

Professor Sir Gregor Smith
Chief Medical Officer for Scotland
Scottish Government

Cc Dr Deans Buchanan, Palliative Medicine Specialty Advisor to the CMO

16th February 2026

Dear Gregor,

Concerns About Conscientious Objection and other Clauses - Assisted Dying for Terminally Ill Adults (Scotland) Bill

I am writing as Chair of the Specialist Palliative Care Group, a long-established multi-disciplinary national forum of specialist palliative practitioners, convened under the auspices of the [Scottish Partnership for Palliative Care](#) (SPPC). The Group wishes to raise its concerns about the intended removal of clauses from the Assisted Dying Bill prior to the Stage 3 vote. These are the clauses which relate to the regulation of health professionals, which are being removed since this policy area is not devolved to the Scottish Parliament.

If the Bill becomes law “assisted dying” will be positioned as part of clinical practice. In these circumstances all health professionals need to have clarity as to the duties expected of them. They also need clarity as to their legal position should they choose not to participate in activities related to assisted dying, whether that non-participation is grounded in conscience or other reasons. The Group is concerned about the possibility of the Bill becoming law without adequate provisions in these areas.

We understand Scottish Government’s approach to these issues is via a Section 104 order. However, beyond that there is little clarity about the situation and important questions are currently unanswered:

- In addition to the “non-participation” clauses in the Bill (Section 18), are there other areas which might be deemed to fall under regulation of health professionals and so also need removal?
- Will the clauses in Section 18A (No Duty to Raise Assisted Dying) be removed?
- Will all the clauses relating to the training, qualifications and experience required of health professionals involved in assessing eligibility for and delivering assisted

CBC House
24 Canning Street
Edinburgh EH3 8EG
Tel: 0131 272 2735
Fax: 0131 272 2800

office@palliativecarescotland.org.uk

dying be removed (for example Section 28 (2)(3), Section 15 (8) a, and Section 4 (5) a)?

- What is the process and timeline planned by which adequate clauses on these issues would be formulated and added to the Act, should the Bill receive Royal Assent?
- More specifically, should the Bill receive Royal Assent, how would any process for developing adequate clauses ensure transparency and meaningful opportunities for input from stakeholders, especially those who would be impacted by the outcomes?

Assisted dying raises issues of a moral, personal and ethical nature upon which many of SPPC's member organisations (for example our member NHS Boards) are institutionally unable to hold a position. SPPC therefore does not adopt a position in principle either in support or in opposition to a change in the law. However, we have been very active in critically reviewing and presenting [a view](#) (including developing and supporting [amendments](#)) on the specific provisions of the Bill, such that if the Bill is passed potential harms (to vulnerable people and the practice and provision of palliative care) are minimised.

We believe the current level of uncertainty in relation to key issues leaves health professionals in an unacceptable position. We would be grateful if you can articulate these concerns within government and seek to ensure that clarity on the important questions raised is provided as soon as possible.

Yours sincerely



Dr Annabel Howell
Chair, Specialist Palliative Care Group
Scottish Partnership for Palliative Care