

Blackstone's

---

Statutes on  
**MEDICAL  
LAW**

---

---

MICHAEL A. JONES  
ANNE E. MORRIS

---

Blackstone's Statutes on  
**MEDICAL LAW**

Edited by

**M. A. Jones**

Senior Lecturer in Law and Dean of the Faculty of Law  
at the University of Liverpool

and

**Anne E. Morris**

Lecturer in Law at the University of Liverpool



**BLACKSTONE  
PRESS LIMITED**

First published in Great Britain 1992 by Blackstone Press Limited,  
9-15 Aldine Street, London W12 8AW. Telephone 081-740 1173

© Michael A. Jones and Anne E. Morris, 1992

ISBN: 1 85431 142 5

British Library Cataloguing in Publication Data  
A CIP catalogue record for this book is available from the British Library

Typeset by Style Photosetting Ltd, Mayfield, East Sussex  
Printed by Redwood Press Ltd, Melksham

All rights reserved. No part of this book may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or any information storage or retrieval system without prior permission from the publisher.

Blackstone's Statutes on  
**MEDICAL LAW**

## EDITORS' PREFACE

The emergence of Medical Law as a distinct subject at both undergraduate and postgraduate level has created a need for a collection of statutes specifically designed for students taking such courses. This collection includes both statutory and non-statutory materials with the objective of making the sources more accessible to students, and in a form acceptable for use in examinations.

In selecting the materials we were conscious of the fact that courses in Medical Law, or Health Services Law, or Law and Medicine, tend to be diverse in their content, and we have attempted to cover a broad spectrum of interests. Inevitably, the choice of material for inclusion in this collection has been influenced by considerations of space. We have concentrated on the medical profession, and have not generally included provisions on allied professions such as Dentists, Opticians, Pharmacists, or Nurses, though there are occasional references to these groups. We have also had to exclude some legislation of more general application, such as the Medicines Act 1968, on the grounds of space, though we have included part of the Medicinal Products: Prescription by Nurses etc. Act 1992, which amends the Medicines Act, for information. In other instances we have resorted to editing down lengthy statutes or statutory instruments, without, we trust, removing the substantive core.

We wish to thank the General Medical Council for permission to reprint the Council's 'Blue Book', *Professional Conduct and Discipline: Fitness to Practise*, and Butterworth & Co (Publishers) Ltd for the assistance of Lexis in preparing the amended text of the National Health Service Act 1977, the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974 and the National Health Service (Service Committees and Tribunal) Regulations 1974.

The legislation, which states the law of England and Wales, is arranged in chronological order, and is printed (as amended) as at the end of March 1992.

Michael A. Jones  
Anne E. Morris  
April 1992

## CONTENTS

Editors' Preface .....	vii
STATUTES .....	1
Offences Against the Person Act 1861 .....	1
Perjury Act 1911 .....	2
Venereal Disease Act 1917 .....	2
Infant Life (Preservation) Act 1929 .....	3
Children and Young Persons Act 1933 .....	3
National Assistance Act 1948 .....	4
Sexual Offences Act 1956 .....	5
Mental Health Act 1959 .....	6
Human Tissue Act 1961 .....	6
Suicide Act 1961 .....	7
Abortion Act 1967 .....	8
Family Law Reform Act 1969 .....	10
Misuse of Drugs Act 1971 .....	10
Congenital Disabilities (Civil Liability) Act 1976 .....	11
National Health Service Act 1977 .....	14
Unfair Contract Terms Act 1977 .....	39
Vaccine Damage Payments Act 1979 .....	42
Nurses, Midwives and Health Visitors Act 1979 .....	46
Sale of Goods Act 1979 .....	46
Health Services Act 1980 .....	47
Supreme Court Act 1981 .....	48
Supply of Goods and Services Act 1982 .....	49
Mental Health Act 1983 .....	50
Medical Act 1983 .....	112
Public Health (Control of Disease) Act 1984 .....	122
Data Protection Act 1984 .....	125
Police and Criminal Evidence Act 1984 .....	137
Enduring Powers of Attorney Act 1985 .....	138
Prohibition of Female Circumcision Act 1985 .....	139
Hospital Complaints Procedure Act 1985 .....	140
Surrogacy Arrangements Act 1985 .....	141

Aids (Control) Act 1987 .....	144
Family Law Reform Act 1987 .....	145
Consumer Protection Act 1987 .....	146
Access to Medical Reports Act 1988 .....	150
Health and Medicines Act 1988 .....	153
Road Traffic Act 1988 .....	154
Human Organ Transplants Act 1989 .....	154
Children Act 1989 .....	156
Access to Health Records Act 1990 .....	171
National Health Service and Community Care Act 1990 .....	176
Human Fertilisation and Embryology Act 1990 .....	188
Medicinal Products: Prescription by Nurses Etc. Act 1992 .....	213
 STATUTORY INSTRUMENTS .....	 215
The National Health Service (Venereal Diseases) Regulations 1974 ..	215
National Health Service (General Medical and Pharmaceutical Services) Regulations 1974 .....	215
National Health Service (Service Committees and Tribunal) Regulations 1974 .....	253
The Mental Health (Hospital, Guardianship and Consent to Treatment) Regulation 1983 .....	269
The Mental Health Review Tribunal Rules 1983 .....	272
The Data Protection (Subject Access Modification) (Health) Order 1987 .....	283
The Public Health (Infectious Diseases) Regulations 1988 .....	285
The General Medical Council Preliminary Proceedings Committee and Professional Conduct Committee (Procedure) Rules Order of Council 1988 .....	288
The General Medical Council Professional Conduct Committee (EC Practitioners) (Procedure) Rules Order of Council 1989 .....	306
The Human Organ Transplants (Unrelated Persons) Regulations 1989	309
United Kingdom Transplant Support Service Authority Regulations 1991 .....	310
The Abortion Regulations 1991 .....	312
 HEALTH CIRCULARS .....	 320
Health Circular HC(82)16 .....	320
Health Circular HC(88)37, HN(FP)(88)18 .....	323
Health Circular HC(89)34, HC(FP)(89)22 .....	331
Health Circular HC(90)22: A Guide to Consent for Examination or Treatment .....	338
 GENERAL MEDICAL COUNCIL .....	 352
Professional Conduct and Discipline: Fitness to Practise 1991 .....	352
Index .....	373

**OFFENCES AGAINST THE PERSON ACT 1861**  
(1861, c. 100)

**18. Shooting or attempting to shoot, or wounding with intent to do grievous bodily harm**

Whosoever shall unlawfully and maliciously by any means whatsoever wound or cause any grievous bodily harm to any person, with intent to do some grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude for life.

**20. Inflicting bodily injury, with or without weapon**

Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person, either with or without any weapon or instrument, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be kept in penal servitude.

**23. Maliciously administering poison, &c. so as to endanger life or inflict grievous bodily harm**

Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other person any poison or other destructive or noxious thing, so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude for any term not exceeding ten years.

**24. Maliciously administering poison, &c. with intent to injure, aggrieve, or annoy any other person**

Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other person any poison or other destructive or noxious thing, with intent to injure, aggrieve, or annoy such person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be kept in penal servitude.

**47. Assault occasioning bodily harm. Common assault**

Whosoever shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable to be kept in penal servitude; and whosoever shall be convicted upon an indictment for a common assault shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding one year.

*Attempts to procure Abortion*

**58. Administering drugs or using instruments to procure abortion**

Every woman, being with child, who, with intent to procure her own miscarriage, shall unlawfully administer to herself any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, and whosoever, with intent to procure the miscarriage of any woman, whether she be or be not with child, shall unlawfully administer to her or cause to be taken by her any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with



the like intent, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude for life.

### **59. Procuring drugs, &c. to cause abortion**

Whosoever shall unlawfully supply or procure any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she be or be not with child, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be kept in penal servitude.

## **PERJURY ACT 1911 (1911, c. 6)**

### **4. False statements, &c. as to births or deaths**

(1) If any person—

(a) wilfully makes any false answer to any question put to him by any registrar of births or deaths relating to the particulars required to be registered concerning any birth or death, or, wilfully gives to any such registrar any false information concerning any birth or death or the cause of any death; or

(b) wilfully makes any false certificate or declaration under or for the purposes of any Act relating to the registration of births or deaths, or, knowing any such certificate or declaration to be false, uses the same as true or gives or sends the same as true to any person; or

(c) wilfully makes, gives or uses any false statement or declaration as to a child born alive as having been still-born, or as to the body of a deceased person or a still-born child in any coffin, or falsely pretends that any child born alive was still-born; or

(d) makes any false statement with intent to have the same inserted in any register of births or deaths:

he shall be guilty of a misdemeanour and shall be liable—

(i) on conviction thereof on indictment, to penal servitude for a term not exceeding seven years, or to imprisonment for a term not exceeding two years, or to a fine instead of either of the said punishments; and

(ii) on summary conviction thereof, to a penalty not exceeding the prescribed sum.

