

Abortion Services (Safe Access Zones) (Scotland) Bill [As amended at Stage 2]

Supplementary Delegated Powers Memorandum

Introduction

1. This supplementary Delegated Powers Memorandum has been prepared by the Scottish Government in accordance with Rule 9.7.9 of the Parliament's Standing Orders, in relation to the Abortion Services (Safe Access Zones) (Scotland) Bill ("the Bill"). It describes provisions in the Bill conferring power to make subordinate legislation which were either introduced to the Bill or substantially altered at Stage 2.

2. This memorandum has been prepared by the Scottish Government, on behalf of Gillian Mackay MSP, in order to assist the reader of the Bill and should be read in conjunction with the Delegated Powers Memorandum published to accompany the Bill on introduction. It does not form part of the Bill and has not been endorsed by the Scottish Parliament.

Delegated powers

Section 10– Power of Scottish Ministers to modify the meaning of "protected premises"

Power conferred on: the Scottish Ministers

Power exercisable by: regulations made by Scottish statutory instrument

Revised or new power: revised to include a power to modify the definition of "protected premises" to include a place forming part of a class of place approved under the Abortion Act 1967 (in addition to a class of place)

Parliamentary procedure: affirmative procedure

Provision

3. Section 10 makes provision to allow the definition of "protected premises" to be modified to extend to other types of premises which are not covered by the definition at section 1 of the Bill. Under section 1 all premises which provide abortion services which

This document relates to the Abortion Services (Safe Access Zones) (Scotland) Bill (SP Bill 34A) as amended at Stage 2

are provided in hospitals vesting in the Scottish Ministers or in premises which are approved by the Scottish Ministers under section 1(3) of the Abortion Act 1967 (“the 1967 Act”) for the treatment of termination of pregnancy. Section 1 does not include those premises approved as a class of place so those premises will not receive automatic protected premises status.

4. Section 10 then allows that definition to be extended to premises approved as a class of place (section 10(1)(a)) and to other types of place which provide treatment or services related to abortion services. Section 10(1)(a) has been amended to allow the definition of “protected premises” to be extended to individual premises within a class of place which has been so approved. This allows the power to be exercised either to extend the status of protected premises to a class of place approved under section 1(3) of the 1967 Act or to an individual place which forms part of a class of place. The effect is that, for example, if all GP practices were approved as a class of place at some future point, section 10(1)(a) could be exercised to extend the definition of “protected premises” to an individual GP practice rather than all GP practices.

Reason for taking power

5. The reason for the amendment is to allow protected premises status to be extended to individual places approved as part of a class of place under section 1(3) of the 1967 Act.

Choice of Procedure

6. Regulations under this section are subject to the affirmative procedure. The procedure has not been amended.

This document relates to the Abortion Services (Safe Access Zones) (Scotland) Bill (SP Bill 34A) as amended at Stage 2

Abortion Services (Safe Access Zones) (Scotland) Bill [As amended at Stage 2]

Supplementary Delegated Powers Memorandum