

# Abortion Services (Safe Access Zones) (Scotland) Bill

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## Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 16

Long Title

Amendments marked \* are new (including manuscript amendments) or have been altered.

### Section 2

**Jenni Minto**

- 1 In section 2, page 2, line 21, leave out <its> and insert <any>

### After section 3

**Meghan Gallacher**

- 2 After section 3, insert—

*<Signage for safe access zones*

#### **Signage for safe access zones**

- (1) An operator of protected premises must display signage which—
  - (a) clearly demarcates the safe access zone for the protected premises,
  - (b) summarises the restrictions which apply by virtue of this Act within the safe access zone and any relevant area relating to the protected premises.
- (2) The operator of protected premises must display the signage under subsection (1) no later than the day on which the safe access zone takes effect.
- (3) The Scottish Ministers may by regulations make provision about the signage to be displayed by operators of protected premises.
- (4) Regulations under subsection (3) are subject to the affirmative procedure.
- (5) In this section, “relevant area” has the same meaning as in section 5.>

### After section 5

**Meghan Gallacher**

- 3 After section 5, insert—

**<Offence of recording etc a person in a safe access zone**

- (1) Where subsection (2) applies, it is an offence for a person to—
  - (a) photograph,
  - (b) record,
  - (c) store,
  - (d) broadcast,
  - (e) transmit,images, audio, likenesses or personal data of any person (P) without their express consent.
- (2) This subsection applies where P is in a safe access zone for the purpose of accessing, providing or facilitating the provision of abortion services at the protected premises.
- (3) A person who commits an offence under subsection (1) is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum,
  - (b) on conviction on indictment, to a fine.>

**Section 6**

**Jeremy Balfour**

- 4 In section 6, page 4, line 26, at end insert—  
<( ) providing pastoral support or chaplaincy services at protected premises,>

**After section 6**

**Jeremy Balfour**

- 5 After section 6, insert—

**<Defence of reasonableness**

- (1) It is a defence for a person charged with an offence under section 4(1) or 5(1) to show that the act was, in the particular circumstances, reasonable.
- (2) For the purposes of subsection (1), in determining whether an act was reasonable, particular regard must be had to the importance of the right to freedom of expression by virtue of Article 10 of the European Convention on Human Rights, including the general principle that the right applies to the expression of information or ideas that offend, shock or disturb.
- (3) For the purposes of subsection (1), it is shown that an act was, in the particular circumstances, reasonable if—
  - (a) evidence adduced is enough to raise an issue as to whether that is the case, and
  - (b) the prosecution does not prove beyond reasonable doubt that it is not the case.>

**Section 10**

**Jeremy Balfour**

- 6 In section 10, page 7, line 3, at end insert—

- <( ) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must—
- (a) lay a draft of the regulations before the Scottish Parliament for a period of 60 days, of which no fewer than 30 days must be days which the Scottish Parliament is not dissolved or in recess, and
  - (b) before finalising the regulations, seek the views of a committee of the Scottish Parliament whose remit includes matters relating to abortion services for the time being appointed by virtue of the standing orders.>

## **Section 11**

### **Rachael Hamilton**

**8** In section 11, page 7, line 16, at end insert—

- <( ) Guidance under subsection (1) must include information on how an operator is to assess the effectiveness of the safe access zone for the protected premises in protecting the rights of—
- (a) persons to safely access abortion services, a form of essential healthcare, without fear of intimidation or harassment, and
  - (b) persons providing or facilitating the provision of abortion services to be able to access their place of work without fear of intimidation or harassment.>

## **Section 11A**

### **Tess White**

**9** In section 11A, page 7, line 25, at end insert—

- <( ) A report prepared under subsection (1)(b) must set out information on the use of offences under the Act during the review period, including—
- (a) the number of arrests,
  - (b) the number of cases for which criminal proceedings are undertaken,
  - (c) the number of convictions in criminal proceedings.>

### **Gillian Mackay**

**7** In section 11A, page 7, line 26, leave out <function> and insert <functions>

### **Tess White**

**10** In section 11A, page 7, line 27, at end insert—

- <( ) When undertaking a review under subsection (1)(a), the Scottish Ministers (or, if applicable, the person to whom the function is delegated under subsection (2)) must consult—
- (a) the chief constable of the Police Service of Scotland,
  - (b) the Crown Office and Procurator Fiscal Service,
  - (c) operators of protected premises or such persons as are considered representative of the interests of operators, and

(d) such other persons as are considered appropriate.>

**Rachael Hamilton**

**11** In section 11A, page 7, line 35, leave out <5> and insert <3>

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