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**Alzheimer
Scotland**
Action on Dementia

**Prevent.
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Clare Haughey MSP
Convenor
Health, Social Care and Sport Committee
The Scottish Parliament
Edinburgh
EH99 1SP

17 September 2025

Dear Convenor

Legislative Consent Memorandum for the Terminally Ill Adults (End of Life) Bill

I write to you on behalf of Alzheimer Scotland to provide evidence to support the Health, Social Care and Sport Committee's consideration of the Legislative Consent Memorandum for the Terminally Ill Adults (End of Life) Bill, with specific focus on the provisions set out in Clause 43. Alzheimer Scotland maintains its neutral position on the issue of assisted dying, choosing to neither support nor oppose any proposals for the introduction of legislation related to this topic. This response is provided to set out concerns about the potential implications of the legislation as it is currently drafted and to highlight areas that require further consideration to ensure that any future legislation is robust and well-considered, particularly as it relates to people with dementia.

Clause 43 of the UK Bill proposes regulations prohibiting the publication, printing, or distribution of advertisements whose purpose or effect is to promote a voluntary assisted dying (VAD) service. While the intention is to prevent commercial exploitation and undue influence, which Alzheimer Scotland agrees is necessary to protect vulnerable individuals, it is our view that the breadth of this prohibition has significant implications for devolved health policy, patient rights and freedom of expression in Scotland.

While this Bill is undergoing the legislative process in the UK Parliament, the Assisted Dying for Terminally Ill Adults (Scotland) Bill is under consideration by the Scottish Parliament. It is our view that alignment between these laws, or any future legislation related to assisted dying in either jurisdiction, is essential to avoid confusion, duplication, or conflict, and will ensure clarity for those engaged in delivering or considering accessing provisions under assisted dying legislation, regardless of where they are in the UK.

Given that health, healthcare legislation and many aspects of advertising are devolved to the Scottish Parliament, Alzheimer Scotland believes that this provision should be considered specifically under Scottish legislative competence. The Committee should consider carefully whether Scotland should retain competence to design its own regulatory approach to managing assisted dying legislation.

The proposed prohibition is drafted broadly, extending to any communication whose “purpose or effect” is to promote VAD services. If the definition of unethical advertising and what is considered ‘promotion’ is too broad or vague, it has the potential unintended consequence of limiting access to neutral, factual information or the scope of public awareness campaigns in Scotland. This might include patient information issued by the NHS or health-led services such as hospices, guidance produced by professional bodies, and materials from patient information, advocacy and support organisations, such as Alzheimer Scotland who engage in providing information and services to people living with dementia in Scotland. Limitations to providing essential information about lawful choices may result in individuals being unable to access services and supports at the right time and may ultimately affect their ability to access the information needed to develop an informed decision about pursuing an assisted death or not.

Restrictions on expression engage Article 10 of the European Convention on Human Rights. While limitations may be justified to protect vulnerable individuals from inducement, they must be proportionate and clearly defined. A rigid UK-level prohibition may conflict with how Scotland wishes to allow patient information to be disseminated or public awareness to be raised and this may in turn result in limitations to freedom of expression or patient rights. Indeed, a prohibition that inadvertently prevents patients from accessing factual information about their legal rights risks being disproportionate.

In addition, the UK Bill does not specify how enforcement would operate in Scotland. This raises questions regarding which regulator would hold responsibility in Scotland; how online advertising, often originating outwith Scotland, would be controlled; and what sanctions would apply, and whether these would be compatible with Scots law. It is vital that processes and mechanisms for enforcement are agreed by the Scottish Parliament.

The prohibition on advertising in the UK Bill must not inadvertently undermine Scotland's ability to deliver safe, transparent and rights-compliant assisted dying services, should the Scottish Parliament legislate for them. Given the uncertainty around the provisions set out in Clause 43, it would be helpful to seek reassurances or amendments in relation to:

1. **Alignment with Scottish legislation** – assurances that the prohibition is framed to complement the provision of any (current or future) assisted dying legislation in Scotland.
2. **Clarity of scope** – a clear distinction between prohibited commercial promotion that may result in exploitation and permitted factual information by setting out robust definitions within the legislation.
3. **Human rights compliance** – confirmation that the restrictions are proportionate and consistent with Article 10 of the European Convention on Human Rights.
4. **Enforcement detail** – clear mechanisms are set out to establish how prohibitions would be applied and overseen in Scotland.

I hope that this information is helpful to the Committee. If you require any further information, then please do not hesitate to contact me.

Yours sincerely,



Vicki Cahill
Policy and Public Affairs Lead