(2) A prosecution on indictment for an offence against this section shall not be commenced more than three years after the commission of the offence.

## **VENEREAL DISEASE ACT 1917 (1917, c. 21)**

### **1. Prevention of the treatment of venereal disease otherwise than by duly qualified persons**

(1) In any area in which this section is in operation a person shall not, unless he is a duly qualified medical practitioner, for reward either direct or indirect, treat any person for venereal disease or prescribe any remedy therefor, or give any advice in connection with the treatment thereof, whether the advice is given to the person to be treated or to any other person.

### **3. Penalties**

If any person acts in contravention of any of the provisions of this Act, he shall be liable on conviction on indictment to imprisonment, with or without hard labour, for a term not exceeding two years, or on summary conviction to a fine not exceeding the prescribed sum, or to imprisonment, with or without hard labour, for a term not exceeding six months.

#### 4. Definition

In this Act the expression "venereal disease" means syphilis, gonorrhœa, or soft chancre.

### INFANT LIFE (PRESERVATION) ACT 1929 (1929, c. 34)

#### 1. Punishment for child destruction

(1) Subject as hereinafter in this subsection provided, any person who, with intent to destroy the life of a child capable of being born alive, by any wilful act causes a child to die before it has an existence independent of its mother, shall be guilty of felony, to wit, of child destruction, and shall be liable on conviction thereof on indictment to penal servitude for life:

Provided that no person shall be found guilty of an offence under this section unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother.

(2) For the purposes of this Act, evidence that a woman had at any material time been pregnant for a period of twenty-eight weeks or more shall be *prima facie* proof that she was at that time pregnant of a child capable of being born alive.

#### 2. Prosecution of offences

(2) Where upon the trial of any person for the murder or manslaughter of any child, or for infanticide, or for an offence under section fifty-eight of the Offences against the Person Act 1861 (which relates to administering drugs or using instruments to procure abortion), the jury are of opinion that the person charged is not guilty of murder, manslaughter or infanticide, or of an offence under the said section fifty-eight, as the case may be, but that he is shown by the evidence to be guilty of the felony of child destruction, the jury may find him guilty of that felony, and thereupon the person convicted shall be liable to be punished as if he had been convicted upon an indictment for child destruction.

(3) Where upon the trial of any person for the felony of child destruction the jury are of opinion that the person charged is not guilty of that felony, but that he is shown by the evidence to be guilty of an offence under the said section fifty-eight of the Offences against the Person Act 1861, the jury may find him guilty of that offence, and thereupon the person convicted shall be liable to be punished as if he had been convicted upon an indictment under that section.

### CHILDREN AND YOUNG PERSONS ACT 1933 (1933, c. 12)

#### 1. Cruelty to persons under sixteen

(1) If any person who has attained the age of sixteen years and has responsibility for any child or young person under that age, wilfully assaults, ill-treats, neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of a misdemeanor, and shall be liable—

(a) on conviction on indictment, to a fine or alternatively, or in addition thereto, to imprisonment for any term not exceeding ten years;

(b) on summary conviction, to a fine not exceeding the prescribed sum, or alternatively, or in addition thereto, to imprisonment for any term not exceeding six months.

(2) For the purposes of this section—

(a) a parent or other person legally liable to maintain a child or young person, or the legal guardian of a child or young person, shall be deemed to have neglected him in a manner likely to cause injury to his health if he has failed to provide adequate food, clothing, medical aid or lodging for him, or if, having been unable otherwise to provide such food, clothing, medical aid or lodging, he has failed to take steps to procure it to be provided under the enactments applicable in that behalf;

(3) A person may be convicted of an offence under this section—

(a) notwithstanding that actual suffering or injury to health, or the likelihood of actual suffering or injury to health, was obviated by the action of another person;

(b) notwithstanding the death of the child or young person in question.

