

STATES OF JERSEY



DRAFT TERMINATION OF PREGNANCY (JERSEY) AMENDMENT LAW 202- (P.79/2024): COMMENTS

Presented to the States on 16th January 2025
by the Health and Social Security Scrutiny Panel

STATES GREFFE

COMMENTS

Background

The [Termination of Pregnancy \(Jersey\) Law 1997](#) (the “1997 Law”) is amended to remove the current residency requirements set out in that Law.

Adopting the amendments will allow a person who is not resident in Jersey, to access a termination in Jersey, providing that is in accordance with all other provisions of the Law and the Health and Community Services Department’s charging policy.

The 1997 Law currently imposes minimum residency requirements. It states that, in order to have termination in Jersey, a person must either:

- be ordinarily resident in Jersey, or
- have been resident in Jersey for 90 days immediately preceding that day on which the procedure takes place.

The Law also provides that the upper gestation period for termination on the grounds of distress is the end of the 12th week of pregnancy, which is equivalent to 84 days. The 90-day qualifying period for a non-ordinarily resident woman, combined with the 84-day upper limit means that a woman who is pregnant on arrival in Jersey, or shortly after arrival, is unable to access a termination in Jersey.

This is known to create hardship for women who are in Jersey for the purposes of work but who ordinarily live elsewhere and are, therefore, potentially vulnerable or isolated (for example, women in Jersey on six-month work permits, or women who are in Jersey for an extended period whilst caring for a relative).

Commentary

The Panel supports the proposed amendment to the 1997 Law, and the removal of the current minimum residency requirements to allow access to termination of pregnancy for women who are pregnant on arrival in the Island, or shortly afterwards. This inequity currently causes significant hardship for some groups of women.

The Panel does not feel that the amendment will result in women travelling to the Island solely for the purposes of accessing a termination - due mainly to the two legally mandated pre-procedure consultations with an approved registered medical professional. If these consultations are with a GP, the average cost per consultation is £30.00, this cost along with the fee associated with the procedure; £185 for someone who is entitled to health care in Jersey and £511 for someone who is not entitled to health care, plus travel to the Island and accommodation may prove prohibitive, particularly considering that neighbouring jurisdictions allow terminations at a later gestation period.

Following the Council of Ministers’ acceptance of the Panel’s amendment to the 2025-2028 budget to prioritise funding for further amendments to the Law; the Panel expect regular updates on the progression of this workstream and anticipate the urgently required amendments to be lodged prior to the end of 2025 as agreed. The amendments will ensure the feedback from the Government of Jersey’s 2023 public consultation is acknowledged, and the Law reflects societal values, takes steps to improve women’s

health and wellbeing, aligns with medical advancements, addresses inequalities, and legal and ethical issues.