



DÁIL ÉIREANN

**AN BILLE UM CHOSAINT NA BEATHA LE LINN TOIRCHIS,
2013**

PROTECTION OF LIFE DURING PREGNANCY BILL 2013

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

DÁIL ÉIREANN

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

PROTECTION OF LIFE DURING PREGNANCY BILL 2013 —REPORT

Leasuithe Amendments

1. In page 5, line 5, to delete “human” and substitute “maternal”.
—Richard Boyd Barrett, Joe Higgins.
2. In page 5, line 5, after “pregnancy;” to insert “to make provision for lawful abortion where there is a risk to maternal life;”.
—Richard Boyd Barrett, Joe Higgins.
3. In page 5, line 14, to delete “Protection of Life During Pregnancy Act 2013” and substitute “Termination of Pregnancy Act 2013”.
—Mattie McGrath.
4. In page 5, line 14, after “of” to insert “maternal”.
—Richard Boyd Barrett, Joe Higgins.
5. In page 5, line 14, after “Life” to insert “and Health”.
—Joe Higgins.
6. 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”.
—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.
7. In page 5, between lines 24 and 25, to insert the following:
“ “appropriately qualified practitioner” means a general practitioner, medical practitioner, midwife, obstetrician, gynaecologist, as defined in this Act;”.
—Joan Collins, Clare Daly, Joe Higgins.
8. In page 5, lines 26 and 27, to delete “*section 9* certification”.
—Peadar Tóibín.
9. 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;”.

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

10. 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;”.

—Catherine Murphy, Seamus Healy, Mick Wallace, Richard Boyd Barrett, Joe Higgins.

11. 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;”.

—Catherine Murphy, Seamus Healy, Mick Wallace, Richard Boyd Barrett, Joe Higgins.

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

“ “incest” means the crime of sexual relations taking place between a male and female who are so closely linked by blood or affinity that such activity is prohibited by law within the terms of the Punishment of Incest Act 1908 as amended by the Criminal Law (Incest Proceedings) Act 1995;”.

—Joe Higgins.

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

“ “Medical Council rules or guidelines” means any rules or guidelines for the time being in force under section 11 or 12 of the Act of 2007;”.

—Peadar Tóibín.

14. In page 6, line 8, after “treatment” to insert the following:

“, it excludes any procedure done with the intention of killing a human person, whether born or unborn”.

—Mattie McGrath.

15. In page 6, line 8, after “treatment” to insert the following:

“where the medical treatment employed shall not impede all efforts to sustain the life of the unborn which is potentially viable outside the womb”.

—Denis Naughten.

16. In page 6, between lines 27 and 28, to insert the following:

“ “rape” means sexual intercourse with a woman who does not consent and, at the time, the man either knows that she does not consent or is reckless as to whether or not she consents;”.

—Joe Higgins.

17. In page 6, to delete lines 28 to 31.

—An tAire Sláinte.

18. 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”.

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

19. In page 6, lines 30 and 31, to delete “the need to preserve unborn human life as far as practicable” and substitute “any relevant Medical Council rules or guidelines and to the right to life of the unborn”.

—Peadar Tóibín.

20. In page 7, to delete line 8.

—Éamon Ó Cuív, Peadar Tóibín.

21. In page 7, to delete lines 10 to 12 and substitute the following:

“ “unborn”, means a foetus which has reached that stage of development at which, if born, it would be capable of life outside the womb;”.

—Joan Collins, Clare Daly, Richard Boyd Barrett, Joe Higgins.

22. In page 7, between lines 12 and 13, to insert the following:

“ “viable”, in relation to a pregnancy, means a foetus or embryo that is, or would be expected to be, capable of surviving independently outside the womb by reason of its gestational age;”.

—Lucinda Creighton.

23. In page 7, lines 14 to 17, to delete all words from and including “be—” in line 14 down to and including “accordingly” in line 17 and substitute the following:

“be a *section 7* certification where *section 12(2)* applies and the other provisions of this Act shall be construed accordingly”.

—Mattie McGrath, Éamon Ó Cuív.

24. In page 7, lines 14 to 16, to delete all words from and including “be—” in line 14 down to and including line 16 and substitute the following:

“be a *section 7* certification where a review committee to which *section 12(2)* has made the certification;”.

