

STATES OF JERSEY



Jersey

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

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

STATES GREFFE

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

PAGE 180, ARTICLE 76 –

- (1) After Article 76 insert –

77 Review of Law’s implementation

The Committee must, within 3 years after the rest of this Law comes into force under Article 102(3), carry out and publish a review of how this Law is operating.

78 Involvement of people with disabilities in Law’s implementation

- (1) The Committee must consult appropriate representatives –
- (a) in carrying out its main function under Article 57(1); and
 - (b) in carrying out and publishing the review under Article 77.
- (2) In this Article, “appropriate representatives” means persons that the Committee considers to be representative of people with disabilities who are resident in Jersey.

- (2) Renumber the subsequent Articles and cross-references accordingly.

ASSISTED DYING REVIEW PANEL

REPORT

[Review of Law’s implementation and involvement of representatives of people with disabilities]

Introduction

The purpose of the Assisted Dying Review Panel’s (“the Panel”) proposed amendment is to strengthen transparency, accountability and inclusivity in the implementation of the assisted dying framework by:

- introducing a new Article 77 requiring an early statutory review of how the Law is operating, to be completed and published within three years of full commencement; and
- introducing a new Article 78 requiring the Assisted Dying Assurance and Delivery Committee (“the Committee”) to consult appropriate representatives of people with disabilities during implementation and when conducting the post-implementation review.

The amendment has four principal objectives:

1. **Assurance and accountability:** to ensure that the operation of a new, sensitive service is independently scrutinised and the findings published within a clear timeframe (Article 77).
2. **Inclusive, lived-experience oversight:** to embed the voices of disabled Islanders in implementation and review (Article 78).
3. **High-quality, practicable guidance:** to support the Minister and the Committee in ensuring that operational guidance reflects the breadth of disability and provides for reasonable adjustments and proportionate safeguards.
4. **Public confidence:** to demonstrate transparent governance and continuous improvement from the outset of service delivery.

Rationale for the Amendment

Early statutory review (Article 77)

The Panel considers a time-bound review to be an essential component of safe and effective implementation. Setting the review at within three years of the Law’s full commencement (Article 102(3)) ensures that:

- Safety and proportionality are tested promptly against real-world practice, so that any emerging risks, barriers or unintended consequences can be identified and addressed.
- Islanders will be able to see an accessible, published account of how the Law is operating, including methodology, metrics, findings and recommended improvements – which strengthens transparency.
- Continuous improvement is embedded early. Operational guidance, training, safeguards and service design can be updated in light of evidence.
- Clear accountability is established, with the Committee given a specific duty and deadline, preventing open-ended or indeterminate review timetables.

Disability-inclusive implementation and review (Article 78)

The amendment creates a statutory requirement for the Committee to consult “appropriate representatives” of people with disabilities who are resident in Jersey:

- During implementation and oversight (Article 57(1)); and
- When conducting the three-year review (Article 77).

This flexible definition allows the Committee to engage with organisations and lived-experience groups as they evolve. Without being exhaustive, relevant stakeholders are likely to include Enable Jersey, Autism Jersey, ADHD Jersey, Liberate, EYECAN, and AllMatters, among others.

Embedding consultation in law:

- Ensures that disability perspectives inform operational guidance, communication protocols, training and reasonable adjustments.
- Supports proportionate and tailored safeguards, with attention to consent, capacity, and protection from undue influence.
- Strengthens public confidence by ensuring that those most affected have a structured voice in decision-making and subsequent evaluation.

By coupling Article 77 with Article 78 (consultation duty), the review will be informed by appropriate representatives of disabled Islanders, ensuring an equality-impact lens is applied to findings and recommendations.

Expert advice informing the Panel's approach

The Panel's amendment is based on the formal advice and recommendation of its expert advisers. In their report¹ to the Panel, the advisers highlighted the UN Convention on the Rights of Persons with Disabilities (UNCRPD) principles on equal recognition before the law and the requirement that States provide access to the support people may require to exercise legal capacity. The advisers emphasised that any measures regarding legal capacity must respect the person's rights, will and preferences, be free from conflicts of interest and undue influence, and be proportionate and tailored to the person's circumstances.

