

22-week time limit reduction amendment to the Criminal Justice Bill

Key points

- A cross-party group of MPs has come together to bring forward the Gestational Time Limit Reduction amendment to the Criminal Justice Bill ahead of Report Stage of the Bill.
 - This amendment would change the law by lowering the abortion time limit from 24 weeks to 22 weeks.
 - It will do this by amending the Abortion Act 1967 and the Infant Life (Preservation) Act 1929 so that the gestational time limit for abortion that is set out in Section 1(1)(a) of the Act is reduced from 24 to 22 weeks.
- A 24-week abortion limit is now beyond the point when many babies survive, double that of the most common time limit among European Union countries and represents a contradiction at the heart of our abortion law.
- Originally set at 28 weeks, the abortion limit was lowered in 1990 to 24 weeks gestation in reflection of medical and technological advancements that had resulted in improving survival rates for babies born before 28 weeks gestation.
- Since then, however, further medical advancements have meant that survival rates for babies who are born before the 24-week abortion limit have significantly improved. Research indicates that a significant number of babies born at 22 or 23 weeks gestation can now survive outside the womb.
 - In the decade to 2019 alone, the survival rate for babies born at 23 weeks doubled, prompting new guidance from the British Association of Perinatal Medicine (BAPM) that enables doctors to intervene to save premature babies from 22 weeks gestation.
 - This leaves a real contradiction in British law. In one room of a hospital, doctors could be working to save a baby born alive at 23 weeks whilst, in another room of that same hospital, a doctor could perform an abortion that would end the life of a baby at the same age.
- The Gestational Time Limit Reduction amendment recognises this new reality and proposes, for similar reasons to the last time the abortion limit was lowered, reducing the abortion limit from 24 to 22 weeks.

A contradiction at the heart of our abortion law

- There is a clear contradiction at the heart of our abortion law and current medical practice.
 - The law permits ending pregnancies at 22 and 23 weeks.
 - Meanwhile, current medical practice strives to save the lives of many babies born prematurely at 22 or 23 weeks gestation.
- The annual abortion statistics for England and Wales in 2021 (the most recent year for which a full year of data is available) reveal that 755 'ground C' abortions were performed when the baby was at 22 or 23 weeks gestation (ground C is the statutory ground under which the vast majority of abortions are permitted and there is currently a 24-week time limit for abortions performed under this statutory ground).
 - At the same time, according to a recent study, there were a total of [261 babies born alive at 22 and 23 weeks](#), before the abortion limit, who survived to be discharged from hospital in 2020 and 2021.
- This means in the same hospital, on the same day, two babies at the same gestational age (22 or 23 weeks gestation) could face very contrasting experiences - one could have his or her life deliberately ended by abortion, and the other could be born prematurely and have a dedicated medical team provide the best care they can to try to save his or her life.

- In fact, a number of hospitals in England provide specialist care for extremely premature babies, usually those [born before 27 weeks gestation](#), and also perform late-term abortions, between 20 and 23 weeks.
- According to statistics released by the Department of Health and Social Care, between 2018 and 2021 ([2018](#), [2019](#), [2020](#), [2021](#)), Birmingham Women's Hospital performed 143 abortions where the baby was between 20 and 23 weeks gestation in 2021. At the same time, their [neonatal intensive care unit](#) "provides intensive care to premature babies born as early as 23 weeks". This means in this Birmingham hospital, there could be doctors fighting to keep a baby born at 23 weeks gestation alive, and, in another part of the same hospital, there could be other doctors ending the life of a baby at 23 weeks gestation through an abortion.
- Similarly, Liverpool Women's Hospital [performed](#) 108 abortions where the baby was between 20 and 23 weeks gestation between 2018 and 2021. The same hospital also [provides](#) neonatal intensive care for babies from as young as 22 weeks gestation "and as small as 400g".

