



An Bille um Rochtain Shábháilte ar Sheirbhísí Foirceanta Toirchis, 2021
Safe Access to Termination of Pregnancy Services Bill 2021

Mar a leasaíodh i gCoiste

As amended in Committee



**AN BILLE UM ROCHTAIN SHÁBHÁILTE AR SHEIRBHÍSÍ FOIRCEANTA
TOIRCHIS, 2021**
SAFE ACCESS TO TERMINATION OF PREGNANCY SERVICES BILL 2021

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ACTS REFERRED TO

Industrial Relations Act 1990 (No. 19)

Non-Fatal Offences Against the Person Act 1997 (No. 26)

Trade Union Acts 1941 to 1990



**AN BILLE UM ROCHTAIN SHÁBHÁILTE AR SHEIRBHÍSÍ FOIRCEANTA
TOIRCHIS, 2021**
SAFE ACCESS TO TERMINATION OF PREGNANCY SERVICES BILL 2021

Bill

entitled

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An Act to protect the free and unencumbered access to facilities providing legal termination of pregnancy services; protect individuals providing or facilitating legal termination of pregnancy services from harassment; and to provide for matters connected therewith.

Be it enacted by the Oireachtas as follows:

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Definitions

1. In this Act—

“authorised trade union” means a trade union which holds a negotiation licence under the Trade Union Acts 1941 to 1990;

“contraceptive services” means the prescribing of contraception;

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“designated premises” means any premises at which termination of pregnancy services or contraceptive services are provided;

“harassment” has the meaning given to it in the Non-Fatal Offences Against the Person Act 1997;

“service provider” means a person who provides, or facilitates the provision of, termination of pregnancy services or contraceptive services;

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“termination of pregnancy services” means lawful services provided for the termination of pregnancy.

Establishing safe access zones

2. A safe access zone is established with a radius of 100 metres around—

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(a) a designated premises, and

(b) any access point to a building that houses a designated premises.

Activities restricted in a safe access zone

3. (1) While in a safe access zone established under *section 2* of this Act, a person must not:

- (a) express or demonstrate support for or opposition to a person’s decision to access, provide, or facilitate the provision of termination of pregnancy services or contraceptive services;
 - (b) seek to influence, a person’s decision to access, provide, or facilitate the provision of termination of pregnancy services or contraceptive services; or 5
 - (c) engage in acts that a reasonable person would realise would be likely to achieve (a) or (b).
- (2) For the purposes of *subsection (1)* of this section, “express or demonstrate” includes, without limitation:
- (a) observing, persistently, continuously or repeatedly, a designated premises or any person entering or exiting a designated premises; 10
 - (b) occupying, persistently, continuously or repeatedly, any area;
 - (c) interfering with, impeding or threatening any person;
 - (d) intimidating any person;
 - (e) harassing any person; 15
 - (f) advising, persuading or informing, or attempting to advise, persuade, or inform any person concerning issues related to termination of pregnancy services or contraceptive services by any means, including, without limitation, graphic, physical, verbal or written means, prayer or counselling;
 - (g) sketching, photographing, recording, storing, broadcasting, or transmitting 20 images, audio, the likeness or personal data of any person without their express consent; or
 - (h) placing or causing the placement of any material concerning issues related to the termination of pregnancy services or contraceptive services in any form, including, without limitation, posters, stickers, and broadcasting equipment. 25
- (3) A person guilty of a breach under *subsections (1)* or *(2)* of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding one year or both or on indictment to a fine not exceeding €5,000 or imprisonment for a term not exceeding 5 years.
- (4) Nothing in *subsections (1)* or *(2)* of this section applies to anything done in the course of providing or facilitating the provision of termination of pregnancy services or contraceptive services at a designated premises. 30
- (5) Nothing in *subsections (1)* or *(2)* of this section applies to anything done in the course of industrial action within the meaning of the Industrial Relations Act 1990 or anything done by an authorised trade union in the conduct of its business. 35
- (6) Nothing in *subsection (2)* of this section applies to the operation of a security camera covering all or part of the buffer zone area if the capture of persons accessing or attempting to access a designated premises is incidental and the product of such security camera is not used for the purposes prohibited under *subsections (1)* or *(2)* of this section. 40
- (7) Nothing in this section applies to a member of An Garda Síochána acting properly in

the course of the member's duties.