—Peadar Tóibín.

25. In page 7, between lines 30 and 31, to insert the following:

“(iv) facilities for the intensive care of newborns.”.

—Dara Calleary.

26. In page 8, line 2, after “Oireachtas” to insert “, and be notified to the Joint Committee on Health,”.

—Caoimhghín Ó Caoláin.

27. In page 8, between lines 10 and 11, to insert the following:

“(c) to set gestational limits for termination of pregnancy.”.

—Róisín Shortall.

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

“(3) The Minister shall make regulations to provide for the procedures to be employed where a pregnant woman is unable to give informed consent.

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

—Denis Naughten.

29. In page 8, line 15, after “Oireachtas” to insert “, and be notified to the Joint Committee on Health,”.

—Caoimhghín Ó Caoláin.

30. 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.”.

—Catherine Murphy, Seamus Healy, Mick Wallace.

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

“CHAPTER 1

Medical treatment lawful under this Act

Rape and incest, risk to health and risk to well-being of the woman

7. (1) It shall be lawful for a woman, following consultation with her general practitioner, to obtain a termination of pregnancy if—
- (a) she believes her health, physical or mental, may be at risk if she were to continue the pregnancy,
 - (b) the pregnancy is as a consequence of rape or incest, or
 - (c) she believes it is in her best interests to do so.
- (2) A medical procedure under this section shall be carried out by an obstetrician at an appropriate institution subject to the consent of the woman.”.

—Joan Collins, Clare Daly.

32. In page 8, to delete lines 30 to 35, to delete page 9, and in page 10, to delete lines 1 to 39 and substitute 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) regulations under this section shall not contravene current evidence based medical treatments, and
 - (c) regulations made under this section shall not come into force without being laid before and approved by each House of the Oireachtas.
- (2) The medical procedure employed shall not impede all efforts to sustain the life of the unborn, after the complete emergence of the human life from the body of the woman, where it is potentially viable outside the womb.”.

—Denis Naughten.

33. In page 8, lines 32 and 33, to delete “an unborn human life” and substitute “a pregnancy”.

—Richard Boyd Barrett, Joe Higgins.

34. In page 8, line 35, to delete “in good faith”.

—Richard Boyd Barrett, Joe Higgins.

35. In page 9, line 1, after “risk” to insert “, which may be neither immediate or inevitable,”.

—Catherine Murphy, Seamus Healy, Richard Boyd Barrett, Joe Higgins.

36. In page 9, line 1, after “life” to insert “or health”.

—Joe Higgins.

37. In page 9, line 2, after “illness,” to insert “which may be neither immediate nor inevitable,”.

—Catherine Murphy, Seamus Healy, Joe Higgins.

38. In page 9, to delete lines 3 and 4 and substitute the following:

“(ii) in their reasonable opinion (being an opinion formed in good faith which has regard to the need to preserve unborn human life as far as practicable) that risk can only be averted by carrying out the medical procedure,”.

—An tAire Sláinte.

39. In page 9, line 3, to delete “reasonable”.

—Richard Boyd Barrett, Joe Higgins.

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

—Joe Higgins.

41. In page 9, between lines 7 and 8, to insert the following:

“(c) all practicable measures are taken to protect the life of the unborn in the course of the medical procedure and to preserve its life following delivery.”.

—Brian Walsh.

42. In page 9, line 13, after “shall,” to insert “only”.

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

43. In page 9, line 13, after “consult” to insert “with appropriate urgency,”.

—Caoimhghín Ó Caoláin.

