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*Number 13 of 2024*

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**Health (Termination of Pregnancy Services) (Safe Access Zones) Act 2024**

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**HEALTH (TERMINATION OF PREGNANCY SERVICES) (SAFE ACCESS ZONES)  
ACT 2024**

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[No. 13.]

*Health (Termination of Pregnancy  
Services) (Safe Access Zones) Act 2024.*

[2024.]

ACTS REFERRED TO

Criminal Justice (Offences Relating to Information Systems) Act 2017 (No. 11)

Health (Regulation of Termination of Pregnancy) Act 2018 (No. 31)

Health Act 1970 (No. 1)

Medical Practitioners Act 2007 (No. 25)



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*Number 13 of 2024*

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**HEALTH (TERMINATION OF PREGNANCY SERVICES) (SAFE ACCESS ZONES)  
ACT 2024**

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An Act to prohibit persons from engaging in certain conduct in safe access zones, that is to say, in certain areas in and adjacent to certain healthcare premises; to make provision for enforcement in respect of engaging in conduct prohibited in such safe access zones, and to provide for offences in relation to such prohibited conduct; and to provide for matters connected therewith. [7th May, 2024]

**Be it enacted by the Oireachtas as follows:**

**Interpretation**

1. (1) In this Act—

“access” means, in relation to a relevant healthcare premises—

- (a) entry to the relevant healthcare premises, or
  - (b) exit from the relevant healthcare premises,
- or both;

“general practitioner” means a medical practitioner who provides a general practitioner medical service;

“medical practitioner” means a medical practitioner who is for the time being registered in the register;

“Minister” means the Minister for Health;

“obstetrician” means an obstetrician and gynaecologist;

“obstetrician and gynaecologist” means a medical practitioner who is registered in the Specialist Division of the register under the medical specialty of Obstetrics and Gynaecology;

“place” other than in the references, in *section 3*, to “place of religious worship” means—

- (a) any public place,
- (b) any doorway, entrance, or opening, including a window, abutting or otherwise open to a public place,
- (c) any garden or land abutting a public place, or

(d) any land or car park adjoining and open to a public place;

“public place” means any place to which the public has access, whether as of right or by permission and whether subject to or free of charge;

“register” means the register of medical practitioners established under section 43 of the Medical Practitioners Act 2007;

“relevant healthcare premises” means—

(a) subject to *paragraph (b)*, the land and buildings that form part of the premises at which a relevant healthcare provider provides healthcare services, or

(b) where the premises referred to in *paragraph (a)* is a shared premises—

(i) such part of that premises that is used for the purposes of, or in connection with, providing such healthcare services, and

(ii) any other part of that premises (including land or buildings) that is used for the purposes of accessing, the part of the premises referred to in *subparagraph (i)*;

“relevant healthcare provider” means—

(a) a general practitioner,

(b) an obstetrician, or

(c) a hospital that provides acute in-patient services (within the meaning of section 51 of the Health Act 1970);

“safe access zone” means, in relation to a healthcare premises—

(a) the relevant healthcare premises, and

(b) any place within 100 metres of an entrance to the relevant healthcare premises or, in a case where part only of the place is within 100 metres of an entrance to that relevant healthcare premises, that part of that place;

“shared premises”, in relation to a relevant healthcare premises, means a premises that is not used solely for the provision by a healthcare provider of healthcare services;

“termination of pregnancy” has the same meaning as it has in section 2 of the Health (Regulation of Termination of Pregnancy) Act 2018;

“termination of pregnancy services” means any healthcare service relating to the termination of pregnancy, including follow-up care.

- (2) For the purposes of this Act, a reference to an entrance to a relevant healthcare premises is a reference to any entrance to the relevant healthcare premises that is used to enter or exit that relevant healthcare premises from a public road or street, whether or not it is a public or private entrance.

**Conduct prohibited in safe access zones**

2. (1) A person shall not, without lawful authority, in a safe access zone, engage in conduct—
- (a) that is likely to obstruct or impede another person from accessing a relevant healthcare premises, and
  - (b) with intent to obstruct or impede that person from availing of, or providing, termination of pregnancy services, or being reckless as to whether such person is thereby so obstructed or impeded.
- (2) Subject to *section 3*, a person shall not, in a safe access zone—
- (a) communicate material to the public or a section of the public in a manner that is likely to influence the decision of another person in relation to availing of, or providing, termination of pregnancy services, or
  - (b) otherwise engage in conduct directed at the public or a section of the public in a manner that is likely to influence the decision of a person in relation to availing of, or providing, termination of pregnancy services,
- with intent to influence the decision of such a person in relation to availing of, or providing, termination of pregnancy services, or being reckless as to whether such a decision is thereby so influenced.
- (3) A person shall not, in a safe access zone—
- (a) engage in conduct that is likely to threaten or intimidate a person who is accessing or attempting to access a relevant healthcare premises, or
  - (b) accompany, follow or repeatedly approach, a person who is accessing or attempting to access a relevant healthcare premises,
- with intent to influence the decision of such a person in relation to availing of, or providing, termination of pregnancy services, or being reckless as to whether such a decision is thereby so influenced.
- (4) A person shall not, in a safe access zone, photograph, film or otherwise record, by any means, a person in a safe access zone who is accessing or attempting to access a relevant healthcare premises, with intent to influence the decision of such a person in relation to availing of, or providing, termination of pregnancy services, or being reckless as to whether such a decision is thereby so influenced.
- (5) For the purposes of this section, a person shall be regarded as communicating material to the public or a section of the public if the person—
- (a) displays, publishes, distributes or disseminates the material,
  - (b) shows or plays the material, or
  - (c) makes the material available in any other way including through the use of an information system,
- to the public or a section of the public.

