the Bill, but also suggests that responses should address all or any of the following points in turn:-

“Do you agree a person should be able to request end of life assistance from a registered medical practitioner?

Are you satisfied with the requirements for age and connection with Scotland as set out in the Bill?

Are you satisfied with the two categories of people who would qualify to be assisted under the terms of the Bill?

The Bill outlines a several stage consent and verification process that would be required to be followed for an eligible person to receive end of life assistance. Are you satisfied with this process?

Do you consider the level and nature of safeguards as set out in the Bill to be appropriate?

Do you have any other considerations on the Bill not included in answers to the above questions?"

There is not a strict obligation to follow this structure, which is suggested by the committee partly to provide some commonality in responses, and also as a guide to individuals who may be less familiar with what key issues might be. Wider contextual evidence as well evidence relating to specifics of the Bill is acceptable and relevant. Those interested in giving oral evidence to the Committee, can use part of their written evidence to make a case as to why they should be called. The Committee's guidelines state that written submissions should be no more than four to six sides of A4 in length.

Those intending to submit evidence can find more detailed and important guidance at:-

<http://www.scottish.parliament.uk/s3/committees/endLifeAsstBill/currentInquiries.htm> .

### **A few other ways in which individuals and organisations may influence the legislative process**

In considering the End of Life Assistance (Scotland) Bill MSPs face complex, important and high profile issues without the usual Party guidance on how to vote. They are therefore likely to welcome informed and considered opinion which helps them to discharge their responsibilities. Of course, given their interest in re-election in 2011, MSPs also want to know where their constituents stand on issues!

In Scotland everyone has 8 MSPs – one constituency MSP and 7 regional MSPs. By entering a postcode here:-

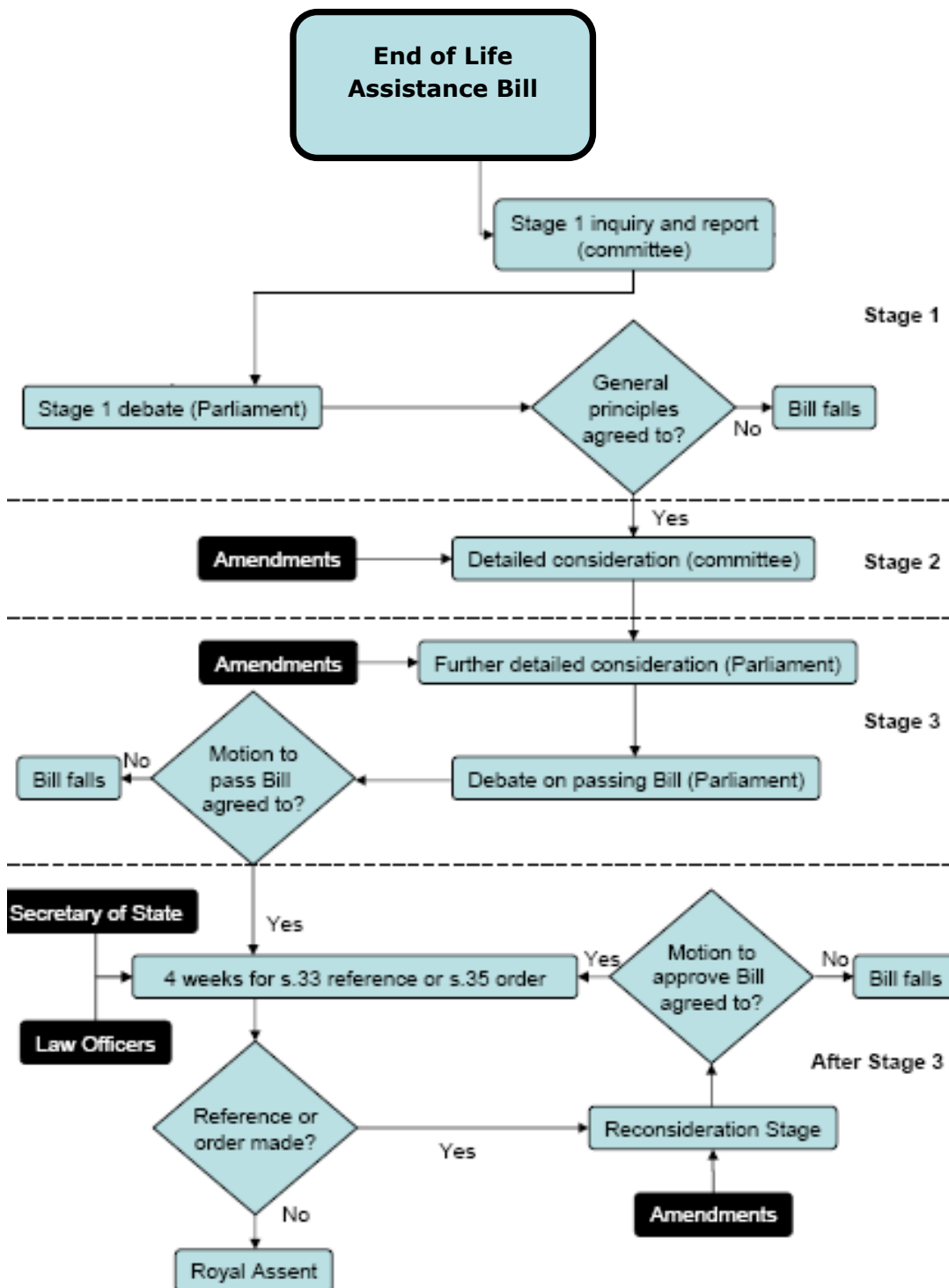
<http://www.scottish.parliament.uk/msp/membersPages/MSPAddressPostcodeFinder.htm> relevant local MSPs can be identified.

In addition to writing to MSPs with views, individuals can also ask to meet them, either locally or at the Parliament. This will have more impact than simply writing a letter. MSPs are likely to value an invitation to visit relevant organisations and this can be a high impact way of them learning more about an organisation's work and its relationship to the proposed legislation.

In Stage 2 and Stage 3 individuals/organisations can ask MSPs to table specific amendments to the Bill.

In addition to direct contact from individuals and organisations MSPs are of course influenced by media coverage. This may be an option which some organisations are able to exploit to promote their views. Individuals may write to local and national press. It is easy to get coverage in the former and they are assiduously read by MSPs.

## Appendix 1 – The Process by which a Bill becomes Law in the Scottish Parliament



Mark Hazelwood  
 Director  
 Scottish Partnership for Palliative Care  
 March 5<sup>th</sup> 2010