44. In page 9, line 19, after “forward” to insert “forthwith”.

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

45. In page 9, line 19, after “forwarded” to insert “forthwith”.

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

46. In page 9, line 21, after “make” to insert “forthwith”.

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

47. In page 9, between lines 23 and 24, 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.

48. In page 9, line 28, to delete “an unborn human life” and substitute “a pregnancy”.
—Joe Higgins.
49. In page 9, line 28, to delete “is ended” and substitute “may be ended”.
—Dara Calleary.
50. In page 9, lines 30 and 31, to delete “in good faith”.
—Joe Higgins.
51. In page 9, to delete lines 33 and 34 and substitute the following:
 “(b) the medical procedure is, in his or her reasonable opinion (being an opinion formed in good faith which has regard to the need to preserve unborn human life as far as practicable) immediately necessary in order to save the life of the woman, and”.
 —An tAire Sláinte.
52. In page 9, line 33, to delete “reasonable”.
—Joe Higgins.
53. In page 9, between lines 35 and 36, to insert the following:
 “(d) all practicable measures are taken to protect the life of the unborn in the course of the medical procedure and to preserve its life following delivery.”.
 —Brian Walsh.
54. In page 10, between lines 4 and 5, 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.
55. In page 10, between lines 4 and 5, to insert the following:
“Risk of loss of life from suicide
 9. In respect of a pregnant woman where there is a real and substantial risk of loss of the woman and life by way of suicide, a care-path should be put in place by a psychiatrist who practices as such in—
 (a) an approved centre, and
 (b) for, or on behalf of, the Executive, or both,
 such a care path should be that as developed by the College of Psychiatrists in Ireland and agreed by the Minister for Health.”.
 —Billy Timmins.

56. In page 10, to delete lines 6 to 39.

—Mattie McGrath, Billy Timmins, Terence Flanagan, Éamon Ó Cuív, Peadar Tóibín.

57. In page 10, to delete lines 6 to 39 and substitute the following:

“9. It shall not 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, an unborn life is ended on the grounds of averting a real and substantial risk of loss of the woman’s life where the real and substantial risk of loss of the woman’s life in question relates to a risk of suicide or any cause other than a physical illness and the provisions of this Bill shall be construed accordingly.”.

—Colm Keaveney

58. In page 10, to delete lines 6 to 39 and substitute the following:

“9. (1) Any pregnant woman who presents as suicidal at her general practitioner or at an accident and emergency department shall be entitled to a care pathway which shall comprise of the following steps—

- (a) a full psychiatric assessment and an assessment of capacity within two hours of presenting at her general practitioner or at an accident or emergency department,
- (b) a suicide prevention algorithm shall be formulated by the psychiatrist to assess the need for hospital admission, day hospital care or care at home as appropriate,
- (c) a full psychosocial assessment of her needs shall take place within 24 hours of presenting at her general practitioner or at an accident or emergency department,
- (d) an integrated multi-disciplinary care plan for the woman will be formulated between the psychiatrist, an obstetrician (if she is already under the care of an obstetrician), her general practitioner, a social worker, and her family,
- (e) if the woman is still expressing suicidal ideation, she shall be entitled to focused therapy which, based on the evidence, should include dialectical behaviour therapy, in her home if necessary,
- (f) day hospital care, and/or pharmacological treatments will be concurrently made available within 24 hours of the request for same, depending on need,
- (g) the psychiatrist shall evaluate the woman twice weekly during the crisis stage of her treatment and thereafter depending on the consideration of the psychiatrist and the perspective of the woman and her family, based on clinical need,
- (h) thereafter the woman’s interdisciplinary care team will meet at least once in every 14 days to assess her progress.”.

—Lucinda Creighton.

59. In page 10, line 6, after “woman” to insert “of not more than 20 weeks gestation”.

—Brian Walsh.

