



DÁIL ÉIREANN

AN BILLE UM CHOSAINN NA BEATHA LE LINN TOIRCHIS, 2013

PROTECTION OF LIFE DURING PREGNANCY BILL 2013

LEASUITHE COISTE COMMITTEE AMENDMENTS

[It is proposed to take Select sub-Committee stage of this Bill on Tuesday 02-07-13.

Accordingly, this list of amendments is circulated in advance of the conclusion of Second Stage.]

DÁIL ÉIREANN

AN BILLE UM CHOSAINT NA BEATHA LE LINN TOIRCHIS, 2013 —ROGHFHOCHOISTE

PROTECTION OF LIFE DURING PREGNANCY BILL 2013 —SELECT SUB-COMMITTEE

Leasuithe Amendments

SECTION 1

1. In page 5, lines 15 to 17, to delete all words from and including “on” in line 15 down to and including “provisions” in line 17 and substitute “not later than 30 days following enactment”.

—Seamus Healy.

SECTION 2

2. In page 6, between lines 1 and 2, to insert the following:

“ “consent” means consent obtained freely without threats or inducements, where the medical practitioner—

- (a) is satisfied that the woman is capable of understanding the nature, purpose and likely effects of the proposed treatment, and
- (b) has given the woman adequate information, in a form and language that the woman can understand, on the nature, purpose and likely effects of the proposed treatment;”.

—Seamus Healy.

3. In page 6, between lines 2 and 3, to insert the following:

“ “fatal foetal abnormality” means a medical condition suffered by a foetus such that it is incompatible with life outside the womb;”.

—Seamus Healy.

4. In page 6, between lines 4 and 5, to insert the following:

“ “inevitable miscarriage” means the inevitable failure of pregnancy and death of a foetus, up to that stage of pregnancy at which, if born, it would be capable of life outside the womb;”.

—Seamus Healy.

[SECTION 2]

5. In page 6, lines 30 and 31, to delete “which has regard to the need to preserve unborn human life as far as practicable” and substitute the following:

“which has regard to the need to preserve unborn human life as far as practicable and with due regard to the right to life of the woman”.

—Seamus Healy.

6. In page 6, lines 30 and 31, to delete “as far as practicable”.

—Denis Naughten.

7. In page 6, line 31, after “practicable” to insert the following:

“and where such opinion is formed on substantial medical grounds having carried out an assessment of any real and substantial risk to the life of the woman in the light of clinical research and having regard to the necessity, proportionality and justification for any such procedure in the clinical circumstances prevailing at the time”.

—Billy Kelleher.

8. In page 7, line 6, to delete “*section 7(1)(b)*” and substitute “*section 7(1)(a)*”.

—An tAire Sláinte.

9. In page 7, line 8, to delete “*section 9(1)(b)*” and substitute “*section 9(1)(a)*”.

—An tAire Sláinte.

10. In page 7, between lines 19 and 20, to insert the following:

“(4) Any medical practitioner involved in the treatment of a pregnant woman is obliged, subject to the provisions of this Act and the right to life of that pregnant woman, to safeguard the unborn and, where it is potentially viable outside the womb, to make all reasonable and practicable efforts to sustain its life after delivery.

(5) Notwithstanding the provisions of *sections 7, 8, and 9* where in the reasonable opinion of a medical practitioner, a course of treatment or course of action could reasonably and practicably be offered to the pregnant woman which would avert the real and substantial risk of the loss of the pregnant woman’s life which would not require the carrying out of a medical procedure in the course of which, or as a result of which, an unborn life is ended, they may not conclude that the risk in question can only be averted by carrying out that medical procedure.”.

—Billy Kelleher.

SECTION 3

11. In page 7, lines 22 and 23, to delete “, or by another person pursuant to an arrangement entered into under section 38 of the Health Act 2004”.

—Billy Kelleher.

SECTION 4

12. In page 8, to delete lines 14 to 19 and substitute the following:

“(3) The Minister shall not make regulations under this Act without it being laid before and approved by each House of the Oireachtas.”.

[SECTION 4]

—Denis Naughten.

