
DIRECTIONS

The Abortion Services Directions 2021

Made - - - - 22 July 2021

Coming into force - - 23 July 2021

The Secretary of State gives the following Directions in exercise of the powers conferred by regulation 2(1) of the Abortion (Northern Ireland) Regulations 2021(a).

Citation and commencement

1. These Directions may be cited as the Abortion Services Directions 2021 and have effect from 23 July 2021.

Interpretation

2. Words and expressions which are used in these Direction and are also used in the Abortion (Northern Ireland) (No. 2) Regulations 2020(b) have the same meaning as in those Regulations.

Commissioning of health care etc.

3.—(1) The Department must secure the commissioning of relevant health care.

(2) In these Directions “relevant health care” means—

- (a) treatment for the termination of pregnancy, such that—
 - (i) treatment is available in all of the circumstances under which a registered medical professional may terminate a pregnancy under regulations 3 to 8 of the Abortion (Northern Ireland) (No. 2) Regulations 2020;
 - (ii) each relevant HSC Trust provides treatment in cases where the pregnancy has not exceeded its 12th week;
 - (iii) women are offered a choice between medical or surgical termination, where clinically appropriate;
- (b) care following the termination of pregnancy (whether or not the termination of pregnancy was in accordance with the Abortion (Northern Ireland) (No. 2) Regulations 2020);
- (c) appropriate counselling, available on request to any woman who has received, is receiving, or is considering whether to receive treatment for the termination of pregnancy.

(3) For the purposes of paragraph (2)(c), “appropriate counselling” means counselling which is—

- (a) non-biased, scientifically sound and rights-based,
- (b) provided by a professional, and
- (c) available within a reasonable time.

(4) The Department must secure the commissioning of relevant health care such that the relevant health care is provided by 31 March 2022.

(a) S.I. 2021/365.

(b) S.I. 2020/503.

(5) The Department must allocate the financial resources necessary for the commissioning and provision of relevant health care.

(6) In this direction, “relevant HSC trust” means a health and social care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(a) but not the Northern Ireland Ambulance Service Trust.

Guidance

4.—(1) The Department must review, and endorse with any appropriate caveats, NICE guidelines relevant to the treatment for the termination of pregnancy, including in particular NICE guideline NG140.

(2) The Department must by 31 March 2022 issue guidance for registered medical professionals replacing the guidance entitled “Guidance for Health and Social Care Professionals on termination of pregnancy in Northern Ireland” issued by the Department in March 2016.

(3) In this direction, “NICE guidelines” mean guidelines published by the National Institute for Health and Clinical Excellence.

Access and provision of information

5.—(1) The Department must by 31 March 2022 provide, or secure the provision of—

- (a) non-biased and scientifically sound and rights-based information regarding treatment for the termination of pregnancy, and
- (b) any other information necessary for a woman to access relevant health care.

(2) In order to ensure access to relevant health care, the Department must by 31 March 2022 secure the provision of a regional service, accessible by telephone, through which—

- (a) information necessary to access relevant health care is provided, and
- (b) a woman may, on request, be referred to relevant health care.

Contraception

6. The Department must secure—

- (a) the availability and affordability of safe and modern contraception, including—
 - (i) oral contraception,
 - (ii) long-acting reversible contraception,
 - (iii) permanent contraception, and
 - (iv) emergency contraception;
- (b) the provision of scientifically sound information regarding methods of contraception and access to contraception.

Direction to the Regional Health and Social Care Board

7. The Regional Health and Social Care Board must—

- (a) commission relevant health care such that it is available by 31 March 2022;
- (b) allocate the financial resources necessary for the provision of relevant health care.

Interim provision of services

8.—(1) This direction applies until direction 5(1)(a) and (2)(b) has been complied with in full.

(a) S.I. 1991/194 (N.I. 1), as amended by the Health and Social Care (Reform) Act (Northern Ireland) 2009 c.1 (N.I.), the Health and Personal Social Services Act (Northern Ireland) 2001 c.3 (N.I.), S.I. 1994/429 (N.I. 2), S.I. 1997/1177 (N.I.7).

(2) The Department must secure the provision of a regional service, accessible through telephone, through which—

- (a) information regarding treatment for the termination of pregnancy is provided, and
- (b) a woman may, on request, be referred to such treatment.

Bringing matters to the attention of the Executive Committee

9.—(1) This direction applies where—

- (a) the Department is required by these Directions to take action,
- (b) the action the Department must take requires the Minister in charge of the Department (“the Minister”) to take a decision,
- (c) that decision relates to a matter (“the matter”) which the Minister is required by the Ministerial Code to bring to the attention of the Executive Committee, and
- (d) the Minister has no Ministerial authority to take the decision in light of section 28A(10) of the Northern Ireland Act 1998.

(2) For the purpose of action being taken to comply with these Directions—

- (a) the Minister must as soon as reasonably practicable bring the matter to the attention of the Executive Committee, and
- (b) the First Minister and the deputy First Minister must include the matter on the agenda for the next meeting of the Executive Committee.

(3) In this direction, “Ministerial Code” has the meaning given by section 28A(2) of the Northern Ireland Act 1998^(a).

22 July 2021

Brandon Lewis
Secretary of State
Northern Ireland Office

(a) 1998 c. 47. Section 28A was inserted by section 5(2) of the Northern Ireland (St Andrews Agreement) Act 2006 (c. 53).