Abortion Bill 2018

House of Commons, Second Reading
Friday 23rd November

About the BMA
The BMA (British Medical Association) is a professional association and trade union representing and negotiating on behalf of all doctors and medical students in the UK. It is a leading voice advocating for outstanding health care and a healthy population. It is an association providing members with excellent individual services and support throughout their lives.

The BMA recognises the diversity of opinion amongst its membership on the issue of abortion. The Association’s specific policy on the decriminalisation of abortion does not address the broader issue of when and how abortion should be available – our established policy on these wider considerations regarding abortion remains unchanged, as outlined in the BMA’s guidance, The Law and Ethics of Abortion.

The BMA believes that abortion should no longer be treated as a criminal issue. Instead, abortion should be regulated in the same way as other medical treatments. We urge MPs to support this Bill, which has cross-party support, to legislate that abortion up to 24 weeks is no longer governed by the criminal law in England, Wales, or Northern Ireland.

Key points

• **The BMA supports the decriminalisation of abortion for doctors and women.** We urge MPs to support this private member’s bill, which would remove criminal sanctions associated with the termination of a pregnancy up to 24 weeks. Our position was established at the BMA’s 2017 ARM (Annual Representative Meeting), following a lengthy and informed debate on the subject. The debate was held in anticipation of public and professional dialogue about whether current abortion legislation is fit for purpose, including the role of the criminal law.

• **Decriminalisation does not mean deregulation.** It is important to stress that the removal of criminal sanctions specific to abortion does not mean an absence of regulation. Limits on the procedure could still be set, but contraventions would be subject to professional and regulatory, rather than criminal, sanctions. This Bill would bring the regulation of abortions carried out up to 24 weeks’ gestation in line with the established framework governing medical procedures.

• **Criminal and civil laws that apply to other aspects of clinical care would continue to apply to an abortion procedure at any stage.** The decriminalisation of abortion would not alter the wider regulatory context governing clinical care, such as matters relating to consent or the supply of medicinal products – these are not contingent on whether abortion remains a criminal offence. For example, supplying abortion drugs without a prescription

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2 The Bill is co-sponsored by MPs from five different political parties.
3 This Bill would not apply to Scotland as abortion law was devolved to Holyrood as part of the Scotland Act 2016.
would remain a criminal offence under the UK-wide Human Medicines Regulations 2012. Criminal sanctions would continue to apply in such cases.

The BMA welcomes the Abortion Bill 2018 as an important opportunity for MPs to consider, and discuss, the role and impact of the criminal law in relation to abortion.

We support the decriminalisation of abortion, for both doctors and women, so that the procedure is treated as a medical issue rather than a criminal matter.

We urge MPs to support this private member’s bill to decriminalise abortion up to 24 weeks in England, Wales and Northern Ireland.

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