The current abortion law

- As of [1990](#), the abortion time limit is 24 weeks gestation (or up to birth in limited circumstances, such as cases where the mother's life is at risk or the child would be born with a disability).
- This 24-week limit applies to abortions performed under [section 1\(1\)\(a\)](#) of the Abortion Act 1967. There is no time limit for abortions performed under the other sections of the Act (Sections 1(1)(b), 1(1)(c), 1(1)(d) and Section 1(4)).
 - The Gestational Time Limit Reduction amendment to the Criminal Justice Bill will **only change the time limit for abortion that is set out in Section 1(1)(a) of the Act**. It will not make changes to the time limit for abortions performed under the other sections of the Act.
- In 2021, the most recent year for which full abortion statistics are available, there were a total of [214,256](#) abortions for women resident in England and Wales:
 - 98.4% of abortions ([210,775](#)) were performed under [section 1\(1\)\(a\)](#) of the Abortion Act.
 - Section 1(1)(a) allows abortion on mental health grounds. This is liberally interpreted by abortion providers to allow de facto abortion on demand. [98%](#) of abortions performed in 2021 were on mental health grounds.
 - 1.6% of abortions ([3,370](#)) were performed under [section 1\(1\)\(d\)](#) of the Abortion Act
 - 0.05% of abortions ([111](#)) were performed under sections [1\(1\)\(b\)](#), [1\(1\)\(c\)](#) or [1\(4\)](#) of the Abortion Act.
- Scotland - While the [Scotland Act 2016](#) turned abortion into a devolved matter, Scotland has not departed from the 1967 Abortion Act and therefore maintains the same limits as England and Wales.
- Northern Ireland - As of [March 2020](#), after the imposition of an extreme abortion law on Northern Ireland by Westminster, de facto abortion on demand is now legal in Northern Ireland for any reason up to 24 weeks. The abortion limit is extended up to birth for babies with disabilities.

Why was the abortion time limit reduced from 28 weeks to 24 weeks in 1990?

- The time limit of 24 weeks for abortions performed under [section 1\(1\)\(a\)](#) of the Abortion Act 1967, was introduced by section 37 of the [Human Fertilisation and Embryology Act 1990](#). Prior to this change, the abortion limit had, de facto, been 28 weeks gestation set by the [Infant Life \(Preservation\) Act 1929](#), which made it illegal to "destroy the life of a child capable of being born alive".
- The introduction of a 24-week gestational limit in 1990 was significantly motivated by the results of a Royal College of Obstetricians and Gynaecologists (RCOG) working party report on neonatal survival rates, which noted improvements in survival rates before 28 weeks of gestation.

- During the [debates](#) ahead of the Human Fertilisation and Embryology Act 1990 becoming law, MPs referred to medical advances that had led to improved neonatal survival rates before 28 weeks gestation and the need for a reduction from 28 weeks.
- Similarly, when the question of abortion time limits was revisited in 2008, the lowering of the abortion time limit in 1990 was again [linked](#) to the increased survival rates for babies born before 28 weeks gestation.

Why we need change

The most common abortion time limit across Europe is half the abortion time limit in the UK

- In most European Union (EU) countries, abortion is only legal on demand or on broad social grounds up to [12 weeks gestation](#), making time limits in the United Kingdom double the average among EU countries.
- When [compared](#) to almost every European Union (EU) country, the United Kingdom is an outlier.
- Among the EU's 27 member states, three countries have a time limit for abortion on demand or on broad social grounds of 10 weeks, one country of 11 weeks, 15 countries of 12 weeks and three countries of 14 weeks.
- Countries with 12-week limits for abortion on demand or on broad social grounds include Germany, Italy and Belgium as well as the more "liberal" Nordic countries Denmark and Finland. Even Sweden has a time limit for abortion on demand or on broad social grounds that is much lower than the United Kingdom at 18 weeks.

