

SPUC Guide to responding to the Government's consultation on "Non-statutory Guidance on Abortion Clinic Safe Access Zones"

ABOUT THIS GUIDE

The Government is consulting on guidance intended to support the introduction of "safe access zones" around abortion facilities. This guidance will inform how police enforce buffer zones.

We oppose the entire concept of buffer zones, as an illiberal attack on freedom of speech for pro-life people, and a cruel denial of help to women in need. However, the legislation is now on the statute book, and will be enforced in some form. This guidance will be very important in deciding what behaviours exactly are covered under the legislation, and how the police enforce them. It is therefore important to ensure that this guidance is as favourable as possible.

The consultation runs until 22 January 2024.

BACKGROUND TO THE CONSULTATION

On 18 October 2022, MPs voted by 297 votes to 110 to add an amendment tabled by Stella Creasy MP introducing so-called buffer zones to the Public Order Bill.

It was then debated several times in the House of Lords, where many Peers from across the House, and with different views on abortion, spelt out how it threatens free speech, harms vulnerable women, and criminalises people for the simple act of offering a leaflet.

Despite these concerns, an amended version of the Clause (introduced by Baroness Sugg) was approved on 30 Jan 2023. The Act was signed into law in May 2023, but Section 9, which concerns buffer zones, has not yet been put into effect.

The Home Office has now published draft guidance on enforcing section 9. The guidance can be found here: https://assets.publishing.service.gov.uk/media/6576fb4e48d7b7000d57ca6a/SAZ_Public_Consultation.pdf

ANSWERING THE QUESTIONS

The consultation simply asks if each section of the guidance is clear and easy to understand, and if it accurately reflects the offences detailed in Section 9. These are suggestions on how to respond to the questions, but it is best if you can use your own words and include your own thoughts. The final question asks for additional comments. Please use this section to personalise your submission. It is important that each submission is personal to avoid multiple identical submissions being dismissed and counted as one single contribution. Personalising comments will help to avoid this. Responses from individuals are also preferable to group submissions.

CLOSING DATE

The call for evidence closes on **22 January 2024**. Please respond to this consultation and encourage other people to do the same.



HOW TO RESPOND TO THE CONSULTATION

Please read the guidance before responding to this consultation.

Please respond by 22 January 2024 using the online survey at: <https://www.homeofficesurveys.homeoffice.gov.uk/s/ZJEUVII>

If you cannot access or use the online survey, you can send your response to:

Email: sazconsultationinbox@homeoffice.gov.uk

Paper responses can be sent to:

SAZ Consultation Police Powers Unit
6th Floor, Fry Building,
2 Marsham Street, London,
SW1P 4DF

THE QUESTIONS

(Read Section 2 of the guidance before responding.)

Q1. In your view, are the contents of Section 2 (prohibited activities) sufficiently clear and easy to understand? - required

- Yes
- No

If no, please explain your answer:

We suggest that you tick “No”. Further details you could provide in the box include:

- In Section 2.7, it is welcome that the legal protection of prayer is recognised. However, it is unclear how prayer could be considered “intrusive” and police should have an objective definition.

Q2. Are you content that the guidance provided under Section 2 (prohibited activities) accurately reflects the Section 9 offence?

Yes/No

If no, please explain your answer.

We suggest that you tick “Yes”

(Read Section 3 of the guidance before responding.)

Q3. In your view, are the contents of Section 3 (location) sufficiently clear and easy to understand?

Yes/No

If no, please explain your answer.

We suggest that you tick “Yes”

Q4. Are you content that the guidance provided under Section 3 (location) accurately reflects the Section 9 offence?

Yes/No

If no, please explain your answer.

We suggest that you tick “Yes”

(Read Section 4 of the guidance before responding.)

Q5. In your view, are the contents of Section 4 (purpose of presence in the zone) sufficiently clear and easy to understand?

- Yes
- No

If no, please explain your answer:

We suggest that you tick “Yes”

Q6. Are you content that the guidance provided under Section 4 (purpose of presence in the zone) accurately reflects the Section 9 offence?

Yes/No

If no, please explain your answer.

We suggest that you tick “Yes”

(Read Section 5 of the guidance before responding.)

Q7. In your view, are the contents of Section 5 (use of police powers) sufficiently clear and easy to understand?

- Yes
- No

If no, please explain your answer:

We suggest that you tick “No”. Further details you could provide in the box include:

- In section 5.4, it is unclear why a proportionality assessment would be needed if the service user and a suspect had voluntarily entered into a conversation in a public space. The rest of the guidance indicates that such consensual conversations would never be an offence under section 9.
- Section 5.7 emphasizes that the police should only engage individuals based on “observable acts” that give rise to reasonable grounds for suspicion. Providing examples or further clarification on what constitutes “observable acts” in the context of influencing, obstructing, or causing alarm, harassment, or distress could enhance understanding, and to prevent spurious or malicious accusations.

Q8. Are you content that the guidance provided under Section 5 (use of police powers) accurately reflects the Section 9 offence?

Yes/No

If no, please explain your answer.

We suggest that you tick “Yes”

(Read Section 6 of the guidance before responding.)

Q9. In your view, are the contents of Section 6 (use of police training) sufficiently clear and easy to understand?

Yes/No

If no, please explain your answer.

We suggest that you tick “Yes”

Q10. Are you content that the guidance provided under Section 6 (use of police training) accurately reflects the Section 9 offence?

Yes/No

If no, please explain your answer.

We suggest that you tick “Yes”

(Read Section 7 of the guidance before responding.)

Q11. In your view, are the contents of Section 7 (signage) sufficiently clear and easy to understand?

Yes/No

If no, please explain your answer.

We suggest that you tick “Yes”

Q.12. Do you think that abortion clinics/hospitals and local authorities should erect signage to clearly mark SAZs within their jurisdiction?

Yes/No

Please explain your answer.

We suggest that you tick “Yes”. Points to explain your answer could include:

- People need to be aware that an area is under a SAZ and that they could be at risk of breaching it. Law should always be clear.
- It will be difficult for anyone to know if they are within 150m of a clinic and its curtilage without clear signage.

Q13. Do you have any further comments on this non-statutory guidance?

Yes/No

If yes, please explain your answer.

We suggest that you tick “Yes”. This is a good place to put any other comments you may have about the guidance, including any personal experience. Here are some suggestions for further comments:

- The principle of safe access zones should be rejected, as illiberal, undemocratic and uncompassionate.
- However, given that buffer zones legislation has already been passed, this guidance overall does a good job of balancing the demands of the legislation with the rights of service users and people who carry out pro-life activities around abortion facilities.
- It is welcome that the Government does not consider the provision of information or the offering of help as “influence” constituting an offence under Section 9 (s2.5).activities around abortion facilities.
- It is welcome that those holding pro-life views will not commit an offence by merely being within a safe access zone (s2.2).
- It is welcome that the legal protection of prayer is recognised. However, it is unclear how prayer could be considered “intrusive” and police should have an objective definition (s2.7)
- It is welcome that private dwellings and places of worship are exempt from the scope of the offence (ss 3.4 and 3.5)
- It is welcome that a woman’s right to engage with a pro-life person and to receive charitable support is recognised (s5.4). This should be stressed to the police.
- It is very welcome that the guidance makes it explicit that no one be criminalised for their thoughts (s5.5)
- The suggestion that SAZs should be clearly marked with signage is welcome. The guidance on this should be a stronger, and signage should be required, not just advised.