- (6) For the purposes of this section, a person’s conduct shall include conduct of any kind and, in particular, things that the person says or otherwise communicates, as well as things that the person does and such conduct may consist of a single act or a course of conduct.
- (7) In this section—
- “information system” has the same meaning as it has in section 1 of the Criminal Justice (Offences Relating to Information Systems) Act 2017;
- “material” means anything that is capable of being looked at, read, watched or listened to, either directly or after conversion from data stored in another form.

### Exceptions to *section 2(2)*

3. (1) Nothing in *section 2(2)* shall prohibit a person from engaging in lawful protest, advocacy or dissent within 100 metres of an entrance to either House of the Oireachtas, provided such protest, advocacy or dissent is not directed at a specific relevant healthcare premises, or persons accessing a relevant healthcare premises, within that 100 metres.
- (2) Nothing in *section 2(2)* shall prohibit a person from engaging in lawful conduct that occurs inside a place of religious worship.
- (3) Nothing in *section 2(2)* shall prohibit anything done by a relevant healthcare provider or any person employed by, or acting on behalf of, a relevant healthcare provider in the course of the provision of healthcare services, including the provision of information and advice relating to termination of pregnancy services.
- (4) For the purposes of *subsection (1)*, a reference to an entrance to either House of the Oireachtas is a reference to an entrance to either House of the Oireachtas that is used to enter or exit either House from a public road or street, whether or not it is a public or private entrance.
- (5) In this section, “place of religious worship” means a building—
- (a) that is used for the purpose of religious worship, and
- (b) to which the public have access whether as of right or by permission and whether subject to or free of charge,
- but does not include the grounds or other land associated with the building.

### Powers of Garda Síochána

4. (1) A member of the Garda Síochána who believes, with reasonable cause, that a person has engaged, is engaging or will engage in conduct referred to in *subsection (1), (2), (3) or (4) of section 2* in a safe access zone may issue a warning to the person, which warning shall inform the person that—
- (a) the person, the subject of the warning, is in a safe access zone,



- (b) his or her conduct is, or if engaged in would be, conduct prohibited by this Act in a safe access zone,
  - (c) because of the matters specified in *paragraphs (a) and (b)*, he or she must cease engaging or not engage, as the case may be, in the conduct referred to in *subsection (1), (2), (3) or (4) of section 2*, and
  - (d) if he or she continues to engage or engages in such conduct, he or she will be committing an offence.
- (2) Where a member of the Garda Síochána issues a warning pursuant to *subsection (1)*, the member shall record in writing the issuing of the warning, which record shall include the time, date and particulars of the warning and the person to whom the warning has been issued.
- (3) A member of the Garda Síochána may, for the purposes of recording a warning under *subsection (2)*, require a person referred to in that subsection to state his or her name and address.
- (4) A member of the Garda Síochána may arrest without warrant a person whom the member has reasonable cause for believing is committing or has committed an offence under *subsection (1) or (2) of section 5*.
- (5) The powers of a member of the Garda Síochána under this section are in addition to and not in substitution for any powers which may be exercised by a member of the Garda Síochána by or under any other enactment or otherwise.

### **Offences and penalties**

5. (1) It shall be an offence for a person who has been issued with a warning pursuant to *subsection (1) of section 4* to contravene *subsection (1), (2), (3) or (4) of section 2*.
- (2) A person who fails or refuses to state his or her name and address in compliance with a requirement under *subsection (3) of section 4*, or who, in purported compliance with such a requirement, states a name or address that is false or misleading, shall be guilty of an offence.
- (3) A person guilty of an offence under *subsection (1) or (2)* shall be liable on summary conviction—
- (a) in the case of a first such offence, to a class E fine or imprisonment for a term not exceeding one month or both,
  - (b) in the case of a second such offence, to a class D fine or imprisonment for a term not exceeding 3 months or both, and
  - (c) in the case of a third or subsequent such offence, to a class C fine or imprisonment for a term not exceeding 6 months or both.

### **Review of operation of Act**

6. (1) The Minister shall—

- (a) not later than 18 months after the commencement of this section, commence a review of the operation of this Act, and
  - (b) as soon as practicable after the completion of the review, prepare a report, in writing, of the findings of the review and of the conclusions drawn from those findings and cause copies of the report to be laid before each House of the Oireachtas.
- (2) In conducting a review under this section, the Minister may consult with the Minister for Justice and such other persons as the Minister considers appropriate for the purpose of the review.

**Expenses**

7. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure, National Development Plan Delivery and Reform, be paid out of moneys provided by the Oireachtas.

**Short title and commencement**

8. (1) This Act may be cited as the Health (Termination of Pregnancy Services) (Safe Access Zones) Act 2024.
- (2) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.