

Abortion Law in the Isle of Man

As well as being subject to the wide range of laws that govern other areas of medical practice, abortion is currently subject to a specific legal regime, made up of three separate statutes.

1) The Criminal Code 1872

Abortion is illegal by virtue of the Criminal Code 1972, 'Attempts to Procure Abortion'. The Criminal Code prohibits:

- Procuring an abortion (s.71);
 - Women who self-induce their own miscarriage (s.71(1) maximum term of two years imprisonment), as well as abortion providers (s.71(2) maximum term of life imprisonment), are potentially liable for criminal sanction.
- Supply of the means of procuring an abortion (s.72);
 - punishable by a maximum of 8 years imprisonment
- Concealment of birth (s.73 punishment of a term not exceeding two years)

2) The Infanticide and Infant Life (Preservation) Act 1938

S.3 provides for an offence of "child destruction". This applies where an abortion is performed after viability currently treated in practice as occurring at 24 weeks and is potentially punishable by life imprisonment. No offence is committed where actions are undertaken in good faith to preserve the life of the pregnant woman.

3) The Termination of Pregnancy (Medical Defences) Act 1995

Under s.1, the 1995 Act provides that no offence is committed under the 1872 code where:

- It is performed by a hospital surgeon.
- The hospital surgeon and an independent medical practitioner agree in good faith that the abortion is necessary to preserve the life of the pregnant woman.

S.2 details when an abortion is necessary to preserve the life of the pregnant woman.

S.3 states that hospital surgeons terminating pregnancies after 24 weeks gestation are obliged to perform the abortion so as best to preserve the life of the child *and* take reasonable action to preserve the life of the child.

S.4 provides a defence to the 1872 Code and the 1938 Act for hospital surgeons who perform abortions when there is a substantial risk that the future child would be born with mental or physical abnormalities so as to be: "Unlikely to survive birth"; "Unlikely to be capable of maintaining vital functions after birth"; "Seriously handicapped". The pregnancy must not have exceeded 24 weeks.

S.5 allows for terminations where the pregnancy is a result of rape, incest, or indecent assault.

S.6 contains residency requirements and places restrictions on where abortions can take place.