
ABORTION REFORM BILL 2018

**CONCATENATED LIST OF AMENDMENTS FOR
CLAUSES STAGE**

AMENDMENTS TO CLAUSE 3

1. Page 7, line 13, at the beginning insert “(1)”. (Mrs Caine)
2. Page 7, line 15 for the words following “procure” to the end of the line substitute “the termination of a woman’s pregnancy”. (Mrs Caine)
3. Page 7, for lines 20 and 21 substitute—
“**“health”** means the physical and mental health of the person or foetus;”. (Mr Robertshaw)
4. Page 8, lines 1 to 3 omit the definition of “**health care professional**”. (Mrs Caine)
5. Page 8 after line 11 insert—
“**“pharmacist”** means is registered pharmacist within the meaning of the Pharmacy Order 2010¹;
“**relevant product**” has the meaning given by section 11(1);
“**relevant professional**” means a person who, for the time being falls within paragraph (a) or (d) of the definition of “health care professional” in section 3 of the *Health Care Professionals Act 2014*;
“**specified**” means specified in regulations;”. (Mrs Caine).
6. Page 8, after line 15 insert—
“(2) References in this Act to the termination of a woman’s pregnancy are references to its termination by artificial means (whether chemical or surgical) in circumstances where it is intended that a foetus will not be delivered alive (and references to “**termination**” are to be construed accordingly.

¹ S.I. 2010/231.

- (3) References in this Act to a fine of a specified level are references to the level of fine specified for the time being on the standard scale.”. (Mrs Caine).

AMENDMENT TO CLAUSE 4

7. Page 8, line 21 for “medical practitioner” substitute “registered medical practitioner”. (Mr Hooper).

AMENDMENT TO CLAUSE 6

8. Page 9, line 4, for “14” substitute «12». (Mr Robertshaw)
9. Page 9, line 6 for “15th” substitute «13th». (Mr Robertshaw)
10. Page 9, line 7 for “23rd” substitute «21st». (Mr Robertshaw)
11. Page 9, line 9 for “the registered medical practitioner attending her is” substitute «two registered medical practitioners are». (Mr Robertshaw)
12. Page 9, omit lines 20 and 21 (subsection (7) of the Clause). (Mr Quayle) (Mr Robertshaw)

Renumber the succeeding subsections of the Clause and adjust cross-references as necessary.

Note: If this amendment fails, Mr Quayle will moved the following as an alternative —

13. Page 9, at the end of line 21 add —
- «and this is supported by evidence in writing as may be specified in regulations from an appropriately qualified professional.
- Here “appropriately qualified professional” means—
- (a) a consultant psychiatrist;
 - (b) a consultant surgeon; or
 - (c) a person possessing such other qualifications as may be specified in regulations.
- Tynwald procedure for regulations under this subsection — approval required.» (Mr Quayle)*
14. Page 9, line 22 for “24th” substitute «22nd». (Mr Robertshaw)

15. Page 9, line 24 for “the registered medical practitioner attending her is” substitute «two registered medical practitioners are». (Mr Robertshaw)
16. Page 9, omit lines 36 and 37 (and adjust the structure of paragraph (d) of subsection (8) accordingly). (Mr Robertshaw)
If this amendment succeeds, amendments 17 and 18 necessarily fall.
17. Page 9, line 36 for “significant” substitute “serious”. (Mr Robertshaw)
18. Page 9, line 37 for “limit either the length or quality of the child’s life” substitute «limit both the length and quality of the child’s life». (Mr Robertshaw)
19. Page 9, after line 37 insert the following subsection—
“(*)² So much of subsections (3) and (8) as relates to the opinion of two medical practitioners does not apply to the termination of a pregnancy by a registered medical practitioner in a case where that practitioner is of the opinion, formed in good faith, that the termination is immediately necessary to save the life or to prevent grave permanent injury to the physical health of the pregnant woman.”. (Mr Robertshaw)
20. Page 9, after line 37 (and after the preceding amendment if successful) insert the following subsection —
“(*) The Department must secure the provision of appropriate counselling and support for women seeking a termination under this Act.”. (Mr Robertshaw).
21. Page 9, line 40 omit “and”. (Mr Robertshaw)
22. Page 10, line 22 for “disabled people” substitute “people with disabilities”. (Mr Thomas)
23. Page 10, after line 22 insert the following new subsections at the end of the Clause—
“(*)³ The Department may by order amend this section so as to reduce the time limit in subsection (2) or subsection (8).
(**) An order under subsection (*) may consequentially amend subsection (3) and sections 11(2) and 15(1).
Tynwald procedure — approval required.”. (Mr Cregeen)

² The precise numbering of these subsections is dependent upon the success (or failure) of earlier amendments to the Clause.