The public support change

- A large majority of the British public support reducing the abortion time limit.
- [Polling](#) undertaken by ComRes (now Savanta), who have undertaken polls for the BBC, ITV, The Independent and Sky News, shows that 60% of the general population and 70% of women support a reduction in the time limit to 20 weeks or below.
 - The same polling showed 60% of both Conservative and Labour voters supported a reduction in the time limit to 20 weeks or below. 65% of Liberal Democrat voters were in favour of a reduction in the abortion time limit to 20 weeks or below. Significantly, among those with children aged 18 or under in their household, 69% supported reducing the abortion limit to 20 weeks gestation or below.
- A separate poll from Ipsos released in August 2023 shows that only [36%](#) of the British population think abortion should be legal during the first 20 weeks of pregnancy. This is a significant decrease in support for abortion up to 20 weeks from the previous year conducted by the same polling organisation where [40% of people](#) in Great Britain thought abortion should be legal in the first 20 weeks.

Survival rates have improved for babies born below the abortion limit

- The last time the abortion limit was reduced in 1990, the improved survival rates for extremely prematurely born babies was one of the key considerations that motivated this change. By the same logic, and informed by the improved survival rates for babies born at 22 and 23 weeks gestation, the abortion time limit should also be reduced now.
- Key studies in recent years have documented the improving outcomes for these babies.
 - A 2008 study looking at survival rates for a neonatal intensive care unit in London [found](#) that neonatal survival rates at 22 and 23 weeks gestation had improved over time. In 1981-85, no

babies who were born at these gestational ages survived to discharge. However, by 1986-90, 19% did and this increased to 54% in the period 1996-2000.

- In the decade to 2019 alone, the survival rate for extremely premature babies born at 23 weeks [doubled](#), prompting [new guidance](#) from the British Association of Perinatal Medicine (BAPM) that enables doctors to intervene to save premature babies from 22 weeks gestation. The [previous clinical guidance](#), drafted in 2008, set the standard that babies who were born before 23 weeks gestation should **not** be resuscitated.
- Research published in November 2023 by academics at the University of Leicester and Imperial College London found a total of [261 babies born alive at 22 and 23 weeks](#), before the abortion limit, who survived to discharge from hospital in 2020 and 2021. This is compared to the Government abortion statistics, which show that in 2021 alone, 755 'ground C' abortions were performed when the baby was at 22 or 23 weeks gestation (ground C is the statutory ground under which the vast majority of abortions are permitted and there is currently a 24-week time limit for abortions performed under this statutory ground).
- Experts in the field have also contributed to the discussion showing the improved survival rates for babies born before the current abortion limit.
 - Medical doctor John Wyatt, a Professor of Ethics and Perinatology at University College London and Emeritus Professor of Neonatal Paediatrics, Ethics & Perinatology at University College London, who worked as a neonatologist for almost 30 years, has presented [evidence](#) from the UK and across the world "that there has been a steady improvement in the chances of survival of babies born at 22 and 23 weeks gestation since the Abortion Act was last amended [in 1990]".
 - While stressing his role as a doctor rather than a legislator, Professor Wyatt suggested the abortion limit should be lowered to 22 weeks. "I would certainly say that, given the advances in science, it would be important that [the abortion time limit] was regularly reviewed in order to see whether the gestational age limit was still appropriate", he said.
 - He continued "[T]he current abortion time limit of 24 weeks is not consistent with survival figures for babies born at 22 and 23 weeks gestation, and with current clinical neonatal and paediatric practice".

Our understanding of foetal development has improved

- By **24 weeks gestation**, the current gestational limit for abortion, the unborn baby is already fully formed for 12 weeks.
- At **12 weeks gestation** (the most common abortion time limit among countries in the EU), [the NHS](#) states that the unborn baby is fully formed. All the organs, muscles, limbs and bones are in place, and the sex organs are well-developed. From then on, the baby just has to grow and mature.
- At around **15 weeks gestation**, the unborn baby will [start to hear](#) – they may hear muted sounds from the outside world, as well as the sound of their mother's voice and heart.
- At **16 weeks gestation**, the [muscles of the unborn baby's face can now move](#) and the beginnings of facial expressions appear.
- At **18 weeks gestation**, the unborn baby [may respond](#) to loud noises from the outside world, such as music.
- At **22 weeks gestation**, the unborn baby is beginning to get into a [pattern](#) of sleeping and waking.
- At **23 weeks gestation**, the unborn baby's lungs are [practising breathing](#) movements to prepare for life outside the womb.