13. In page 8, between lines 19 and 20, to insert the following:

“(4) For the avoidance of doubt, any regulations made under this section must be consistent with and acknowledge the right to life of the unborn and, with due regard to the equal right to life of the mother, respect, and, as far as practicable, defend and vindicate this right.”.

—Billy Kelleher.

SECTION 7

14. In page 8, between lines 27 and 28, to insert the following:

“CHAPTER 1

Medical treatment lawful under this Act

Inevitable miscarriage

7. It shall be lawful to carry out a medical procedure in respect of a pregnant woman in the course of which, or as a result of which, a pregnancy is ended, where—

- (a) the medical procedure is carried out by an obstetrician at an appropriate institution, and
- (b) subject to *section 19*, a medical practitioner, having examined the pregnant woman, has certified that an inevitable miscarriage is taking place.”.

—Seamus Healy.

15. In page 8, between lines 29 and 30, to insert the following:

“7. (1) It shall be lawful to carry out a medical procedure in respect of a pregnant woman in accordance with this section in the course of which, an unborn human life is ended where—

- (a) the medical procedure is carried out in accordance with regulations under this section,
- (b) the unborn is potentially viable outside the womb, the medical procedure employed shall not impede all efforts to sustain life after the complete emergence of the human life from the body of the woman,
- (c) regulations under this section shall not contravene current evidence based on medical treatment, or
- (d) regulations made under this section shall not come into force without being laid before and approved by each House of the Oireachtas.”.

—Denis Naughten.

[Acceptance of this amendment involves the deletion of section 7 of the Bill.]

[SECTION 7]

16. In page 8, to delete lines 31 to 35, and in page 9, to delete lines 1 to 6 and substitute the following:

“(1) It shall be lawful to carry out a medical procedure in respect of a pregnant woman in accordance with this section in the course of which, or as a result of which, an unborn human life is ended where—

(a) subject to *section 19*, two medical practitioners, having examined the pregnant woman, have jointly certified in good faith that—

(i) there is a real and substantial risk of loss of the woman’s life from a physical illness, and

(ii) in their reasonable opinion, that risk can only be averted by carrying out the medical procedure,

and

(b) that medical procedure is carried out by an obstetrician at an appropriate institution.”.

—An tAire Sláinte.

17. In page 9, line 3, before “there” to insert “in their unanimous reasonable opinion”.

—Billy Kelleher.

18. In page 9, line 3, after “risk” to insert “, which may be neither immediate or inevitable,”.

—Seamus Healy.

19. In page 9, line 4, after “illness,” to insert “which may be neither immediate nor inevitable,”.

—Seamus Healy.

20. In page 9, line 7, to delete “*subsection (1)(b)*” and substitute “*subsection (1)(a)*”.

—An tAire Sláinte.

21. In page 9, line 11, to delete “*subsection (1)(b)*” and substitute “*subsection (1)(a)*”.

—An tAire Sláinte.

22. In page 9, line 12, after “shall,” to insert “only”.

—Seamus Healy.

23. In page 9, line 12, after “consult” to insert “, with appropriate urgency,”.

—Caoimhghín Ó Caoláin.

24. In page 9, line 18, after “forward” to insert “forthwith”.

—Seamus Healy.

25. In page 9, line 18, after “forwarded” to insert “forthwith”.

—Seamus Healy.

[SECTION 7]

26. In page 9, line 20, after “make” to insert “forthwith”.

—Seamus Healy.

27. In page 9, between lines 22 and 23, to insert the following:

“(5) Where the unborn may be potentially viable outside the womb, every effort must be made to sustain its life after delivery.”.

—Billy Kelleher.

SECTION 8

28. In page 9, to delete lines 24 to 34, and substitute the following:

“(1) Notwithstanding the generality of *section 7*, or any determination made or pending pursuant to *section 13* of an application under *section 10(2)*, it shall be lawful to carry out a medical procedure in respect of a pregnant woman in accordance with this section in the course of which, or as a result of which, an unborn human life is ended where—

- (a) a medical practitioner, having examined the pregnant woman, believes in good faith that there is an immediate risk of loss of the woman’s life from a physical illness,
- (b) the medical procedure is, in his or her reasonable opinion, immediately necessary in order to save the life of the woman, and
- (c) the medical procedure is carried out by the medical practitioner.”.

