
STATUTORY INSTRUMENTS

2002 No. 887

MEDICAL PROFESSION, ENGLAND

The Abortion (Amendment) (England) Regulations 2002

Made - - - - 27th March 2002
Laid before Parliament 28th March 2002
Coming into force - - 18th April 2002

The Secretary of State for Health, in exercise of the powers conferred by section 2 of the Abortion Act 1967(1) and now vested in him(2), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Abortion (Amendment) (England) Regulations 2002, and shall come into force on 18th April 2002.

(2) In these Regulations “the principal Regulations” means the Abortion Regulations 1991(3).

(3) These Regulations extend to England only.

Substitution of regulation 2

2. For Regulation 2 (interpretation) of the principal Regulations substitute—

“2. In these Regulations—

“the Act” means the Abortion Act 1967;

“electronic communication” has the same meaning as in section 15 of the Electronic Communications Act 2000(4);

“practitioner” means a registered medical practitioner;

(1) 1967 c. 87; section 2(2) was amended by the Transfer of Functions (Wales) Order 1969 (S.I. 1969/388), article 2(2) and Schedule 1, and by the Transfer of Functions (Health and Social Security) Order 1988 (S.I. 1988/1843), article 5(4) and Schedule 3, and by the Scotland Act 1998 (Consequential Modifications) (No. 1) Order 1999 (S.I. 1999/1042) article 5 and Schedule 3. As regards Wales, the functions of the Secretary of State under section 2 of the Act are transferred to the National Assembly for Wales under article 2 of, and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672. As regards Scotland, the functions of the Secretary of State under section 2 of the Act are transferred, in so far as they are exercisable in or as regards Scotland, to the Scottish Ministers, under article 2 of, and Schedule 1 to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, S.I. 1999/175.

(2) See the Secretary of State for Social Services Order 1968 (S.I. 1968/1699).

(3) S.I. 1991/499.

(4) 2000 c. 7.

“solicitor” means a person who is qualified to act as a solicitor as provided by section 1 of the Solicitors Act 1974.”(5).

Amendment of regulation 3

3. For regulation 3(1) of the principal Regulations (certificate of opinion) substitute—

- “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, either—
 - (i) in the form set out in Part I of Schedule 1 to these Regulations; or
 - (ii) in a certificate signed and dated by both practitioners jointly or in separate certificates signed and dated by each practitioner stating:—
 - (a) the full name and address of each practitioner;
 - (b) the full name and address of the pregnant woman;
 - (c) whether or not each practitioner has seen or examined, or seen and examined, the pregnant woman; and
 - (d) that each practitioner is of the opinion formed in good faith that at least one and the same ground mentioned in paragraph (a) to (d) of section 1(1) of the Act is fulfilled.
 - (b) in the case of a pregnancy terminated in accordance with section 1(4) of the Act, either—
 - (i) in the form set out in Part II of Schedule 1 to these Regulations; or
 - (ii) in a certificate giving the full name and address of the practitioner and containing the full name and address of the pregnant woman and stating that the practitioner is of the opinion formed in good faith that one of the grounds mentioned in section 1(4) of the Act is fulfilled.”.

Amendment of regulation 4

4. In regulation 4 of the principal Regulations (notice of termination):—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (b) omit the words “in the form set out”;
 - (ii) for the words “in a sealed envelope within 7 days of termination” substitute the words “within 14 days of the termination either in a sealed envelope or by an electronic communication transmitted by an electronic communications system used solely for the transfer of confidential information to him.”;
- (b) in paragraph (2)(a) insert the figure “79” before the word “Whitehall”.

Amendment of regulation 5

5. In regulation 5 of the principal Regulations (restriction on disclosure of information):—

- (a) after paragraph (a)(ii) there shall be added—
 - “(iii) to an individual authorised by the Chief Medical Officer who is engaged in setting up, maintaining and supporting a computer system used for the purpose of recording, processing and holding such notice or information; or”;

(b) after paragraph (h) there shall be added—

“(i) to the woman whose pregnancy was terminated, on her supplying to the Chief Medical Officer written details of her date of birth, the date and place of the termination and a copy of the certificate of registration of her birth certified as a true copy of the original by a solicitor or a practitioner.”.

