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TO

Decriminalise the consensual termination of a pregnancy which has not exceeded its twenty-fourth week and in other prescribed circumstances; and to create a criminal offence for non-consensual termination of pregnancy.

BE 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 Amendment of criminal law in relation to consensual termination of pregnancy

- (1) Sections 58 (administering drugs or using instruments to procure abortion), 59 (procuring drugs, &c., to cause abortion) and 60 (concealing the birth of a child) of the Offences Against the Person Act 1861 are omitted. 5
- (2) Subject to section 2 of this Act, a person shall not be guilty of an offence relating to abortion where a pregnancy that has not exceeded its twenty-fourth week is terminated.
- (3) The Abortion Act 1967 is amended as follows—
- (a) omit paragraph (a) of section 1(1); 10
- (b) in section 1(2), omit “(a) or”;
- (c) for paragraph (b) of section 2(1) substitute—
- “(b) for requiring a person of such description as may be so prescribed to give such notice of the termination of a pregnancy, and such other information relating to the termination, as may be so prescribed;” 15
- (d) in section 4(1) (conscientious objection to participation in treatment), for “treatment authorised by this Act” substitute “treatment for the termination of pregnancy”;
- (e) after section 4(3), insert— 20
- “(4) The duty of—
- (a) the Secretary of State under section 1 of the National Health Service Act 2006, and

- (b) the Welsh Ministers under section 1 of the National Health Service (Wales) Act 2006 includes a duty to provide or secure services such that timely access to treatment for the termination of pregnancy is not impeded by the operation of subsection (1).”; 5
- (f) after section 5(2), insert—
- “(3) Nothing in section 1 or 3, or in subsection (2) of this section, applies to conduct which, as a result of the Abortion Act 2020, ceases to be an offence under the Offences Against the Person Act 1861 or the Infant Life (Preservation) Act 1929.”; 10
- (g) in section 6, omit “sections 58 and 59 of the Offences Against the Person Act 1861, and”.

2 Non-consensual termination of pregnancy

- (1) A person (A) commits an offence if— 15
- (a) in relation to a woman (B) A commits any unlawful act involving the use or threat of force, or the administration of any substance capable of causing abortion, 15
- (b) A believes that B is pregnant or is reckless as to whether she is pregnant, and
- (c) A intends to cause B’s abortion or is reckless as to whether her abortion results. 20
- (2) For the purposes of subsection (1)—
- (a) an act done by or with the assistance or consent of B, or done in good faith by a registered medical practitioner, registered nurse or registered midwife, is not to be considered unlawful, 25
- (b) but B is not to be treated as consenting to the administration of a substance unless she is aware of its nature as a substance capable of causing abortion.
- (3) A person guilty of an offence under subsection (1) is liable on conviction on indictment to imprisonment for life or for any shorter term. 30

3 Extent, commencement and short title

- (1) This Act extends to England and Wales only.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Abortion Act 2020.

Abortion Bill [HL]

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Baroness Barker

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