—An tAire Sláinte.

29. In page 9, line 30, after “woman,” to insert “and in his or her reasonable opinion,”.

—Billy Kelleher.

30. In page 9, line 38, to delete “*subsection (1)(b) and (c)*” and substitute “*subsection (1)(a) and (b)*”.

—An tAire Sláinte.

31. In page 10, between lines 2 and 3, to insert the following:

“(3) Where the unborn may be potentially viable outside the womb, every effort must be made to sustain its life after delivery.”.

—Billy Kelleher.

Section opposed.

—Denis Naughten.

SECTION 9

32. In page 10, to delete lines 4 to 14, and substitute the following:

“(1) It shall be lawful to carry out a medical procedure in respect of a pregnant woman in accordance with this section in the course of which, or as a result of which, an unborn human life is ended where—

[SECTION 9]

- (a) subject to *section 19*, three medical practitioners, having examined the pregnant woman, have jointly certified in good faith that—
 - (i) there is a real and substantial risk of loss of the woman’s life by way of suicide, and
 - (ii) in their reasonable opinion, that risk can only be averted by carrying out the medical procedure,
- and
- (b) that medical procedure is carried out by an obstetrician at an appropriate institution.”.

—An tAire Sláinte.

33. In page 10, line 4, before “It” to insert “Subject to *section 10(3)**”.

—Billy Kelleher.

[*This is a reference to the subsection proposed to be inserted by amendment No. 48.]

34. In page 10, to delete lines 9 to 24 and substitute the following:

- “(b) subject to *section 19*, two medical practitioners, having examined the pregnant woman, have jointly certified in good faith that—
 - (i) there is a real and substantial risk of loss of the woman’s life by way of suicide, and
 - (ii) in their reasonable opinion, that risk can only be averted by carrying out that medical procedure.
- (2) Of the 2 medical practitioners referred to in *subsection (1)(b)*—
 - (a) one shall be an obstetrician who practises as such at an appropriate institution, and
 - (b) one shall be a psychiatrist who practises as such at an appropriate institution, or at an approved centre, or for, or on behalf of, the Executive, or both.
- (3) The psychiatrist referred to in *subsection (2)*, shall be a psychiatrist who provides, or who has provided, mental health services to women in respect of pregnancy, childbirth or post-partum care.”.

—Caoimhghín Ó Caoláin.

35. In page 10, line 9, to delete “three” and substitute “two”.

—Seamus Healy.

36. In page 10, line 11, after “risk” to insert “, which may be neither immediate nor inevitable,”.

—Seamus Healy.

37. In page 10, line 12, after “suicide,” to insert “which may be neither immediate nor inevitable,”.

—Seamus Healy.

[SECTION 9]

38. In page 10, line 15, to delete “3” and substitute “2”.

—Seamus Healy.

39. In page 10, line 15, to delete “*subsection (1)(b)*” and substitute “*subsection (1)(a)*”.

—An tAire Sláinte.

40. In page 10, to delete line 17.

—Seamus Healy.

41. In page 10, line 22, to delete “Of the 2 psychiatrists” and substitute “If practicable, it is recommended that the psychiatrist”.

—Seamus Healy.

42. In page 10, line 25, to delete “*subsection (1)(b)*” and substitute “*subsection (1)(a)*”.

—An tAire Sláinte.

43. In page 10, line 26, after “shall,” to insert “only”.

—Seamus Healy.

44. In page 10, line 26, after “consult” to insert “, with appropriate urgency,”.

—Caoimhghín Ó Caoláin.

45. In page 10, after line 36, to insert the following:

“(6) Where the unborn may be potentially viable outside the womb, every effort must be made to sustain its life after delivery.

(7) Notwithstanding anything in this section every attempt shall be made to explore with the woman, by means of counselling and support, alternatives to carrying out the medical procedure referred to in *subsection (1)*.”.

—Billy Kelleher.

Section opposed.

—Denis Naughten.