60. In page 10, lines 7 and 8, to delete “an unborn human life” and substitute “a pregnancy”.
—Joan Collins, Clare Daly, Joe Higgins.
61. In page 10, line 8, to delete “is ended” and substitute “may be ended”.
—Dara Calleary.
62. In page 10, line 9, to delete “three” and substitute “two”.
—Catherine Murphy, Mick Wallace, Richard Boyd Barrett, Joe Higgins.
63. In page 10, line 10, to delete “in good faith”.
—Joe Higgins.
64. In page 10, line 11, after “risk” to insert “, which may be neither immediate nor inevitable,”.
—Catherine Murphy, Seamus Healy, Richard Boyd Barrett, Joe Higgins.
65. In page 10, line 12, after “suicide,” to insert “which may be neither immediate nor inevitable,”.
—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.
66. In page 10, to delete lines 13 and 14 and substitute the following:
“(ii) in their reasonable opinion (being an opinion formed in good faith which has regard to the need to preserve unborn human life as far as practicable) that risk can only be averted by carrying out the medical procedure,”.
—An tAire Sláinte.
67. In page 10, line 13, to delete “reasonable”.
—Joe Higgins.
68. In page 10, line 13, after “risk” to insert “, which may be neither immediate nor inevitable,”.
—Joan Collins, Clare Daly.
69. In page 10, between lines 14 and 15, to insert the following:
“(iii) all other appropriate therapies and treatments that may avert the risk of loss of the woman’s life by way of suicide without posing a risk to the life of the unborn have been availed of without success,
(b) all practicable measures are taken to protect the life of the unborn in the course of the medical procedure and to preserve its life following delivery,”.
—Brian Walsh.
70. In page 10, between lines 14 and 15, to insert the following:
“(iii) no other treatment is available to avert the risk of suicide,”.
—Dara Calleary.
71. In page 10, line 18, to delete “3” and substitute “2”.
—Catherine Murphy, Mick Wallace, Richard Boyd Barrett, Joe Higgins.

72. In page 10, line 19, to delete “an obstetrician who practises as such at an appropriate institution” and substitute “a general practitioner or a medical practitioner of a relevant specialty”.

—Joan Collins, Clare Daly, Joe Higgins.

73. In page 10, to delete line 20.

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

74. In page 10, line 25, to delete “Of the 2 psychiatrists” and substitute “If practicable, it is recommended that the psychiatrist”.

—Catherine Murphy, Mick Wallace, Richard Boyd Barrett, Joe Higgins.

75. In page 10, line 29, after “shall,” to insert “only”.

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

76. In page 10, line 29, after “consult” to insert “with appropriate urgency,”.

—Caoimhghín Ó Caoláin.

77. In page 10, between lines 33 and 34, to insert the following:

“(5) The medical practitioners referred to in *subsection 1(b)* shall, in making their decision as to whether or not to make a *section 9* certification in respect of the woman, have regard to contemporary medical evidence pertaining to the appropriateness of the medical procedure for the purpose of averting the risk of loss of the woman’s life by way of suicide.”.

—Brian Walsh.

78. In page 10, between lines 33 and 34, to insert the following:

- “(5) (a) Prior to making their decision as to whether or not to make a *section 9* certification, the three medical practitioners referred to in *subsection (1)(a)* shall jointly meet with the woman, a person acting on her behalf and an advocate for the preservation of the life of the unborn nominated by the Attorney General. The purpose of the meeting shall be to assist the medical practitioners in considering whether or not to make a *section 9* certification by reference to the provisions of this Act.
- (b) The three medical practitioners referred to in *subsection (1)(a)* shall make an application in the prescribed form and manner to the Attorney General requesting the Attorney General to nominate an advocate for the preservation of the life of the unborn.
- (c) Where the pregnant woman has not nominated a person to act on her behalf, the three medical practitioners referred to in *subsection (1)(a)* shall make an application in the prescribed form and manner to the Attorney General requesting the Attorney General to nominate a person to act on behalf of the woman.
- (d) The Attorney General shall nominate an advocate for the preservation of the life of the unborn and, if requested to do so under *paragraph (c)*, a person to act on

behalf of the woman without delay and no later than 48 hours from the receipt of a request under *paragraph (b)* and/or *paragraph (c)* as the case may be.

- (e) The woman, the representative of the woman and the advocate for the preservation of the life of the unborn shall be entitled to review all documents and information being considered by the three medical practitioners referred to in *subsection (1)(a)* and to participate fully in, and be heard at, the meeting held pursuant to *paragraph (a)* but subject to the restriction that the advocate for the preservation of the life of the unborn shall not be entitled to cross-examine the pregnant woman.”.

—Lucinda Creighton.

79. In page 10, to delete lines 34 to 39 and substitute the following:

“(5) Subject to *section 19*, the certifying obstetrician shall—

- (a) forward, or cause to be forwarded, the *section 9* certification to an appropriate institution,
- (b) forward, or cause to be forwarded, a copy of the *section 9* certification to the Attorney General, and
- (c) make such arrangements as may be necessary for the carrying out of the medical procedure to which the *section 9* certification relates at the appropriate institution, subject to the outcome of any review under *Chapter 2* of this Part.”.

