

Amendment to the Police Crime, Sentencing and Courts Bill to abolish abortion law (NC 55)

Key points

- An amendment (NC55) to ‘decriminalise’ abortion in England and Wales has been tabled to the Police, Crime, Sentencing and Courts Bill at Report Stage by Diana Johnson MP.¹
- The amendment would go far beyond just ‘decriminalising’ women, and would introduce **abortion on demand, for any reason (including sex-selective abortion), up until birth**. It would make the Abortion Act (1967) redundant by removing all current legal safeguards (many of which protect women) around abortion provided by the Act.
 - This would leave England and Wales with **one of the most extreme abortion laws in the world**. It would also position England and Wales drastically away from Europe where the median gestational time limit for abortion is 12 weeks.²
 - This would also legalise sex-selective abortion (which predominantly impacts baby girls) that has been described by the Government as ‘abhorrent’.³
- Polling shows the public do not support introducing abortion up to birth, with **only 1% of women wanting the time limit to be extended to birth**, and large majorities of women wanting more (not fewer) safeguards around abortion across a number of key areas.⁴
- The Police, Crime, Sentencing and Courts Bill aims to increase public safety and security, cut crime and build safer communities. It is clearly not the appropriate vehicle through which to make extensive changes to abortion legislation.
- The British public prides itself in being a reasonable, humane and tolerant society. Such an extreme and radical proposal has no place in the UK. We would therefore ask all Members of Parliament to **speak and vote against amendment NC55 at Report Stage**.

The effect of removing sections 58 and 59 of the Offences Against the Persons Act in England and Wales and offences committed under the Infant Life Preservation Act

As the Abortion Act (1967) was passed to create exemptions to sections 58 and 59 of the OAPA and the Infant Life Preservation Act (ILPA), a repeal of sections 58 and 59 of the OAPA and offences committed under the ILPA⁵ would make the Abortion Act (1967) redundant. This means:

1. **There would be no law regulating abortion up until birth.** In other words: Abortion would be available on demand, for any reason up until birth.
2. **An abortion could be performed legally on any grounds, including sex-selection.**
 - While there is evidence sex-selective abortion is occurring in the UK,⁶ notably, it has been described by Government as “abhorrent”,⁷ and “not one of the lawful grounds for termination of pregnancy”,⁸ which are outlined in the Abortion Act 1967 (which provides that abortion can only be performed under

¹ See: [Police, Crime, Sentencing and Courts Bill, As Amended - Amendment Paper \(Wednesday 30 June\)](#), p.50.

² See: [What are the abortion time limits in EU countries? – Right To Life UK](#).

³ See: Hansard, House of Lords, [Sex-selective Abortion - Monday 7 December 2015](#).

⁴ See: [Savanta ComRes: Abortion Polling for Where Do They Stand?](#)

⁵ **NC 55** proposes that no offence would be committed under section 1 of the Infant Life (Preservation) Act 1929 by a woman who terminates her own pregnancy or who assists in or consents to such termination, or a registered medical practitioner, registered nurse or registered midwife acting in good faith.

⁶ Notably, concerns and evidence that it occurs with alarming regularity previously led Labour to call for a ban on NIPT in 2018, see: [Labour calls for ban on early baby gender test](#).

⁷ See: Hansard, House of Lords, [Sex-selective Abortion - Monday 7 December 2015](#).

⁸ See: [Written questions and answers](#) UIN 6069: Abortion and Gender Selection, answered on 28 January 2020.

specific grounds). Without this legal safeguard, under this amendment, sex-selective abortion would be expressly permitted.

3. **There would be no legal restrictions on places where abortions could be performed,**
 - Without the legal safeguards in the Abortion Act 1967, there would be no abortion legislation governing abortion pills being given out in schools; performed in school nurse clinics; a proliferation of private abortion clinics; telemed abortions; pharmacists providing abortion pills over the counter.⁹
4. **A doctor would not be required to participate in an abortion procedure.** Healthcare assistants, nurses, and pharmacists could carry out abortions.
5. **There would be no legal requirement that two doctors must certify an abortion.**¹⁰
6. **There would be no legal provision protecting medical professionals' freedom of conscience with regard to abortion.** This could result in doctors and other healthcare professionals being forced into choosing between performing an abortion or leaving their profession.¹¹
 - The Abortion Act (s. 4) provides conscientious objection rights for medical professionals. Without this safeguard, doctors, nurses, or other healthcare professionals could be forced to perform abortions or leave their profession. They could also be forced to be complicit in the abortion process by having to refer to another doctor who would do a termination (e.g. Victoria, Australia a doctor was investigated for not referring for a sex-selective abortion.)¹²
7. **The situation would likely allow for far greater abuses than have already occurred under the current law.**
 - Already within our current legal framework we have seen doctors pre-signing abortion forms,¹³ sex-selective abortions being offered,¹⁴ live babies being left to die following abortions that have gone wrong¹⁵ and children with minor disabilities, such as cleft palate, being aborted.¹⁶
 - In this context, where the current law is supposed to be preventing such appalling practices, the thought of allowing abortion on demand and removing legal safeguards is seriously worrying.
8. **'Decriminalisation' would put women in greater danger.** As Lord Morrow noted during a debate on repealing section 58 in Northern Ireland, "the repeal of Section 58 means that the provision of abortion becomes legal in any context ... Thus, extraordinarily, backstreet abortions, with all the attendant safety concerns for women, will be de facto legal."¹⁷

Where do women sit on this issue?

- **The proposed law change is radically out of step with the opinions of women on this matter.**
 - Polling from Savanta ComRes on whether time limits for abortion should be increased showed that women want more, not fewer, safeguards around abortion across a number of key areas:¹⁸
 - **Only 1% of women wanted the time limit to be extended**, in contrast to **70% of women** who favoured a **reduction in time limits**.
 - **77% of women** agree that doctors should be required **to verify in person** that a patient seeking an abortion is **not under pressure from a third party to undergo the abortion**.
 - **91% of women** agree that **gender-selective abortion should be explicitly banned** by the law.
 - See full details at www.righttolife.org.uk/polling.
 - The Royal College of Midwives' support for the BPAS abortion-up-to-birth campaign saw a serious backlash from over **1,000 midwives who protested** against the RCM's position and national opposition.¹⁹
 - Other evidence suggests that there is support for greater restrictions on abortion practice: A poll from March 2014 showed that **92% of women** agreed that a woman requesting an abortion should always be seen in person by a **qualified doctor**.²⁰

⁹ In England and Wales, the [Abortion Act](#) currently restricts abortion to hospitals or places approved by the Secretary of State (section 1(3)).

¹⁰ See: [Abortion Act 1967](#).

¹¹ The [Abortion Act](#) prescribes conscientious objection rights for medical professionals (see section 4 of Abortion Act).

¹² See: [Doctor risks his career after refusing abortion referral](#).

¹³ See: [Pre-signing abortion forms is illegal, General Medical Council admits](#).

¹⁴ See: [Abortion investigation: doctors filmed agreeing illegal abortions 'no questions asked'](#).

¹⁵ See: [66 babies in a year left to die after NHS abortions that go wrong](#).

¹⁶ See: [Fury as number of abortions of cleft-lip babies rises](#).

¹⁷ See: Hansard, House of Lords, [Northern Ireland \(Executive Formation etc\) Act 2019: Section 3\(5\), 17 October 2019](#).

¹⁸ See: [Savanta ComRes: Abortion Polling for Where Do They Stand?](#)

¹⁹ See: [Facebook - Not in Our Name UK](#).

²⁰ See: [Savanta ComRes: Christian Institute - Abortion Survey](#).