

The Legislative Process - Assisted Dying for Terminally Ill Adults (Scotland) Bill

About this Briefing Paper

This paper:-

- Describes the process by which a proposal for legislation in the Scottish Parliament may become law.
- Describes ways in which individuals and organisations may influence the legislative process.

The process by which a proposal for legislation in the Scottish Parliament may become law

Proposal and Consultation

A proposal for legislation is lodged with the Parliament by the sponsoring MSP and must then be consulted on for at least 12 weeks. The consultation on the proposal for an Assisted Dying for Terminally Ill Adults (Scotland) Bill is now open and runs until 22nd December 2021. After the consultation and revision of the proposal it must secure the support of at least 18 other MSPs from at least half of the political parties or groups represented in the Parliamentary Bureau. Scottish Government also needs to indicate that it does not intend to legislate in the area in question. The MSP then has the right to introduce a Member's Bill.

The MSP works with the Non-governmental Bills Unit to draft the actual legislation, which is then introduced to Parliament. This would be likely to happen in the summer of 2022.

Appendix 1 shows in diagrammatic detail how a draft Bill passes through parliament and 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 One, 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](#).

Ways in which individuals and organisations may influence the legislative process

In considering the 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. Given their interest in re-election MSPs 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](#) relevant local MSPs can be identified.

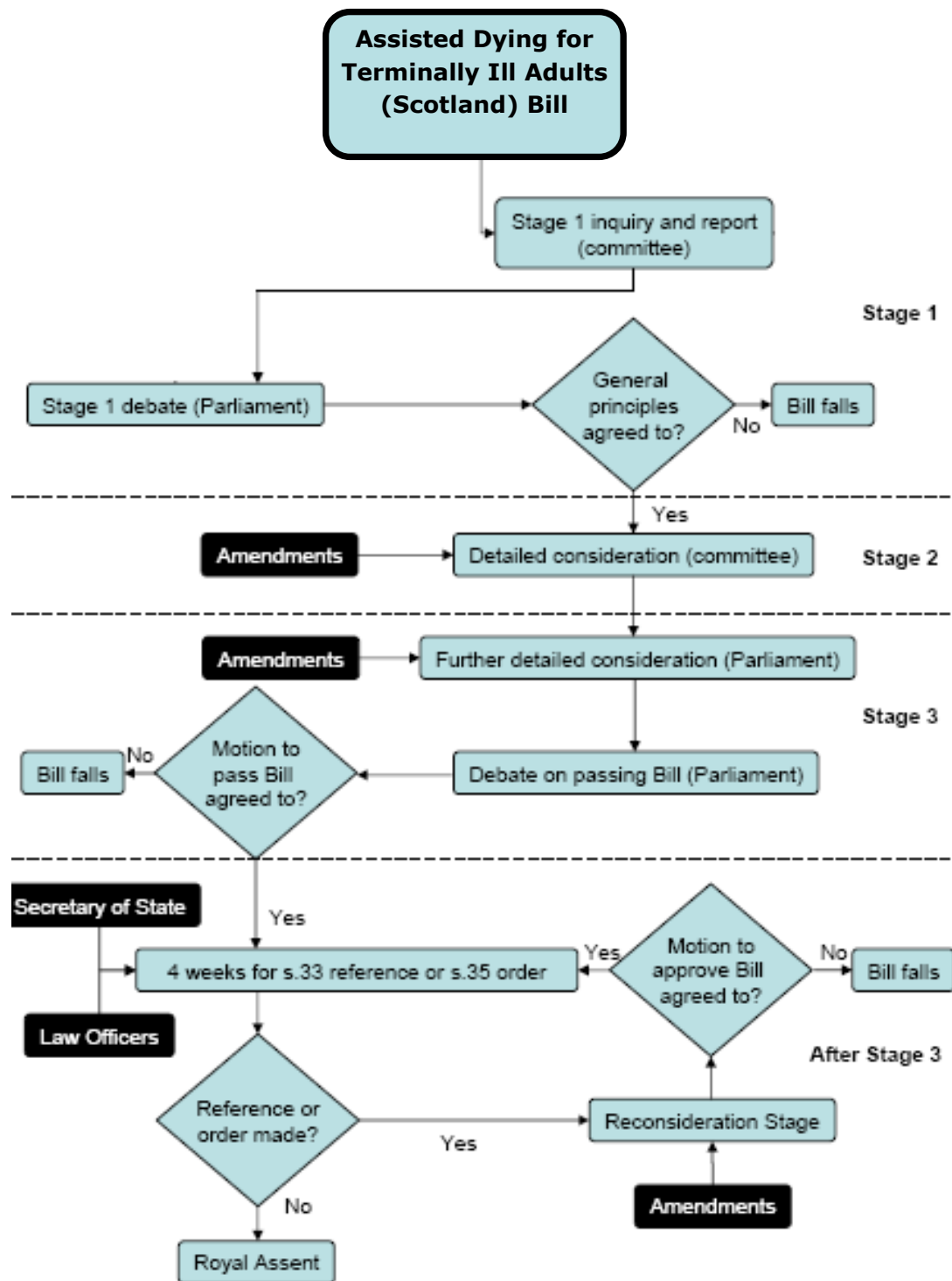
In addition to writing to MSPs with views, individuals can also ask to meet them, either locally or at the Parliament. This will have more impact than simply writing a letter. MSPs are likely to value an invitation to visit

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 Two and Stage Three 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



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