—Lucinda Creighton.

80. In page 10, after line 39, 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.

81. In page 10, after line 39, 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 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.”.

—Catherine Murphy, Seamus Healy, Mick Wallace, Richard Boyd Barrett, Joe Higgins.

82. In page 10, after line 39, 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 practitioner to conscientious objection under *section 17* of this Act.”.

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

83. In page 10, after line 39, to insert the following:

“Inevitable miscarriage

10. 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.”.

—Richard Boyd Barrett, Joe Higgins.

84. In page 10, after line 39, to insert the following:

“Rape and sexual abuse, risk to health and risk to well being of the woman

10. (1) It shall be lawful for a woman, following consultation with her general practitioner, to obtain a termination of pregnancy if—
- (a) she believes her health, physical or mental, may be at risk if she were to continue the pregnancy;
 - (b) the pregnancy is as a consequence of rape or sexual abuse; or
 - (c) she believes it is in her best interests to do so.
- (2) A medical procedure under this section shall be carried out by an obstetrician at an appropriate institution subject to the consent of the woman.”.

—Richard Boyd Barrett, Joe Higgins.

85. In page 10, after line 39, to insert the following:

“Viable pregnancies

10. (1) Nothing in *Part 2* of this Act shall make it lawful to carry out a medical procedure in respect of a pregnant woman in the course of which, or as a result of which, an unborn human life is ended where the unborn human life is viable.
- (2) The Minister shall make Regulations prescribing, on the basis of medical expertise for the time being available to the Minister, time limits outside which all unborn human life is deemed for the purposes of this Act to be viable.
- (3) For the purposes of any Regulations made in accordance with *subsection (2)*, the Minister—
- (i) shall have regard to the view of a broad body of obstetric experience, and
 - (ii) shall, together with any regulations that may be made, publish the advice upon the basis of which such Regulations have been made.”.

—Lucinda Creighton.

86. In page 11, to delete lines 3 to 13 and substitute the following:

“Application for review of medical opinion

10. (1) Where a medical practitioner, who has been requested to give an opinion in respect of a pregnant woman in the circumstances referred to in *section 7(1)* or *9(1)*—

(a) does not give an opinion, or

(b) gives an opinion but not such as would be required for the purposes of a *section 7* certification or *section 9* certification, as the case may be,

(in this Act referred to as a “relevant decision”) he or she shall inform the woman in writing that she may make an application in accordance with *subsection (2)* to review the relevant decision.

(2) A pregnant woman, or a person acting on her behalf, may make an application in the prescribed form and manner to the Executive for a review of a relevant decision.

(3) Where a *section 9* certification (also a “relevant decision” for the purposes of this Act) has been made by medical practitioners, the Attorney General or his nominee may make an application in the prescribed form and manner to the Executive for a review of this decision. For the avoidance of doubt, the Attorney General shall not have the right to apply for a review of any relevant decisions made under *section 7* of this Act.”.

—Lucinda Creighton.

87. In page 11, line 5, to delete “or *9(1)*”.

—Mattie McGrath, Éamon Ó Cuív, Peadar Tóibín.

88. In page 11, line 8, to delete “or *section 9* certification, as the case may be”.

—Peadar Tóibín.

89. In page 11, line 8, to delete “or *section 9* certification”.

—Mattie McGrath, Éamon Ó Cuív.

90. 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.”.

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

91. 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.

92. In page 11, lines 21 and 22, to delete “duly identified by it” and substitute “duly nominated by the Medical Council”.

—Peadar Tóibín.

93. In page 11, to delete line 24.

—Peadar Tóibín.

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

—Denis Naughten.

95. In page 11, between lines 29 and 30, to insert the following:

“(5) The appointment of medical practitioners to the review panel shall be subject to the prior approval of both Houses of the Oireachtas.”.

—Brian Walsh.

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

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

97. In page 12, to delete line 2 and substitute the following:

“(a) a general practitioner or a medical practitioner of a relevant speciality, and”.

—Joan Collins, Clare Daly, Richard Boyd Barrett, Joe Higgins.

