

Conscientious Objection (Medical Activities) Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 1

LORD STEEL OF AIKWOOD
BARONESS THORNTON
BARONESS BARKER

- 1★ Page 1, line 2, leave out from “No” to “in” and insert “person with a conscientious objection to participating in a hands-on capacity”

LORD WINSTON

- 2 Page 1, line 2, after “practitioner” insert “, or member of technical, management or laboratory staff, or ancillary staff such as an operating theatre assistant or a porter working in a medical capacity,”

LORD STEEL OF AIKWOOD
BARONESS THORNTON
BARONESS BARKER

- 3★ Page 1, line 2, after “in” insert “a hands-on capacity in”

BARONESS MEACHER
LORD CASHMAN
LORD FINKELSTEIN

- 4★ Page 1, line 3, leave out paragraph (a)

- 5★ Page 1, line 3, after “treatment” insert “from a person who has not made a valid and applicable Advance Decision to Refuse Treatment under the provisions of the Mental Capacity Act 2005”

LORD WINSTON

- 6 Page 1, line 3, at end insert “where death is considered to be imminent”

Clause 1 - continued

- 7 Page 1, line 5, after “1990” insert “except—
 (i) any treatment by in vitro fertilisation which does not involve the production of spare embryos or the storage of gametes and zygotes, or
 (ii) research requiring human embryos,”

BARONESS BARKER
 LORD TURNBERG
 LORD STEEL OF AIKWOOD

- 8★ Page 1, line 7, leave out “prepare for, ”

- 9★ Page 1, line 7, leave out “, support”

LORD WINSTON

- 10 Page 1, line 8, at end insert “or counselling of patients or couples considering termination of pregnancy”

BARONESS THORNTON
 BARONESS PROSSER
 BARONESS BARKER
 BARONESS WATKINS OF TAVISTOCK

- 11★ Page 1, line 9, at end insert “, except where a conscientious objection to participate in any of these activities would prevent another person from accessing a legal healthcare treatment”

BARONESS THORNTON

- 12★ Page 1, line 9, at end insert “except to the extent that refusing to participate in any of these activities would amount to refusing treatment necessary to save the life of, or prevent serious deterioration in the health of, any patient”

LORD WINSTON

- 13★ Page 1, line 9, at end insert—

“() The provision for conscientious objection under subsection (1)(c) does not apply to circumstances where, in the expert opinion of two obstetricians, the foetus suffers from severe damage or deformity which is regarded as being incompatible with life beyond the first week after delivery.”

- 14★ Page 1, line 9, at end insert—

“() Any medical practitioner declaring themselves to be a conscientious objector under subsection (1) must, in the relevant circumstances, inform their patients and ensure that any patient who consults them for services involving reproductive medicine, abortion, contraception or other relevant services is referred to another practitioner who it is understood is not likely to object to provision of these services.”

Clause 1 - continued

BARONESS THORNTON
BARONESS BARKER
BARONESS WATKINS OF TAVISTOCK

15★ Page 1, line 9, at end insert –

“() Any person (B) with a conscientious objection to participating in an activity must –

- (a) notify the relevant registering or licensing body of their conscientious objection;
- (b) inform their employers, clinical partners or colleagues of their conscientious objection;
- (c) refer any patient seeking treatment to which B conscientiously objects to a colleague who does not have a conscientious objection;
- (d) inform the patient that B has a conscientious objection to providing that treatment;
- (e) not obstruct any patient from accessing services.

BARONESS CHAKRABARTI
BARONESS THORNTON

16★ Page 1, line 10, leave out “subsection (1)” and insert “this Act”

17★ Page 1, line 11, leave out from “person” to end of line 15 and insert “participating in an activity”

18★ Page 1, line 14, leave out paragraph (c)

LORD STEEL OF AIKWOOD
BARONESS THORNTON
BARONESS BARKER

19★ Page 1, line 16, leave out from “activity” to end of line 17 and insert “means taking part in a hands-on capacity”

20★ Page 1, line 16, leave out “supervision,”

21★ Page 1, line 16, leave out “delegation.”

22★ Page 1, line 17, leave out “planning”

23★ Page 1, line 17, leave out “or supporting of staff”

BARONESS BARKER
LORD TURNBERG

24★ Page 1, line 18, leave out subsection (3)

Clause 1 - continued

LORD WINSTON

25★ Page 1, line 18, leave out subsection (3) and insert—

- “(3) It is a requirement of this Act that any medical practitioner who believes in good faith that they are likely to be a conscientious objector to participating in the activities in subsection (1) must declare their concerns on application for appointment to medical or nursing posts involving—
- (a) intensive care;
 - (b) severe chronic neurological disease;
 - (d) geriatric medicine;
 - (e) obstetrics and gynaecology;
 - (f) reproductive medicine;
 - (g) neonatal care;
 - (h) oncology and haematology;
 - (i) genitourinary medicine or surgery;
 - (j) the provision of contraceptive services;
 - (k) the provision of anaesthesia;
 - (l) psychiatric medicine and family counselling.”

BARONESS CHAKRABARTI
BARONESS THORNTON

26★ Page 1, line 19, after “of” insert “or does not make use of”

BARONESS BARKER

27★ Page 1, line 19, after “section” insert “, except where the absence of a conscientious objection is an occupational requirement,”

BARONESS BARKER
LORD TURNBERG

28★ Page 1, line 23, after “service” insert “, except where the absence of a conscientious objection is an occupational requirement for such opportunities”

BARONESS BARKER

29★ Page 2, line 9, leave out “protections and”

BARONESS THORNTON

30★ Page 2, line 12, at end insert—

- “() Nothing in this Act shall be taken to interfere with a person’s access to legal treatments permitted by the Abortion Act 1967 or the Human Fertilisation and Embryology Act 1990.”

Clause 1 - continued

BARONESS MEACHER
LORD CASHMAN

31★ Page 2, line 12, at end insert –

“() Nothing in this Act shall be taken to interfere with a person’s right to refuse treatment in advance under sections 24 and 25 of the Mental Capacity Act 2005.”

BARONESS THORNTON

Baroness Thornton gives notice of her intention to oppose the Question that Clause 1 stand part of the Bill.

In the Title

BARONESS BARKER

32★ Line 1, leave out “Clarify the extent to” and insert “An Act to extend the circumstances in”

33★ Line 1, leave out “medical practitioner” and insert “person”

34★ Line 2, after “participating” insert “in a hands-on capacity”

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21 March 2018