SECTION 10

46. In page 10, after line 36, to insert the following:

“Fatal foetal abnormality

10. (1) It shall be lawful to carry out a medical procedure in respect of a pregnant woman in accordance with this section in the course of which, or as a result of which, a pregnancy is ended, where—

(a) the medical procedure is carried out by an obstetrician at an appropriate institution, and

(b) subject to *section 19*, two medical practitioners, having examined the pregnant

[SECTION 10]

woman, have jointly certified that the foetus in question has a fatal foetal abnormality.

- (2) Of the 2 medical practitioners referred to in *subsection (1)(b)*—
 - (a) one shall be an obstetrician who practices as such at an appropriate institution, and
 - (b) the other shall be a perinatologist who practices as such at an appropriate institution.
- (3) If practicable, at least one of the medical practitioners referred to in *subsection (1)(b)* shall, only with the pregnant woman's agreement, consult with the woman's general practitioner (if any) for the purposes of obtaining information in respect of the woman from that general practitioner that may assist the medical practitioners in their decision as to whether or not to make a *section 10* certification in respect of the woman.
- (4) Subject to *section 19*, the certifying obstetrician shall—
 - (a) forward, or cause to be forwarded, the *section 10* certification to an appropriate institution, and
 - (b) make such arrangements as may be necessary for the carrying out of the medical procedure to which the *section 10* certification relates at the appropriate institution.”.

—Seamus Healy.

47. In page 10, after line 36, to insert the following:

“Duty of care

10. (1) A medical practitioner or medical institution, if contacted by a woman seeking treatment under the provisions of this Act, shall have a duty of care to that woman. Such duty of care shall include, but not be limited to—
 - (a) an obligation to inform the woman as to the pathways of care to which she is entitled,
 - (b) an obligation, if appropriate, to provide the woman with such treatment to which she is entitled,
 - (c) an obligation, if such medical practitioner or medical institution cannot provide the medical treatment, to refer the woman to an appropriate medical practitioner or medical institution,
 - (d) if referring to an appropriate medical practitioner or medical institution, to make such reasonable enquiries as necessary to confirm that the woman has been dealt with appropriately by the medical practitioner or medical institution to which she has been referred.
- (2) For the avoidance of doubt, nothing in this section shall limit the right of the medical

[SECTION 11]

practitioner to conscientious objection under *section 17* of this Act.”.

—Seamus Healy.

48. In page 11, between lines 13 and 14, to insert the following:

“(3) The three medical practitioners who make a certification shall forthwith make an application to the Executive for a review of the relevant decision and the said *section 9* shall have no effect or standing until and unless it is upheld by a review committee under *section 13(3)*.”.

—Billy Kelleher.

SECTION 11

49. In page 11, between lines 20 and 21, to insert the following:

“(3) A medical practitioner shall be disqualified from membership of the review panel where he or she has previously refused to perform an abortion on ground of conscientious objection and or has previously expressed publicly an opinion in general opposition to abortion in all its forms and or abortion as a treatment option under the terms of this Act.”.

—Seamus Healy.

50. In page 11, lines 21 and 22, to delete “, in addition to appointing medical practitioners duly identified by it for appointment to the review panel,”.

—Denis Naughten.

51. In page 11, to delete lines 28 and 29.

—Denis Naughten.

SECTION 12

52. In page 11, line 31, to delete “3 days” and substitute “1 day”.

—Seamus Healy.

53. In page 11, line 32, after “*10(2)*” to insert “or *section 10(3)*”.

—Billy Kelleher.

[*This is a reference to the subsection proposed to be inserted by amendment No. 48.]

54. In page 12, to delete lines 4 to 14 and substitute the following:

“(3) In the case of a relevant decision which relates to the circumstances referred to in *section 9(1)*, the review committee shall consist of—

- (a) an obstetrician who practises as such at an appropriate institution, and
- (b) a psychiatrist who practises as such at an appropriate institution, or at an approved centre, or for, or on behalf of, the Executive, or both.

(4) The psychiatrist referred to in *subsection (3)*, shall be a psychiatrist who provides, or who has provided, mental health services to women in respect of pregnancy, childbirth or post-partum care.”.

[SECTION 12]

—Caoimhghín Ó Caoláin.

