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**An Comhchoiste um Shláinte**  
**Tuarascáil maidir leis an Athbhreithniú Neamhspleách ar**  
**Oibriú an Achta Sláinte (Foirceannadh Toirchis a Rialáil) 2018**

Nollaig 2023

**Joint Committee on Health**  
**Report on the Independent Review of the Operation of the**  
**Health (Regulation of Termination of Pregnancy) Act 2018**

December 2023

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## Cathaoirleach's Foreword



The Health (Regulation of Termination of Pregnancy) Act 2018 came into effect following a decision by citizens in a referendum on the 8<sup>th</sup> amendment to the Constitution. Essentially, the change to the Constitution and the Act were about valuing the health of women, respecting their decisions and caring for them without judgement.

Given the sensitivity of legislation relating to the termination of pregnancy and the careful balance that the Act sought to achieve, it is welcome that the review of the operation of the Act took place and that the Joint Committee on Health had an opportunity to consider the outcome of that process.

The Committee considers it essential that the Act is operating as intended and that women are able to gain access to services for the termination of pregnancy without obstacles or delay. The current review presented us with an opportunity to ensure that this is achieved.

The proceedings of the Committee gave us a very valuable opportunity to hear a range of sometimes contrasting views on the issues at stake.

On behalf of the Joint-Committee, I wish to thank the members of the Committee, as well as other members of both the Dáil and Seanad, for their constructive engagement on the matter. I greatly appreciate the time assistance given to the Committee in the process by Ms Marie O'Shea, BL, and her colleagues - Dr Catherine Conlon and Dr Deirdre Duffy.

I hope that the deliberations of the Committee and this report will be of assistance to the Minister for Health, and that work on the full implementation of the recommendations can now be completed without delay.

A handwritten signature in dark ink, reading "Seán Crowe", is positioned above a horizontal line.

Seán Crowe, T.D,  
Cathaoirleach of the Joint Committee on Health  
December 2023

## Membership

### Members of the Joint Committee on Health



*Colm Burke TD  
(FG)*



*Cathal Crowe TD  
(FF)*



*Seán Crowe TD (SF)  
(Cathaoirleach)*



*David Cullinane TD  
(SF)*



*Bernard Durkan TD  
(FG)*



*Neasa Hourigan TD  
(GP)*



*Gino Kenny TD  
(PBP)*



*John Lahart TD  
(FF)*



*Róisín Shortall TD  
(Soc. Dems)*



*Sen. Frances Black  
(Ind)*



*Sen. Lorraine Clifford -  
Lee (FF)*



*Sen. Martin Conway  
(FG)*



*Sen. Annie Hoey*  
(Lab)



*Sen. Seán Kyne*  
(FG)

Notes:

1. Deputies nominated by the Dáil Committee of Selection and appointed by Order of the Dáil of 16 June 2020.
2. Senators nominated by the Seanad Committee of Selection and appointed by Order of the Seanad on 22 July 2020.



## 1. Introduction

In accordance with section 7 of the Health (Regulation of Termination of Pregnancy Act) 2018 as well as government commitments, a review of the operation of the Health (Regulation of Termination of Pregnancy Act) 2018 commenced in December 2021. Ms Marie O'Shea, B.L., was appointed as the independent Chair, and was requested to assess the relevant research inputs and submit a final report to the Minister for Health on the effectiveness of the operation of the legislation.

The Report, which was completed in February, 2023, makes a range of recommendations most of which are operational in nature, with some proposing legislative change.

The Report was considered by the Government in April 2023, and it agreed that the HSE would establish an implementation group to progress the operational recommendations. However, as a number of the recommendations also required changes to the underpinning legislative framework, the Minister for Health requested, on 26 April 2023, the Joint Committee on Health to consider those recommendations and the amendments arising.

The review of the 2018 Act was informed by –

- the Unplanned Pregnancy and Abortion Care (UnPAC) study commissioned by the HSE
- a review of health providers' perspectives and a public consultation process
- a research project titled "Conscientious Objection after Repeal: Abortion, Law and Ethics" (CORALE), led by researchers at Trinity College Dublin and funded by the Irish Research Council.

## 2. Number and duration of meetings held by the Joint Committee

The Joint Committee held two public meetings to consider the Report:

- 31 May 2023 with the following witnesses present:
  - Ms. Marie O'Shea; and
  - Dr. Catherine Conlon
- 18 October 2023 with the following witnesses present:
  - Ms. Marie O'Shea
  - Dr. Catherine Conlon; and
  - Dr. Deirdre Duffy

The subject matter of the meetings of the Joint Committee and the individuals who attended the meetings are detailed in Appendix 2. The transcripts of the meetings are in Appendix 3.