98. In page 12, to delete lines 4 to 14.

—Mattie McGrath, Éamon Ó Cuív, Peadar Tóibín.

99. In page 12, to delete lines 7 to 11.

—Mick Wallace.

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

—Catherine Murphy, Mick Wallace, Richard Boyd Barrett, Joe Higgins.

101. 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.”.

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

102. In page 12, lines 21 and 22, to delete “or a *section 9* certification (where the circumstances referred to in *section 9(1)* apply)”.

—Mattie McGrath, Éamon Ó Cuív, Peadar Tóibín.

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

—Catherine Murphy, Seamus Healy, Richard Boyd Barrett, Joe Higgins.

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

—Caoimhghín Ó Caoláin.

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

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

106. In page 12, line 28, after “decision” to insert “attend to and”.

—Denis Naughten.

107. In page 12, line 30, to delete “in good faith”.

—Richard Boyd Barrett, Joe Higgins.

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

—Catherine Murphy, Seamus Healy, Richard Boyd Barrett, Joe Higgins.

109. In page 12, line 31, after “life” to insert “or health”.

—Joe Higgins.

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

—Catherine Murphy, Seamus Healy, Richard Boyd Barrett, Joe Higgins.

111. In page 12, to delete lines 33 and 34 and substitute the following:

“(b) in its reasonable opinion (being an opinion formed in good faith which has regard to the need to preserve unborn human life as far as practicable) that risk can only be averted by carrying out a medical procedure referred to in *section 7(1)* or *9(1)*, as the case may be,”.

—An tAire Sláinte.

112. In page 12, line 33, to delete “reasonable”.

—Richard Boyd Barrett, Joe Higgins.

113. In page 12, line 33, after “risk” to insert “, which may be neither immediate or inevitable,”.

—Joe Higgins.

114. In page 12, line 34, to delete “or *9(1)*”.

—Mattie McGrath, Éamon Ó Cuív.

115. In page 12, between lines 34 and 35, to insert the following:

“(c) all other appropriate therapies and treatments that may avert the risk of loss of the woman’s life by way of suicide without posing a risk to the life of the unborn have been availed of without success.”.

—Brian Walsh.

116. In page 13, line 2, after “shall” to insert “forthwith”.

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

117. In page 13, line 6, after “shall” to insert “forthwith”.

—Richard Boyd Barrett, Joe Higgins.

118. In page 13, line 18, after “woman” to insert “and/”.

—Denis Naughten.

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

“(2) An advocate for the unborn nominated by the Attorney General shall be entitled to be heard by the review committee and, where the advocate informs the committee that they wish to be heard, the committee shall make such arrangements as may be necessary in order to hear the advocate.”.

—Brian Walsh.

120. 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 by the review committee.
- (3) The review committee shall make an application in the prescribed form and manner to the Attorney General requesting the Attorney General to nominate an advocate for the preservation of the life of the unborn.
- (4) Where the pregnant woman has not nominated a person to act on her behalf, the review committee shall make an application in the prescribed form and manner to the Attorney General requesting the Attorney General to nominate a person to act on behalf of the woman.
- (5) The Attorney General shall nominate an advocate of for the preservation of the life of the unborn and, if requested to do so under *subsection (3)*, a person to act on behalf of the woman without delay and no later than 48 hours from the receipt of a request under *subsection (3)* and/or *subsection (4)* as the case may be.
- (6) The woman, the representative of the woman and the advocate for the preservation of the life of the unborn shall be entitled to review all documents and information being considered by the review committee and to be heard by the review committee, but subject to the restriction that the advocate for the preservation of the life of the unborn shall not be entitled to cross-examine the woman.”.

—Lucinda Creighton.

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

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

122. In page 13, between lines 36 and 37, to insert the following:

“(7) The advocate for the unborn referred to in *subsection (2)* shall be paid by the Executive out of funds at its disposal such remuneration and such allowances for expenses as the Minister may, with the approval of the Minister for Public Expenditure and Reform, determine.”.

—Brian Walsh.

123. In page 14, to delete lines 2 to 19 and substitute 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.”.

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

124. In page 14, line 3, to delete “Chapter” and substitute “Act”.

—Peadar Tóibín.

