

Health, Social Care and Sport Committee

7th Meeting, 2024 (Session 6), Tuesday, 5 March 2024

Abortion Services (Safe Access Zones) (Scotland) Bill

Note by the clerk

Background

1. Gillian Mackay MSP introduced the [Abortion Services \(Safe Access Zones\) \(Scotland\) Bill](#) (“the Bill”) in the Scottish Parliament on 5 October 2023.
2. At its meeting on 24 October, the Committee agreed its initial approach to its scrutiny of the Bill at Stage 1, subject to designation as the lead committee. The Parliament agreed to designate the Health, Social Care and Sport Committee as lead committee for scrutiny of the Bill at Stage 1 on 25 October 2023.

Purpose of the Bill

3. In the Policy Memorandum, the Scottish Government states that the aims of the Bill are to:
 - protect access to abortion services across Scotland;
 - ensure that people can access abortion services without fear of, and free from, intimidation, harassment or public judgement;
 - ensure that at the point of access users are protected from attempts to influence or persuade them in relation to their decision to access services;
 - take a preventative approach so all abortion services are covered, including those that have not experienced protests;
 - ensure that providers or facilitators of the service are protected from attempts to influence their decision to provide or facilitate abortion related services at their place of work or where those services are delivered;
 - prevent providers or facilitators from being reluctant to provide or facilitate services for fear of such protests occurring.
4. The Bill creates the status of “protected premises” for buildings and places at which abortion services are provided and establishes a safe access zone for each of the protected premises. The Bill makes it an offence to act in a certain way when within a safe access zone for protected premises. The Bill also

contains an offence in relation to acts done within, for example, a building situated inside the boundary of a safe access zone where the act is capable of being seen or heard by another person in the safe access zone. Provision is also made for exceptions to these offences.

5. To achieve its purpose, the Bill contains the following sections:

Sections 1-3 set out a definition of protected premises, establish safe access zones and the system of notification of proposed protected premises.

Sections 4-6 create offences to prevent individuals from engaging in specified behaviours inside a safe access zone, or in areas visible or audible from a safe access zone. Section 6 creates exceptions to the offences.

Sections 7-10 contain powers relating to:

- Extension of safe access zones by increasing the distance between the boundary of the safe access zone and the edge of the protected premises.
- Reduction of safe access zones by decreasing the distance between the boundary of the safe access zone and the edge of the protected premises
- Cessation of safe access zones if the protected premises stops providing abortion services
- Modifying the definition of “protected premises”

Section 11 provides for Scottish Ministers to publish guidance relating to protected premises and the establishment, extension, reduction or cessation of safe access zones.

Sections 12-16 contain general provisions including ancillary powers, interpretation, crown application, commencement and short title.

6. Further details on the Bill can be found on the Scottish Parliament website: [Abortion Services \(Safe Access Zones\) \(Scotland\) Bill](#)

7. The Scottish Parliament Information Centre (SPICe) has also produced a [briefing on the Bill](#).

Scrutiny

8. The Committee issued two calls for evidence which were open for submissions between 27 October 2023 and 20 December 2023:

- A short survey to provide general views and comments on the Bill overall.
- A structured call for evidence to provide detailed comments on individual provisions in the Bill.

9. The Committee received 2,178 responses to the short survey. Individual responses to this survey were not published, instead a summary of these responses [was published on the Committee's webpage](#). The Committee received

3,680 responses to the structured call for evidence, [published on Citizen Space](#). a summary of these responses was [published on the Committee's webpage](#).

10. The Committee will take formal oral evidence on the Bill during February and March 2024:

Tuesday 27 February 2024	<ul style="list-style-type: none"> • Introduction by the Scottish Government Bill team (in private) • International comparative research • Impact on those accessing abortion services
Tuesday 5 March 2024	<ul style="list-style-type: none"> • Impact on those providing abortion services • Impact on those who will be responsible for enforcement, and management, of safe access zones
Tuesday 12 March 2024	<ul style="list-style-type: none"> • Impact on those who are against the introduction of safe access zones • Human rights considerations
Tuesday 19 March 2024	<ul style="list-style-type: none"> • The Scottish Government • The Member in charge of the Bill

11. The Committee will also undertake informal engagement with those who may be directly affected by the Bill, including individuals who support, and individuals who oppose, the introduction of safe access zones.

12. The Finance and Public Administration Committee issued a [call for views](#) on the estimated financial implications of the Bill as set out in its accompanying [Financial Memorandum](#). This was open for submissions between 27 October 2023 and 20 December 2023 and received three submissions published on [Citizen Space](#). The Finance and Public Administration Committee [agreed](#) to forward the submissions received to the Health, Social Care and Sport Committee as part of that Committee's consideration of the Abortion Services (Safe Access Zones) (Scotland) Bill and to take no further action.

13. At its meeting on 12 December 2023, the Delegated Powers and Law Reform (DPLR) Committee considered the Bill at Stage 1. The [DPLR Committee reported](#) it was content with the delegated powers provisions contained in the Bill.

Today's meeting

14. During today's meeting, through two panel sessions, the Committee will explore the impact of the Bill on those:

- providing abortion services

- who will be responsible for enforcement, and management, of safe access zones

15. The first panel comprises representatives from the NHS, private hospitals and professional bodies. The second panel comprises representatives from Police Scotland the Scottish Solicitors Bar Association (SSBA), COSLA and the NHS.

Clerks to the Committee

29 February 2024