

Supreme Court decision on assisted dying “encouraging”, say campaigners

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A decision handed down from the Supreme Court today, in the cases of Nicklinson v Ministry of Justice, puts significant pressure on both Parliament and the Director of Public Prosecutions (DPP) to reconsider the law and prosecuting policy on assistance to die, [says the campaign group Dignity in Dying](#).

While the appeals of Nicklinson, Lamb and 'Martin' were unsuccessful, today's judgment makes clear that both Parliament and the DPP should look again at the issues.

With Lord Falconer's [Assisted Dying Bill](#) to be debated in the House of Lords on Friday 18th July, the Supreme Court has issued a clear warning to Parliament that if it does not address the issue of assisted dying, the courts may.

Though divided on the issue of whether the Suicide Act's universal prohibition on assisted suicide is incompatible with the human right to private and family life (protected under Article 8 of the European Convention on Human Rights (ECHR)), a majority of the justices ruled that the Court could in theory declare the universal ban on assisted suicide incompatible unless Parliament acts to reform it.

Lord Neuberger, President of the Supreme Court, said in his judgement:

"Parliament now has the opportunity to address the issue of whether section 2 [of the Suicide Act] should be relaxed or modified, and if so how, in the knowledge that, if it is not satisfactorily addressed, there is a real prospect that a further, and successful, application for a declaration of incompatibility may be made."

Similarly, whilst the Court refrained from ordering the DPP to clarify the prosecuting policy on assisted suicide in relation to healthcare professionals, it is clear that she is expected to look again at her policy in the light of comments made in the judgment.

In relation to this issue, Lord Neuberger stated: "If the DPP's policy does not mean what she intends it to mean, and this has been made clear in open court, then it is her duty...to ensure that the confusion is resolved."

Commenting on the decision Sarah Wootton Chief Executive of Dignity in Dying said

"The Suicide Act is now over 50 years old and is out of touch with the problems facing dying Britons in the 21st Century. Public opinion is resolutely in favour of change and now the Supreme Court has clearly indicated that it is only a matter of time before the law is reformed. If Parliament is unwilling to address the issue, then ultimately the Courts will.

"The House of Lords has the opportunity to begin the process of reform when Lord Falconer's Assisted Dying Bill is debated by Peers on 18th July. Ultimately a law passed by Parliament, with clear criteria and upfront safeguards is preferable to decriminalisation by stages. Parliament can provide both greater choice and greater protection; we need a compassionate law that can

safeguard choice for those at the end of life."

Dignity in Dying's intervention in the 'Martin' case was supported by Margaret John who has terminal ovarian cancer. Margaret commented:

"A change in the law will not come in time to help me have the choice of an assisted death, but I am happy to have lived to see the Supreme Court giving Parliament the kick it needed to ensure this issue gets the time and attention it deserves."

Roch Maher who is terminally ill with Motor Neurone Disease commented:

"The Supreme Court's decision says that Parliament and the DPP need to face up to the reality of the impact the current law has on people in my position, our families and doctors. I think the Courts have given Parliament its first yellow card, if they don't act then this issue will be back in the Courts so that they can decide a fair way forward for dying people who want choice at the end of life. I hope Parliament will take this very seriously and act now."

Lord Falconer's Bill, supported by Dignity in Dying, would allow terminally ill mentally competent adults the choice of an assisted death. This Bill would not cover people with locked in syndrome, or any other chronic illness or disability, who are not also terminally ill. Subject to passing its Second Reading on 18 July, the Bill will go on to be scrutinised by a Committee of the Whole House where the safeguards and criteria will be reviewed and debated clause by clause."

Terry Sanderson, President of the National Secular Society, said: "The time has now surely come for the law to reflect public attitudes and wishes on this matter. The religious bodies that are agitating to stop the legislation must be told that they cannot have the final word. Few people agree with their stance as one poll after another has shown.

"The debate has been had, the courts have recognised that it would be better for Parliament to put things right and now it is time for a law that is compassionate, safe and in line with the whole of British opinion, not just religious opinion."

Those supporting a change to the law are asked to make their voice heard by [emailing party leaders](#).

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