

Crime and Policing Act 2026: Abortion Measures IA No: MoJ2026/004 RPC Reference No: N/A Lead department or agency: Ministry of Justice (MOJ) Other departments or agencies: DHSC, Home Office	Impact Assessment (IA)	
	Date:	
	Stage: Enactment	
	Source of intervention: Domestic	
	Type of measure: Primary Legislation	
	Contact for enquiries: Ryan.Farrell-Grey@justice.gov.uk	
Summary: Intervention	RPC Opinion: Not Applicable	

Cost of Preferred (or more likely) Option			
Total Net Present Social Value NM	Business Net Present Value NA	Net cost to business per year NA	Business Impact Target Status Not a regulatory provision

What is the problem under consideration? Why is government action or intervention necessary?

All women in England and Wales can have access to safe, regulated abortions on the NHS under our current laws. Until the Crime and Policing Act 2026 received Royal Assent, it was a criminal offence for a pregnant woman to administer drugs or use an instrument, or to procure drugs or instruments, with the intent to procure her own miscarriage (contrary to sections 58 and 59 of the Offences Against the Person Act 1861), and for a pregnant woman to do a wilful act which causes her own child that is capable of being born alive to die before birth, when this is done with the intent to destroy that child (contrary to the Infant Life (Preservation) Act 1929). Women acting in relation to their own pregnancies could therefore be subject to criminal investigation and prosecution under the criminal offences related to abortion, and relevant details would appear on their criminal records. The Government maintains a neutral stance on changes to the criminal law on abortion in England and Wales and it is for Parliament to decide the circumstances under which abortions should take place. During passage of the Crime and Policing Act 2026, the Government's role was limited to commenting on the workability, practical effect and coherence with the statute book of the changes to the criminal law proposed by Parliament. Government intervention is now necessary to implement the below provisions in the Crime and Policing Act 2026 approved by Parliament as required.

What are the policy objectives of the action or intervention and the intended effects?

Parliament has passed legislation that disapplies the criminal offences related to abortion, (sections 58 and 59 of the Offences Against the Person Act 1861 and the Infant Life (Preservation) Act 1929) from women acting in relation to their own pregnancy at any gestation. This provision came into force on Royal Assent of the Crime and Policing Act 2026. It will remain an offence under the criminal offences related to abortion for any other person, such as a medical practitioner, to carry out the relevant acts unless the provisions of the Abortion Act 1967 are applied. This includes individuals who carry out the relevant acts when providing abortion services outside of this legal framework.

In the same Act, Parliament has passed legislation which will pardon women previously convicted of, or cautioned for, such offences and require the deletion of certain details from criminal records. This provision is not yet in force and will be commenced by regulations. A further objective expressed by Parliament is to remove the risk of criminal investigation, prosecution and criminal records for women in these circumstances going forwards.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

There are no options in this IA as Parliament has already passed the relevant legislation. As a result, it focusses on the impacts of the new legislation compared to the previous legal position.

Will the policy be reviewed? Review date: N/A

Is this measure likely to impact on international trade and investment?		No		
Are any of these organisations in scope?	Micro n/a	Small n/a	Medium n/a	Large n/a
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)		Traded: N/A		Non-traded: N/A

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister

_____ Date: _____

Summary: Analysis & Evidence

Legislative Change

Description: Disapplying the criminal offences related to abortion from women acting in relation to their own pregnancy at any gestation, and to enact legislation that will pardon women previously convicted of, or cautioned for, such offences and require the deletion of certain details from criminal records.

