



Jersey

## TERMINATION OF PREGNANCY (JERSEY) LAW 202-

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Jersey

## TERMINATION OF PREGNANCY (JERSEY) LAW 202-

A LAW to replace the [Termination of Pregnancy \(Jersey\) Law 1997](#), to provide for the circumstances in which a termination may be legally performed and to introduce offences related to providing terminations outside of those circumstances.

*Adopted by the States*

*12 March 2026*

*Sanctioned by Order of His Majesty in Council*

*[date to be inserted]*

*Registered by the Royal Court*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

### PART 1

#### INTERPRETATION

#### 1 Interpretation

In this Law –

“approved place” –

- (a) in relation to the termination of a foetus that has a gestational age of less than 22 weeks, means –
  - (i) a place administered by the Minister for the purposes of delivering health services; or
  - (ii) a place approved by the Minister in accordance with Regulations made under Article 15; or
- (b) in relation to the termination of a foetus that has a gestational age of 22 weeks or more, means –
  - (i) a hospital administered by the Minister; or
  - (ii) a hospital approved by the Minister in accordance with Regulations made under Article 15;

“emergency termination” means a termination that is immediately necessary to save the pregnant woman’s life;

“Minister” means the Minister for Health and Social Services;

“Medical Officer of Health” means the person appointed under Article 10 of the [Loi \(1934\) sur la Santé Publique](#);

“pregnant woman”, in relation to a termination, means the person who is pregnant with the foetus that is to be terminated;

“registered medical practitioner” means a person registered as a medical practitioner under the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#);

“termination”, in relation to a pregnancy, means intentionally ending the pregnancy by any means but does not include –

- (a) a procedure to induce the birth of a live foetus if, having regard to the level of care available, the person performing the procedure reasonably believes the foetus is capable of surviving outside of the uterus;
- (b) a procedure to remove a dead foetus; or
- (c) the use of a method of contraception to prevent an embryo from being conceived or implanted;

“termination services” is defined in Article 2(1);

“termination-related services” is defined in Article 2(2).

## **2 Termination services and termination-related services**

- (1) “Termination services” means –
  - (a) prescribing or administering medication to terminate a pregnancy; or
  - (b) performing a procedure to terminate a pregnancy.
- (2) “Termination-related services” means services that are not termination services, but are provided in direct connection with a termination and are required for the performance of the termination, including –
  - (a) dispensing medication that has been prescribed to terminate a pregnancy;
  - (b) providing anaesthesia or sedation;
  - (c) providing operative or procedural assistance; or
  - (d) undertaking essential monitoring, imaging or stabilisation before, during or after the procedure.
- (3) An action taken by a pregnant woman in relation to her own pregnancy is not a termination service or a termination-related service.

## **PART 2**

### **PROVISION OF TERMINATION SERVICES**

## **3 Circumstances in which termination services may be provided**

- (1) A registered medical practitioner may provide termination services if –
  - (a) the gestational age of the foetus at the time of the termination is less than 22 weeks; or
  - (b) the gestational age of the foetus at the time of the termination is 22 weeks or more and, in the reasonable opinion of the registered medical practitioner –
    - (i) the termination is necessary to save the pregnant woman’s life;