55. In page 12, line 12, to delete “Of the 2 psychiatrists” and substitute “If practicable, it is recommended that the psychiatrist”.

—Seamus Healy.

56. In page 12, between lines 17 and 18, to insert the following:

“(6) A medical practitioner shall be disqualified from sitting on the review committee where he or she has previously refused to perform an abortion on ground of conscientious objection and or has previously expressed publicly an opinion in general opposition to abortion in all its forms and or abortion as a treatment option under the terms of this Act.”.

—Seamus Healy.

SECTION 13

57. In page 12, line 25, to delete “7 days” and substitute “3 days”.

—Seamus Healy.

58. In page 12, line 25, to delete “7 days” and substitute “4 days”.

—Caoimhghín Ó Caoláin.

59. In page 12, line 27, to delete “The review committee shall,” and substitute “Members of the review committee may, if necessary”.

—Seamus Healy.

60. In page 12, line 31, after “risk” to insert “, which may be neither immediate nor inevitable,”.

—Seamus Healy.

61. In page 12, line 31, after “life” to insert “, in its reasonable opinion,”.

—Billy Kelleher.

62. In page 12, line 32, after “be,” to insert “which may be neither immediate nor inevitable,”.

—Seamus Healy.

63. In page 13, line 7, after “forward” to insert “forthwith”.

—Seamus Healy.

64. In page 13, line 9, after “make” to insert “forthwith”.

—Seamus Healy.

SECTION 14

65. In page 13, between lines 18 and 19, to insert the following:

“(2) An advocate for the preservation of the life of the unborn nominated by the Attorney General shall be entitled to be heard at the review committee and shall be entitled to review all the documents and information put before the review committee but shall not be entitled to cross examine the pregnant woman.”.

[SECTION 14]

—Billy Kelleher.

66. In page 13, line 33, after “*subsection*” to insert “(1) or”.

—Seamus Healy.

67. In page 13, line 39, to delete “this”.

—An tAire Sláinte.

SECTION 15

68. In page 14, between lines 1 and 2, to insert the following:

“15. The Executive shall, for the purpose of monitoring and collecting data on the performance of medical clinical procedures, collect information on the functioning of *Chapters 1 and 2* of this Act in accordance with standard Hospital In-Patient Enquiry procedures recognised by the World Health Organisation and in use by the HSE.”

—Seamus Healy.

[*Acceptance of this amendment involves the deletion of section 15 of the Bill.*]

69. In page 14, line 3, to delete “year” and substitute the following:

“year, and the Minister shall, as soon as may be after receiving the report, cause copies of the report to be laid before each House of the Oireachtas”.

—An tAire Sláinte.

70. In page 14, line 3, after “year” to insert the following:

“or immediately in the circumstance the number of procedures carried out under *section 9* or after review exceed five in any calendar year”.

—Billy Kelleher.

71. In page 14, line 5, after “year” to insert “, or period,”.

—Billy Kelleher.

72. In page 14, between lines 5 and 6, to insert the following:

“(a) in the event of a procedure being carried out under *section 9* or after a review the report shall outline the counselling provided or offered to the pregnant woman, details of the alternative treatments offered and the alternative treatments provided, and details of the evidential basis on which the decisions were made,”.

—Billy Kelleher.

73. In page 14, to delete lines 10 to 15 and substitute the following:

“(3) In preparing a report under this section, the Executive shall exclude from the report information that identifies, or that could reasonably lead to the identification of—

(a) a woman who has made an application under *section 10(2)* or in respect of whom such an application has been made by a person acting on her behalf, or

(b) a medical practitioner who has carried out a review.

[SECTION 15]

- (4) The Executive shall arrange for a report laid before both Houses of the Oireachtas in accordance with *subsection (1)* to be published in such form and manner as it thinks appropriate as soon as practicable after copies of the report are so laid.”

—An tAire Sláinte.

74. In page 14, between lines 15 and 16, to insert the following:

- “(4) The Minister shall, as soon as may be after receiving a report under this section, cause copies of the report to be laid before each House of the Oireachtas.”

—Denis Naughten.