FULL ECONOMIC ASSESSMENT

Price Base Year NA	PV Base Year NA	Time Period Years NA	Net Benefit (Present Value (PV)) (£m)		
			Low: NA	High: NA	Best Estimate:
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)	
Low	NM		NM	NM	
High	NM		NM	NM	
Best Estimate	NM		NM	NM	
Description and scale of key monetised costs by ‘main affected groups’					
The costs of these provisions have not been monetised (NM).					
Other key non-monetised costs by ‘main affected groups’					
Disapplying the criminal offences related to abortion from women acting in relation to their own pregnancies may result in familiarisation costs for police, prosecutors and healthcare professionals. There will also be an administrative burden placed on relevant data controllers (the police and HMCTS) who will be required to delete certain details from the relevant official records (police and court records) of women previously convicted of, cautioned for, arrested for or investigated on suspicion of the criminal offences related to abortion when acting in relation to their own pregnancies. The provision will require relevant data controllers to delete details from records of which they are aware and insofar as reasonably practicable - it may not be possible for records to be updated in older cases.					
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)	
Low	NM		NM	NM	
High	NM		NM	NM	
Best Estimate	NM		NM	NM	
Description and scale of key monetised benefits by ‘main affected groups’					
The benefits of this measure have not been monetised.					
Other key non-monetised benefits by ‘main affected groups’					
This measure will remove the risk of women acting in relation to their own pregnancies, being investigated, arrested, prosecuted, or convicted under the abortion offences going forward. Evidence from identified cases indicates that women who have previously committed an abortion offence when acting in relation to their own pregnancy, including beyond the 24-week time limit, may be particularly vulnerable. International studies generally indicate that reducing barriers to safe abortion services improves outcomes ¹ . Removing the risk of criminal proceedings going forward may therefore enable women in these situations to seek support without facing the threat of criminal investigation or proceedings. This measure may also generate efficiencies for the police and HMCTS by reducing the number of investigations, arrests and prosecutions in respect of the abortion offences in cases involving women acting in relation to their own pregnancy. The deletion of certain details from the relevant official records of women previously convicted of, cautioned for, arrested for or investigated on suspicion of the criminal offences related to abortion when acting in relation to their own pregnancies will ensure that such details will no longer be disclosed on DBS checks in these circumstances.					
Key assumptions/sensitivities/risks				Discount rate (%)	NA
- It is assumed that pregnant women acting in relation to their own pregnancy will no longer be subject to police investigations, arrests and prosecutions under the abortion offences. However, they may still be investigated, arrested, or prosecuted for other offences, depending on the circumstances. - We assume that relevant data controllers will be able to identify and delete details from relevant official records that they are aware of and where it is reasonably practicable.					

¹ Why restricting access to abortion damages women's health | PLOS Medicine;

Unsafe abortion: global and regional incidence, trends, consequences, and challenges - PubMed;

Abortion care guideline, 2nd ed;

Access to Safe Abortion — epidemiologyinpolicy;

Unintended pregnancy and abortion by income, region, and the legal status of abortion: estimates from a comprehensive model for 1990–2019 - The Lancet Global Health;

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs: NA	Benefits: NA	Net: NA	
			NA

Evidence Base

A. Background

Disapplication of the criminal offences relating to abortion from women in relation to their own pregnancies

1. The Government maintains a neutral stance in regard to changes to the criminal law on abortion in England and Wales.
2. All women in England and Wales can have access to safe, regulated abortions on the NHS under our current laws. Until recently, it was a criminal offence for a pregnant woman to administer drugs or to use an instrument, or to procure drugs or instruments, with the intent to procure her own miscarriage (contrary to sections 58 and 59 of the Offences Against the Person Act 1861 ('the 1861 Act')), and for a pregnant woman to do a wilful act which causes her own child that is capable of being born alive to die before birth, when this is done with the intent to destroy that child (contrary to the Infant Life (Preservation) Act 1929 ('the 1929 Act')).
3. Parliament voted to include section 241 as part of the Crime and Policing Act 2026.
4. Section 241 disapplies the criminal offences related to abortion (sections 58 and 59 of the 1861 Act and section 1 of the 1929 Act) from women acting in relation to their own pregnancies.
5. The disapplication of sections 58 and 59 of the 1861 Act means that it will not be a criminal offence for a pregnant woman to administer drugs or use an instrument, with the intention of procuring her own miscarriage, or to procure drugs or instruments with the intention of procuring her own miscarriage, at any stage of pregnancy.
6. The disapplication of the 1929 Act means that it will not be a criminal offence for a pregnant woman to do a wilful act which causes her own child that is capable of being born alive to die before birth, when this is done with the intent to destroy that child (there is a rebuttable presumption for the offence under the 1929 Act that where a woman has reached 28 weeks' gestation the child is capable of being born alive).
7. It will remain an offence under both sections 58 and 59 of the 1861 Act and the 1929 Act for another person, including a registered medical practitioner, to do the relevant acts, and for a pregnant woman to do the relevant acts in respect of another woman, unless the provisions of the Abortion Act 1967 are applied. This includes individuals who carry out the relevant acts when providing abortion services outside of this legal framework.

