

REFERENCE by the Attorney General for Northern Ireland - Abortion Services (Safe Access Zones) (Northern Ireland) Bill

Case ID: 2022/0077

Case summary

Issue

Is clause 5(2)(a) of the Abortion Services (Safe Access Zones) (Northern Ireland) Bill outside the legislative competence of the Northern Ireland Assembly because it disproportionately interferes with the rights of persons who wish to express their opposition to the provision of abortion treatment services in Northern Ireland?

Facts

Section 11(1) of the Northern Ireland Act 1998 permits the Attorney General for Northern Ireland to make a reference asking the Supreme Court to determine whether a provision of a Bill would be within the Northern Ireland Assembly's legislative competence.

This reference concerns the Abortion Services (Safe Access Zones) (Northern Ireland) Bill. The Bill is primarily designed to protect the right of women to access abortion and associated sexual and reproductive health services. It therefore prohibits anti-abortion protests and other specified behaviour within "safe access zones" around abortion clinics and related premises. Under clause 5(2)(a), it is an offence to do anything, intentionally or recklessly, in a safe access zone which has the effect of influencing a person attending an abortion clinic or other protected premises for protected purposes. There is no defence for those who act with reasonable excuse.

Section 6(2)(c) of the Northern Ireland Act 1998 states that a provision of a Bill is outside the competence of the Northern Ireland Assembly if it is incompatible with the rights protected by the European Convention on Human Rights. These include the rights to freedom of thought, conscience and religion, freedom of expression and freedom of assembly and association protected by Articles 9, 10 and 11 of the Convention. The Supreme Court is asked to decide whether clause 5(2)(a) of the Bill is outside the Northern Ireland Assembly's legislative competence because it disproportionately interferes with the Convention rights of those who seek to express their opposition to the provision of abortion treatment services in Northern Ireland.

Parties

Appellant(s)

Attorney General for Northern Ireland

Respondent(s)

Lord Advocate

Appeal

Justices

Lord Reed, Lord Kitchin, Lord Burrows, Lady Rose, Lord Lloyd-Jones, Lord Carloway, Dame Siobhan Keegan

Hearing start date

19 July 2022

Hearing finish date

20 July 2022

Watch hearing

19 July 2022 [Morning session](#) [Afternoon session](#)

20 July 2022 [Morning session](#) [Afternoon session](#)