125. In page 14, between lines 7 and 8, to insert the following:

- “(a) the total number of certifications made under *sections 7, 8* and *9* respectively,
- (b) the nature of each medical procedure certified under *sections 7, 8* and *9* respectively,
- (c) the period of gestation of the unborn in respect of whom each medical procedure was certified under *sections 7, 8* and *9* respectively,
- (d) the outcome for the pregnant woman and her unborn in respect of every medical procedure certified and carried out under *sections 7, 8* and *9*.”.

—Peadar Tóibín.

126. In page 14, between lines 11 and 12, to insert the following:

- “(e) the total number of certifications made under *section 13*,
- (f) the nature of each medical procedure certified under *section 13*,
- (g) the period of gestation of the unborn in respect of whom each medical procedure was certified under *section 13*,
- (h) the outcome for the pregnant woman and her unborn in respect of every medical procedure certified and carried out under *section 13*.”.

—Peadar Tóibín.

127. In page 14, between lines 19 and 20, to insert the following:

“(5) In preparing a report under this section, the Executive shall include in the report

information on—

- (a) the clinical grounds for medical procedures carried out relating to *section 13* certification,
- (b) in each such case, the stage of gestation at which the medical procedure was carried out,
- (c) the outcome of the medical procedure for the child.”.

—Brian Walsh.

128.In page 14, between lines 21 and 22, 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.

129.In page 14, between lines 21 and 22, to insert the following:

- “16.** Nothing in this Act shall operate to make lawful the direct, intentional ending of unborn human life during the period of time commencing 12 weeks after implantation of that unborn life in the womb of a woman and ending on the complete emergence of that life from the body of the woman.”.

—Peadar Tóibín.

130.In page 14, to delete lines 23 and 24 and substitute 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.”.

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

131.In page 14, line 27, to delete “medical practitioner, nurse or midwife” and substitute “person”.

—Terence Flanagan.

132.In page 14, line 27, after “out” to insert “or procuring”.

—Dara Calleary.

133.In page 14, line 28, to delete “or 9(1)”.

—Mattie McGrath, Éamon Ó Cuív, Peadar Toibín.

134.In page 14, line 29, 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.”.

—Catherine Murphy, Mick Wallace, Richard Boyd Barrett, Joe Higgins.

135.In page 14, to delete lines 32 to 34 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 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.”.

—Catherine Murphy, Mick Wallace, Richard Boyd Barrett, Joe Higgins.

136.In page 14, to delete lines 32 to 34.

—Terence Flanagan.

137.In page 14, line 32, after “shall” to insert “immediately”.

—Caoimhghín Ó Caoláin.

138.In page 14, line 33, after “concerned” to insert “in conjunction with the management of the appropriate institution, where applicable”.

—Denis Naughten.

139. In page 15, to delete lines 16 to 37, and in page 16, to delete lines 1 to 32 and substitute 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.”

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

140. In page 15, line 16, to delete “*8(1)* or *9(1)*” and substitute “or *8(1)*”.

—Mattie McGrath, Éamon Ó Cuív, Peadar Tóibín.

141. In page 15, lines 18 to 22, to delete all words from and including “shall—” in line 18 down to and including “*subsection (3)*” in line 22 and substitute the following:

“shall include in the report information on—

- (a) the total number of notifications received by him or her under each of the subsections in this section,
- (b) the clinical grounds for the medical procedure being carried out in respect of each notification,
- (c) the stage of gestation at which the medical procedure was carried out in respect of each notification,
- (d) the outcome of the medical procedure for the mother and child in respect of each notification”.

—Brian Walsh.

142. In page 16, line 6, to delete “*8(1)* or *9(1)*” and substitute “or *8(1)*”.

—Mattie McGrath, Éamon Ó Cuív, Peadar Tóibín.

143. In page 16, lines 9 and 10, to delete “, *section 8* certification (whether made before or after the medical procedure was carried out) or *section 9* certification” and substitute “or *section 8* certification (whether made before or after the medical procedure was carried out)”.

—Peadar Tóibín.

144. In page 16, line 10, to delete “or *section 9* certification”.

—Mattie McGrath, Éamon Ó Cuív.