³ The precise numbering of these subsections is dependent upon the success (or failure) of earlier amendments to the Clause.

AMENDMENT TO CLAUSE 7

24. Page 11, for lines 1 and 2 substitute—
“Maximum penalty (on information) for subsection (2) — fine or 7 years’ custody.”
 Mrs Caine

AMENDMENTS TO CLAUSE 8

25. Page 11, line 5 for “subsection (3) and (4)” substitute “subsections (2) to (4)”.
 (Mr Robertshaw)
Note the subsection (2) referred to in this amendment is that proposed to be inserted by amendment 32 or 33 below, and which of them is selected is itself dependent upon whether amendments 27 and 29 are accepted.
26. Page 11, line 5 for “health care professional” substitute “relevant professional or pharmacist”. (Mrs Caine)
27. Page 11, line 7 for “treatment” substitute “activity”. (Mr Robertshaw)
28. Page 11, line 8 for “the health care professional” substitute “that person”. (Mrs Caine)
29. Page 11, line 9 for “treatment” substitute “activity”. (Mr Robertshaw)
30. Page 11, after line 9 insert —
 “(2) The Department must not—
 (a) refuse to employ a person on the ground that the person may refuse to participate in an activity authorised by this Act in reliance upon subsection (1); or
 (b) terminate the employment of a person who refuses to participate in such an activity on that basis.”. (Mr Robertshaw)
Renumber the succeeding provisions of the Clause and adjust cross-references accordingly.
31. Page 11, after line 9 (and amendment 30 if successful) insert—
 “(2) A person who intends to rely upon subsection (1) must, within 14 days of being required for the first time to participate in an activity in respect of which the person has a conscientious objection, give notice in writing to that effect to the person who imposed the requirement and (if the requirement was not imposed by the Department) to the Department.”.
 (Mr Robertshaw)

Renumber the subsequent subsections of the Clause and adjust cross-references accordingly

32. Page 11, after line 9 and amendments 30 and 31 if successful insert —
- “(2) In any legal proceedings, a statement in writing and on oath or affirmation by a person that he or she has a conscientious objection to participating in any treatment authorised under this Act is conclusive evidence of that objection.”. (Mr Robertshaw)

33. Page 11, after line 9 (and amendment 30 and 31) if successful insert—
- “(2) In any legal proceedings, a statement in writing and on oath or affirmation by a person that he or she has a conscientious objection to participating in any activity authorised or required under this Act is conclusive evidence of that objection.”. (Mr Robertshaw)

Note: only one of the two amendments immediately above will be moved, depending upon the success or failure of the amendments proposed at page 11, line 7 and page 11, line 9 (substituting references to “activity” for the references to “treatment” in the Bill as printed).

34. Page 11, omit lines 10 and 11 (subsection (2) of the Clause in the Bill as printed). (Mr Ashford).

Renumber the succeeding provisions of the Clause, and adjust cross-references accordingly.

35. Page 11, line 17 for “health care professional” substitute “relevant professional or pharmacist”. (Mrs Caine)
36. Page 11, line 20 for “health care professional” substitute “relevant professional or pharmacist (as the case requires)”. (Mrs Caine)
37. Page 11, line 23 for “health care professional” substitute “relevant professional or pharmacist”. (Mrs Caine)
38. Page 11, for line 28 substitute —
- “(b) (summary) 12 months’ custody or a level 5 fine.”. (Mrs Caine)

AMENDMENT TO CLAUSE 9

39. Page 11, line 35 for “registered medical practitioner” substitute “relevant professional or pharmacist” (Mrs Caine)

AMENDMENTS TO CLAUSE 10

40. Page 12, for line 22 substitute—
- “10 Providing advice about the termination of pregnancy”.** (Mrs Caine)
41. Page 12, for lines 23 to 25 substitute—
- “For clarity, a person does not commit an offence—” (Mrs Caine).

AMENDMENTS TO CLAUSE 11

42. Omit the text from the beginning of line 37 on page 12 to the end of line 1 on page 13 and substitute—
- “(a) designed or intended to procure the termination of a woman’s pregnancy; and
- (b) prescribed for or supplied to her with a view to the termination of her pregnancy”. (Mrs Caine)
43. Page 13, lines 9 and 10 for “her miscarriage” substitute “the termination of her pregnancy”. (Mrs Caine)
44. Page 13 —
- (a) in line 10 after “otherwise than” insert “in accordance with this Act, commits an offence.”; and
- (b) in consequence of that amendment omit lines 11 to 14. (Mr Robertshaw)
45. Page 13, leave out line 16 to 21 (subsection (4) of the Clause). (Mr Cannan)
46. Page 13, line 20 for “her miscarriage” substitute “the termination of her pregnancy”. (Mrs Caine) *(This amendment falls if amendment 45 succeeds).*

NEW CLAUSE 1

47. Page 13, after line 21 insert the following Clause—

“NC1 Termination of pregnancy on the grounds of the sex of the foetus

- (1) Nothing in section 6 or 11 is to be construed as permitting a pregnancy to be terminated on the grounds of the gender of the foetus.

