

**2022 No. 811**

**MEDICAL PROFESSION, ENGLAND AND WALES**

**The Abortion (Amendment) Regulations 2022**

*Made* - - - - at 9.30 a.m. on 14th July 2022

*Laid before Parliament* at 3.30 p.m. on 14th July 2022

*Coming into force in accordance with regulation 1(2) and (3)*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 182 and 183 of the Health and Care Act 2022(a).

**Citation, commencement and extent**

- 1.—(1) These Regulations may be cited as the Abortion (Amendment) Regulations 2022.  
(2) Regulations 2(4) and 3 come into force on 31st December 2022.  
(3) Otherwise these Regulations come into force on 30th August 2022.  
(4) These Regulations extend to England and Wales.

**Amendment of the Abortion Regulations 1991**

- 2.—(1) The Abortion Regulations 1991(b) are amended as follows.  
(2) In regulation 3 (certificate of opinion)—  
(a) in paragraph (1), after sub-paragraph (b) insert—  
    “(c) in an EMA case, in addition to the certificate required under sub-paragraph (a), either—  
    (i) in the form set out in Part 3 of Schedule 1 to these Regulations; or  
    (ii) in a certificate, signed and dated by the practitioner(c) terminating the pregnancy, stating—  
        (aa) the full name and address of the practitioner;  
        (bb) the full name and address of the pregnant woman; and  
        (cc) that the practitioner is of the opinion, formed in good faith, referred to in section 1(3B)(b) of the Act.”;  
(b) after paragraph (1) insert—  
    “(1A) For the purposes of paragraph (1)(c), an “EMA case” is a case in which a pregnancy is terminated in accordance with section 1(1) of the Act where—

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(a) 2022 c. 31.

(b) S.I. 1991/499, as amended by S.I. 2002/1335 and, in relation to England, by S.I. 2002/887 and 2018/378 and, in relation to Wales, by S.I. 2002/2879 and 2008/1338.

(c) See the definition of “practitioner” in regulation 2.

- (a) the treatment referred to in section 1(3) of the Act consists of the prescription and administration of medicine; and
- (b) either or both of the following conditions apply—
  - (i) the practitioner terminating the pregnancy prescribes the medicine from their usual place of residence in England or Wales;
  - (ii) the medicine, or, in the case of a course of medicine, any medicine in the course, is to be self-administered by the pregnant woman at her usual place of residence in England or Wales.”;
- (c) after paragraph (3) insert—
 

“(3A) Any certificate of an opinion referred to in section (1)(3B)(b) of the Act shall be given before the medicine, or, in the case of a course of medicine, the first medicine, is supplied to the pregnant woman.”;
- (d) after paragraph (4) insert—
 

“(4A) Any such certificate as is referred to in paragraph (3A) of this regulation shall be preserved by the practitioner who terminated the pregnancy to which it relates for a period of not less than three years beginning with the date on which the medicine is prescribed.”.
- (3) In Schedule 1, after Part 2 insert the new Part 3 set out in the Schedule to these Regulations.
- (4) In Schedule 2—
  - (a) in paragraph 4, after “termination” insert “, unless the prostaglandin is self-administered by the patient at her usual place of residence”;
  - (b) after paragraph 7 insert—
 

**“7A.—(1) In a case where the termination is by non-surgical means—**

    - (a) whether any of the medicine prescribed for the termination of the pregnancy was self-administered by the patient at her usual place of residence in England or Wales, and if so—
      - (i) whether—
        - (aa) both the antiprogestrone and the prostaglandin were self-administered by the patient at that place; or
        - (bb) only the prostaglandin was self-administered by the patient at that place; and
      - (ii) whether the patient’s consultation under section 1(3D) of the Act and treatment for the termination of the pregnancy were provided without any face to face contact; and
    - (b) the additional information specified—
      - (i) in a case where neither the antiprogestrone nor the prostaglandin was self-administered by the patient at her usual place of residence, in paragraph 8;
      - (ii) in a case where both the antiprogestrone and the prostaglandin were self-administered by the patient at her usual place of residence, in paragraph 8A;
      - (iii) in a case where only the prostaglandin was self-administered by the patient at her usual place of residence, in paragraph 8B.”;
- (c) in paragraph 8, for the words before sub-paragraph (a) substitute “The additional information mentioned in paragraph 7A(b)(i) is—”;
- (d) after paragraph 8 insert—
 