The advisers also examined concerns raised in submissions received by the Panel during its review (including from Dr John Stewart-Jones/Jersey Dying Well Group²) about potential risks to disabled people if "suffering" features in eligibility criteria. The advisers noted that Jersey's draft Law limits eligibility to people with a terminal illness, so it does not create a premise that disability-related suffering alone could lead to eligibility. Conversely, excluding terminally ill disabled people *because of their disability* would fail to support equal recognition under the law. The appropriate approach is to ensure support to exercise legal capacity for those eligible and seeking an assisted death, combined with proportionate and tailored safeguards.

The expert advisers recommended³ either establishing a Disability Advisory Board or, if more appropriate for Jersey, adding an article requiring official representation from Islanders with disabilities in decision-making during implementation and in reviewing the operation post-implementation. The Panel has adopted the latter approach through Article 78 and has complemented it with Article 77 to ensure that a timely, published review occurs and is formally informed by disability representatives.

¹ [S.R.1/2026 – Interim Report – Review of the Draft Assisted Dying Legislation 14 January 2026](#)

² [Written Submission – Dr John Stewart-Jones / Jersey Dying Well Group – 7 November 2025](#)

³ Expert Advisers Recommendation 3: That serious consideration be given to: iii. adding an article in the draft law that would require the establishment of a Disability Advisory Board to report on the implementation of the law and implications for disabled Islanders; OR, iv. if more appropriate for Jersey, adding an article to the draft law that would stipulate that there should be official representation from Islanders with disabilities in decision-making during implementation of the law, and reviewing the operation of the law post-implementation.

Guidance: breadth of disability and practical safeguards

A written submission⁴ that the Panel received during its review from EYECAN highlights the importance of proactive engagement, accessible information, and appropriate formats (e.g., audio access, plain language, and suitable font sizes), noting that assumptions about accessibility are a key barrier to disabled Islanders being able to access and engage with information effectively. The Panel considers that consulting disability stakeholders as part of early implementation and during a review of the Law's implementation will help identify how to strengthen operational guidance, particularly in areas such as:

- **Broad scope of disability:** including physical, sensory, learning, cognitive, mental health and neurodivergent conditions; fluctuating and hidden disabilities; and co-morbidities.
- **Communication and accessibility:** formats (large print, Braille, Easy Read, Plain English), interpreters (including BSL/ISL), assistive technologies, and accessible venues.
- **Reasonable adjustments:** tailored approaches across the pathway (information-giving, capacity assessment, consent, scheduling, environment).
- **Capacity and safeguards:** approaches that respect will and preferences; managing undue influence; conflict-of-interest protections; proportionate, case-by-case safeguards.
- **Support to exercise legal capacity:** enabling decision-making support without substituting the person's decision; documentation of supports used.
- **Feedback and concerns:** confidential routes to raise issues, whistle-blowing protections, and accessible complaints/appeals mechanisms.
- **Data, monitoring and learning:** agreed indicators (including disability-relevant metrics) to support the Article 77 review and ongoing improvement.

Conclusion

The Panel considers the amendment to be a necessary and proportionate enhancement to the draft Law. It couples a clear, published review within three years (Article 77) with a statutory duty to consult disability representatives (Article 78). Together, these measures:

- strengthen safety, transparency and public confidence
- ensure that implementation and review are informed by lived experience
- provide a practical means to refine guidance, safeguards and service delivery in Jersey.

The Panel urges Members to support the amendment.

Financial and staffing implications

The Panel considers that the duties created by this amendment are limited and targeted. Article 77 consolidates review work within the Committee's existing oversight functions, with what are likely to be modest additional analytical and publication costs. Article 78 requires structured consultation that can be planned alongside implementation activities. Some minor costs may arise (e.g., accessible formats, interpreters, meeting facilitation, reimbursement for lived-experience participation). The Panel considers that these are proportionate to the benefits of improved safety, quality and public confidence.

⁴ [Written Submission – EYCAN – 10 November 2025](#)

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](#).