A BILL

entitled

CRIMINAL CODE (MEDICAL TERMINATION OF PREGNANCY) AMENDMENT ACT 2026

WHEREAS it is expedient to amend the Criminal Code Act 1907 to decriminalise the medical termination of a pregnancy, abolish the Therapeutic Abortion Committee and the requirement to obtain a certificate in writing from the Committee before a medical termination of pregnancy and for connected matters;

Be it enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act which amends the Criminal Code Act 1907 ("the principal Act") may be cited as the Criminal Code (Medical Termination of Pregnancy) Amendment Act 2026.

Repeals and replaces section 196A

2 The principal Act is amended by repealing section 196A and replacing the following—

"**Medical termination of pregnancy**

196A (1) A person shall not be guilty of an offence under section 194, 195, 196 or any law related to the termination of the pregnancy of a female person if the pregnancy is terminated by a

registered medical practitioner or any person assisting him who in a hospital, in good faith, uses medical or surgical means to terminate the pregnancy where—

(a) the pregnant woman, as far as practicable, in writing, consents to the termination of her own pregnancy and the registered medical practitioner is of the professional opinion that the pregnant woman has given her consent voluntarily;

(b) the pregnancy of the female person—

(i) is the result of an incestuous relationship or an offence under section 180, 181, 182A, 182B, 323, 324, 325 or 326;

(ii) if allowed to continue, causes the risk of death, physical injury or injury to the mental health of the female person; or

(c) there is substantial risk that if the child were born the child would suffer from a serious physical or mental impairment resulting in severe disability.

(2) In this section—

"hospital" means the institution known as the King Edward VII Memorial Hospital, or any other facility as the Minister responsible for health may, by order subject to the negative resolution procedure, designate for the purposes specified under subsection (1);

"registered medical practitioner" has the meaning given in section 1 of the Medical Practitioners Act 1950.".

Repeals sections 196B to 196D

3 The principal Act is amended by repealing sections 196B to 196D.

Transitional

4 (1) The Therapeutic Abortion Committee ("the Committee") is hereby abolished and shall cease to exist at the commencement of this Act.

(2) A certificate issued by the Committee shall no longer be deemed a requirement for the medical termination of a pregnancy under section 196A(1) and an application submitted to the Committee with respect to the termination of a pregnancy that is pending review, undecided or otherwise unresolved shall be deemed void.

(3) Upon the abolition of the Committee the terms of all members shall immediately expire.

(4) Former members of the Committee shall—

(a) as soon as practicable after the commencement of this Act, return all official documents, data and equipment to the Chief Medical Officer;

(b) remain bound by any provisions regarding confidentiality imposed during their tenure.

CRIMINAL CODE (MEDICAL TERMINATION OF PREGNANCY) AMENDMENT BILL 2026

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Criminal Code Act 1907 (”the Act”) to decriminalise the medical termination of a pregnancy, abolish the Therapeutic Abortion Committee and the requirement to obtain a certificate in writing from the Committee before a medical termination of pregnancy and for connected matters.

Clause 1 is self-explanatory.

Clause 2 repeals and replaces section 196A (Medical termination of pregnancy) of the Act and provides that a person shall not be guilty of any offence related to the termination of a pregnancy where the termination is conducted by a registered medical practitioner or a person assisting him, in a hospital, and in circumstances where a pregnant woman gives her consent voluntarily. The pregnancy of a female person may also be terminated where it results from a sexual offence, where continuing the pregnancy causes the risk of death, physical injury or injury to the mental health of the female person or where there is substantial risk that if the child were born the child would suffer from a serious physical or mental impairment resulting in severe disability.

Clause 3 repeals sections 196B to 196D of the Act.

Clause 4 provides for transitional provisions to expressly abolish the Therapeutic Abortion Committee (“the Committee”). A certificate from the Committee shall no longer be required for the medical termination of a pregnancy and all applications submitted to the Committee with respect to the termination of a pregnancy that are pending review, undecided or otherwise unresolved shall be void. Former Committee members shall also be required to return all documents, data and equipment to the Chief Medical Officer and shall remain bound by any provisions related to confidentiality imposed during their tenure.