

Order of the Day

1. Abortion Reform Bill 2018 – Keys' amendments approved

Mrs Poole-Wilson to move.

The President: The business before us this morning is the Abortion Reform Bill, consideration of Keys' amendments. I call on the Hon. Member of Council, Mrs Poole-Wilson, to move.

Mrs Poole-Wilson: Thank you, Mr President.

As Hon. Members of Council will be aware, this Bill was before another place last week, both to consider the amendments previously made by Council and to consider three amendments tabled by Members of the Keys, and designed to further refine Council's amendments. Following unanimous support for the amendments of Council, as further modified by Keys, the Bill now returns to us for consideration.

Before commenting on the three amendments tabled in another place, I would like to echo the sentiments expressed by Dr Allinson and others last week, namely that this important Bill has received detailed consideration and scrutiny during its passage through both the Branches, with debates being conducted throughout in a mature and considerate way, questions and concerns being aired and listened to, and refinements made – making the Bill, as Dr Allinson put it, 'a piece of law crafted by all Members of Tynwald which I believe we can be justly proud of.'

Turning then to the amendments before us, we have two tabled amendments to clause 3 of the Bill and one to clause 17.

Taking first the amendments to clause 3, both moved by Mr Robertshaw who described them as simply further refinements of the amendments already made by this Council, the first amendment extends the definition of 'counselling' that was initially included when the Bill was last before this Council. Mr Robertshaw commented that his amendment retained the full integrity of the amendment put forward by Council, which now appears at letter (a) but has added wording at letter (b) in relation to counselling provided after a termination, so that namely 'counselling' means counselling which, if provided after a termination in addition to complying with those guidelines insofar as they are relevant, includes specialist information about the after-effects of termination on the woman. Explaining his reasoning, Mr Robertshaw talked about the importance of a counsellor having specialist familiarity with post-abortion scenarios.

The second amendment to clause 3 is in relation to the definition of treatment – a definition refined by this Council and which Mr Robertshaw welcomed. He pointed out that it might be that a consultation would not lead to a termination, perhaps because a woman changed her mind, and so the definition of 'treatment' should be changed to reflect that by replacing the word 'leading' with the words 'which could lead'. So whilst it is a technical amendment, it is one which Mr Robertshaw felt was important to reflect different possible outcomes.

Turning next to the amendment to clause 17, tabled by the Chief Minister, this is a refinement in relation to the requirement for a relevant professional or pharmacist to record 'to the best of their knowledge and belief' that 'the woman freely consents to the termination of her pregnancy and has not been coerced into so doing'.

The refinement expressly links back to clause 13 which prohibits terminations on the grounds alone of the gender of the foetus, apart from in cases where the foetus will likely suffer from a genetic disorder and such disorder is more likely to occur in one gender. The amendment to clause 17 thus adds a new 17(1)(c)(i) requiring the relevant professional or pharmacist to record that to the best of their knowledge and belief 'the termination does not contravene section 13'.

Dr Allinson accepted the amendments from both Mr Robertshaw and the Chief Minister, seeing them as refinements, and ask those in another place to support them. They were supported unanimously.

So in moving today that this Council do concur with the Keys in their amendments to the Council's amendments, I would agree that these amendments are refinements aimed at enhancing the Bill's effectiveness and so should be accepted today by Members of the Council, thus enabling the Bill to continue its journey towards Royal Assent and becoming law.

Mr President, I therefore beg to move.

The President: Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane. I beg to second, sir, and reserve my remarks.

The President: Thank you.

Does any other Member wish to speak?

Lord Bishop.

The Lord Bishop: Thank you, Mr President.

I would be very happy to support these amendments which I do see as being in the interests of enhancing the Bill's effectiveness, and to express my gratitude to the Members of the other place who raised those amendments.

I think the first amendment to clause 3 adjusts the definition of 'counselling' to provide a more robust definition of post-abortion counselling.

The second amendment to clause 3 clearly imagines that there may be an outcome still to be determined at that stage and further tightens up the definition of 'treatment', which helps with the application of conscientious objection from the point of view of the healthcare professional.

The amendment to clause 17 tightens up the provision relating to a ban on sex-selective abortion by requiring medical professionals to record that they have assessed to the best of their ability that the person seeking an abortion is not doing so on the basis of the sex of the baby.

I therefore see these amendments as being entirely within the spirit of the discussion held in this Council earlier and as being instrumental in enhancing the Bill's effectiveness. I would be very happy to support them.

Thank you.

The President: I call on the mover to reply, Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President and I thank the Lord Bishop for his comments acknowledging that the amendments that were made in the Keys last week effectively are tightening up and enhancing the amendments already made by this Council.

I do not think there is anything further that I would like to say, Mr President, in relation to the amendments and so I beg to move.

The President: Hon. Members, the motion is that the amendments made by the House of Keys be concurred with. Those in favour say aye; against, no. The ayes have it. The ayes have it.

Thank you, Hon. Members. That concludes the Item of business before us. The Council will meet again on Tuesday, 13th November.

The Council adjourned at 10.39 a.m.