### **NATIONAL ASSISTANCE ACT 1948** (1948, c. 29)

#### **47. Removal to suitable premises of persons in need of care and attention**

(1) The following provisions of this section shall have effect for the purposes of securing the necessary care and attention for persons who—

(a) are suffering from grave chronic disease or, being aged, infirm or physically incapacitated, are living in insanitary conditions, and

(b) are unable to devote to themselves, and are not receiving from other persons, proper care and attention.

(2) If the medical officer of health certifies in writing to the appropriate authority that he is satisfied after thorough inquiry and consideration that in the interests of any such person as aforesaid residing in the area of the authority, or for preventing injury to the health of, or serious nuisance to, other persons, it is necessary to remove any such person as aforesaid from the premises in which he is residing, the appropriate authority may apply to a court of summary jurisdiction having jurisdiction in the place where the premises are situated for an order under the next following subsection.

(3) On any such application the court may, if satisfied on oral evidence of the allegations in the certificate, and that it is expedient so to do, order the removal of the person to whom the application relates, by such officer of the appropriate authority as may be specified in the order, to a suitable hospital or other place in, or within convenient distance of, the area of the appropriate authority, and his detention and maintenance therein:

Provided that the court shall not order the removal of a person to any premises, unless either the person managing the premises has been heard in the proceedings or seven clear days' notice has been given to him of the intended application and of the time and place at which it is proposed to be made.

(4) An order under the last foregoing subsection may be made so as to authorise a person's detention for any period not exceeding three months, and the court may from time to time by order extend that period for such further period, not exceeding three months, as the court may determine.

(5) An order under subsection (3) of this section may be varied by an order of the court so as to substitute for the place referred to in that subsection such other suitable place in, or within convenient distance of, the area of the appropriate authority as the court may determine, so however that the proviso to the said subsection (3) shall with the necessary modification apply to any proceedings under this subsection.

(6) At any time after the expiration of six clear weeks from the making of an order under subsection (3) or (4) of this section an application may be made to the court by or on behalf of the person in respect of whom the order was made, and on any such application the court may, if in the circumstances it appears expedient so to do, revoke the order.

(7) No application under this section shall be entertained by the court unless, seven clear days before the making of the application, notice has been given of the intended application and of the time and place at which it is proposed to be made—

(a) where the application is for an order under subsection (3) or (4) of this section, to the person in respect of whom the application is made or to some person in charge of him;

(b) where the application is for the revocation of such an order, to the medical officer of health.

(8) Where in pursuance of an order under this section a person is maintained neither in hospital accommodation provided by the Minister of Health under the National Health Service Act 1977 or by the Secretary of State under the National Health Service (Scotland) Act 1978, nor in premises where accommodation is provided by, or by arrangement with, a local authority under Part III of this Act, the cost of his maintenance shall be borne by the appropriate authority.

(11) Any person who wilfully disobeys, or obstructs the execution of, an order under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

## **SEXUAL OFFENCES ACT 1956**

### **(1956, c. 69)**

#### *Intercourse with girls under sixteen*

##### **5. Intercourse with girl under thirteen**

It is a felony for a man to have unlawful sexual intercourse with a girl under the age of thirteen.

##### **6. Intercourse with girl between thirteen and sixteen**

(1) It is an offence, subject to the exceptions mentioned in this section, for a man to have unlawful sexual intercourse with a girl under the age of sixteen.

(3) A man is not guilty of an offence under this section because he has unlawful sexual intercourse with a girl under the age of sixteen, if he is under the age of twenty-four and has not previously been charged with a like offence, and he believes her to be of the age of sixteen or over and has reasonable cause for the belief.

In this subsection, "a like offence" means an offence under this section or an attempt to commit one, or an offence under paragraph (1) of section five of the Criminal Law Amendment Act 1885 (the provision replaced for England and Wales by this section).

#### *Intercourse with defectives*

##### **7. Intercourse with defective**

(1) It is an offence, subject to the exception mentioned in this section for a man to have unlawful sexual intercourse with a woman who is a defective.

(2) A man is not guilty of an offence under this section because he has unlawful sexual intercourse with a woman if he does not know and has no reason to suspect her to be a defective.

#### *Assaults*

##### **14. Indecent assault on a woman**

(1) It is an offence, subject to the exception mentioned in subsection (3) of this section, for a person to make an indecent assault on a woman.

(2) A girl under the age of sixteen cannot in law give any consent which would prevent an act being an assault for the purposes of this section.