- (ii) the termination is necessary to prevent a significant risk to the survival of another foetus from the same pregnancy;
  - (iii) the termination is necessary to prevent a significant risk of serious injury to the pregnant woman's physical or mental health; or
  - (iv) the foetus has, or has a significant risk of, a serious foetal anomaly.
- (2) In forming an opinion as to whether a circumstance in paragraph (1)(b) applies, the registered medical practitioner must have regard to any guidance issued by the Minister on the matter.
- (3) In paragraph (1)(b)(iv), "serious foetal anomaly" means that –
  - (a) the foetus is likely to die before, during or shortly after birth; or
  - (b) if born, the foetus would be likely to have a serious disability due to a physical or mental impairment.
- (4) A registered medical practitioner who provides termination services must ensure that, except in the case of an emergency termination –
  - (a) the medical practitioner has obtained the necessary consent; and
  - (b) the termination services comply with –
    - (i) Article 4, if the gestational age of the foetus is less than 22 weeks; or
    - (ii) Article 5, if the gestational age the foetus is 22 weeks or more.
- (5) A medical practitioner has obtained the necessary consent if –
  - (a) the pregnant woman is aged 16 years or over and does not lack capacity and has given her informed consent;
  - (b) the pregnant woman is aged 16 years or over and lacks capacity and the medical practitioner has complied with the [Capacity and Self-Determination \(Jersey\) Law 2016](#); or
  - (c) the pregnant woman is aged under 16 years and –
    - (i) does not lack capacity, has given her informed consent and the medical practitioner is satisfied that the woman understands the nature and implications of having a termination; or
    - (ii) the medical practitioner has obtained informed consent from a person who is legally authorised to make medical decisions on behalf of the woman.
- (6) In this Article, "informed consent" means consent given freely after receiving information on the risk and benefits of termination.

#### **4 Requirements for terminations before 22 weeks**

- (1) This Article applies to the termination of a foetus that has a gestational age of less than 22 weeks.
- (2) The termination services must be provided at an approved place.
- (3) A termination must not be performed unless the pregnant woman has consulted, in person, a registered medical practitioner (regardless of whether that registered medical practitioner is the person who provides the termination services).
- (4) If the termination is performed by administering medication, a registered medical practitioner must not prescribe the medication unless they reasonably believe that

the medication will be administered in Jersey and in accordance with the registered medical practitioner's instructions.

- (5) Before the termination is performed, the pregnant woman must be provided with information about the availability of, and access to, counselling services.
- (6) Nothing in this Article prevents a registered medical practitioner from taking any other steps they consider necessary in order to decide any matter relating to the provision of the termination services or whether to exercise their right to refuse in Article 10.

## **5 Requirements for terminations from 22 weeks onwards**

- (1) This Article applies to the termination of a foetus that has a gestational age of 22 weeks or more.
- (2) The termination services must be provided at an approved place.
- (3) A registered medical practitioner must not provide termination services unless, before providing the services –
  - (a) the pregnant woman has consulted, in person, a registered medical practitioner (the “first practitioner”);
  - (b) the first practitioner has consulted another medical practitioner (the “second practitioner”) who, in the reasonable opinion of the first practitioner, has the appropriate professional knowledge, experience and qualifications to consult on the matter; and
  - (c) the second practitioner agrees that Article 3(1)(b) applies, on the same grounds that the registered medical practitioner believes that provision applies.
- (4) The second practitioner does not need to be registered in Jersey but must be registered in the jurisdiction in which they provide health services.
- (5) Before the termination is performed, the pregnant woman must be provided with information about the availability of, and access to, counselling services.

## **6 Offences related to provision of termination services by registered medical practitioners**

- (1) A registered medical practitioner who, except in the case of an emergency termination, knowingly or recklessly provides termination services in circumstances other than those described in Article 3(1) commits an offence and is liable to life imprisonment.
- (2) A registered medical practitioner does not commit an offence under paragraph (1) if the practitioner, acting in good faith and within their professional duties, reasonably believes that the termination services are provided in the circumstances described in Article 3(1).
- (3) A registered medical practitioner who knowingly or recklessly provides termination services without the necessary consent required by Article 3(4)(a) commits an offence and is liable to life imprisonment and to a fine.
- (4) A registered medical practitioner commits an offence and is liable to imprisonment for a term of 7 years and to a fine if –
  - (a) the registered medical practitioner provides termination services in circumstances in which Article 4(3) applies; and

