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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

Termination of Pregnancy provision for women from Northern Ireland

Date of issue: 12 January 2018

Action required: Responses by 09 February 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview	The Welsh Government proposes to make a written Direction, instructing LHBs to provide access to Termination of Pregnancy (TOP) services to women from Northern Ireland as if they were ordinarily resident in their area, i.e. on an equal footing with women ordinarily resident in Wales.
How to respond	Please use the space below for your response or email the following email address:
Further information and related documents	Large print, Braille and alternative language versions of this document are available on request.
Contact details	For further information: Women and Children's Health Branch Welsh Government Cathays Park Cardiff CF10 3NQ email: womenshealth@gov.wales
Data protection	How the views and information you give us will be used Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations. The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

What is this consultation about?

In Great Britain, Termination of Pregnancy (TOP) is governed by the Abortion Act 1967 (the 1967 Act). It is a reserved matter under the current devolution settlement and is consequently not devolved to Welsh Ministers. Although abortion is a term with a legal meaning, the more sensitive clinical terminology is 'termination of pregnancy' (TOP); consequently, this is the Welsh Government's preferred terminology and will be used throughout this consultation document.

At present, TOP is available to anyone ordinarily resident in Wales, or those that require emergency treatment while in Wales, where the criteria for a lawful TOP, as set out in the 1967 Act, are met.

TOP can only be carried out in an NHS hospital or a licensed clinic, and is available free of charge on the NHS for women who are ordinarily resident in Wales.

In Northern Ireland (NI), the 1967 Act does not apply, and TOP is a devolved matter. TOP is only funded and permissible in very limited circumstances, e.g. if a woman's life is at risk or there is a permanent or serious risk to her physical or mental health. Rape, familial sexual abuse (incest) and fetal abnormality are not circumstances in which TOP can be performed legally in NI.

This consultation paper sets out how the Welsh Government proposes to enable women who are normally resident in NI, to access TOP services in Wales.

Proposed changes

More than 50 cross-party MPs backed a Labour-led call for women from NI to have access to NHS TOP services in England in the Queen's Speech debate earlier this year.

The Rt. Hon Justine Greening MP, Minister for Women and Equalities, issued a letter on 29 June to all MPs in relation to TOP performed in England for women from NI. Payment will be funded through the Government Equalities Office, allowing the Department of Health to commission TOP services in England for those from NI. The Scottish Government is also working to introduce provision for women from NI to be able to access TOP services in Scotland.

In First Minister's Questions on 4 July, the First Minister made it clear that the Welsh Government would look into the provision of TOP in Wales to women from NI. The Welsh Government's view is that a woman from NI, in Wales, should be able to access TOP on the same basis as women in Wales.

Welsh Government plans to deliver this provision in the following way:

Section 12 of the NHS (Wales) Act 2006 enables Welsh Ministers to direct a Local Health Board (LHB) to exercise any of the Welsh Ministers' functions under the 2006 Act. Those functions include medical services and other services for the care of pregnant women.

The Welsh Ministers can make a written Direction which changes the usual residence test in the Local Health Boards (Directed Functions) (Wales) Regulations 2009, to enable UK citizens ordinarily resident in NI who are for the time being in the area of a LHB are to be treated as usually resident in that LHB's area for the purpose of accessing TOP services.

The Welsh Government therefore proposes to make such a written Direction, instructing LHBs to provide access to TOP services to women from NI as if they were ordinarily resident in their area, i.e. on an equal footing with women ordinarily resident in Wales.

Welsh Government officials will engage with LHBs to determine the most appropriate pathway for women from NI to access TOP services in Wales. In addition, the Welsh Government proposes that there will be a review of the arrangements six months after they come into force, to ensure they are effective.

We are seeking your response to these proposed changes. Please use the space below for your response or email the following email address womenshealth@gov.wales

**Consultation
Response Form**

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: