

# **SEVERE FETAL IMPAIRMENT ABORTION (AMENDMENT) BILL**

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## **EXPLANATORY AND FINANCIAL MEMORANDUM**

### **INTRODUCTION**

1. This Explanatory and Financial Memorandum has been prepared by Mr Paul Givan (“the Member”) in order to assist the reader of the Bill and to help inform the debate on it. It does not form part of the Bill and has not been endorsed by the Assembly nor the Executive.
2. The Memorandum should be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill, and where a clause or part of a clause does not seem to require any explanation or comment, none is given.

### **BACKGROUND AND POLICY OBJECTIVES**

3. The objective of this Bill is to amend the law on abortion in the case of non-fatal fetal disability.

### **CONSULTATION**

4. There has been no public consultation on this Bill.
5. The Northern Ireland Office conducted a public consultation on the proposals for abortion law reform that led to the Abortion (Northern Ireland) (No. 2) Regulations 2020. These measures were introduced without consultation with the Assembly.
6. On 2 June 2020, the Assembly held a debate about the nature of the Regulations in cases of abortion on the grounds of disability.<sup>1</sup> There was majority support for rejecting the inclusion of abortion on the grounds of non-fatal disabilities.

### **OPTIONS CONSIDERED**

7. In developing this legislation, the member considered the following options:

Option 1: do nothing

Option 2: To introduce a Bill that would reflect the debate of 2<sup>nd</sup> of June 2020.

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<sup>1</sup> <http://data.niassembly.gov.uk/HansardXml/plenary-02-06-2020.pdf>

## **OVERVIEW**

8. This Bill has two clauses.

## **COMMENTARY ON CLAUSES**

### **Clause 1: Amendment of abortion on the grounds of disability**

This clause amends Regulation 7 of the Abortion (Northern Ireland) (No. 2) Regulations 2020.<sup>2</sup> Subsection (3) would remove the ground for an abortion in cases of non-fatal disabilities (ie Regulation 7(1)(b) for all gestations).

### **Clause 2: Short title and commencement**

This clause sets out the short title and commencement (effective as of Royal Assent).

## **FINANCIAL EFFECTS OF THE BILL**

9. This Bill would have minimal financial implications.

## **HUMAN RIGHTS ISSUES**

10. The Member is satisfied that the Bill is human rights compliant.

## **LEGISLATIVE COMPETENCE**

11. At introduction, the sponsor of the Bill, Mr Paul Givan, made the following statement under Standing Order 30:

*“In my view the Severe Fetal Impairment Abortion (Amendment) Bill would be within the legislative competence of the Northern Ireland Assembly.”*

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<sup>2</sup> <http://www.legislation.gov.uk/uksi/2020/503/contents/made>





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