



Patricia Ferguson MP
Chair, Scottish Affairs Committee
UK Parliament
London
SW1A 0AA

9 March 2026

ASSISTED DYING FOR TERMINALLY ILL ADULTS (SCOTLAND) BILL

Dear Patricia,

Further to the UK Government's commitment in its response to the Scottish Affairs Committee report on the Draft Scotland Act 1998 (Modification of Schedule 5) Order 2026, I am writing to update you on the matter of a section 104 Order specifically in connection with the Assisted Dying for Terminally Ill Adults (Scotland) Bill.

The Assisted Dying for Terminally Ill Adults (Scotland) Bill continues to be considered by the Scottish Parliament. The decision on whether to pass the Bill, and in what form, is wholly a matter for the Scottish Parliament. It remains the UK Government's position that ensuring the Bill is within competence is a matter for the Scottish Parliament.

Nonetheless, in view of the competence concerns raised by the Scottish Government, and a request for consequential provision to be made in the event the Bill passes, the UK Government has written to the Scottish Government to confirm that we are content in principle to take forward a section 104 Order. This in-principle agreement is in relation to employment protections and professional qualifications and experience. Specifically:

1. Making consequential provision for individuals and practitioners to opt out of participating in assisted dying and providing appropriate employment protections.
2. Consider and make appropriate provision to specify the training, qualifications, and experience required for participating medical practitioners and nurses.

The UK Government recognises that both governments are neutral on the matter of assisted dying. Agreement in principle at this stage means that, in the event the bill passes, the UK Government will work with the Scottish Government on such legislation. It is important to note the complexity of these matters and the detailed policy and legal work that would be required from both governments. This will require further consideration and analysis by respective officials. In view of that, and in recognising the final outcome of any Bill will need to be considered, the UK Government is not yet in a position to agree to the specific form of the Section 104 Order.

The UK Government is clear that this agreement is a commitment related to the effective functioning of the devolution settlement and does not alter the UK Government's neutral position on the subject matter. This approach does not set a precedent for future legislation, nor does it signal a policy position or endorsement of the approach on any of the matters in question.

I am copying this letter to the Minister for the Cabinet Office, the Minister of State for Care, and the Minister of State for Trade.

*yours sincerely,
Kirsty McNeill*

**KIRSTY MCNEILL MP
PARLIAMENTARY UNDER-SECRETARY OF STATE FOR SCOTLAND**