145. In page 16, between lines 18 and 19, to insert the following:

- “(e) the stage of gestation at which the medical procedure was carried out in respect of each notification;
- (f) the outcome of the medical procedure for the woman and the unborn in respect of each notification.”

—Róisín Shortall.

146. In page 16, line 24, to delete “*subsection (1)*” and substitute “*subsection (4)*”.

—An tAire Sláinte.

147. In page 16, to delete lines 33 to 39, and in page 17, to delete lines 1 to 32.

—Joan Collins, Clare Daly, Joe Higgins.

148. In page 17, lines 9 to 14, to delete all words from and including “purpose—” in line 9 down to and including line 14 and substitute the following:

“purpose a medical procedure referred to in *section 7(1)* of the Act of 2013 is not carried out at the institution.”.

—Peadar Tóibín.

149. In page 17, to delete lines 12 to 14.

—Mattie McGrath, Éamon Ó Cuív.

150. In page 17, to delete lines 33 to 39, and in page 18, to delete lines 1 and 2 and substitute the following:

“Offences

22. (1) It shall be an offence—

- (a) to intentionally or recklessly end a pregnancy without the consent of the pregnant woman,
- (b) for a person other than an appropriately qualified practitioner to perform a surgical medical procedure for the purposes of ending a pregnancy.

(2) Notwithstanding the provisions of *subsection (1)* of this section—

- (a) no pregnant woman, or third party facilitating or assisting her, shall be held criminally liable for procuring or carrying out a medical procedure that leads to the ending of a pregnancy, and
- (b) no appropriately qualified practitioner shall be held criminally liable for carrying out a medical procedure that leads to the ending of a pregnancy.

(3) A person guilty of an offence under this section shall be liable under indictment to a fine or imprisonment for a term not exceeding 14 years, or both.

(4) A prosecution for an offence under this section may be brought only by or with the consent of the Director of Public Prosecutions.”.

—Joan Collins, Clare Daly.

151. In page 17, to delete lines 33 to 39, and in page 18, to delete lines 1 and 2.

—Mick Wallace, Richard Boyd Barrett, Joe Higgins.

152. In page 17, to delete lines 35 and 36 and substitute the following:

“(2) A person who is guilty of an offence under this section shall be liable on indictment to a fine or imprisonment for a term not exceeding 5 years, or both.”.

—Lucinda Creighton.

153. In page 17, line 35, after “person” to insert “, other than the pregnant women concerned,”.

—Colm Keaveney, Catherine Murphy, Seamus Healy.

154. In page 17, line 35, after “person” to insert “, other than the pregnant woman,”.

—Caoimhghín Ó Caoláin.

155. In page 17, to delete line 39, and in page 18, to delete lines 1 and 2.

—An tAire Sláinte.

156. In page 18, line 1, to delete “8 or 9” and substitute “or 8”.

—Mattie McGrath, Éamon Ó Cuív, Peadar Tóibín.

157. In page 18, between lines 2 and 3, to insert the following:

“(5) For the avoidance of doubt, it is hereby declared that *subsection (1)* shall not apply in relation to a pregnant woman availing of any medical procedure in the course of which, or as a result of which, an unborn human life is ended.”.

—Colm Keaveney.

158. In page 18, to delete lines 3 to 13.

—Joe Higgins.

159. In page 18, after line 13, 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 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 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.”.

—Catherine Murphy, Richard Boyd Barrett, Joe Higgins.

160.In page 18, after line 13, to insert the following:

“Review of Legislation

- 24.** The operation of this legislation shall be reviewed by the Oireachtas after a period of three years from its commencement.”.

—Róisín Shortall.

161.In page 19, to delete line 8 and substitute “Cork University Hospital and Cork University Maternity Hospital”.

—An tAire Sláinte.

162.In page 19, to delete line 9 and substitute “Galway University Hospitals”.

—An tAire Sláinte.

163.In page 19, line 19, after “Hospital” to insert “, Drogheda”.

—An tAire Sláinte.

164.In page 19, line 22, to delete “Regional” and substitute “General”.

—An tAire Sláinte.

165.In page 19, to delete line 24 and substitute “St Luke’s Hospital, Kilkenny”.

—An tAire Sláinte.