SECTION 16

75. In page 14, between lines 18 and 19, to insert the following:

- “16. (1) Nothing in this Act shall operate to affect any enactment or rule of law relating to consent to medical treatment or shall serve to invalidate any consent given prior to its enactment.
- (2) The consent of the woman shall be required for treatment except where, in the opinion of the medical practitioner responsible for her care and treatment, the treatment is necessary to safeguard her life and she is incapable of or is obstructed in giving such consent.
- (3) The consent of a minor who has attained the age of 16 years to medical treatment which, in the absence of consent, would constitute a trespass to her person, shall be as effective as it would be if she were of full age; and where a minor has by virtue of this subsection given an effective consent to medical treatment it shall not be necessary to obtain any consent for it from her parent or guardian.
- (4) A medical practitioner, subject to the provisions of this Act and in accordance with the provisions of Article 42A.2.1° of the Constitution of Ireland, in an exceptional case concerning a minor who has not attained the age of 16 and whose parent or guardian does not consent to the provision of medical treatment to her under this Act, may carry out medical treatment necessary to avert what a real and substantial risk to the life of that minor.”

—Seamus Healy.

[*Acceptance of this amendment involves the deletion of section 16 of the Bill.*]

76. In page 14, between lines 18 and 19, to insert the following:

“Aftercare

16. Where a woman has been provided with a termination of pregnancy under this legislation, the Executive shall ensure optional therapeutic counselling services and aftercare provision are made available to the woman and at a location which is accessible.”

—Caoimhghín Ó Caoláin.

[SECTION 17]

SECTION 17

77. In page 14, between lines 20 and 21, to insert the following:

“17. This Act shall not come into or be in force in advance of the enactment of legislation on assisted decision making and mental capacity.”.

—Denis Naughten.

78. In page 14, line 25, to delete “objection.” and substitute the following:

“objection, provided that—

(a) his or her refusal to participate in the carrying out of such a medical procedure does not cause an immediate risk to the life of the woman, and

(b) in the case of a medical practitioner, he or she shall forthwith—

(i) provide all relevant information to the woman about her right to such medical treatment, and

(ii) refer or transfer the woman to the care of another medical practitioner where such a medical practitioner is competent and readily available to participate in the carrying out of such a medical procedure.”.

—Seamus Healy.

79. In page 14, to delete lines 28 to 30 and substitute the following:

“(3) Notwithstanding the provisions of this section, it shall be the duty of every appropriate institution to ensure the necessary number and category of medical practitioners, nurses and midwives are made available and are not obstructed in the carrying out of such a medical procedure as are governed by this Act.

(4) No appropriate institution shall refuse to provide medical treatment to a woman under the terms of this section.”.

—Seamus Healy.

80. In page 14, line 28, after “shall” to insert “immediately”.

—Caoimhghín Ó Caoláin.

SECTION 19

81. In page 15, line 8, to delete “may” and substitute “shall”.

—An tAire Sláinte.

SECTION 20

82. In page 15, between lines 10 and 11, to insert the following:

“20. The Executive shall, for the purpose of monitoring and collecting data on the performance of medical clinical procedures, collect information on the functioning of *Chapters 1 and 2* of this Act in accordance with standard Hospital In-Patient Enquiry procedures recognised by the World Health Organisation and in use by the HSE.”.

—Seamus Healy.

[Acceptance of this amendment involves the deletion of section 20 of the Bill.]

[SECTION 20]

83. In page 16, to delete lines 3 to 5 and substitute the following:

“(b) whether the medical procedure was carried out in respect of the pregnant woman pursuant to a *section 7* certification, *section 8* certification (whether made before or after the medical procedure was carried out) or *section 9* certification and the Medical Council registration number attached to the registration of each of the medical practitioners who made the certification concerned;”.

—An tAire Sláinte.

84. In page 16, line 14, to delete “year” and substitute the following:

“year, and shall, as soon as may be after preparing the report, cause copies of the report to be laid before each House of the Oireachtas”.

—An tAire Sláinte.

85. In page 16, to delete lines 15 to 20 and substitute the following:

“(5) The Minister shall arrange for a report laid before both Houses of the Oireachtas in accordance with *subsection (1)* to be published in such form and manner as he or she thinks appropriate as soon as practicable after copies of the report are so laid.