(4) A woman who is a defective cannot in law give any consent which would prevent an act being an assault for the purposes of this section, but a person is only to be treated

as guilty of an indecent assault on a defective by reason of that incapacity to consent, if that person knew or had reason to suspect her to be a defective.

### **15. Indecent assault on a man**

- (1) It is an offence for a person to make an indecent assault on a man.
- (2) A boy under the age of sixteen cannot in law give any consent which would prevent an act being an assault for the purposes of this section.
- (3) A man who is a defective cannot in law give any consent which would prevent an act being an assault for the purposes of this section, but a person is only to be treated as guilty of an indecent assault on a defective by reason of that incapacity to consent, if that person knew or had reason to suspect him to be a defective.

## **MENTAL HEALTH ACT 1959** (1959, c. 72)

### **128. Sexual intercourse with patients**

(1) Without prejudice to section seven of the Sexual Offences Act 1956, it shall be an offence, subject to the exception mentioned in this section,—

(a) for a man who is an officer on the staff of or is otherwise employed in, or is one of the managers of, a hospital or mental nursing home to have unlawful sexual intercourse with a woman who is for the time being receiving treatment for mental disorder in that hospital or home, or to have such intercourse on the premises of which the hospital or home forms part with a woman who is for the time being receiving such treatment there as an out-patient;

(b) for a man to have unlawful sexual intercourse with a woman who is a mentally disordered patient and who is subject to his guardianship under the Mental Health Act 1983 or is otherwise in his custody or care under the Mental Health Act 1983 or in pursuance of arrangements under Part III of the National Assistance Act 1948, or the National Health Service Act 1977 or as a resident in a residential care home within the meaning of Part I of the Registered Homes Act 1984.

(2) It shall not be an offence under this section for a man to have sexual intercourse with a woman if he does not know and has no reason to suspect her to be a mentally disordered patient.

(3) Any person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for a term not exceeding two years.

(4) No proceedings shall be instituted for an offence under this section except by or with the consent of the Director of Public Prosecutions.

(5) This section shall be construed as one with the Sexual Offences Act 1956; and section forty-seven of that Act (which relates to the proof of exceptions) shall apply to the exception mentioned in this section.

## **HUMAN TISSUE ACT 1961** (1961, c. 54)

### **1. Removal of parts of bodies for medical purposes**

(1) If any person, either in writing at any time or orally in the presence of two or more witnesses during his last illness, has expressed a request that his body or any specified part of his body be used after his death for therapeutic purposes or for purposes of medical education or research, the person lawfully in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorise the removal from the body of any part or, as the case may be, the specified part, for use in accordance with the request.

(2) Without prejudice to the foregoing subsection, the person lawfully in possession of the body of a deceased person may authorise the removal of any part from the body for use for the said purposes if, having made such reasonable enquiry as may be practicable, he has no reason to believe—

(a) that the deceased had expressed an objection to his body being so dealt with after his death, and had not withdrawn it; or

(b) that the surviving spouse or any surviving relative of the deceased objects to the body being so dealt with.

(3) Subject to subsections (4), (4A) and (5) of this section, the removal and use of any part of a body in accordance with an authority given in pursuance of this section shall be lawful.

(4) No such removal, except of eyes or parts of eyes, shall be effected except by a registered medical practitioner, who must have satisfied himself by personal examination of the body that life is extinct.

(4A) No such removal of an eye or part of an eye shall be effected except by—

(a) a registered medical practitioner, who must have satisfied himself by personal examination of the body that life is extinct; or

(b) a person in the employment of a health authority or NHS trust acting on the instructions of a registered medical practitioner who must, before giving those instructions, be satisfied that the person in question is sufficiently qualified and trained to perform the removal competently and must also either—

(i) have satisfied himself by personal examination of the body that life is extinct, or

(ii) be satisfied that life is extinct on the basis of a statement to that effect by a registered medical practitioner who has satisfied himself by personal examination of the body that life is extinct.

(5) Where a person has reason to believe that an inquest may be required to be held on any body or that a post-mortem examination of any body may be required by the coroner, he shall not, except with the consent of the coroner,—

(a) give an authority under this section in respect of the body; or

(b) act on such an authority given by any other person.

(6) No authority shall be given under this section in respect of any body by a person entrusted with the body for the purpose only of its interment or cremation.