- (b) the registered medical practitioner knows that Article 4(3) has not been complied with or is reckless as to whether Article 4(3) has been complied with.
- (5) A registered medical practitioner who prescribes medication to terminate a pregnancy without reasonably believing that the medication will be administered in Jersey and in accordance with the registered medical practitioner's instructions commits an offence and is liable to imprisonment for a term of 5 years and to a fine.
- (6) A registered medical practitioner who, except in the case of an emergency termination, knowingly or recklessly provides termination services outside of an approved place commits an offence and is liable to imprisonment for a term of 5 years and to a fine.
- (7) A registered medical practitioner commits an offence and is liable to imprisonment for a term of 5 years and to a fine if –
  - (a) the registered medical practitioner provides termination services in circumstances in which Article 5(3) applies; and
  - (b) the registered medical practitioner knows that Article 5(3) has not been complied with or is reckless as to whether Article 5(3) has been complied with.
- (8) A registered medical practitioner who, without reasonable excuse, fails to ensure that a pregnant woman is provided with information about counselling services under Article 4(5) or 5(5) commits an offence and is liable to imprisonment for a term of 5 years and to a fine.

## **7 Offences related to termination-related services**

- (1) This Article applies to a person who, in their professional capacity, provides termination-related services.
- (2) A person who, except in the case of an emergency termination, knowingly or recklessly provides termination-related services in circumstances other than those described in Article 3(1) commits an offence and is liable to imprisonment for a term of 7 years and to a fine.
- (3) A person does not commit an offence under paragraph (2) if the person, acting in good faith and within their professional duties, reasonably believes that the termination services are provided in the circumstances described in Article 3(1).

## **8 Offence of providing false or reckless information**

A medical practitioner who is consulted under Article 5(3) (referred to in that Article as the “second practitioner”) commits an offence and is liable to imprisonment for a term of 5 years and to a fine if the medical practitioner states that Article 3(1)(b) applies, knowing, or being reckless as to whether, that is false.

## **9 Reporting requirements**

- (1) A registered medical practitioner who provides termination services must notify the Medical Officer of Health of each termination performed by the practitioner and each referral made for a person to receive a termination outside of Jersey.
- (2) The Minister must, by Order, prescribe –
  - (a) the information that must be contained in the notification;
  - (b) the manner in which and the time by which a notification must be made;

- (c) records that a registered medical practitioner must, or must not, keep in relation to the provision of termination services; and
  - (d) the length of time for which records must be retained, or after which records must be destroyed.
- (3) A registered medical practitioner commits an offence and is liable to a fine of level 3 on the standard scale if the registered medical practitioner –
- (a) fails to notify the Medical Officer of Health under paragraph (1); or
  - (b) fails to comply with a requirement of an Order made under paragraph (2).
- (4) Before making an Order, the Minister must consult –
- (a) the Medical Officer of Health; and
  - (b) any person who the Minister determines is responsible for monitoring the safety, efficiency and effectiveness of termination services provided in Jersey.
- (5) An Order must not require a registered medical practitioner to provide information that would identify a person who has received termination services.

### **PART 3**

#### **RIGHT TO REFUSE AND EMPLOYMENT PROTECTIONS**

##### **10 Right to refuse to provide termination services**

- (1) A person may, on any grounds –
- (a) refuse to provide termination services, termination-related services or counselling services provided in connection with termination services; or
  - (b) refuse to provide termination services, termination-related services or counselling services provided in connection with termination services except in certain circumstances (for example, a person may refuse to provide services after a certain gestational age, or may choose to provide services only if the pregnant woman's life is at risk).
- (2) The right to refuse –
- (a) overrides any obligation under another Article of this Law or under a contract (of employment or otherwise); but
  - (b) does not override a duty that a person has to –
    - (i) provide prompt and appropriate medical assistance to a person in a medical emergency; or
    - (ii) provide other medical or nursing care to a person who has requested a termination or has had a termination.
- (3) A registered medical practitioner who refuses to provide termination services must, if requested to provide termination services or to provide information about termination services, comply with any guidance issued by the Minister about how to respond to the request.

