

Assisted Dying Bill

Legislative Council
January 2025

[About the BMA](#)

The BMA (British Medical Association) is a professional association and trade union representing and negotiating on behalf of all doctors and medical students in the UK. It is a leading voice advocating for outstanding health care and a healthy population. It is an association providing members with excellent individual services and support throughout their lives.

[BMA position on assisted dying](#)

The BMA represents doctors and medical students from across the UK and the Crown Dependencies who hold a wide range of views on physician-assisted dying. In September 2021, the BMA's annual policy-making conference (the Annual Representative Meeting (ARM)) [voted to adopt a neutral position on whether the law should be changed to permit physician-assisted dying](#); this means that the BMA neither supports nor opposes a change in the law. By commenting on the details of this Bill the BMA is not supporting, or opposing, the Bill itself.

[Outstanding issue to address on the face of the Bill – a general right to refuse](#)

The BMA appreciates the changes made to the Bill by the House of Keys and the Legislative Council to give doctors greater choice and protection, should the law change to permit assisted dying.

There is one remaining issue, however, that the BMA believes very strongly needs to be amended in order to give doctors in the Isle of Man the equivalent protection to that which would be afforded to doctors in England, Wales, and Jersey under the legislative proposals currently being considered in those jurisdictions¹.

We strongly believe that the Bill should be amended to provide a general right for doctors to refuse to carry out activities directly related to assisted dying for any reason, not just on grounds of conscience.

[Issue: Clause 8 – conscientious objection](#)

Doctors who do not register with the Department to provide assisted dying may still be asked to provide a professional opinion to assist those who are making the decision about an individual's eligibility. This could be their professional opinion on, for example, capacity or life-expectancy.

We believe that, if assisted dying were legalised, doctors should be able to refuse to provide such opinions for any reason, not just on grounds of conscience. We know [from our survey](#) – one of the biggest surveys of medical opinion on assisted dying that has ever been undertaken – that some doctors do not oppose the legalisation of assisted dying but, crucially, would not want to

¹ The Bill in Scotland is at an earlier stage and no amendments have yet been considered



participate in any way themselves – **these doctors would not be protected by the standard ‘conscientious objection’ clause, as currently provided at 8(1) of the Bill.**

Important clarification

We recognise that this measure was debated and amended by the House of Keys to extend clause 8(2)-(5) beyond matters of conscience, to include any doctor ‘who otherwise does not intend to exercise functions under this Act’ – but this has not given our members the protection they need.

This is because the term ‘exercise functions under this Act’ appears to apply only to those activities specified in the Act and so it would **not** cover the provision of professional opinions on capacity, life expectancy, etc. by doctors who had not registered with the Department to provide the service. Instead, it would only apply to those doctors who had opted in.

Amendment

For these reasons, we urge the Legislative Council to amend clause 8 and its title to cover refusals on grounds of conscience or for any other reason.

Consensus for this provision

The provision for a general right to refuse is supported by other medical bodies, including the Royal College of General Practitioners². In their evidence to the Scottish Parliament’s Health, Social Care and Support Committee³, the Royal College of General Practitioners and the Royal College of Nursing all called for this protection. In addition, the Royal College of Psychiatrists’ statement on Kim Leadbeater MP’s [Terminally Ill Adults \(End of Life\) Bill](#) also states that those who conscientiously object ‘or those who do not wish to take part for professional reasons’ should be given the right not to take part.

Furthermore, legislative proposals being brought forward in other jurisdictions across the UK and Crown Dependencies have accepted this principle of a general right to refuse and have written it into their respective draft Bills. For example, in the time since the House of Keys considered clause 8, Kim Leadbeater MP’s Bill has been published and includes this protection – see clause 23(1):

‘No registered medical practitioner or other health professional is under any duty (whether arising from any contract, statute or otherwise) to participate in the provision of assistance in accordance with this Act.’

Ms Leadbeater has confirmed that the intention behind this clause is to cover a general right to refuse, such that doctors who have not opted in to provide the service but who are asked to provide a professional opinion (for example, on capacity or life-expectancy) to assist those who are making the decision about an individual’s eligibility, would be covered.

The principle that the right to refuse to participate should be extended beyond matters of conscience has also been accepted by the States Assembly in Jersey and is outlined in its [final policy proposals that will frame the Bill](#) that is currently being drafted.

We strongly urge Members of the Legislative Council to consider the consensus for this measure – including the responses to our extensive member survey, the support from key medical royal colleges, and the inclusion in legislative proposals from neighbouring jurisdictions – and to ensure that doctors in the Isle of Man have the same protection as would be afforded to those in England, Wales, and Jersey.

² RCGP statement, Nov 2024, available at: www.rcgp.org.uk/representing-you/policy-areas/assisted-dying

³ Health, Sport and Social Care Committee transcript (pages 6 & 7), Nov 2024, available at: www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=16111