

Pregnancy Termination (Legalisation) Act

An Act of the Scottish Parliament to fully legalise abortion, and for connected purposes.

Section 1: Repeal of Previous Legislation

1. Section 1(1) of the Abortion Act 1967 is repealed in its entirety.
2. Sections 1 and 2 of the Pregnancy Termination Act 2015 are repealed in their entirety.
3. Sections 58 and 59 of the Offences Against the Person Act 1861 are repealed in their entirety.

Section 2: Terminations Within Medical Practices

1. Subject to the provisions of this section, a person shall not be guilty of an offence under the law relating to abortion when a pregnancy is terminated by a registered medical practitioner if -
 - a. the pregnancy has not exceeded its twenty-sixth week; and
 - b. the pregnant person has consented freely to the procedure.
2. A person shall not be guilty of an offence under the law relating to abortion when a pregnancy is terminated and the person terminating the pregnancy is registered with the General Medical Council if -
 - a. They have consulted with another medical practitioner and both believe that the pregnant person's life is in immediate danger without undergoing a termination and the pregnant person is in an unfit state to consent; or
 - b. The pregnant person has been detained under part 5 or 6 of the Mental Health (Care and Treatment) (Scotland) Act 2003 and they have consulted with another medical practitioner and both believe that the pregnant person's health will improve subsequent to a termination.
3. The person receiving the termination must receive a leaflet detailing the procedure and its potential side effects, both physical and mental, and the support offered after the termination.
 - a. This leaflet must be printed bilingually in English and Gaelic, and may be requested in any other language.
 - b. This leaflet must include only objective medical advice, and not any ethical or moral opinion, religious or otherwise, on the practice of pregnancy termination.
4. The person receiving the termination must be offered counselling both before and after the termination.
5. Medical practitioners have the right to refuse to perform a termination, however should they do so, they must recommend a medical practitioner who will perform a termination.

6. The person receiving the abortion may request that it is kept confidential and is not included on their medical records, should no complications occur.

Section 3: Terminations Outwith Medical Practices

1. Abortion Pills may be bought in pharmacies or licensed websites, for the purposes of administering a termination.
2. The pregnant person, unless certified medically incapacitated, must purchase these pills themselves
3. Websites seeking a license to sell these pills must ensure that these ethical and moral standards are upheld.
 - a. Police Scotland shall carry out annual inspections of license holding websites to ensure that these standards are continuing to be met.
 - b. Police Scotland may issue an immediate moratorium on a website's license pending further court action through the Procurator Fiscal.
4. Pills must include leaflets describing potential side effects, both physical and mental, and information on where and how to seek medical advice.
 - a. This leaflet must be printed bilingually in English and Gaelic, and may be requested in any other language.
 - b. This leaflet must include only objective medical advice, and not any ethical or moral opinion, religious or otherwise, on the practice of pregnancy termination.
 - c. This leaflet must be displayed, in full size, bilingually in English and Gaelic, onscreen before any online purchase of pills.
5. People conducting terminations independently, outside medical practices must be offered the same support as those who conduct terminations within medical practices.

Section 4: Responsibilities of Local Authorities

1. All local authorities must offer confidential advice to residents about terminations.
2. Places that this advice is offered should include, but is not limited to;
 - a. Schools,
 - b. Libraries,
 - c. Community Centres, and
 - d. Homeless Shelters.
3. Other establishments required to offer clients confidential advice to residents about terminations are;
 - a. Medical Practices, including Hospitals, and
 - b. Colleges and Universities.
4. This advice must be placed in public areas, for example, a prominent noticeboard.

Section 5: Final Provisions

1. This act extends to the entirety of Scotland.
2. This act shall come into force at midnight following Royal Assent.
3. This act may be cited as the Pregnancy Termination (Legalisation) Act 2017.