

Abortion Services (Safe Access Zones) (Scotland) Bill — Stage 2

Section 1

Jenni Minto

- 6 In section 1, page 1, line 6, leave out from <that> to end of line 7 and insert <—
<() that is, contains or forms part of a hospital, and
() in which abortion services are provided, or>

Jenni Minto

- 7 In section 1, page 1, line 9, leave out <other than> and insert <but does not include>

Section 2

Jenni Minto

- 8 In section 2, page 1, line 16, leave out <of the protected premises>

Jenni Minto

- 9 In section 2, page 1, line 18, leave out <edge of the protected premises> and insert <boundary of the protected site>

Jenni Minto

- 10 In section 2, page 2, line 1, leave out <of the protected premises>

Jenni Minto

- 11 In section 2, page 2, line 3, leave out <edge of the protected premises> and insert <boundary of the protected site>

Jenni Minto

- 12 In section 2, page 2, leave out lines 20 to 28

Jenni Minto

- 13 In section 2, page 2, line 29, leave out <in the vicinity of> and insert <adjacent to>

Jenni Minto

- 14 In section 2, page 2, line 30, at end insert—
<“protected site” means the protected premises and its grounds,>

Section 3

Jenni Minto

- 15 In section 3, page 2, line 37, after <is> insert <, contains>

Jenni Minto

- 16 In section 3, page 2, line 39, leave out <other than> and insert <but does not include>

Section 4

Sandesh Gulhane

- 17 In section 4, page 3, line 22, at beginning insert <Subject to subsection (1A),>

Sandesh Gulhane

- 18 In section 4, page 3, line 34, at end insert—
<(1A) A person does not commit an offence under subsection (1) where it is not reasonably foreseeable that the act would have any of the effects mentioned in that subsection.>

Section 5

Sandesh Gulhane

- 19 In section 5, page 4, line 3, at beginning insert <Subject to subsection (1A),>

Sandesh Gulhane

- 20 In section 5, page 4, line 18, at end insert—
<(1A) A person does not commit an offence under subsection (1) where it is not reasonably foreseeable that the act would have any of the effects mentioned in that subsection.>

Jeremy Balfour

- 21 Leave out section 5

Section 6

Jeremy Balfour

- 22 In section 6, page 4, line 41, at end insert—
<() providing chaplaincy services at protected premises,>

Jeremy Balfour

- 23 In section 6, page 4, line 43, at end insert—
<() A person does not commit an offence under section 4(1) or 5(1) where—
(a) the act takes place while the protected premises is closed, and

- (b) the act does not have a continuing effect that extends to a time when the protected premises is open.>

Jeremy Balfour

24 In section 6, page 4, line 43, at end insert—

- <() A person does not commit an offence under section 4(1) or 5(1) where the act is—
 - (a) engaging in silent prayer, and
 - (b) not undertaken as part of a group or organised event.>

After section 6

Jeremy Balfour

25 After section 6, insert—

<Defence of reasonableness

- (1) It is a defence for a person charged with an offence under section 4(1) or 5(1) to show that the act was, in the particular circumstances, reasonable.
- (2) For the purposes of subsection (1), in determining whether an act was reasonable, particular regard must be had to the importance of the right to freedom of expression by virtue of Article 10 of the European Convention on Human Rights, including the general principle that the right applies to the expression of information or ideas that offend, shock or disturb.
- (3) For the purposes of subsection (1), it is shown that an act was, in the particular circumstances, reasonable if—
 - (a) evidence adduced is enough to raise an issue as to whether that is the case, and
 - (b) the prosecution does not prove beyond reasonable doubt that it is not the case.>

Section 7

Jenni Minto

26 In section 7, page 5, line 5, leave out <edge of the protected premises> and insert <boundary of the protected site>

Jenni Minto

27 In section 7, page 5, line 10, leave out <edge of the protected premises> and insert <boundary of the protected site>

Jenni Minto

28 In section 7, page 5, line 13, leave out <for the protected premises>

Jenni Minto

29 In section 7, page 5, line 15, after second <the> insert <related>

Jenni Minto

- 30 In section 7, page 5, line 19, leave out <edge of the protected premises> and insert <boundary of the protected site>

Gillian Mackay

- 31 In section 7, page 5, line 23, at end insert—
- <() Before extending a safe access zone under subsection (2), the Scottish Ministers must consult such persons as they consider appropriate.
 - () Before extending a safe access zone under subsection (3) or (5), the Scottish Ministers must consult—
 - (a) either—
 - (i) the operator of the protected premises, or
 - (ii) such persons as they consider representative of the interests of operators, and
 - (b) such other persons as they consider appropriate.>

Section 8

Jenni Minto

- 32 In section 8, page 5, line 32, leave out <edge of the protected premises> and insert <boundary of the protected site>

Gillian Mackay

- 33 In section 8, page 5, line 34, at end insert—
- <() Before reducing a safe access zone under subsection (1), the Scottish Ministers must consult—
 - (a) either—
 - (i) the operator of the protected premises, or
 - (ii) such persons as they consider representative of the interests of operators, and
 - (b) such other persons as they consider appropriate.>

After section 9

Gillian Mackay

- 34 After section 9, insert—
- <**Report on changes to safe access zone**
 - (1) Subsection (2) applies where the Scottish Ministers have updated the list maintained under section 2(3)(b) in accordance with section 7(7) or 8(2).
 - (2) The Scottish Ministers must, no later than 7 days after the day on which the list is updated, lay a report before the Scottish Parliament setting out the reasons for the change to the safe access zone (or zones) concerned.>

Section 10

Jeremy Balfour

- 35 In section 10, page 6, line 12, at beginning insert <Subject to subsection (1A),>

Jenni Minto

- 36 In section 10, page 6, line 14, after <place> insert <, or a place forming part of a class of place,>

Jeremy Balfour

- 37 In section 10, page 6, line 17, at end insert—

<(1A) The Scottish Ministers may not exercise the power in subsection (1) to modify the definition of “protected premises” in section 1 to include—

- (a) a building or place which is a registered pharmacy within the meaning of section 74 of the Medicines Act 1968,
- (b) a building or place used to provide primary medical services in accordance with arrangements under the National Health Service (Scotland) Act 1978.>

Sandesh Gulhane

- 38 Leave out section 10

After section 11

Gillian Mackay

- 39 After section 11, insert—

<Review of Act

Review of Act

- (1) The Scottish Ministers must, as soon as reasonably practicable after the end of the review period—
 - (a) undertake a review of the operation and effectiveness of the Act, and
 - (b) prepare a report on that review.
- (3) The Scottish Ministers may delegate their function under subsection (1) to such a person as they consider appropriate.
- (4) The Scottish Ministers must, as soon as reasonably practicable after the report is prepared—
 - (a) publish the report, and
 - (b) lay it before the Scottish Parliament.
- (5) In this section, “the review period” means—
 - (a) the period of 2 years beginning on the day on which section 2 comes into force, and
 - (b) each subsequent period of 5 years.>

Section 13

Jenni Minto

40 In section 13, page 7, leave out line 32

Jenni Minto

41 In section 13, page 8, line 10, at end insert—

<“protected site” has the meaning given in section 2(7),>