
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 457

MEDICAL PROFESSION

The Abortion (Scotland) Amendment Regulations 2021

Made - - - - - *7th December 2021*
Laid before the Scottish
Parliament - - - - - *9th December 2021*
Coming into force - - - - - *1st May 2022*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(1)(b) of the Abortion Act 1967⁽¹⁾ and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Abortion (Scotland) Amendment Regulations 2021 and come into force on 1 May 2022.

Amendment of the Abortion (Scotland) Regulations 1991

2. The Abortion (Scotland) Regulations 1991⁽²⁾ are amended in accordance with regulations 3 and 4.

3. For regulation 4 (notice of termination of pregnancy and information relating to the termination) substitute—

“Notice of termination of pregnancy

4.—(1) Any practitioner who terminates a pregnancy in Scotland must give notice of that termination to the Chief Medical Officer of the Scottish Administration in accordance with paragraphs (2), (3) and (4).

(2) The notice must state—

- (a) the name of the practitioner who terminated the pregnancy, and
- (b) the name of the practitioner’s employer.

(1) 1967 c. 87. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). Prior to the coming into force of section 53 of the Scotland Act 2016 (c. 11), the functions conferred on the Secretary of State in section 2 of the Abortion Act 1967 were, so far as exercisable by the Secretary of State in or as regards Scotland, exercisable by the Scottish Ministers under S.I. 1999/1750.

(2) S.I. 1991/460, as relevantly amended by S.I. 1999/1042.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) The notice must be given before the fifteenth day of the calendar month immediately following the calendar month in which the practitioner terminated the pregnancy.

(4) For the purposes of paragraph (2)(b), where the practitioner has more than one employer, the notice must state the name of the employer in the course of which employment the practitioner terminated the pregnancy.”

4. Schedule 2 (notification of an abortion performed under section 1 of the Act) is revoked.

St Andrew’s House,
Edinburgh
7th December 2021

MAREE TODD
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Abortion (Scotland) Regulations 1991 (“1991 Regulations”).

Regulation 3 substitutes a new regulation 4 in the 1991 Regulations. This requires any registered medical practitioner (“practitioner”) who terminates a pregnancy in Scotland to give notice of that termination to the Chief Medical Officer of the Scottish Administration (“CMO”). The notice must be given to the CMO before the fifteenth day of the calendar month immediately following the calendar month in which the practitioner terminated the pregnancy, rather than within 7 days as previously. The notice must state the name of the practitioner who terminated the pregnancy, and the name of the practitioner’s employer.

Regulation 4 revokes schedule 2 of the 1991 Regulations, removing from use the form of notice and other prescribed information relating to the termination that was contained in that schedule.