



Human Fertilisation and Embryology Act 1990

1990 CHAPTER 37

Abortion

37 Amendment of law relating to termination of pregnancy.

(1) For paragraphs (a) and (b) of section 1(1) of the ^{M1}Abortion Act 1967 (grounds for medical termination of pregnancy) there is substituted—

- “(a) that the pregnancy has not exceeded its twenty-fourth week and that the continuance of the pregnancy would involve risk, greater than if the pregnancy were terminated, of injury to the physical or mental health of the pregnant woman or any existing children of her family; or
- (b) that the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant woman; or
- (c) that the continuance of the pregnancy would involve risk to the life of the pregnant woman, greater than if the pregnancy were terminated; or
- (d) that there is a substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped.”

(2) In section 1(2) of that Act, after “(a)” there is inserted “or (b)”.

(3) After section 1(3) of that Act there is inserted—

“(3A) The power under subsection (3) of this section to approve a place includes power, in relation to treatment consisting primarily in the use of such medicines as may be specified in the approval and carried out in such manner as may be so specified, to approve a class of places.”

(4) For section 5(1) of that Act (effect on ^{M2}Infant Life (Preservation) Act 1929) there is substituted—

Changes to legislation: There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Cross Heading: Abortion. (See end of Document for details)

“(1) No offence under the Infant Life (Preservation) Act 1929 shall be committed by a registered medical practitioner who terminates a pregnancy in accordance with the provisions of this Act.”

(5) In section 5(2) of that Act, for the words from “the miscarriage” to the end there is substituted “a woman’s miscarriage (or, in the case of a woman carrying more than one foetus, her miscarriage of any foetus) is unlawfully done unless authorised by section 1 of this Act and, in the case of a woman carrying more than one foetus, anything done with intent to procure her miscarriage of any foetus is authorised by that section if—

- (a) the ground for termination of the pregnancy specified in subsection (1)(d) of that section applies in relation to any foetus and the thing is done for the purpose of procuring the miscarriage of that foetus, or
- (b) any of the other grounds for termination of the pregnancy specified in that section applies”.

Commencement Information

II S.37 wholly in force at 1.4.1991 see s. 49(2) and [S.I. 1991/480, art. 2\(a\)](#)

Marginal Citations

M1 1967 c. 87.

M2 1929 c. 34.

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