



**AN BILLE UM RIALÁIL FAISNÉISE (SEIRBHÍSÍ LASMUIGH
DEN STÁT CHUN TOIRCHIS A FHOIRCEANNADH), 1995**

**REGULATION OF INFORMATION (SERVICES OUTSIDE
STATE FOR TERMINATION OF PREGNANCIES) BILL, 1995**

EXPLANATORY MEMORANDUM

Introduction

The purpose of the Bill is to specify the conditions under which certain information about pregnancy termination services outside the State may be made available in the State. It arises from the Fourteenth Amendment to the Constitution, which affirms the right to obtain or make available such information subject to such conditions as may be laid down by law. In particular, the Bill is intended to ensure that pregnant women who seek such information from doctors or other pregnancy counsellors receive it only in the context of full counselling on all of the available options, without any advocacy or promotion of abortion.

Provisions of Bill

Section 1 deals with the interpretation of certain terms used in the Bill. The definition of "person to whom *section 5* applies" ensures that the restrictions in that section apply only to persons, such as doctors or advice agencies, who engage in pregnancy counselling. They would not, therefore, restrict information given to a woman by, for example, a relative or friend. The expression "termination of pregnancies" is defined for the purpose of the Bill as the intentional procurement of miscarriages, in line with the wording of the Offences against the Person Act, 1861. The other interpretations are self-explanatory.

Section 2 limits the application of the Bill to information about pregnancy termination services (or their providers) outside the State which would be required by women in order to avail themselves of these services. **Such information is referred to as "Act information"**. The Bill does not restrict information of a more general nature about abortion.

Section 3 deals with information which is made available to the public in general (as distinct from advice given to individual women in relation to their specific circumstances) by means such as newspapers, books, magazines, broadcasts, public meetings, etc. but excluding the means dealt with in *section 4*. *Subsection (1)* deals with the publication of such material while *subsections (2)* and *(3)* deal with its sale or distribution. The provision of Act information by these means will only be lawful if the services concerned are lawful in the jurisdiction in which they are provided and if the information complies with any legal restrictions which apply in the jurisdiction concerned, is truthful and objective, does not advocate or promote abortion and is not accompanied by any such advocacy or promotion.

Section 4 prohibits making Act information available by means such as billboards or unsolicited books, leaflets, etc.

Section 5 deals with information which is made available by persons or bodies (such as doctors and advice agencies) who offer pregnancy counselling services to the public. Nothing in the section precludes them from providing information to the general public under the conditions set out in *section 3* (for example, the publication or sale of books or leaflets). However, where information, advice or counselling is sought in relation to the specific case of a woman who indicates that she is pregnant, or on whose behalf it is so indicated, the doctor, advice agency, etc. may not promote or advocate abortion and may only give Act information provided that—

- (i) the Act information complies with the conditions set out in *section 3*;
- (ii) at the same time, information, advice and counselling is given directly to the woman on all of the options open to her, which is truthful, objective, complete, does not advocate or promote abortion and is not accompanied by such advocacy or promotion.

The requirement to give full counselling on all available options applies only where Act information is being given. The Bill contains no obligation to provide such information, and does not in any way preclude the advocacy or promotion of options other than abortion.

Section 6 prohibits financial links between persons giving information under *section 5* and any pregnancy termination service. Act information cannot be given where the information provider has an interest in such a service, where such a service has an interest in the information provider, or where a third party has an interest in both.

Section 7 prohibits other forms of potential financial benefit to information providers, such as payments to them by pregnancy termination services, charges specifically for providing abortion information, or any other benefits related to the option of abortion having been chosen. However, the Bill specifies that there is no prohibition on a general charge for counselling, provided that the charge is not related to the choice of the option of abortion, and the prohibition does not extend to charges for any post-abortion treatment or counselling that might subsequently be necessary.

Section 8 prohibits any person engaged in pregnancy counselling from making an appointment or any other arrangement with a pregnancy termination service on behalf of a woman. However, it does not preclude the giving to the woman herself of copies of any medical or other records or notes which may be relevant to her care.

Section 9 provides for the issuing of search warrants by District Court judges on the evidence of a Garda officer of at least the rank of superintendent, and makes it an offence to obstruct this process. However, medical records and the like may not be seized.

Section 10 provides that contraventions of the earlier sections shall be offences carrying, on summary conviction, a fine not exceeding £1,500. Prosecutions may be brought only by or with the consent of the Director of Public Prosecutions.

Section 11 sets out the circumstances in which proceedings may be taken against directors, managers, secretaries, officers, members, etc.

of bodies corporate in respect of offences under the earlier sections which were committed by the bodies corporate concerned.

Section 12 provides for the forfeiture, by order of the court, of publications, etc. employed in the commission of an offence for which a person has been convicted under *section 3* or *4*.

Section 13 provides for the amendment of other Acts which relate to abortion information so that they will be non-applicable in any cases where this Bill will apply.

*An Roinn Sláinte,
Feabhra, 1995.*

