

## PARLIAMENTARY BUREAU

### DESIGNATION OF A BILL AT STAGE 1: ABORTION SERVICES (SAFE ACCESS ZONES) (SCOTLAND) BILL

#### Introduction

1. The Abortion Services (Safe Access Zones) (Scotland) Bill was introduced in the Parliament on 5 October 2023 by the member in charge, Gillian Mackay MSP.

#### Discussion

2. The Bill makes provision for the establishment of safe access zones. The Bill defines that a protected premise is a building or part of a hospital or a place (as approved under the Abortion Act 1967) where abortion services are provided.
3. A safe access zone consists of the protected premises; the public area of the grounds (if any) of the protected premises; and each public area of land within 200 meters of the edge of the protected premises.
4. The Bill creates two new offences in relation to safe access zones. The first offence is committed within the safe access zone. An offence is committed if a person intentionally or recklessly: influences the decision of a person accessing or providing abortions; prevents or impedes a person accessing or providing abortions; causes harassment, alarm or distress to a person accessing or providing abortions.
5. The second offence is committed if the person can be seen or heard from the safe access zone. The offence is similar to that described above; the only difference is that the offence is committed outside the safe access zone (i.e. not in the protected premises or public areas of the zone) but still within the boundary of that zone. So, for example, if someone's residential home is within the 200-metre boundary of the safe access zone and the person decides to display a poster that would influence a person's decision to access an abortion, and this poster can be seen from the safe access zone, then an offence has been committed.
6. The Bill does provide for exemptions to the offences. These include anyone accompanying a person accessing an abortion, so long as they have the person's permission to do so. It is worth noting that should the accompanying person behave in any way mentioned above, this would constitute an offence if their behaviour affected any other person accessing or providing abortions. Another exemption is engaging in peaceful picketing within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. Therefore, if hospital staff impede access to abortion services due to pay disputes this would not constitute an offence under this Bill.
7. The Bill provides Scottish Ministers with the power to either extend or reduce the boundary of the safe access zone if requested to do so and if they find it appropriate to do so. Scottish Ministers may also change the definition of protected premises via regulations and provide guidance on safe access zones.

8. Finally, the Bill provides that Scottish Ministers must maintain a list of protected premises, a map of the boundaries of safe access zones and to keep this list up to date with any extensions, reductions or cessations of safe access zones. The Bill falls within the remit of the following committees:

Health, Social Care and Sport Committee	The remit of Health, Social Care and Sport Committee is to consider and report on matters falling within the responsibility of the Cabinet Secretary for NHS Recovery, Health and Social Care. The Cabinet Secretary's remit includes patient services, patient safety and health improvement and protection. The Bill sets up safe access zones which could be seen as improvement and protection to patient services. The remit of the Health, Social Care and Sport Committee is therefore engaged.
Criminal Justice Committee	The remit of the Criminal Justice Committee is to consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs, which includes courts and sentencing. As the Bill creates two new offences, the remit of the Criminal Justice Committee is engaged.
Equalities, Human Rights and Civil Justice Committee	The remit of the Equalities, Human Rights and Civil Justice Committee includes to consider and report on matters relating human rights. In creating new offences, the Bill's provisions touch upon the following human rights: the right to respect for family and private life; freedom of thought, conscience and religion; freedom of expression; and freedom of assembly and association. As such the remit of the Equalities, Human Rights and Civil Justice Committee is engaged.

9. It is understood that the Health, Social Care and Sport Committee has the main interest in this Bill.

**Recommendation**

10. It is suggested that the Bureau recommend to the Parliament that the Health, Social Care and Sport Committee be designated as the lead committee. We are not aware of any desire on the part of any other committee to be designated as a secondary committee. However, the lack of a formal designation does not prevent any committee from considering the Bill if it so wishes.

**Parliamentary Business Team  
October 2023**

**DRAFT MOTION**

**Designation of Lead Committee:** That the Parliament agrees that the Health, Social Care and Sport Committee be designated as the lead committee in consideration of the Abortion Services (Safe Access Zones) (Scotland) Bill at stage 1.