

GUERNSEY STATUTORY INSTRUMENT

2022 No. 8

The Abortion (Guernsey) Regulations, 2022

<i>Made</i>	<i>1st February, 2022</i>
<i>Coming into operation</i>	<i>2nd February, 2022</i>
<i>Laid before the States</i>	<i>, 2022</i>

THE COMMITTEE FOR HEALTH & SOCIAL CARE, in exercise of the powers conferred on it by sections 4 and 9 of the Abortion (Guernsey) Law, 1997^a, section 11 of the Abortion (Amendment) Law, 2021^b and all other powers enabling it in that behalf, makes the following regulations:-

Certificate of opinion.

1. (1) The recognised medical practitioner on whose opinion under section 3(1) of the Law an authorised person terminates a pregnancy must, before the termination is carried out –

- (a) certify the practitioner's opinion indicating which of the grounds in section 3(1) of the Law forms the basis for the termination, and

^a Ordres en Conseil Vol. XXXVII, p. 72. This enactment has been amended.

^b Order in Council No. XI of 2021.

- (b) give the certificate or a copy of it to that authorised person, unless the practitioner is the only authorised person involved in terminating the pregnancy.

(2) Where medical notes or other patient records (for example electronic patient records) indicating the matter specified in paragraph (1)(a) are made by or on behalf of the certifying practitioner before the pregnancy is terminated –

- (a) that practitioner is deemed to comply with paragraph (1)(a), and
- (b) those notes or (as the case may be) records are deemed to be the certificate mentioned in paragraph (1)(b).

(3) The certificate required by paragraph (1) must be kept as part of the medical records that the authorised person is required to keep under section 4(1) of the Law.

Notice of termination of pregnancy.

2. (1) The certifying practitioner must give written notice of each termination of pregnancy to the Director in accordance with paragraphs (2) and (3).

(2) The notice must include the following information in respect of the termination –

- (a) the name of the certifying practitioner,
- (b) the date on which the termination procedure was carried out,

- (c) the gestation period at the time that procedure was carried out,
 - (d) the date of birth of the woman whose pregnancy was terminated,
 - (e) whether a medical or surgical termination was undertaken,
 - (f) whether the final part of the procedure was completed at the Princess Elizabeth Hospital or elsewhere, and
 - (g) which of the grounds in section 3(1) of the Law formed the basis of the termination.
- (3) The notice must be sent to the Director –
- (a) within 21 days of the termination of pregnancy, and
 - (b) electronically in the form and manner notified in writing by the Director to the certifying practitioner.

Interpretation.

3. In these Regulations, unless the context requires otherwise –

"**certifying practitioner**", in relation to any termination of pregnancy, means the recognised medical practitioner on whose opinion under section 3(1) of the Law (or as the case may be, the pre-amendment Law) an authorised person terminates a pregnancy,

"**commencement date**" means the date specified in regulation 8 for the commencement of the Abortion (Guernsey) (Amendment) Law, 2021 and these Regulations,

"**Director**" means the Director of Public Health,

"**former Regulations**" means the regulations revoked by regulation 4,

"**the Law**" means the Abortion (Guernsey) Law, 1997, as it has effect on and after the commencement date, and

"**pre-amendment Law**" means the Abortion (Guernsey) Law, 1997 as it had effect immediately before the commencement date.

Revocations.

4. The following regulations are revoked –
 - (a) the Abortion Regulations, 1997^c, and
 - (b) the Abortion (Amendment) Regulations, 2012^d.

Transitional provisions for certificates.

5. (1) This regulation applies where, before the commencement date, a recognised medical practitioner forms and certifies the practitioner's opinion for the purposes of section 3 of the pre-amendment Law in accordance with the pre-amendment Law and the former Regulations.

^c G.S.I. No. 7 of 1997. This enactment has been amended.

^d G.S.I. No. 21 of 2012.

(2) Where this regulation applies, on and after the commencement date –

- (a) the opinion and the certificate are to be regarded as if they were formed and made, respectively, in accordance with the Law and these Regulations,
- (b) if the certificate were sent in accordance with the former Regulations to the authorised person who terminates the pregnancy, the practitioner is deemed to have complied with regulation 1(b), and
- (c) regulation 1(3) applies to that certificate.

Transitional provisions for notices.

6. (1) This regulation applies where, before the commencement date –

- (a) a pregnancy is terminated in accordance with the pre-amended Law, but
- (b) no notice of termination is given to the Medical Officer of Health in accordance with the former Regulations.

(2) Where this regulation applies, on or after the commencement date –

- (a) the certifying practitioner must give notice of the termination of pregnancy in accordance with regulation 2, and

- (b) the reference to section 3(1) of the Law in regulation 2(2)(g) is to be read as a reference to section 3(1) of the pre-amendment Law.

Extent.

7. These Regulations have effect in the Islands of Guernsey, Herm and Jethou.

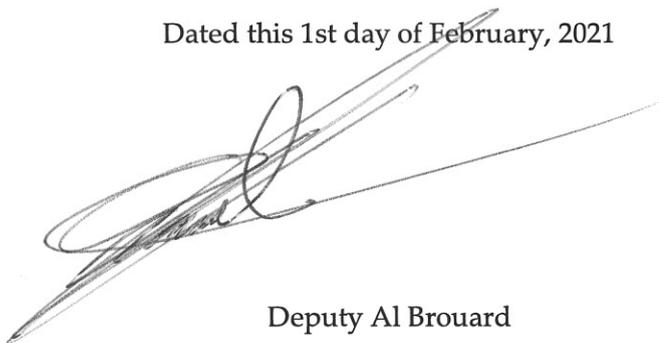
Citation.

8. These Regulations may be cited as the Abortion (Guernsey) Regulations, 2022.

Commencement of the Law and these Regulations.

9. The Abortion (Guernsey) (Amendment) Law, 2021 and these Regulations shall come into force on 2nd February, 2022.

Dated this 1st day of February, 2021



Deputy Al Brouard
President of the Committee for Health & Social Care
For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations revoke and replace the Abortion (Guernsey) Regulations, 1997 and the Abortion (Amendment) Regulations, 2012.

These Regulations require medical practitioners on whose opinion under section 3(1) of the Abortion (Guernsey) Law, 1997 a pregnancy is terminated to certify that opinion and give that certificate or a copy of it to the authorised person terminating the pregnancy before the termination is carried out. They also provide for that certificate to be kept as medical records.

These Regulations also require notice of the termination to be given to the Director of Public Health by the certifying practitioner.

The Law and these Regulations will come into force on 2nd February, 2022.