Pardons and deletion of details from records for women under the criminal law related to abortion

8. Section 242, when brought into force, will automatically pardon women previously convicted of, or cautioned for, abortion offences when acting in relation to their own pregnancies, and will require relevant data controllers to delete from relevant official records any details of which they are aware of such a conviction or caution, or a related arrest or investigation, as far as it is reasonably practicable to make the deletion.
9. In most cases at present, convictions or cautions for an abortion offence will become spent after a certain period of time, as set out in legislation, and will cease to be disclosed on a basic Disclosure and Barring Service (“DBS”) check. However, such convictions or cautions will continue to be disclosed on a standard or enhanced DBS check which are used for a specified list of roles and occupations including, for example, certain occupations with the vulnerable such as in health care, in a school, and the provision of care services.
10. Details of an arrest or investigation for an abortion offence would only be disclosed on an enhanced DBS check if the relevant chief officer of a police force reasonably believes it to be relevant for the purpose for which the check is being sought and it ought to be included.
11. The deletion of details from the relevant official records of women previously convicted of, cautioned for, arrested for or investigated on suspicion of the criminal offences related to abortion when acting in relation to their own pregnancies will ensure that such details will no longer be disclosed on DBS checks in these circumstances.
12. Section 242 applies only in respect of a woman acting in relation to her own pregnancy. It does not apply to other persons previously convicted of, cautioned for, arrested for or investigated on suspicion of a criminal offence related to abortion. It also does not apply to women who were pregnant at the relevant time previously convicted of, cautioned for, arrested for, or investigated on suspicion of such offences when acting in respect of another woman’s pregnancy.

B. Parliament’s Policy Rationale and Objectives

Disapplication of the criminal offences relating to abortion from women in relation to their own pregnancies

13. Parliament’s stated aim of section 241 is to ensure that the criminal offences related to abortion, sections 58 and 59 of the 1861 Act and the 1929 Act, no longer apply to women acting in relation to their own pregnancy at any gestation.
14. Section 241 disapplies the criminal offences related to abortion from women acting in relation to their own pregnancies and this means it will never be a criminal offence for a pregnant woman to terminate her own pregnancy regardless of the number of weeks of gestation, including beyond the 24 week time-limit set out in section 1 of the Abortion Act 1967. It will also not be a criminal offence for a woman to intentionally deceive a registered medical practitioner about the gestation of her pregnancy in order to procure an abortion via pills by post beyond the 10-week time limit.

15. However, it will remain an offence for a third party to do the relevant acts and therefore commit an abortion offence under sections 58 or 59 of the 1861 Act or the 1929 Act. For example, it will remain a criminal offence under section 59 of the 1861 Act for a third party to supply or procure drugs, poison or an instrument that was intended to be used to procure a miscarriage. It will also remain an offence for a pregnant woman to do the relevant acts for another woman.
16. It is important to note that section 241 does not affect the Abortion Act 1967, which will continue to provide the legal framework for access to abortion services. Section 241 also does not change the care and support doctors, nurses, midwives, paramedics and other healthcare professionals should provide to women who present in need of medical assistance.

Pardons and deletion of details from records for women under the criminal law related to abortion

17. Parliament's stated intention in respect of pardons for women previously convicted of or cautioned for an abortion offence when acting in relation to their own pregnancy is to pardon them for those offences, thereby removing, as far as possible, all penalties and other consequences of the conviction or caution that would otherwise attach to it.
18. In addition, Parliament's stated aim of the measure in respect of the deletion of certain details from criminal records is to ensure that details of convictions, cautions, arrests and investigations no longer appear on DBS checks when a woman has been previously convicted of, cautioned for, arrested for or investigated on suspicion of a criminal offence related to abortion when acting in respect of their own pregnancy.
19. In addition, Parliament's intention is not to place any burden on women being required to identify themselves to the relevant data controllers to have details from their records deleted. The duty on the relevant data controllers to proactively identify details, and delete them from records insofar as is reasonably practicable to do so, is therefore a key aspect of the policy intention.

C. Affected Stakeholder Groups, Organisations and Sectors

20. A list of the main groups that would be affected is shown below:
 - Women who have or may decide to terminate their own pregnancy outside of the legal framework in the Abortion Act 1967
 - The public
 - The Police
 - The Crown Prosecution Service (CPS)
 - His Majesty's Court and Tribunals Service (HMCTS)
 - National Health Service (NHS)
 - Independent abortion providers
 - Disclosure and Barring Service (DBS)
 - Medical professionals, professional membership organisations and professional regulators

- Public health bodies

D. Legislative Change under Consideration in this Impact Assessment

21. As above, the Government does not take a policy position on changes to the criminal law relating to abortion, maintaining a neutral stance on the issue. Such changes are a matter for Parliament.
22. Parliament has legislated to:
 - Disapply the criminal offences related to abortion from women acting in relation to their own pregnancy, and pardon women previously convicted of or cautioned for an abortion offence in relation to their own pregnancies, and require relevant data controllers to delete details of such convictions and cautions, as well as related arrests and investigations, from relevant official records that they are aware of and as far as reasonably practicable.
23. This impact assessment focuses on the impacts of the above legislation.
24. Section 241 of the Crime and Policing Act 2026 disapplies the criminal offences related to abortion from women acting in relation to their own pregnancies. The abortion offences will continue to apply to all other persons who are not a pregnant woman acting in relation to their own pregnancy, unless they are acting in accordance with the Abortion Act 1967. It will also remain an offence for a pregnant woman to do the relevant acts for another woman.
25. Section 242 provides for automatic pardons for women previously convicted of, or cautioned for, an abortion offence when acting in relation to their own pregnancies and for the deletion of details of those convictions or cautions, as well as related arrests and investigations, from relevant official records.