## 3. Meetings, Attendance and Recording

The meetings of the Joint Committee took place in the Committee rooms in Leinster House 2000.

Committee proceedings were broadcast live within Leinster House and also made available to RTE, TV3 and TG4. Proceedings were also live streamed on our website and through our app. Since September 2014, the proceedings of Committees in public session, typically recorded but occasionally live, are broadcast on the dedicated parliamentary channel Oireachtas TV, which is available on these channels:

- Saorview 22, Sky 517, Virgin Media 207, eir Vision 504
- Vodafone Channels 201, 207 (Dáil Éireann) and 208 (Seanad Éireann).



An Official Report (Parliamentary Debates) of the public meetings of the Committee may be viewed on the Houses of the Oireachtas website at [www.oireachtas.ie](http://www.oireachtas.ie).

## 4. Committee Conclusions

The Committee welcomed the opportunity to examine the legislative recommendations in the Report. In considering the Report and its recommendations, it was very helpful for the Committee to engage with Ms O'Shea, the Chair of the review. The engagement assisted the Committee in gaining an improved understanding of the research on which the Report was based and considerations that informed them.

The Committee did not seek to come to a conclusion on each individual legislative recommendation identified in the Report. However, a majority of the Committee supports them as an overall package. The Committee believes that together with the provisions of the Health (Termination of Pregnancy Services) (Safe Access Zones) Bill, 2023, which the Committee recently considered, the recommendations are necessary to ensure that the 2018 Act meets the needs of women seeking to avail of services for the termination of pregnancy. The Committee considers that work should be advanced to give effect to the recommendations without any delay. In that regard, it recommends that the Minister for Health should bring forward appropriate proposals as a matter of priority.

The Committee also recommends that the HSE should expedite and complete without delay the work of the Implementation Group in relation to the operational arrangements, and publish progress reports. Consultation with those providing or availing of termination of pregnancy services, and with other stakeholders, should take place as appropriate.

Issues raised by individual members of the Committee included –

- in relation to the “three-day waiting period”, that research on women who availed of that period and opted to bring their pregnancies to term was not conducted or used
- that the recommendations entail a substantial departure from the proposals presented to the electorate before the May 2018 referendum.

## APPENDIX 1: Orders of Reference

### 94. Scope and Context of Activities of Select Committees

(1) The Dáil may appoint a Select Committee to consider and, if so permitted, to take evidence upon any Bill, Estimate or matter, and to report its opinion for the information and assistance of the Dáil. Such motion shall specifically state the orders of reference of the Committee, define the powers devolved upon it, fix the number of members to serve on it, state the quorum, and may appoint a date upon which the Committee shall report back to the Dáil.

(2) It shall be an instruction to each Select Committee that—

(a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;

(b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil;

(c) it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions and the Ombudsmen in the exercise of its functions under Standing Order 125(1); and

(d) it shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—

(i) a member of the Government or a Minister of State, or

(ii) the principal office-holder of a State body within the responsibility of a Government Department, or

(iii) the principal office-holder of a non-State body which is partly funded by the State, Provided that the Committee may appeal any such request made to the Ceann Comhairle, whose decision shall be final.

(3) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice to the Business Committee by a Cathaoirleach of one of the Select Committees concerned, waives this instruction.

## **95. Functions of Departmental Select Committees**

(1) The Dáil may appoint a Departmental Select Committee to consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Dáil on any matter relating to—

(a) legislation, policy, governance, expenditure and administration of—

(i) a Government Department, and

(ii) State bodies within the responsibility of such Department, and

(b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.

(2) A Select Committee appointed pursuant to this Standing Order shall also consider such other matters which—

(a) stand referred to the Committee by virtue of these Standing Orders or statute law, or

(b) shall be referred to the Committee by order of the Dáil.

(3) The principal purpose of Committee consideration of matters of policy, governance, expenditure and administration under paragraph (1) shall be—

(a) for the accountability of the relevant Minister or Minister of State, and

(b) to assess the performance of the relevant Government Department or of a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.

(4) A Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—

(a) consents to such consideration, or

(b) has reported on such accounts or reports.

(5) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Dáil: Provided that the Joint Committee shall not consider—

(a) the Committee Stage of a Bill,

(b) Estimates for Public Services, or

(c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.

(6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.