##### **11 Employment and partnership protections**

- (1) An employer must ensure that there is no employment detriment to their employee as a result of the employee's actual or potential –

- 
- (a) provision of termination services or termination-related services;
  - (b) exercise of the right to refuse to provide termination services or termination-related services under Article 10.
- (2) There is an employment detriment to an employee if –
- (a) the employer decides not to employ them or to end their employment; or
  - (b) they are treated less favourably in that employment.
- (3) There is no employment detriment to an employee if –
- (a) it is a condition of the employment contract that the employee provide the services; and
  - (b) either –
    - (i) the employer decides not to employ the employee because the employer believes that the employee has exercised, or will exercise, the right to refuse to provide the services under Article 10; or
    - (ii) the employer ends the employee’s employment because the employee has exercised the right to refuse to provide the services under Article 10.
- (4) A partner in a partnership must ensure that there is no partnership detriment to another partner as a result of the other partner’s actual or potential –
- (a) provision of termination services or termination-related services; or
  - (b) exercise of the right to refuse to provide termination services or termination-related services under Article 10.
- (5) There is a partnership detriment to a partner if –
- (a) they are not invited to become a partner in the partnership;
  - (b) they are offered less favourable terms or conditions in being invited to become a partner in the partnership;
  - (c) their access to a benefit arising from being a partner in the partnership is denied or limited;
  - (d) they are expelled from the partnership; or
  - (e) they are otherwise treated less favourably, or subjected to any other detriment, in the partnership.
- (6) There is no partnership detriment to a partner if –
- (a) it is a condition of the partnership agreement that the partner provide the services; and
  - (b) either –
    - (i) the partnership decides not to invite the partner to join the partnership because the partnership believes that the partner has exercised, or will exercise, the right to refuse to provide the services under Article 10; or
    - (ii) the partnership expels the partner from the partnership because the partner has exercised the right to refuse to provide the services under Article 10.
- (7) In this Article –
- “employment” –
    - (a) has the meaning given in the [Employment \(Jersey\) Law 2003](#), including as affected by Article 1A of that Law;

- (b) for a natural person to whom Article 1(2)(a) and (c) of that Law apply (if they are supplied by an agent to do work for a principal), includes both –
  - (i) their relationship with the agent; and
  - (ii) their relationship with the principal; and
- (c) includes prospective employment;  
“partnership” –
  - (a) means a partnership described in Article 12(4) of the [Discrimination \(Jersey\) Law 2013](#); and
  - (b) includes prospective partnership.
- (8) The States may, by Regulations, create a civil remedy, for an employee or a partner who experiences detriment under this Article, that can be awarded by a tribunal or a court, including matters such as –
  - (a) a right to compensation or continued employment or partnership (as under Article 77 of the [Employment \(Jersey\) Law 2003](#), for example); and
  - (b) provision for appeals.

## PART 4

### DUTIES OF MINISTER, REPORTS, REGULATIONS, ORDERS AND GUIDANCE

#### 12 Minister to ensure provision of termination services

- (1) The Minister must take all reasonable steps to ensure that termination services, termination-related services and counselling services provided in connection with those services are available in Jersey.
- (2) This Article does not require the Minister to ensure that all termination services and termination-related services permitted under this Law are available in Jersey if the Minister reasonably believes that there are grounds to provide a more limited range of services because –
  - (a) it is not possible to provide certain services safely due to limitations in the workforce or facilities available in Jersey;
  - (b) the resources required to provide certain services cannot reasonably be expended within available government funds.
- (3) This Article does not prevent the Minister from charging fees for the provision of termination services, termination-related services and counselling services provided in connection with those services.
- (4) This Article does not require the Minister to pay, or make arrangements, for Jersey residents to access termination services or termination-related services in another jurisdiction (but does not prevent the Minister from doing so).
- (5) In this Article, counselling services are “available in Jersey” if a person is able to access the service in person or remotely from within Jersey.