(6) In preparing a report under this section, the Minister shall exclude from the report information that identifies, or that could reasonably lead to the identification of—

(a) a woman who is the subject of a notification under this section,

(b) a medical practitioner referred to in *subsection (3)(a)*, or

(c) a medical practitioner referred to in *subsection (3)(b)*.”.

—An tAire Sláinte.

86. In page 16, line 21, to delete “a part” and substitute “or a part”.

—An tAire Sláinte.

SECTION 22

87. In page 17, line 25, after “person” to insert “, other than the pregnant woman concerned,”.

—Seamus Healy.

88. In page 17, line 25, after “person” to insert “, other than the pregnant woman,”.

—Caoimhghín Ó Caoláin.

NEW SECTION

89. In page 18, after line 3, to insert the following:

“Offences of threat, harassment, endangerment and false imprisonment

24. (1) In the case of a person who, without lawful excuse, makes to another a threat, by any means intending the other to believe it will be carried out, to kill or cause serious harm to—

(a) a woman as a result of her having sought to obtain or having obtained medical

[NEW SECTION]

treatment under this Act,

- (b) a medical practitioner as a result of his or her having provided or sought to provide medical treatment under this Act, or
- (c) a third person involved in assisting or facilitating a person referred to in *paragraph (a) or (b)*,

if that person is found guilty of an offence under section 5 of the Act of 1997, the court shall take such conduct into account as an aggravating factor in determining any sentence to be imposed on him or her for the offence.

- (2) In the case of a person who, with a view to compel another to abstain from doing which that other has a lawful right to do under this Act, wrongfully and without lawful authority—

- (a) uses violence to or intimidates that other person or a member of the family of the other, or
- (b) injures or damages the property of that other, or
- (c) persistently follows that other about from place to place, or
- (d) watches or besets the premises or other place where that other resides, works or carries on business, or happens to be, or the approach to such premises or place, or
- (e) follows that other with one or more other persons in a disorderly manner in or through any public place,

if that person is found guilty of an offence under section 9 of the Act of 1997, the court shall take such conduct into account as an aggravating factor in determining any sentence to be imposed on him or her for the offence.

- (3) In the case of a person who, without lawful authority or reasonable excuse, by any means including by use of the telephone, harasses by persistently following, watching, pestering, besetting or communicating with—

- (a) a woman as a result of her having sought to obtain or having obtained medical treatment under this Act,
- (b) a medical practitioner as a result of his or her having provided or sought to provide medical treatment under this Act, or
- (c) a third person involved in assisting or facilitating a person referred to in *paragraph (a) or (b)*,

if that person is found guilty of an offence under section 10 of the Act of 1997, the court shall take such conduct into account as an aggravating factor in determining any sentence to be imposed on him or her for the offence.

- (4) In the case of a person who, intentionally or recklessly engages in conduct which creates a substantial risk of death or serious harm to—

- (a) a woman as a result of her having sought to obtain or having obtained medical

[NEW SECTION]

treatment under this Act,

- (b) a medical practitioner as a result of his or her having provided or sought to provide medical treatment under this Act, or
- (c) a third person involved in assisting or facilitating a person referred to in *paragraph (a) or (b)*,

if that person is found guilty of an offence under section 13 of the Act of 1997, the court shall take such conduct into account as an aggravating factor in determining any sentence to be imposed on him or her for the offence.

(5) In the case of a person who intentionally or recklessly without that other's consent—

- (a) takes or detains, or
- (b) causes to be taken or detained, or
- (c) otherwise restricts the personal liberty of—
 - (i) a woman seeking to obtain or having obtained medical treatment under this Act,
 - (ii) a medical practitioner seeking to provide or having provided medical treatment under this Act, or
 - (iii) a third person involved in assisting or facilitating a person referred to in *subparagraph (i) or (ii)*,

as a consequence of that medical treatment, if that person is found guilty of an offence under section 13 of the Act of 1997, the court shall take such conduct into account as an aggravating factor in determining any sentence to be imposed on him or her for the offence.”.

—Seamus Healy.