

# STATES OF JERSEY



Jersey

## **DRAFT ASSISTED DYING (JERSEY) LAW 202- (P.65/2025): FOURTH AMENDMENT**

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**Lodged au Greffe on 10th February 2026  
by the Assisted Dying Review Panel  
Earliest date for debate: 24th February 2026**

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**STATES GREFFE**

DRAFT ASSISTED DYING (JERSEY) LAW 202- (P.65/2025): FOURTH AMENDMENT

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**1 PAGE 143, ARTICLE 8 –**

- (1) Delete Article 8(8).
- (2) Renumber Article 8(9) and cross-references accordingly.

**2 PAGE 144, ARTICLE 9 –**

- (1) Delete Article 9(1)(i).
- (2) Renumber Article 9(1)(j) and (k) and cross-references accordingly.

**3 PAGE 165, ARTICLE 42 –**

- (1) For Article 42(1)(a) substitute –
  - (a) if they are an individual appealing against a decision specified in paragraph (2);
- (2) Delete Article 42(3) and (7).
- (3) Renumber Article 42(4) to (6) and cross-references accordingly.

**4 PAGE 190, ARTICLE 98 –**

Delete Article 98(c).

ASSISTED DYING REVIEW PANEL

## REPORT

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### [Removal of appeals by persons with special interest]

#### Introduction

The Panel proposes this amendment<sup>1</sup> to remove provisions within the Draft Assisted Dying (Jersey) Law 202- [P.65/2025] that would permit appeals by persons with a “special interest” against a positive decision to provide assisted dying. The amendment deletes the statutory right of third-party appeal in Articles 8, 9, 42 and 98, and makes the necessary consequential renumbering.

Under the draft Law as lodged:

- **Article 42(3)** permits a person with a “special interest” to appeal against a positive eligibility decision on grounds including irrationality, unreasonableness, or unlawfulness.
- **Articles 8, 9 and 98** contain related mechanisms enabling such appeals to be triggered or recognised.

The amendment deletes these provisions so that the only person able to challenge a decision is the individual seeking assisted dying, in line with the approach taken in the overwhelming majority of comparable jurisdictions.

#### Rationale for the Amendment

##### 1. International practice

Third-party appeals against positive eligibility decisions are exceptionally rare. The Panel’s expert advisers identified only one comparator - Queensland, Australia - where a form of third-party review is permitted by the Queensland Civil and Administrative Tribunal (QCAT). QCAT may review decisions upon request by the applicant, their agent, or another person with a “sufficient and genuine interest” (e.g., a spouse, close family member, carer, or member of the healthcare team). Even there, no reported cases were found of relatives or others appealing a positive decision, nor evidence of problems arising from the review framework. The Panel’s advisers’ also note in their report that the Terminally Ill Adults (End of Life) UK bill:

*“...does not (currently) include any right of appeal against a positive decision by an interested person. The only right to challenge/appeal within the TIA Bill is in respect of a negative decision, in which case the person seeking an assisted death may request the Assisted Dying Commissioner to review the panel decision.”<sup>2</sup>*

The Panel therefore notes that most jurisdictions permitting assisted dying do not allow appeals by anyone other than the applicant.

##### 2. Human rights and autonomy

A third-party right of appeal risks unjustified interference with the private life, autonomy and medical confidentiality of a capacitated adult, potentially engaging Article 8 of the European Convention on Human Rights (ECHR). The Panel’s expert advisers identified that whilst a human rights discussion is included in the accompanying report to the draft

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<sup>1</sup> The Panel agreed this amendment by majority, with Deputy Bailhache recording his dissent.

<sup>2</sup> Adviser Report [S.R.1/2026 – Interim Report – Review of Draft Assisted Dying Legislation – 14 January 2026]

Law, it addresses the broad question of legalising assisted dying, however, does not specifically analyse the added interference created by third-party appeal rights. The advisers cautioned that this may be incompatible with Article 8 ECHR and advised reconsideration (see Recommendation 19<sup>3</sup>).

### 3. Confidentiality and clinical integrity

Allowing appeals by persons with a “special interest” (e.g., family members or professionals) can require disclosure of highly sensitive medical information and invites adversarial legal processes into a clinical pathway that the Panel considers is already governed by multiple safeguards.

The report accompanying the draft Law indicates that “special interest” may include a family member or a professional involved in the process and expressly excludes unconnected third parties (e.g., lobby groups).

However, because it is for the Court to be satisfied that a person has a “special interest,” there is a wide and uncertain category of potential appellants. The Panel considers that this uncertainty risks:

- delays to the applicant’s pathway
- adversarial proceedings at a sensitive time
- undermining the coordinated clinical assessments
- increased litigation and conflict among family members.

### 4. Existing safeguards are sufficient

The Panel notes that Jersey’s statutory model already proposes:

- two independent medical assessments
- capacity assessments and examination for coercion
- multiple procedural steps and defined decision points
- oversight of clinical governance, service safety, and quality by the Assisted Dying Delivery and Assurance Committee.

The Panel found no safeguarding gap that would be filled by third-party appeals. On the contrary, the Panel considers they could complicate and delay a process designed to be patient-centred, clinically robust, and procedurally accountable.

## Conclusion

The Panel concludes that the draft Law’s third-party appeal mechanism is out of step with international practice, raises material risks in relation to Article 8 ECHR, and is unnecessary in light of the extensive safeguards already proposed in the Jersey model. The breadth and uncertainty inherent in the “special interest” concept create a real risk of delay, conflict, and intrusion into the autonomy and confidentiality of a capacitated applicant.

This proposed amendment would restore the normative position found in most comparator jurisdictions: the right to challenge rests with the individual whose rights and treatment are directly engaged. For these reasons, the Panel urges Members to support the amendment.

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<sup>3</sup> Adviser Recommendation 19: Consider whether a third party right of appeal against a positive decision (Article 42(3)) should be included, given the possible Article 8 ECHR violation in respect of an interference with the autonomy of a person who has been assessed as having mental capacity.

### **Financial and staffing implications**

The Panel does not consider there to be any additional cost or administrative burden arising from this amendment.

### **Children's Rights Impact Assessment**

The Panel considers that this proposition (amendment) has no direct or indirect impact on children and that the duty to have due regard to the UN Convention on the Rights of the Child does not arise. Accordingly, a Children's Rights Impact Assessment is not required under the [Children \(Convention Rights\) \(Jersey\) Law 2022](#).