**“8A. The additional information mentioned in paragraph 7A(b)(ii) is—**

  - (a) the date on which the antiprogestrone was to be self-administered by the patient in accordance with the practitioner’s instructions;
  - (b) the date on which the prostaglandin was to be self-administered by the patient in accordance with the practitioner’s instructions;

- (c) the usual place of residence of the patient; and
- (d) the date on which the termination is confirmed

**8B.** The additional information mentioned in paragraph 7A(b)(iii) is—

- (a) the date of treatment with antiprogesterone;
- (b) the name and address of the place at which the antiprogesterone was administered;
- (c) the date on which the prostaglandin was to be self-administered by the patient in accordance with the practitioner’s instructions;
- (d) the usual place of residence of the patient; and
- (e) the date on which the termination is confirmed.”.

**Transitional provision**

**3.** Where—

- (a) the treatment referred to in section 1(3) of the Act consists of the prescription and administration of medicine; and
- (b) the medicine was prescribed before 1st April 2023,

regulation 4 of the Abortion Regulations 1991 (notice of termination of pregnancy and information relating to the termination) applies as if, in paragraph (1)(b) of that regulation, for “Schedule 2 to these Regulations” there were substituted “either Schedule 2 to these Regulations as it had effect immediately before 31st December 2022 or Schedule 2 to the Regulations as amended by the Abortion (Amendment) Regulations 2022”.

Signed by authority of the Secretary of State for Health and Social Care

At 9.30 a.m. on 14th July 2022

*Maggie Throup*  
Parliamentary Under-Secretary of State,  
Department of Health and Social Care

SCHEDULE

Regulation 2(3)

New Part 3 of Schedule 1 to the Abortion Regulations 1991

“PART 3

Form EMA1

IN CONFIDENCE

CERTIFICATE C

ABORTION ACT 1967

**Not to be destroyed within three years of the date on which the medicine for the treatment of the pregnancy is prescribed**

**Certificate to be completed before the medicine (or the first medicine in a course of medicine) is supplied**

CERTIFICATE TO BE COMPLETED IN RELATION TO AN OPINION REFERRED TO IN SECTION 1(3B)(b) OF THE ACT

I, .....  
(Name and qualifications of practitioner in block capitals)

of .....  
.....  
(Full address of practitioner)

hereby certify that I am of the opinion, formed in good faith, that, if the medicine prescribed for the termination of the pregnancy of

.....  
(Full name of pregnant woman in block capitals)

of .....  
.....  
(Usual place of residence of the pregnant woman)

is administered in accordance with my instructions, the pregnancy will not exceed ten weeks at the time when \*the medicine is administered /the first medicine in the course is administered.

**Signed** .....

**Date** .....

\*Delete as appropriate

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

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

The 1991 Regulations are amended to take account of the amendments made to the Abortion Act 1967 (c. 87) (“the 1967 Act”) made by the Health and Care Act 2022 (c. 31) (“the 2022 Act”). The 2022 Act amended the 1967 Act to permit early medical termination of pregnancy to take place in the patient’s home (see section 178 of the 2022 Act), as well as permitting medicine for the termination to be prescribed by a registered medical practitioner from their usual place of residence in England or in Wales.

In consequence of the changes made by the 2022 Act, these Regulations—

- (a) prescribe the form to be used by a registered medical practitioner to certify their opinion under section 1(3B)(b) of the 1967 Act, and the time for such certification;
- (b) provide for the preservation and disposal of such certificates;
- (c) set out the information which must be given to the Chief Medical Officer in connection with the early medical termination of pregnancy.

The disclosure of the information mentioned in paragraph (c) will be restricted by regulation 5 of the 1991 Regulations.

An impact assessment relating to the changes made by section 178 of the 2022 Act (to which these Regulations are consequential) is being prepared and will be published in autumn 2022. When the impact assessment is published, a hard copy will be obtainable by writing to the Department of Health and Social Care, 39 Victoria Street, London, SW1H 0EU.

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