

The Baroness Berridge  
House of Lords  
London  
SW1A 0PW

MoJ ref: SUB131443

2 February 2026

Dear Elizabeth,

**TERMINALLY ILL ADULTS (END OF LIFE BILL) – UNDUE INFLUENCE**

Thank you for your question during Committee Stage on Friday 9 January on the issue of “undue influence” and the Government’s view on adding this term into the Terminally Ill Adults (End of Life) Bill.

As you know, the Government is neutral on this Bill and does not hold a policy position on assisted dying. The policy behind the amendments proposed by Lord Carlile is a matter for him as the proposer.

In exercising the Government’s duty to ensure the legislation, if passed, is legally robust and workable, the Government has worked with the Sponsors of the Bill. It is for this reason that the Government set out during Committee stage in the Commons – and Minister Sackman KC MP reiterated in correspondence to Rebecca Paul MP - the way in which the terms currently used in the criminal offences (‘coercion’ and ‘pressure’) work elsewhere in the criminal law, together with the practical risks raised by inserting unnecessary definitions and additional terms. The inclusion of unnecessary definitions and additional, overlapping terms in the offences risks generating uncertainty and confusion rather than providing additional clarity. I thought it might be helpful if I were to repeat in this letter the Government’s view, as conveyed to Rebecca Paul MP.

The terms ‘dishonesty’, ‘coercion’ and ‘pressure’ are not defined in clause 34 and therefore will carry their ordinary meaning. These are common terms, well understood and regularly used by courts in the context of criminal offences. Where the terms ‘coercion’ and ‘pressure’ are used in existing offences, they are not accompanied by statutory definitions. We are not aware of any judicial rulings which provide additional non-statutory definitions of these expressions in criminal offences. The Courts have applied these words using their ordinary meanings in the context of the specific criminal offences to which they relate. This is what Parliament intended. We are not aware of any difficulties in relation to the application of these terms and they capture a wide range of behaviours including subtle forms of pressure and coercion.

By way of example, *section 76 of the Serious Crime Act 2015 ('SCA 2015')* creates the offence of 'controlling or coercive behaviour in an intimate or family relationship'. The legislation does not provide a statutory definition of 'coercive behaviour'. That is because Parliament intended the term to have its natural meaning covering a wide range of 'coercive behaviour' as that expression is commonly understood. The Courts have not ruled that there should be a more precise definition of the terms 'coercion' or 'coercive behaviour' in the context of s76 of the SCA. Indeed, in *F v M* [2021] EWFC 4, Mr Justice Hayden stated that the expression 'controlling and coercive behaviour' is '*not given any legal definition and [...] it does not require one.*' It was held that the term is '*unambiguous*' and understanding its scope involves recognition that 'coercion' will '*usually involve a pattern of acts encompassing, for example, assault, intimidation, humiliation and threats*'.

Statutory guidance published by the Home Office in April 2023 and CPS Legal Guidance (cited in numerous cases in relation to s.76) describe a wide range of acts which can amount to 'coercive or controlling' behaviour. There is a wide range of behaviour that can be categorised as 'coercive' or 'controlling' given the ordinary meaning of the words. This is reflected in the caselaw, which includes convictions for exercising control over a partner's daily routine and clothing, isolating them from friends, family and support networks and being verbally abusive and threatening (*R v Masters* [2023] EWCA Crim 1452). Other examples are; restricting access to a doctor, not allowing them to work in order to ensure financial dependence and isolating them from friends and family (*R v Drew* [2024] EWCA Crim 1537).

*Section 184 of the Online Safety Act 2023* creates the offence of 'encouraging or assisting serious self-harm.' Section 184(11) provides that "*an act that is capable of encouraging the serious self-harm of another person includes a reference to doing so by threatening another person **or otherwise putting pressure on another person** to seriously self-harm*". The term 'pressure' is not given a statutory definition and therefore it has ordinary meaning. Similarly, *s.65(1) of the Serious Crime Act 2007*, which creates the inchoate offences that are set out in that Act, provides that "*a reference to a person's doing of an act that is capable of encouraging the commission of an offence includes a reference to his doing so by threatening another person **or otherwise putting pressure on another person** to commit an offence.*" The term 'pressure' is again undefined.

The question as to whether the terms 'coercion' and 'pressure' are broad enough to encompass the concept of 'undue influence' (which we take to mean a situation where a person improperly influences another in order to reach a particular decision) will ultimately come down to how these words are interpreted.

It is the Government's view that it is likely that behaviour which involves exerting undue influence would fall within the normal meaning of 'pressure' or 'coercion'. As I have already said, examining the caselaw shows that these terms are interpreted broadly by the courts and cover a wide range of behaviour.

This persuades us that it is unnecessary to include additional terms that overlap with the existing wording of the clause. To do so increases the risk that the courts will conclude that Parliament must have intended the words to have distinct and additional meanings. This might have an effect on the interpretation of the terms in other legislation, such as s.76 of the SCA.

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I hope that this explanation of the way these terms currently apply and the practical implications is helpful. Plainly, consideration of the policy remains a matter for Parliament. I shall arrange for a copy of this letter to be placed in the Library.

Yours ever,

A handwritten signature in black ink, appearing to read 'Hism' or 'Hism' with a stylized flourish.

**THE BARONESS LEVITT KC**

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