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**B I L L**

TO

Clarify the extent to which a medical practitioner with a conscientious objection may refrain from participating in certain medical activities; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Conscientious objection**

- (1) No medical practitioner with a conscientious objection to participating in—
- (a) the withdrawal of life-sustaining treatment;
  - (b) any activity under the provisions of the Human Fertilisation and Embryology Act 1990; or
  - (c) any activity under the provisions of the Abortion Act 1967, including activity required to prepare for, support or perform termination of pregnancy,
- shall be under any duty to so participate. 5
- (2) For the purposes of subsection (1)— 10
- “medical practitioner” means any person appearing in the registers of—
- (a) the General Medical Council,
  - (b) the Nursing and Midwifery Council,
  - (c) the Health and Care Professions Council, or
  - (d) the General Pharmaceutical Council; 15
- “participating in an activity” includes any supervision, delegation, planning or supporting of staff in respect of that activity.
- (3) An employer (A) must not discriminate against or victimise an employee of A’s (B) who makes use of the protections set out in this section— 20
- (a) as to B’s terms of employment;
  - (b) in the way A affords access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
  - (c) by dismissing B;

- (d) by subjecting B to any other detriment.
- (4) In any legal proceedings—
  - (a) the burden of proof of conscientious objection shall rest on the person claiming to rely on it;
  - (b) a statement on oath by a person to the effect that they have a conscientious objection shall be sufficient evidence for the purpose of discharging the burden of proof imposed upon them under subsection (4)(a). 5
- (5) Nothing in this Act shall be taken to diminish any protections and exclusions in section 4 of the Abortion Act 1967 (conscientious objection to participation in treatment) or section 38 of the Human Fertilisation and Embryology Act 1990 (conscientious objection). 10

## **2 Extent, commencement and short title**

- (1) This Act extends to England and Wales.
- (2) This Act comes into force on the day on which it is passed. 15
- (3) This Act may be cited as the Conscientious Objection (Medical Activities) Act 2017.



# Conscientious Objection (Medical Activities) Bill

## [HL]

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To clarify the extent to which a medical practitioner with a conscientious objection may refrain from participating in certain medical activities; and for connected purposes.

*Baroness O'Loan*

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