#### 13 Reporting on termination services

- (1) The Minister may, by Order, require the Medical Officer of Health to publish a report on termination services provided in Jersey on or by a specified date.

- (2) The Medical Officer of Health must publish a report in compliance with the Order.
- (3) The report –
  - (a) must contain information that the Medical Officer of Health considers supports the identification of trends or potential issues with the provision of termination services; but
  - (b) must not include information that could identify a person who has received termination services.

#### **14 Amendment of this Law by Regulations or Order**

- (1) The States may, by Regulations, amend this Law to –
  - (a) amend the gestational age limits in Article 3(1);
  - (b) amend the grounds on which termination services may be provided under Article 3(1)(b);
  - (c) introduce a gestational age limit beyond which termination services must not be provided on any grounds;
  - (d) impose, remove or vary requirements that termination services and termination-related services must comply with;
  - (e) allow a person who is registered under the [Health Care \(Registration\) \(Jersey\) Law 1995](#) or a person who is registered under the [Pharmacists and Pharmacy Technicians \(Registration\) \(Jersey\) Law 2010](#) to provide termination services that consist of prescribing or administering medication up to a specified gestational age; and
  - (f) provide for any other matter that the States consider necessary to give effect to the purpose of this Law or any of its provisions, including creating or amending criminal offences.
- (2) The Minister may, by Order, amend this Law to –
  - (a) allow a person who is registered under the [Health Care \(Registration\) \(Jersey\) Law 1995](#) or a person who is registered under the [Pharmacists and Pharmacy Technicians \(Registration\) \(Jersey\) Law 2010](#) to provide termination services that consist of prescribing or administering medication up to a specified gestational age; and
  - (b) create or amend criminal offences to apply to a person who is allowed to provide those services.
- (3) Before lodging Regulations to be made under paragraph (1)(e) or making an Order under paragraph (2), the Minister must consult –
  - (a) the Medical Officer of Health;
  - (b) the professional registration body in the United Kingdom for the relevant registrable occupation (as that term is defined in Article 1(1) of the [Health Care \(Registration\) \(Jersey\) Law 1995](#)); and
  - (c) a senior professional in Health and Care Jersey who has responsibility for other professionals and expertise in governance or professional practice and standards, such as the following (or their equivalents) –
    - (i) the Chief Pharmacist;
    - (ii) the Chief Nurse;
    - (iii) the Medical Director in Health and Care Jersey.

- (4) If the Minister determines that there are temporary extraordinary circumstances that make doing so necessary, the Minister may, by Order, temporarily remove or vary requirements that termination services and termination-related services must comply with (for example, during a pandemic).
- (5) In this Article, “Health and Care Jersey” means the administration of the States (as defined in Article 1 of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#)) –
  - (a) that relates to health; and
  - (b) for which the Minister is assigned responsibility.
- (6) The Minister may, by Order, amend this Law to change the references in this Article to Health and Care Jersey to reflect a change in name of that administration of the States.

## 15 Approved places Regulations

- (1) The States may, by Regulations –
  - (a) provide for the Minister to approve a place for the provision of termination services; and
  - (b) impose obligations on operators of approved places.
- (2) Regulations may provide for –
  - (a) how applications for approval may be made, the information applications must contain, and fees associated with applications;
  - (b) the process the Minister must follow in considering an application;
  - (c) the grounds on which the Minister may or must approve or refuse an application;
  - (d) the period for which an approval is valid;
  - (e) the renewal of an approval;
  - (f) the ability of the Minister to place conditions on an approval, and to remove or vary conditions;
  - (g) the ability of the Minister to withdraw or suspend an approval;
  - (h) the processes the Minister must follow in placing conditions on an approval, removing or varying conditions or withdrawing or suspending an approval;
  - (i) a process to appeal a decision of the Minister related to an approval;
  - (j) duties and powers of the Minister in relation to approved places, including the power of inspection;
  - (k) how information that is obtained under this Law may be used or must not be used;
  - (l) the issuing of guidance by the Minister and the consequences of failing to comply with guidance;
  - (m) the creation of criminal offences; and
  - (n) any other matter the States consider necessary or expedient in relation to approved places.
- (3) Regulations may allow the Minister, by Order, to provide for any matter that may be provided for by Regulations made under this Article, except for the creation of criminal offences.