E. Cost and Benefit Analysis

26. This IA follows the procedures and criteria set out in the Impact Assessment Guidance and is consistent with the HM Treasury Green Book.
27. Where possible, IAs identify both monetised and non-monetised impacts on individuals, groups and businesses in England and Wales with the aim of understanding what the overall impact on society might be from the proposals under consideration. IAs place a strong focus on the monetisation of costs and benefits. There are often, however, important impacts which cannot sensibly be monetised. These might be impacts on certain groups of society or data privacy impacts, both positive and negative.
28. It has not been possible to monetise the impacts in this IA due to the lack of data on individuals affected by this change. Therefore, the costs and benefits of this legislative change are appraised qualitatively.

Non-Monetised Costs

Disapplication of the criminal offences relating to abortion from women in relation to their own pregnancies

29. Disapplying the criminal offences related to abortion from women acting in relation to their own pregnancy may give rise to implementation and transition costs. During this transition period, operational partners – including police, prosecutors, and health professionals – are adapting to the change in the law. While there may be a very short-term risk of inconsistent application of the disapplication, this is expected to reduce quickly as updated guidance is developed and established.

Deletion of details from records for women under the criminal law related to abortion

30. There will be an administrative burden placed on relevant data controllers (the police and HMCTS) who will be required to delete certain details from the relevant official records (police and court records) of women previously convicted of, cautioned for, arrested for or investigated on suspicion of the criminal offences related to abortion when acting in relation to their own pregnancies. The provision will require relevant data controllers to delete details from records of which they are aware and insofar as reasonably practicable – it may not be possible for records to be updated in older cases.

Benefits of these legislative changes

Non-Monetised Benefits

Disapplication of the criminal offences relating to abortion from women in relation to their own pregnancies

31. This measure applies specifically to pregnant women who terminate their own pregnancies at any gestation. A non-monetised benefit is that such women will no longer be subject to investigation, arrest, prosecution, or conviction under the criminal offences related to abortion going forward. Evidence from identified cases indicates that women who have previously committed an abortion offence when acting in relation to their own pregnancy, including beyond the 24-week time limit, may be in vulnerable circumstances. Removing the risk of criminal investigation and proceedings going forward may therefore enable women in this situation to seek support without the prospect of criminal investigation or proceedings.
32. The majority of abortion-related offences prosecuted from 2019 to March 2023, have involved male defendants, amounting to 71% of cases (17 out of 24 cases where the defendant's sex was recorded). Female defendants make up 29% of cases (7 out of 24) prosecuted.
33. However, it is not possible to identify how many of the women within the 29% cohort were pregnant and acting in relation to their own pregnancy. We are aware from reported cases that some involved pregnant women acting in relation to their own pregnancies. As such, section 241 is expected to lead to a relatively small reduction in the prosecutions of women under the criminal offences related to abortion. However, the extent of the likely impact cannot be quantified.

34. These measures may also generate efficiencies by a reduction in investigations and prosecutions of pregnant women acting in relation to their own pregnancies under the abortion offences, which may result in time and efficiency savings for the police and wider criminal justice system. The overall scale of these savings is uncertain, given the relatively low number of cases – between 2019 and 2023 the CPS charged 21 defendants (16 males and 5 females) and convicted 10 defendants for offences under section 58 and 59 of the 1861 Act and the 1929 Act². The data does not differentiate between women acting in relation to their own pregnancies and individuals acting in relation to another's pregnancy.
35. These measures may generate efficiencies for HMPPS via a reduction in convictions. However, since 2017³:
 - i. no women have been convicted of 'child destruction';
 - ii. one woman was convicted of 'administering or using drugs or using instruments to procure abortion' in 2023 and received a standard determinate sentence.
 - iii. one woman received a suspended sentence for 'procuring drugs etc. to cause abortion' in 2024.
36. Similarly, this data does not differentiate from women acting in relation to their own pregnancies and women acting in relation to other pregnancies. As such, it is assumed that any efficiencies for HMPPS will be negligible.
37. International studies generally indicate that reducing barriers to safe abortion services improves outcomes.