(7) In the case of a body lying in a hospital, nursing home or other institution, any authority under this section may be given on behalf of the person having the control and management thereof by any officer or person designated for that purpose by the first-mentioned person.

(8) Nothing in this section shall be construed as rendering unlawful any dealing with, or with any part of, the body of a deceased person which is lawful apart from this Act.

2. (2) No post-mortem examination shall be carried out otherwise than by or in accordance with the instructions of a fully registered medical practitioner, and no post-mortem examination which is not directed or requested by the coroner or any other competent legal authority shall be carried out without the authority of the person lawfully in possession of the body; and subsections (2), (5), (6) and (7) of section one of this Act shall, with the necessary modifications, apply with respect to the giving of that authority.

## SUICIDE ACT 1961

(1961, c. 60)

### 1. Suicide to cease to be a crime

The rule of law whereby it is a crime for a person to commit suicide is hereby abrogated.

## **2. Criminal liability for complicity in another's suicide**

(1) A person who aids, abets, counsels or procures the suicide of another, or an attempt by another to commit suicide, shall be liable on conviction on indictment to imprisonment for a term not exceeding fourteen years.

(2) If on the trial of an indictment for murder or manslaughter it is proved that the accused aided, abetted, counselled or procured the suicide of the person in question, the jury may find him guilty of that offence.

(4) No proceedings shall be instituted for an offence under this section except by or with the consent of the Director of Public Prosecutions.

## **ABORTION ACT 1967**

(1967, c. 87)

## **1. Medical termination of pregnancy**

(1) Subject to the provisions of this section, a person shall not be guilty of an offence under the law relating to abortion when a pregnancy is terminated by a registered medical practitioner if two registered medical practitioners are of the opinion, formed in good faith—

(a) that the pregnancy has not exceeded its twenty-fourth week and that the continuance of the pregnancy would involve risk, greater than if the pregnancy were terminated, of injury to the physical or mental health of the pregnant woman or any existing children of her family; or

(b) that the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant woman; or

(c) that the continuance of the pregnancy would involve risk to the life of the pregnant woman, greater than if the pregnancy were terminated; or

(d) that there is a substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped.

(2) In determining whether the continuance of a pregnancy would involve such risk of injury to health as is mentioned in paragraph (a) or (b) of subsection (1) of this section, account may be taken of the pregnant woman's actual or reasonably foreseeable environment.

(3) Except as provided by subsection (4) of this section, any treatment for the termination of pregnancy must be carried out in a hospital vested in the Secretary of State for the purposes of his functions under the National Health Service Act 1977 or the National Health Service (Scotland) Act 1978 or in a hospital vested in a National Health Service trust or in a place approved for the purposes of this section by the Secretary of State.

(3A) The power under subsection (3) of this section to approve a place includes power, in relation to treatment consisting primarily in the use of such medicines as may be specified in the approval and carried out in such manner as may be so specified, to approve a class of places.

(4) Subsection (3) of this section, and so much of subsection (1) as relates to the opinion of two registered medical practitioners, shall not apply to the termination of a pregnancy by a registered medical practitioner in a case where he is of the opinion, formed in good faith, that the termination is immediately necessary to save the life or to prevent grave permanent injury to the physical or mental health of the pregnant woman.

## **2. Notification**

(1) The Secretary of State in respect of England and Wales, and the Secretary of State in respect of Scotland, shall by statutory instrument make regulations to provide—



(a) for requiring any such opinion as is referred to in section 1 of this Act to be certified by the practitioners or practitioner concerned in such form and at such time as may be prescribed by the regulations, and for requiring the preservation and disposal of certificates made for the purposes of the regulations;

(b) for requiring any registered medical practitioner who terminates a pregnancy to give notice of the termination and such other information relating to the termination as may be so prescribed;

(c) for prohibiting the disclosure, except to such persons or for such purposes as may be so prescribed, of notices given or information furnished pursuant to the regulations.

(2) The information furnished in pursuance of regulations made by virtue of paragraph (b) of subsection (1) of this section shall be notified solely to the Chief Medical Officers of the Department of Health, or of the Welsh Office, or of the Scottish Home and Health Department.

