STATUTORY INSTRUMENTS

# 2022 No. 554

# HEALTH AND PERSONAL SOCIAL SERVICES, NORTHERN IRELAND

## The Abortion (Northern Ireland) Regulations 2022

*Approved by both Houses of Parliament*

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| *Made - - - -* | *18th May 2022* |
| *Laid before Parliament* | *19th May 2022* |
| *Coming into force - -* | *20th May 2022* |

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 9(4) of the Northern Ireland (Executive Formation etc) Act 2019(**a**).

### Citation, commencement and extent

**1.** These Regulations—

(a) may be cited as the Abortion (Northern Ireland) Regulations 2022;

(b) come into force on 20th May 2022;

(c) extend to Northern Ireland only.

### Amendment to the Abortion (Northern Ireland) Regulations 2021

**2.**—(1) The Abortion (Northern Ireland) Regulations 2021(**b**) are amended as follows.

(2) In regulation 2, after paragraph (1) insert—

"(1A) The fact that a matter has not been brought to the attention of, or discussed and agreed by, the Executive Committee of the Northern Ireland Assembly is to be disregarded when determining what a relevant person could do for the purposes of paragraph (1).

(1B) A relevant person must comply with a direction under paragraph (1) irrespective of whether any matter has been brought to the attention of, or discussed and agreed by, the Executive Committee of the Northern Ireland Assembly."

(3) In regulation 3, for "the Regional Health and Social Care Board established by section 7(1)" substitute "a Local Commissioning Group appointed under section 9 of the Health and Social Care (Reform) Act (Northern Ireland) 2009(**c**)".

(**a**) 2019 c. 22.
(**b**) S.I. 2021/365.
(**c**) 2009 c. 1 (N.I.); section 9 is amended by paragraph 233 of Schedule 1 to the Health and Social Care Act (Northern Ireland) 2022 (c. 3 (N.I.)).

**Implementation of the CEDAW recommendations: financial resources**

**3.**—(1) This regulation applies where health and social care has been commissioned which implements, wholly or in part, any of the recommendations in paragraph paragraphs 85 and 86 of the CEDAW Report.

(2) The Department of Health in Northern Ireland must allocate to such health and social care the financial resources necessary to ensure that the recommendations in paragraphs 85 and 86 of the CEDAW report are implemented.

(3) The Department of Health in Northern Ireland must comply with paragraph (2) irrespective of whether any matter has been brought to the attention of, or discussed and agreed by, the Executive Committee of the Northern Ireland Assembly.

**Implementation of the CEDAW recommendations: concurrent powers**

**4.**—(1) The Secretary of State may do anything that a Northern Ireland Minister or Northern Ireland department could do for the purpose of ensuring that the recommendations in paragraphs 85 and 86 of the CEDAW report are implemented in respect of Northern Ireland.

(2) The fact that a matter has not been brought to the attention of, or discussed and agreed by, the Executive Committee of the Northern Ireland Assembly is to be disregarded when determining what a Northern Ireland Minister or Northern Ireland department could do for the purposes of paragraph (1).

**Implementation of the CEDAW recommendations: financial assistance**

**5.**—(1) The Secretary of State may provide financial assistance to any person for the purpose of ensuring that the recommendations in paragraphs 85 and 86 of the CEDAW report are implemented.

(2) Financial assistance under paragraph (2)—

(a) may be provided by way of grants, loans, guarantees or indemnities or in any other form;

(b) may be provided subject to conditions (which may include conditions about repayment with or without interest or other return);

(c) may be provided under a contract.

*Brandon Lewis*
Secretary of State
Northern Ireland Office

18th May 2022

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision allowing the Secretary of State to ensure that the recommendations in paragraphs 85 and 86 of the CEDAW report ("the CEDAW recommendations") are implemented in respect of Northern Ireland.

Regulation 2 amends the Abortion (Northern Ireland) Regulations 2021 (S.I. 2021/365), which provided for a power to direct relevant persons to take action where the Secretary of State considers the action to be required for the purpose of implementing the CEDAW recommendations. The amendment has the effect that such a direction must be complied with even if the matter has not been discussed or agreed by the Executive Committee. Regulation 2 also makes a further amendment to the same Regulations in consequence of the Health and Social Care Act (Northern Ireland) 2022 (c. 3 (N.I.)), which provides for the dissolution of the Regional

Health and Social Care Board and the continuing existence of Local Commissioning Groups as unincorporated bodies.

The CEDAW report means the Report of the Inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women published on 6 March 2018 (CEDAW/C/OP.8/GBR/1). The CEDAW report is available at the following website:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fOP.8%2fGBR%2f1&Lang=en

A hard copy of the report may be requested in writing from the Northern Ireland Office, Erskine House, 20-32 Chichester Street, Belfast BT1 4GF.

Regulation 3 provides that where health and social care has been commissioned which implements any of the CEDAW recommendations, the Department of Health must allocate to it the financial resources necessary for the CEDAW recommendations to be implemented. The Department of Health must do so even if a decision about the allocation of financial resources has not been discussed or agreed by the Executive Committee.

Regulation 4 confers on the Secretary of State the power to do anything that a Northern Ireland Minister or department is able to do for the purpose of ensuring the CEDAW recommendations are implemented.

Regulation 5 provides that the Secretary of State may provide financial assistance for the purpose of ensuring the CEDAW recommendations are implemented.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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