Deletion of details from records for women under the criminal law related to abortion

38. The deletion of certain details from criminal records will ensure that the deleted convictions and cautions for offences do not appear on DBS checks, and further, that records of arrests and investigations into such offences are not disclosed on an enhanced DBS check. This may improve access to employment and potentially housing where disclosure of criminal records may present a barrier. This improves equality, ensuring that details no longer appear on DBS checks for actions that are no longer criminal.

F. Risks, Assumptions and Sensitivity Analysis

39. The key assumptions behind the costs benefits analysis is presented in section E are outlined below.

Assumption	Risk/uncertainties
It is assumed that pregnant women acting in relation to their own pregnancy will no longer be	Any reduction in investigations, prosecutions, and convictions of pregnant women acting in relation to their own pregnancies under the

² Number of people charged with offences relating to abortion and child destruction | The Crown Prosecution Service

³ Criminal Justice Statistics Quarterly: December 2025 - GOV.UK- All-Offences prosecutions and convictions & Outcomes by Offence Tools: December 2025

subject to police investigations, arrests and prosecutions under the abortion offences.	abortion offences may result in time and efficiency savings for the police and wider criminal justice system. The scale of these efficiencies is uncertain, given the relatively low number of cases – between 2019 and 2023 the CPS recorded 10 convictions for offences under section 58 and 59 of the 1861 Act and the 1929 Act. It has not been possible to identify which of these 10 cases related to women acting in respect of their own pregnancies and which are related to individuals acting in relation to another’s pregnancy. However, women acting in relation to their own pregnancies may still be investigated, arrested, or prosecuted for other offences, depending on the circumstances.
It is assumed that there will be no change in the incidence of abortions post a gestation of 24 weeks.	There is limited evidence on whether decriminalising abortion impacts the number of late-stage abortions. In New Zealand, since decriminalising abortion in 2022, average gestation at the time of abortion has decreased⁴. If there were an increase in late-stage abortions following the legislation, this could result in increased health costs.
Relevant data controllers will be able to identify and delete details from relevant official records that they are aware of and where it is reasonably practicable.	The provision will require relevant data controllers to delete certain details from records of which they are aware and insofar as reasonably practicable - it may not be possible for records to be updated in older cases. Although the scheme does not require applications, it does not preclude a woman coming forward, asking for her records to be amended and providing for sufficient detail to enable her records to be located. In addition, Government is considering mitigations that aim to ensure that where it has not been possible for relevant data controllers to identify details on records and make deletions, but relevant details come to light in the process of conducting a DBS check, that deletions are made at that stage and details do not appear on DBS certificates. Existing safeguards will continue to apply: a DBS check is sent to the

⁴ [Abortion Services Aotearoa New Zealand: Annual Report 2025 | Ministry of Health NZ](#)

	applicant (not the employer) and there is a process by which the applicant can challenge the disclosure of information they do not think appropriate, with final decisions being taken by the Independent Monitor for Disclosure and Barring.
The deletion of certain details from the criminal records of women previously convicted of, cautioned for, arrested for or investigated on suspicion of criminal offences related to abortion may improve affected women's equity and social outcomes. The deletion of details from records is assumed to reduce possible barriers to employment, education, housing and enable wider participation in society.	There is uncertainty as to the extent to which the deletion of certain details from records could lead to improved social outcomes. Once details are deleted from records, they will not be disclosed on DBS checks. Disclosures in other circumstances would be governed by the rules relevant to the specific disclosure in question. Disclosures of previous convictions, cautions, arrests or investigations may therefore still be required, depending on the circumstances. In these cases, individuals may continue to experience stigma.
The short-term risk of inconsistent application of disapplying the abortion offences from pregnant women acting in relation to their own pregnancy during this transition period is expected to reduce as updated guidance is developed and embedded.	Responsibility for updating guidance rests with independent bodies, including the CPS and relevant healthcare organisations, and the timing of these updates remains unknown.

G. Wider impacts

Equalities

40. An Equality Statement has been completed and will be published alongside this Impact Assessment.

Better Regulation

41. These proposals are out of scope of the Government's Better Regulation Framework.

Environmental Impact Assessment

42. We expect there to be no environmental impacts associated with the legislation within this Impact Assessment.

International Trade

43. There is no international trade implications from the legislation considered in this Impact Assessment.

Economic Growth Impacts

44. The legislation considered in this IA are not expected to have an impact on the rate of economic growth.

H. Monitoring and Evaluation

45. We have no plans to formally evaluate these provisions, but we keep this area of the criminal law under review. This includes engagement with stakeholders including the Police and Crown Prosecution Services.