- (2) For the sake of clarity, subsection (1) does not prevent the termination of a foetus of a particular gender if there are reasonable grounds to believe that the foetus will suffer from a genetic disorder which is more likely to occur in a foetus of one gender than the other.

Note: Subsection (1) precludes the termination of a foetus purely because of its gender. But subsection (2) makes it clear that if, for example, the family history indicates a predisposition to a genetic disorder particularly associated with one gender rather than the other, a termination of a foetus of that gender would not be precluded.”.

Renumber succeeding Clauses of the Bill and adjust cross-references accordingly. (Mr Quayle)

NEW CLAUSE 2

48. Page 13, after line 21 insert the following new Clause—

«NC2 Duty of medical professional following termination

1995/14/6(5)

Where a pregnancy is terminated in accordance with this Act —

- (a) if the child is born alive, the medical practitioner, midwife or nurse attending the woman is under a duty to take all reasonable steps to preserve the life of the child; or
- (b) if there is no live birth, the foetus must be disposed of —
 - (i) in accordance with the wishes of the pregnant woman; or
 - (ii) in the absence of any direction by the pregnant woman, in accordance with the normal practice of the hospital or other facility where the termination occurs,

but neither the foetus nor any part of it may be used or made available for any medical or other experiment or procedure or for any purpose of any description without the express written consent of the mother.». (Mr. Robertshaw)

Renumber the following provisions of the Bill and adjust cross-references accordingly.

AMENDMENT TO CLAUSE 12

49. Page 13 lines 23 and 24 for “the miscarriage of a woman” substitute “the termination of a woman’s pregnancy”. (Mrs Caine)
50. Page 13, line 31 for “miscarriage” substitute “termination”. (Mrs Caine)
51. Page 13, for line 32 substitute—

«and for the purpose only of—

- (a) saving the woman’s life; or
- (b) avoiding grave permanent injury to the woman’s health.» (Mr Hooper).

AMENDMENT TO CLAUSE 13

52. Page 13, line 33 at the end insert «**and support**». (Mr Robertshaw)

AMENDMENT TO CLAUSE 14

53. Page 14, line 7 for “her miscarriage” substitute “the termination of her pregnancy”. (Mrs Caine)

AMENDMENTS TO CLAUSE 15

54. Page 14, lines 12 and 13 for “healthcare professional” substitute “relevant professional”. (Mrs Caine)

55. Page 14, line 19 for “prescribed” substitute “specified”. (Mrs Caine)

56. Page 14, after line 19 insert —

“(b) requiring any relevant professional or pharmacist who supplies a person with a relevant product, otherwise than in fulfilment of a prescription issued by another person—

- (i) to record the reasons for the supply and the circumstances; and
- (ii) to give notice of the supply and such other information relating to it, as may be specified;

Renumber the succeeding paragraph of the subsection. (Mrs Caine)

57. Page 14, after line 19 insert—

- a. Either (if Mrs Caine’s amendment at 56 is not accepted)—

“(b) requiring a relevant professional under a duty to comply with paragraph (a), except in a case where section 9(2) or (4) (women under disabilities) applies, to record that to the best of the relevant professional’s knowledge and belief, the woman freely consents to the termination of her pregnancy and has not been coerced into so doing; and”;

b. Or (if Mrs Caine's amendment at 56 is accepted)—

“(c) requiring a relevant professional under a duty to comply with paragraph (a) or (b), except in a case where section 9(2) or (4) (women under disabilities) applies, to record that to the best of the relevant professional's knowledge and belief, the woman freely consents to the termination of her pregnancy and has not been coerced into so doing; and”. (Mr Robertshaw)

Renumber the succeeding paragraph of subsection (1) accordingly.

58. Page 14, line 21 for “prescribed” substitute “specified”. (Mrs. Caine)

59. Page 14, line 25 for “(1)(b)” substitute “(1)”. (Mrs Caine)

60. Page 14, for line 29 substitute—

“Maximum penalty (summary) – level 5 fine.”. (Mrs Caine)