(7) The Cathaoirleach of the Select Committee appointed pursuant to this Standing Order shall also be Cathaoirleach of the Joint Committee.

(8) Where a Select Committee proposes to consider—

(a) EU draft legislative acts standing referred to the Select Committee under Standing Order 133, including the compliance of such acts with the principle of subsidiarity,

(b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,

(c) non-legislative documents published by any EU institution in relation to EU policy matters,

or

(d) matters listed for consideration on the agenda for meetings of the relevant Council (of Ministers) of the European Union and the outcome of such meetings, the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:

(i) members of the European Parliament elected from constituencies in Ireland,

(ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and

(iii) at the invitation of the Committee, other members of the European Parliament.

(9) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department consider—

(a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and

(b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided that the provisions of Standing Order 130 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.

## 96. Powers of Select Committees

Unless the Dáil shall otherwise order, a Committee appointed pursuant to these Standing Orders shall have the following powers:

(1) power to invite and receive oral and written evidence and to print and publish from time to time—

(a) minutes of such evidence as was heard in public, and

(b) such evidence in writing as the Committee thinks fit;

(2) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Dáil;

(3) power to draft recommendations for legislative change and for new legislation;

(4) in relation to any statutory instrument, including those laid or laid in draft before either or both Houses of the Oireachtas, power to—

(a) require any Government Department or other instrument-making authority concerned to—

(i) submit a memorandum to the Select Committee explaining the statutory instrument, or

(ii) attend a meeting of the Select Committee to explain any such statutory instrument: Provided that the authority concerned may decline to attend for reasons given in writing to the Select Committee, which may report thereon to the Dáil, and

(b) recommend, where it considers that such action is warranted, that the instrument should be annulled or amended;

(5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss—

(a) policy, or



(b) proposed primary or secondary legislation (prior to such legislation being published), for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy or proposed legislation;

(6) power to require that a member of the Government or Minister of State shall attend before the Select Committee and provide, in private session if so requested by the attendee, oral briefings in advance of relevant meetings of the Council of the European Union to enable the Select Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;

(7) power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role;

(8) power to require that a member of the Government or Minister of State who is officially responsible for the implementation of an Act shall attend before a Select Committee in relation to the consideration of a report under Standing Order 197;

(9) subject to any constraints otherwise prescribed by law, power to require that principal officeholders of a—

(a) State body within the responsibility of a Government Department, or

(b) non-State body which is partly funded by the State, which they are officially responsible: Provided that such an office-holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil; and

(10) power to—

(a) engage the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and

(b) undertake travel;

Provided that the powers under this paragraph are subject to such recommendations as may be made by the Working Group of Committee Cathaoirligh under Standing Order 120(4)(a)

## APPENDIX 2: Meetings of the Joint Committee

The following are the details, in date order, of the scheduled meetings of the Joint Committee which took place.

Meeting No. and Date	Topic	Individuals who attended
JCH 214 31/05/2023	Report of the Review of the Operation of the Health (Regulation of Termination of Pregnancy) Act 2018	<ul style="list-style-type: none"> <li>• Ms. Marie O'Shea BL, Chair of the Review</li> <li>• Dr Catherine Conlon, Assistant Professor, Trinity College Dublin</li> </ul>
JCH 231 18/10/2023	Report of the Review of the Operation of the Health (Regulation of Termination of Pregnancy) Act 2018: (Resumed)	<ul style="list-style-type: none"> <li>• Ms. Marie O'Shea BL, Chair of the Review</li> <li>• Dr Catherine Conlon, Assistant Professor, Trinity College Dublin</li> <li>• Dr. Deirdre Duffy, Senior Lecturer, Lancaster University</li> </ul>

## **APPENDIX 3: Transcripts of the Meetings of the Joint Committee**

The transcript of the debate held on 31<sup>st</sup> May 2023 is available at the following link:  
[\[Joint Committee on Health debate - Wednesday, 31 May 2023 \(oireachtas.ie\)\]](#).

The transcript of the debate held on 18<sup>th</sup> October 2023 is available at the following link:  
[\[Joint Committee on Health debate - Wednesday, 18 Oct 2023 \(oireachtas.ie\)\]](#).

## **APPENDIX 4: The Independent Review of the Operation of the Health (Regulation of Termination of Pregnancy) Act 2018**

The report produced by Ms. Marie O'Shea, BL. on the independent review of the operation of the Act can be found at:

[The Independent Review of the Operation of the Health \(Regulation of Termination of Pregnancy\) Act 2018](#)

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