

EXPLANATORY MEMORANDUM TO
THE ABORTION AMENDMENT REGULATIONS 2008

2008 No. 735

1. This explanatory memorandum has been prepared by the Department of Health and is laid before the House of Commons by Command of Her Majesty.

2. Description

2.1 The Abortion Amendment Regulations 2008 will amend the existing Abortion Regulations 1991 (S.I. 1999/499) to bring them into line with the Statistics and Registration Service Act 2007.

2.2 Regulation 5 of the Abortion Regulations 1991 sets out the circumstances in which and the persons to whom disclosure of information on abortions performed in England and Wales can be made, where this information has been provided to the appropriate Chief Medical Officer.

2.3 Since 1968, the Registrar General (or staff authorised by him) has been allowed access to the abortion statistics. The Statistics and Registration Service Act 2007, which is due to come fully into force on 1st April 2008, establishes an independent Statistics Board. An Officer, the National Statistician, will be appointed under section 5 of the Statistics and Registration Service Act 2007, who will take over the statistical functions of the Registrar General. The Abortion (Amendment) Regulations 2008 amend the Abortion Regulations 1991 to reflect this change, to enable the National Statistician to have the same access to the abortion data as previously afforded the Registrar General.

3. Matters of special interest to the Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 This legislation amends the Abortion Regulations 1991 and is made under section 2 of the Abortion Act 1967.

5. Extent

5.1 This instrument extends to England and Wales but applies to England only. Wales will be laying separate, but similar Regulations.

6. European Convention on Human Rights

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Office for National Statistics (ONS) (which the Statistics Board will replace) currently use the abortion data (which is collected and published by the Department of Health) to produce quarterly abortion data in Table 4.2 in Health Statistics Quarterly, conceptions data and congenital anomaly data for other ad-hoc publications. There is considerable interest in these data so it is in the public interest for the abortion data to continue to be shared with the newly formed Statistics Board.

7.2 There is also a joint Public Service Agreement between DH and the Department for Children, Schools and Families to reduce under 18 conceptions by 50% by 2010. We rely on timely conceptions data to monitor this target. It is therefore essential that abortion data continues to be passed to the Statistics Board for this purpose.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

9. Contact

9.1 Gary Tempest at the Department of Health Tel: 020 7972 3050 or e-mail: gary.tempest@dh.gsi.gov.uk can answer any queries regarding the instrument.