

*These notes refer to the Abortion Services (Safe Access Zones) Act (Northern Ireland) 2023 (c.1) which received Royal Assent on 6 February 2023*

# Abortion Services (Safe Access Zones) Act (Northern Ireland) 2023

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### ***Section 1 – Premises where abortion treatments are carried out***

An abortion clinic will become a “protected premises” when notice is given to the Department of Health by the operator that they wish to become one. This means a place where treatments for termination are actually carried out in accordance with the Abortion (Northern Ireland) (No.2) Regulations 2020. A “protected premise” will remain as such unless that notice is withdrawn by the operator.

#### ***Section 2 – Premises where information, advice or counselling about abortion treatments are provided***

The definition of “protected premises” can also extend to a place where advice, information or counselling about abortion is provided. These places will generally be hospitals or clinics. These places will also become protected if the operator of the clinic gives notice to the Department of Health that they wish to be protected. A “protected premise” will remain as such unless that notice is withdrawn by the operator.

#### ***Section 3 – Protected persons***

The following people will be “protected persons”:

- The women attending the clinics
- A person accompanying a woman attending the clinic
- Staff or workers at the clinic

#### ***Section 4 – Establishment of safe access zone***

The safe access zone will be the protected premises themselves, as well as an area of 100m in the immediate vicinity of the protected premises. This can be extended by a further 150m if 100m is not sufficient to afford safe access at a particular site, when the operator gives notice to the Department of Health to that effect. The Department is required to make an entry or amend an existing

entry as required when notified of a premise becoming protected or a safe access zone being extended beyond 100m.

### ***Section 5 – Offences in respect of a safe access zone***

This is a key section which criminalises certain behaviour in the safe access zone. This is designed to protect women and staff from being harassed whilst they are visiting an abortion clinic.

There is a broad and a specific offence. The broad offence makes it a crime to do anything in a safe access zone that might influence a person in their decision to attend an abortion clinic, or which might prevent or impede access to the clinic, or which might harass, alarm or distress that person. For example, a protest group handing out leaflets to visitors to the clinic in the safe access zone, or individual protestors haranguing visitors to the clinic, or blocking the entrance point to a clinic.

The specific offence is recording a person who is in the safe access zone if that might also have the effect of influencing their decision to attend, preventing or impeding access, or that might harass, alarm or distress them.

The punishment is a level 2 fine. The punishment does not include a jail term.

### ***Section 6 – Enforcement of safe access zone by a constable***

This section gives powers to the police to enforce a safe access zone. If a police officer believes an offence is being committed, the police officer can direct the offender to leave the safe access zone, and may also use force to remove them from the safe access zone. If a police officer believes a person is recording in breach of the law, the officer may direct that person to cease recording.

Refusing to follow a direction, or resisting being removed will be a criminal offence, with a level 4 fine. The punishment does not include jail time.

### ***Section 7 – Publication of list of protected premises and safe access zones***

This section sets out the obligation on the Department of Health to maintain a list of and publish details of protected premises and their respective safe access zones, including ensuring that the existence of zones is publicised appropriately by both themselves and operators.

### ***Section 8 – Monitoring of effectiveness of safe access zones***

The Department of Health must publish an annual report stating whether the safe access zones have been effective in protecting people attending the clinics.