

Abortion Services (Safe Access Zones) Bill

[AS INTRODUCED]

LEGISLATIVE COMPETENCE

At Introduction the Member in charge of the Bill, Ms Clare Bailey, had made the following statement under Standing Order 30:

“In my view the Abortion Services (Safe Access Zones) Bill would be within the legislative competence of the Northern Ireland Assembly.”

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BILL

TO

Make provision in respect of safe access zones for premises providing abortion services.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Overview

1.—(1) This Act requires the Department of Health to establish safe access zones for premises providing abortion services.

(2) Acts within a safe access zone which may have the effect of preventing or
5 impeding access to the premises, or influencing, harassing, alarming or distressing
persons accessing the premises, are criminalised.

Premises where abortion treatments are carried out

2. In this Act, premises are protected premises if they are premises where
provision is made, or proposed to be made, for treatment for the termination of
10 pregnancy to be lawfully carried out.

Premises where information, advice or counselling about abortion treatments are provided

3.—(1) In this Act, premises are also protected premises if they satisfy
conditions 1, 2 and 3.

15 (2) Condition 1 is that the premises are—

(a) an HSC hospital,

(b) a clinic provided by an HSC trust,

(c) used to provide primary medical services in accordance with arrangements
under the Health and Personal Social Services (Northern Ireland) Order
20 1972, or

(d) any other premises approved for the purposes of this section by the
Department.

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(3) Condition 2 is that information, advice or counselling relating to treatment for the termination of pregnancy is provided at the premises.

(4) Condition 3 is that, following a request from the operator of the premises, the Department makes a determination that the premises are to be treated as protected premises.

(5) The Department may only make that determination if satisfied that it is reasonable to do so.

(6) In this section—

“HSC hospital” means a hospital managed by an HSC trust,

“HSC trust” means a Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991.

Protected persons

4. In this Act, a protected person is a person attending protected premises for the purposes of—

- (a) accessing the treatment, information, advice or counselling provided there,
- (b) accompanying a person described in paragraph (a), at the invitation of that person, or
- (c) working in, or providing services to, the protected premises.

Safe access zone

5.—(1) In this Act, a safe access zone means—

- (a) the protected premises, including entrances to and exits from the premises, and
 - (b) a public area outside the protected premises and in the immediate vicinity of the protected premises,
- designated as a safe access zone by the Department.

(2) In this section “public area” means a place to which the public has access, without payment, as of right.

Offences in respect of a safe access zone

6.—(1) In this section, D means a person who is not a protected person.

(2) It is an offence for D to do an act in a safe access zone with the intent of, or reckless as to whether it has the effect of—

- (a) influencing a protected person, whether directly or indirectly,
 - (b) preventing or impeding access by a protected person, or
 - (c) causing harassment, alarm or distress to a protected person,
- in connection with the protected person attending protected premises for a purpose mentioned in section 4.

(3) It is an offence for D to record a protected person who is in a safe access zone without the consent of that person, with the intent of, or reckless as to whether it has the effect of—

- (a) influencing a protected person, whether directly or indirectly,
- (b) preventing or impeding access by a protected person, or

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(c) causing harassment, alarm or distress to a protected person, in connection with the protected person attending protected premises for a purpose mentioned in section 4.

5 (4) It is a defence for D to show that D did not know, and had no reasonable way of knowing, that the protected person was in a safe access zone.

(5) An offence under this section is punishable on summary conviction by a fine not exceeding level 2 on the standard scale.

Enforcement of safe access zone by a constable

10 7.—(1) Where a constable has reasonable grounds to believe that a person has committed, is committing, or is about to commit an offence under section 6(2), the constable may—

- (a) direct the person to leave the safe access zone,
- (b) remove the person from the safe access zone.

15 (2) Where a constable has reasonable grounds to believe that a person has committed, is committing, or is about to commit an offence under section 6(3), the constable may direct the person to cease recording.

(3) A constable exercising the power in subsection (1)(b) may use reasonable force, if necessary, in the exercise of the power.

20 (4) A person who fails to comply with a direction under subsection (1)(a) or (2), or who resists being removed under subsection (1)(b) commits an offence.

(5) An offence under subsection (4) is punishable on summary conviction by a fine not exceeding level 4 on the standard scale.

Procedure for designating a safe access zone

25 8.—(1) The operator of protected premises may notify the Department that the operator wishes there to be a safe access zone in respect of the protected premises.

(2) Within eight weeks of receiving this notification, the Department must designate an area as a safe access zone.

(3) In determining the extent of the safe access zone, the Department must consult—

- 30 (a) the operator,
- (b) owners and occupiers of land in the immediate vicinity of the protected premises,
- (c) the district commander for the police district in which the premises are situated, and
- 35 (d) such other persons as it considers appropriate.

(4) The Department, after consultation with the persons referred to in subsection (3), may vary the safe access zone.

(5) Where it appears to the Department that the operator no longer wishes there to be a safe access zone, the Department may revoke the designation.

40 (6) The Department must publish the extent of the safe access zone (including any variations or revocations) in such manner as appears to it to be appropriate.

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Exercise of functions

9. In exercising functions under this Act, the Department must have regard to, amongst other things—

- (a) the safety and dignity of protected persons,
- 5 (b) the right to respect for private and family life set out in Article 8 of the Convention, and in particular, the right of protected persons to be free from harassment, alarm and distress in attending protected premises,
- (c) the right to manifest religious belief, and the rights to freedom of assembly and expression, set out in Articles 9, 10 and 11 of the Convention, and in
10 particular the right to protest.

Monitoring of effectiveness of safe access zones

10. The Department must publish an annual report, setting out whether, in the opinion of the Department, each safe access zone has been effective in protecting the safety and dignity of protected persons.

15 **Interpretation**

11. In this Act—

“the Convention” has the same meaning as in the Human Rights Act 1998,

“the Department” means the Department of Health,

20 “operator”, in relation to premises, means the person in charge of providing the treatments referred to in section 2, or the information, advice or counselling referred to in section 3, in those premises.

Commencement

12.—(1) Sections 6 and 7 come into operation at the end of the period of 3 months after the date this Act receives Royal Assent.

25 (2) The other provisions of this Act come into operation on the day after this Act receives Royal Assent.

Short title

13. This Act may be cited as the Abortion Services (Safe Access Zones) Act (Northern Ireland) 2021.

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A Bill to make provision in respect of safe access zones for premises providing abortion services

Introduced by: Ms Clare Bailey

On: 13 September 2021

Bill Type: Non Executive Bill

ACCOMPANYING DOCUMENTS

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