Substitution

6. For Schedule 2 to the principal Regulations (abortion notification) there is substituted the Schedule set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Health

27th March 2002

Yvette Cooper
Parliamentary Under Secretary of State,
Department of Health

SCHEDULE

Regulation 6

“SCHEDULE 2

Regulation 4

Information to be supplied in an Abortion Notification

1. Full name and address (including postcode) of the practitioner who terminated the pregnancy and the General Medical Council registration number of the practitioner.
2. In non-emergency cases particulars of the practitioners who gave a certificate of opinion pursuant to section 1(1) of the Act and whether they saw or examined, or saw and examined the patient before giving the certificate.
3. Patient’s details—
 - (a) patient’s hospital or clinic number or National Health Service number or (if unavailable) patient’s full name;
 - (b) date of birth;
 - (c) in the case of a patient resident in the United Kingdom, her full postcode or, if the postcode is unavailable, her address;
 - (d) in the case of a patient resident outside the United Kingdom, her country of residence;
 - (e) ethnicity (if disclosed by the patient);
 - (f) marital status; and
 - (g) parity.
4. Name and address of place of termination.
5. Whether the termination was paid for privately or not.
6. Date and method of foeticide if appropriate.
7. In a case where the termination is by surgery—
 - (a) date of termination;
 - (b) the method of termination used; and
 - (c) in cases where the dates are different, the date of admission to the place of termination and the date of discharge from the place of termination.
8. In a case where the termination is by non-surgical means—
 - (a) the date of treatment with antiprogestrone;
 - (b) the date of treatment with prostaglandin;
 - (c) the date on which the termination is confirmed;
 - (d) in cases where the place of treatment with prostaglandin is different from the place of treatment with antiprogestrone, the name and address at which the prostaglandin was administered;
 - (e) details of other agents used and the date of administration; and
 - (f) the date of discharge if an overnight stay is required.
9. Number of complete weeks of gestation.
10. The ground(s) certified for terminating the pregnancy contained in the certificate of opinion given pursuant to section 1(1) of the Act together with the following additional information in the case of—

- (a) the ground specified in paragraph (a), whether or not there was a risk to the patient's mental health and if not, her main medical conditions;
 - (b) the grounds specified in paragraphs (b) and (c), the main medical condition(s) of the patient;
 - (c) the ground specified in paragraph (d), any foetal abnormalities diagnosed, together with method of diagnosis used, and any other reasons for termination.
- 11.** The ground(s) certified for terminating the pregnancy contained in the certificate of opinion given pursuant to section 1(4) of the Act and the patient's main medical conditions.
- 12.** In cases of selective termination the original number of foetuses and the number of foetuses remaining.
- 13.** Whether or not the patient was offered chlamydia screening.
- 14.** Particulars of any complications experienced by the patient up to the date of discharge.
- 15.** In the case of the death of the patient the date and cause of death.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which extend to England amend the Abortion Regulations 1991 (“the principal Regulations”).

They amend regulation 3 of the principal Regulations to provide for certificates of opinion given pursuant to sections 1(1) and 1(4) of the 1967 Act to be given either in the form set out in Part I and Part II of the Schedule to those Regulations or in a certificate containing the information specified in that regulation (regulation 3).

They substitute a new Schedule 2 to the principal Regulations specifying the information to be notified to the Chief Medical Officer on the termination of a pregnancy and provide for the notification to be sent in a sealed envelope or transmitted as an electronic communication using an electronic communications system used solely for the transfer of confidential information to him within 14 days of the termination (regulations 4 and 6).

They also provide for the notice of termination of pregnancy and accompanying information to be disclosed to an individual authorised by the Chief Medical Officer who is engaged in setting up, maintaining and supporting a computer system used for the purpose of recording, processing and holding such notice or information (regulation 5(a)) and to a woman whose pregnancy has been terminated, on her supplying to the Chief Medical Officer written details of her date of birth, the date and place of the termination and a copy of the certificate of registration of her birth certified as a true copy of the original by a solicitor or a practitioner (regulation 5(b)).