
STATUTORY INSTRUMENTS

1991 No. 480

**The Human Fertilisation and Embryology Act 1990
(Commencement No. 2 and Transitional Provision) Order 1991**

Transitional provision

3.—(1) In this Article—

“the commencement date” means 1st April 1991;

“the transitional period” means the period of one month beginning with the commencement date;

“the Act” means the Abortion Act 1967; and

“the old regulations” means the regulations made under section 2 of the Act in force immediately before the commencement date⁽¹⁾.

(2) Where immediately before the commencement date only one of the two registered medical practitioners whose opinions are referred to in section 1(1) of the Act as it was then in force has formed his opinion and (in accordance with the provisions of the old regulations) has certified it, the second medical practitioner, if he certifies his opinion during the transitional period, shall also do so in terms of that subsection as it was in force immediately before the commencement date, and in accordance with the provisions of the old regulations.

(3) In relation to any termination during the transitional period of a pregnancy falling within paragraph (4) below—

(a) subject to paragraph (5) below, the Act shall apply as if the amendments brought into force by this Order had not been made, and

(b) notice of the termination and other information relating to the termination shall be given to the appropriate Chief Medical Officer in accordance with the provisions of the old regulations.

(4) A pregnancy falls within this paragraph if the opinions referred to in section 1(1) of the Act relating to the pregnancy are certified in the form prescribed by the old regulations (whether because both opinions were certified before the commencement date, or because the first opinion was certified before the commencement, and the second opinion was certified after the commencement date in accordance with paragraph (2) above).

(5) Where a pregnancy falling within paragraph (4) above is terminated during the transitional period in reliance upon the opinion of two registered medical practitioners that the continuance of the pregnancy would involve risk of injury to the physical or mental health of the pregnant woman or any existing children of her family, greater than if the pregnancy were terminated, paragraph (3)(a) above applies in relation to that termination only if the registered medical practitioner who terminates the pregnancy is of the opinion, formed in good faith, that the pregnancy has not exceeded its twenty-fourth week.

(1) The Abortion Regulations 1968 (S.I.1968/390), as amended by S.I. 1969/636, 1976/615, and 1980/1724, and the Abortion (Scotland) Regulations 1968 (S.I. 1968/505), as amended by 1974/1309, 1976/127, and 1980/1864.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