## **16 Safe access zones Regulations**

- (1) The States may, by Regulations, provide for safe access zones at or around approved places.
- (2) Regulations may –
  - (a) allow the Minister, by Order, to designate an area at or around an approved place as a safe access zone, either at all times or at specified times;
  - (b) prohibit specified activities within safe access zones; and
  - (c) create criminal offences for undertaking prohibited activities within safe access zones.

## **17 Fees Orders**

- (1) The Minister may, by Order, provide for fees to be charged for termination services, termination-related services or counselling services provided in connection with termination services.
- (2) An Order may –
  - (a) set fees for some or for all services;
  - (b) set different fees for different services or for the same services provided in different circumstances;
  - (c) provide for exemptions from fee payment, including how exemptions are applied and how decisions relating to exemptions may be appealed.
- (3) An Order must not apply to termination services, termination-related services or counselling services provided in connection with termination services other than services –
  - (a) provided or arranged on behalf of the Minister; or
  - (b) provided under a contract for services arranged by the Minister for Social Security.

## **18 Regulations and Orders may make consequential amendments to this Law and other enactments**

Regulations and Orders made under this Law may make consequential amendments to this Law and to any other enactment.

## **19 Guidance**

- (1) The Minister may issue guidance for registered medical practitioners, operators of approved places or any other person who has a function or duty under this Law.
- (2) A person's compliance with or breach of guidance –
  - (a) does not in itself mean that the person has complied with or breached a requirement under this Law; but
  - (b) may be used as evidence in –
    - (i) the prosecution of an offence; or
    - (ii) disciplinary proceedings about the person's practice by their employer or a body that regulates their profession.

## PART 5

### FURTHER OFFENCES, ABOLITION OF CUSTOMARY LAW OFFENCE OF ABORTION, REPEALS, CITATION AND COMMENCEMENT

#### 20 Further offences

- (1) This Article applies to actions taken with the intent of causing a termination or being reckless as to whether a termination will be caused.
- (2) A person who is not a registered medical practitioner commits an offence if they intentionally or recklessly take an action that causes or is likely to cause a termination (regardless of whether that action is a termination service).
- (3) A person who commits an offence under paragraph (2) is liable to –
  - (a) imprisonment for a term of 14 years and to a fine, if the pregnant woman consented to the action, with the knowledge that it could result in the termination; or
  - (b) life imprisonment, in any other case.
- (4) A person who causes, or attempts to cause, a pregnant woman to have a termination by using force, undue threat or undue coercion commits an offence and is liable to life imprisonment and to a fine.

#### 21 Pregnant woman does not commit offence in relation to termination

To avoid doubt, a pregnant woman does not commit an offence under this Law in respect of any action taken in relation to her own pregnancy.

#### 22 Customary law offence of abortion abolished

- (1) Any customary law offence relating to abortion is abolished.
- (2) Article 5 of the [Legislation \(Jersey\) Law 2021](#) applies in relation to the abolition in paragraph (1) as if it were the repeal of Jersey legislation.

#### 23 Repeals

The [Termination of Pregnancy \(Jersey\) Law 1997](#) and the [Termination of Pregnancy \(General Provisions\) \(Jersey\) Order 2005](#) are repealed.

#### 24 Citation and commencement

This Law may be cited as the Termination of Pregnancy (Jersey) Law 202- and comes into force –

- (a) on 1 September 2026; or
- (b) on an earlier date specified by the Minister by Order.