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STATUTORY INSTRUMENTS

1991 No. 499

The Abortion Regulations 1991

Citation and commencement

1.—(1) These Regulations may be cited as the Abortion Regulations 1991, and shall come into force on 1st April 1991.

(2) These Regulations extend to England and Wales only.

Interpretation

2. In these Regulations "the Act" means the Abortion Act 1967 and "practitioner" means a registered medical practitioner.

Certificate of opinion

3.—(1) Any opinion to which section 1 of the Act refers shall be certified—

(a) in the case of a pregnancy terminated in accordance with section 1(1) of the Act, in the form set out in Part I of Schedule 1 to these Regulations, and

(b) in the case of a pregnancy terminated in accordance with section 1(4) of the Act, in the form set out in Part II of that Schedule.

(2) Any certificate of an opinion referred to in section 1(1) of the Act shall be given before the commencement of the treatment for the termination of the pregnancy to which it relates.

(3) Any certificate of an opinion referred to in section 1(4) of the Act shall be given before the commencement of the treatment for the termination of the pregnancy to which it relates or, if that is not reasonably practicable, not later than 24 hours after such termination.

(4) Any such certificate as is referred to in paragraphs (2) and (3) of this regulation shall be preserved by the practitioner who terminated the pregnancy to which it relates for a period of not less than three years beginning with the date of the termination.

(5) A certificate which is no longer to be preserved shall be destroyed by the person in whose custody it then is.

Notice of termination of pregnancy and information relating to the termination

4.—(1) Any practitioner who terminates a pregnancy in England or Wales shall give to the appropriate Chief Medical Officer—

(a) notice of the termination, and

(b) such other information relating to the termination as is specified in the form set out in Schedule 2 to these Regulations,

and shall do so by sending them to him in a sealed envelope within 7 days of the termination.

(2) The appropriate Chief Medical Officer is—

(a) where the pregnancy was terminated in England, the Chief Medical Officer of the Department of Health, Richmond House, Whitehall, London, SW1A 2NS; or

(b) where the pregnancy was terminated in Wales, the Chief Medical Officer of the Welsh Office, Cathays Park, Cardiff, CF1 3NQ.

Restriction on disclosure of information

5. A notice given or any information furnished to a Chief Medical Officer in pursuance of these Regulations shall not be disclosed except that disclosure may be made—

(a) for the purposes of carrying out their duties—

(i) to an officer of the Department of Health authorised by the Chief Medical Officer of that Department, or to an officer of the Welsh Office authorised by the Chief Medical Officer of that Office, as the case may be, or

(ii) to the Registrar General or a member of his staff authorised by him; or

(b) for the purposes of carrying out his duties in relation to offences under the Act or the law relating to abortion, to the Director of Public Prosecutions or a member of his staff authorised by him; or

(c) for the purposes of investigating whether an offence has been committed under the Act or the law relating to abortion, to a police officer not below the rank of superintendent or a person authorised by him; or

(d) pursuant to a court order, for the purposes of proceedings which have begun; or

(e) for the purposes of bona fide scientific research; or

(f) to the practitioner who terminated the pregnancy; or

(g) to a practitioner, with the consent in writing of the woman whose pregnancy was terminated; or

(h) when requested by the President of the General Medical Council for the purpose of investigating whether there has been serious professional misconduct by a practitioner, to the President of the General Medical Council or a member of its staff authorised by him.

Revocations

6. The whole of the Regulations specified in Schedule 3 to these Regulations are revoked.

William Waldegrave
Secretary of State for Health

4th March 1991