

Prohibition of Abortion (England and Wales) Bill

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TO

Prohibit the aborting of foetuses in England and Wales unless the mother's life is at risk, or where conception has been caused by rape; to make it an imprisonable offence for anyone to carry out an abortion other than in those circumstances; and for connected purposes.

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 the Abortion Act 1967

- (1) The Abortion Act 1967 (c. 87) is amended in accordance with subsections (2) to (9).
- (2) Section 1 (medical termination of pregnancy) shall cease to have effect.
- (3) After section 1 insert—

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“1A Medical termination of pregnancy: England and Wales

- (1) Subject to the provisions of this section, a person shall not be guilty of an offence under the law relating to abortion when a pregnancy is terminated by a registered medical practitioner if two registered medical practitioners are of the opinion, formed in good faith that—
 - (a) the continuance of the pregnancy would involve risk to the life of the pregnant woman, greater than if the pregnancy were terminated; or
 - (b) the conception leading to the pregnancy of the woman was caused by rape.
- (2) Except as provided by subsection (4) of this section, any treatment for the termination of pregnancy in England and Wales must be carried out in a hospital vested in the Secretary of State for the purposes of his functions under the National Health Service Act 1977 or in a hospital vested in a Primary Care Trust or a National Health Service trust or an NHS foundation trust or in a place approved for the purposes of this section by the Secretary of State.

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- (3) The power under subsection (2) of this section to approve a place includes power, in relation to treatment consisting primarily in the use of such medicines as may be specified in the approval and carried out in such manner as may be so specified, to approve a class of places.
- (4) Subsection (2) of this section, and so much of subsection (1) as relates to the opinion of two registered medical practitioners, shall not apply to the termination of a pregnancy by a registered medical practitioner in a case where he is of the opinion, formed in good faith, that the termination is immediately necessary to save the life of the pregnant woman.

1B Unlawful termination of pregnancy: England and Wales

- (1) It shall be an offence for a person to –
- (a) carry out an abortion,
 - (b) do anything with intent to procure a woman’s miscarriage, or
 - (c) (in the case of a woman carrying more than one foetus), do anything with intent to procure her miscarriage of any foetus, in England and Wales other than in circumstances permitted under section 1A.
- (2) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for life.”
- (4) In section 2 (notification), in subsection (1)(a), after the words “section 1”, insert the words “or 1A”.
- (5) In section 3 (application of Act to visiting forces, etc.), in subsection (1), after the words “section 1”, insert the words “or 1A”.
- (6) In section 4 (conscientious objection to participation in treatment), in subsection (2), the words “or to prevent grave permanent injury to the physical or mental health” shall cease to have effect.
- (7) In section 5 (supplementary provisions) –
- (a) in subsection (2), after the words “section 1”, insert the words “or 1A”; and
 - (b) for the words from the first reference to “that section” in subsection (2) to the end of the subsection, substitute the words “section 1A if either of the grounds for termination of the pregnancy specified in that section is met”.
- (8) Section 6 (interpretation) shall cease to have effect.
- (9) After section 6, insert –
- “6A Meaning of ‘the law relating to abortion’: England and Wales**
- (10) In this Act, ‘the law relating to abortion’ means –
- (a) sections 58 and 59 of the Offences against the Person Act 1861,
 - (b) section 1B of this Act, and
 - (c) any rule of law relating to the procurement of abortion.”
- (11) The Schedule (which contains repeals of certain provisions of the Abortion Act 1967 in relation to England and Wales) shall have effect.

2 Short title, commencement and extent

- (1) This Act may be cited as the Prohibition of Abortion (England and Wales) Act 2005.
- (2) This Act shall come into force on the expiration of the period of six months beginning with the date on which it is passed.
- (3) This Act extends to England and Wales only.

SCHEDULE

Section 1(10)

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Abortion Act 1967 (c. 87)	Section 1. In section 4(2), the words “or to prevent grave permanent injury to the physical or mental health”. Section 6.	5

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To prohibit the aborting of foetuses in England and Wales unless the mother's life is at risk, or where conception has been caused by rape; to make it an imprisonable offence for anyone to carry out an abortion other than in those circumstances; and for connected purposes.

*Presented by Mr Laurence Robertson
supported by
Mr David Amess, Mr Julian Brazier and
Sir Nicholas Winterton.*

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to be printed, 22nd June 2005.*

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