(3) Any person who wilfully contravenes or wilfully fails to comply with the requirements of regulations under subsection (1) of this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) Any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **4. Conscientious objection to participation in treatment**

(1) Subject to subsection (2) of this section, no person shall be under any duty, whether by contract or by any statutory or other legal requirement, to participate in any treatment authorised by this Act to which he has a conscientious objection:

Provided that in any legal proceedings the burden of proof of conscientious objection shall rest on the person claiming to rely on it.

(2) Nothing in subsection (1) of this section shall affect any duty to participate in treatment which is necessary to save the life or to prevent grave permanent injury to the physical or mental health of a pregnant woman.

(3) In any proceedings before a court in Scotland, a statement on oath by any person to the effect that he has a conscientious objection to participating in any treatment authorised by this Act shall be sufficient evidence for the purpose of discharging the burden of proof imposed upon him by subsection (1) of this section.

#### **5. Supplementary Provisions**

(1) No offence under the Infant Life (Preservation) Act 1929 shall be committed by a registered medical practitioner who terminates a pregnancy in accordance with the provisions of this Act.

(2) For the purposes of the law relating to abortion, anything done with intent to procure a woman's miscarriage (or, in the case of a woman carrying more than one foetus, her miscarriage of any foetus) is unlawfully done unless authorised by section 1 of this Act and, in the case of a woman carrying more than one foetus, anything done with intent to procure her miscarriage of any foetus is authorised by that section if—

(a) the ground for termination of the pregnancy specified in subsection (1)(d) of that section applies in relation to any foetus and the thing is done for the purpose of procuring the miscarriage of that foetus, or

(b) any of the other grounds for termination of the pregnancy specified in that section applies.

#### **6. Interpretation**

In this Act, the following expressions have meanings hereby assigned to them:—

“the law relating to abortion” means sections 58 and 59 of the Offences against the Person Act 1861, and any rule of law relating to the procurement of abortion.



**FAMILY LAW REFORM ACT 1969**  
(1969, c. 46)

**1. Reduction of age of majority from 21 to 18**

(1) As from the date on which this section comes into force a person shall attain full age on attaining the age of eighteen instead of on attaining the age of twenty-one; and a person shall attain full age on that date if he has then already attained the age of eighteen but not the age of twenty-one.

(2) The foregoing subsection applies for the purposes of any rule of law, and, in the absence of a definition or of any indication of a contrary intention, for the construction of "full age", "infant", "infancy", "minor", "minority" and similar expressions in—

(a) any statutory provision, whether passed or made before, on or after the date on which this section comes into force; and

(b) any deed, will or other instrument of whatever nature (not being a statutory provision) made on or after that date.

**8. Consent by persons over 16 to surgical, medical and dental treatment**

(1) The consent of a minor who has attained the age of sixteen years to any surgical, medical or dental treatment which, in the absence of consent, would constitute a trespass to his person, shall be as effective as it would be if he were of full age; and where a minor has by virtue of this section given an effective consent to any treatment it shall not be necessary to obtain any consent for it from his parent or guardian.

(2) In this section "surgical, medical or dental treatment" includes any procedure undertaken for the purposes of diagnosis, and this section applies to any procedure (including, in particular, the administration of an anaesthetic) which is ancillary to any treatment as it applies to that treatment.

(3) Nothing in this section shall be construed as making ineffective any consent which would have been effective if this section had not been enacted.

**MISUSE OF DRUGS ACT 1971**  
(1971, c. 38)

**17. Power to obtain information from doctors, pharmacists etc. in certain circumstances**

(1) If it appears to the Secretary of State that there exists in any area in Great Britain a social problem caused by the extensive misuse of dangerous or otherwise harmful drugs in that area, he may by notice in writing served on any doctor or pharmacist practising in or in the vicinity of that area, or on any person carrying on a retail pharmacy business within the meaning of the Medicines Act 1968 at any premises situated in or in the vicinity of that area, require him to furnish to the Secretary of State, with respect to any such drugs specified in the notice and as regards any period so specified, such particulars as may be so specified relating to the quantities in which and the number and frequency of the occasions on which those drugs—

(a) in the case of a doctor, were prescribed, administered or supplied by him;

(b) in the case of a pharmacist, were supplied by him; or

(c) in the case of a person carrying on a retail pharmacy business, were supplied in the course of that business at any premises so situated which may be specified in the notice.

(2) A notice under this section may require any such particulars to be furnished in such manner and within such time as may be specified in the notice and, if served on a pharmacist or person carrying on a retail pharmacy business, may require him to