Harassment related to provision of termination of pregnancy services

4. (1) A person A must not—
- (a) repeatedly approach, accompany or follow another person B, or a person C known to B, 5
 - (b) beset B or C,
 - (c) engage in threatening conduct directed at B or C, or
 - (d) encourage others to engage in conduct prohibited by *paragraphs (a), (b) or (c)* of this subsection,
- for the purpose of influencing their decision to provide or facilitate the provision of termination of pregnancy services or contraceptive services, or in relation to their providing or facilitating the provision of termination of pregnancy services or contraceptive services. 10
- (2) A person must not repeatedly communicate, without consent and by any means, with a service provider for the purpose of dissuading them from providing, or facilitating the provision of, termination of pregnancy services or contraceptive services. 15
- (3) For the purposes of this section, “beset” means—
- (a) to continuously or repeatedly observe a designated premises, a service provider, or a healthcare professional who is involved or believed to be involved in the provision of termination of pregnancy services or contraceptive services, or a building in which any of them resides, or 20
 - (b) to importune a service provider or a healthcare professional who is involved or believed to be involved in the provision of termination of pregnancy services or contraceptive services.
- (4) A person guilty of an offence shall be liable on the terms set out in section 10(6) of the Non-Fatal Offences Against the Person Act 1997. 25

Power of member of Garda Síochána to give direction

5. (1) Where a member of the Garda Síochána finds a person in a public place and suspects, with reasonable cause, that such person—
- (a) intends to breach any of the provisions of *sections 3 or 4* of this Act, 30
 - (b) is about to breach any of the provisions of *sections 3 or 4* of this Act, or
 - (c) is attempting to breach the provisions of *sections 3 or 4* of this Act,
- the member may direct the person to leave immediately that place and the vicinity thereof in a peaceable and orderly manner.
- (2) It shall be an offence for any person, without reasonable excuse, to fail to comply with a direction given by a member of the Garda Síochána under this section. 35
- (3) A person guilty of an offence under this section shall be liable on summary conviction

to a fine not exceeding €1,000 or imprisonment for a term not exceeding one month or both.

Damages

6. An actual or apprehended breach under *sections 3* and/or *4* of this Act may be the subject of a claim in civil proceedings by the service provider or person who is or may be the victim of the course of conduct in question. 5

Short title and commencement

7. (1) This Act shall come into force at the end of the period of four weeks beginning on the day which it is passed.
- (2) This Act may be cited as the Safe Access to Termination of Pregnancy Services Act 10
2022.

An Bille um Rochtain Shábháilte ar
Sheirbhísí Foirceanta Toirchis, 2021

BILLE

(mar a leasaíodh i gCoiste)

dá ngairtear

Acht chun rochtain gan bhac gan chonstaic ar shaoráidí a sholáthraíonn seirbhísí foirceanta toirchis dlíthiúla a chosaint; chun daoine a sholáthraíonn nó a éascaíonn seirbhísí foirceanta toirchis dlíthiúla a chosaint ar chiapadh; agus do dhéanamh socrú i dtaobh nithe a bhaineann leis an méid sin.

*Ordaíodh ag Seanad Éireann a chlóbhualadh,
10 Feabhra, 2022*

Safe Access to Termination of Pregnancy
Services Bill 2021

BILL

(as amended in Committee)

entitled

An Act to protect the free and unencumbered access to facilities providing legal termination of pregnancy services; protect individuals providing or facilitating legal termination of pregnancy services from harassment; and to provide for matters connected therewith.

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