

Abortion Services (Safe Access Zones) Bill

[AS AMENDED AT FURTHER CONSIDERATION STAGE]

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:

Premises where abortion treatments are carried out

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

(2) Condition 1 is that they are premises where provision is made, or proposed to be made, for treatment for the lawful termination of pregnancy in accordance with the Abortion (Northern Ireland) (No. 2) Regulations 2020.

(3) Condition 2 is that the operator of the premises has given notice to the Department that the operator wishes the premises to be protected premises and that notice has not been withdrawn by the operator.

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

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

(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 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 the operator of the premises has given notice to the Department that the operator wishes the premises to be protected premises and that notice has not been withdrawn by the operator.

(5) 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.

10 Protected persons

3. 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.

Establishment of safe access zone

4.—(1) A safe access zone is established for protected premises in accordance with this section.

20 (2) Except as provided by subsection (3), the safe access zone for protected premises consists of—

- (a) the protected premises; and
- (b) the public area outside the protected premises which lies within 100 metres from each entrance to, or exit from, those premises.

25 (3) If the operator of any protected premises is of the opinion that the public area mentioned in subsection (2)(b) is not adequate to afford safe access to the premises for protected persons, the operator may give notice to the Department that it wishes the public area so mentioned to be extended by a specified distance not exceeding 150 metres.

30 (4) On receipt of a notice under section 1(3) or section 2(4) relating to any premises, the Department must include an entry relating to those premises in the list maintained by it under section 7; and a safe access zone is established in relation to those premises on publication of that entry under section 7.

35 (5) On receipt of a notice under subsection (3) relating to any premises, the Department must amend any entry in the list published by it under section 7 which relates to the premises; and the extended safe access zone is established in relation to those premises on publication of the amended entry under section 7.

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

40 Offences in respect of a safe access zone

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

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(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
 - 5 (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 3.

(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
 - (c) causing harassment, alarm or distress to a protected person,
- 15 in connection with the protected person attending protected premises for a purpose mentioned in section 3.

(4) 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

6.—(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 5(2), the constable may—

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

(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 5(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.

(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.

Publication of list of protected premises and safe access zones

7. The Department must—

- 35 (a) maintain a list of all premises which are for the time being protected premises for the purposes of this Act, together with, in the case of each protected premises, an indication of the extent of the safe access zone established for the premises under section 4;
- (b) publish that list in such manner as appears to the Department to be appropriate to bring the existence and extent of safe access zones to the attention of members of the public likely to be affected; and
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- (c) ensure (so far as its powers extend) that appropriate steps are taken by an operator of protected premises for bringing the existence and extent of the safe access zone for those premises to the attention of members of the public.

5 **Monitoring of effectiveness of safe access zones**

8. 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.

Interpretation

10 **9.**—(1) In this Act—

“the Department” means the Department of Health,

“operator”, in relation to premises, means the person in charge of providing the treatments referred to in section 1, or the information, advice or counselling referred to in section 2, in those premises.

15 “record” means—

(a) To make a recording of sounds; or

(b) To make a recording of moving images; or

(c) To make a recording of moving images accompanied by a recording of sounds; or

20 (d) To take a photograph,

regardless of the medium on which the recording is made or the method by which the sounds or images are reproduced or produced.

(2) In this Act a reference to “premises” is to be read—

(a) as including a reference to the land on which the premises are situated; and

25 (b) in the case of premises which form part only of a building, as a reference to the whole building.

(3) For the purposes of this Act a person is attending protected premises if the person is accessing or leaving, or attempting to access or leave, those premises.

Commencement

30 **10.**—(1) Sections 5 and 6 come into operation at the end of the period of 3 months after the date this Act receives Royal Assent.

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

Short title

35 **11.** This Act may be cited as the Abortion Services (Safe Access Zones) Act (Northern Ireland) 2022.

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[AS AMENDED AT FURTHER CONSIDERATION STAGE]

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

As amended at
Consideration Stage: 2 March 2022

As amended at Further
Consideration Stage: 14 March 2022

Bill Type: Non Executive Bill

ACCOMPANYING DOCUMENTS

**An Explanatory and Financial Memorandum is printed separately as
NIA Bill 35/17-22 EFM – REVISED.**



Northern Ireland
Assembly

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ISBN: 978-1-78619-624-8