



T: 0131-244 2379  
E: [cmo@gov.scot](mailto:cmo@gov.scot)



year of young people  
bliadhna na h-òigridh  
2018

2 July 2018

Dear Colleague,

## Abortion Act 1967 Abortion (Scotland) Regulations 1991

### Purpose

1. The purpose of this letter is to remind all abortion providers in Scotland of the requirements within the Abortion (Scotland) Regulations 1991 (“the 1991 Regulations”) regarding the return of forms to provide notification of any abortion procedure carried out under the Abortion Act 1967.

### Context

2. Where any termination of pregnancy is carried out in Scotland, the practitioner responsible for terminating the pregnancy must complete and sign a notification form (the yellow form, details of which can be found in [Schedule 2 to the 1991 Regulations](#)) and send it to the CMO’s office within seven days of the termination taking place. Whilst I recognise that administrative or other staff may assist with completing the form, **it is a legal requirement that the form is signed by the medical practitioner** who was responsible for the termination of pregnancy.

3. Colleagues in NHS National Services Scotland’s Information Services Division (ISD), who use the forms to compile the annual Abortion statistics, have highlighted to me that in a significant number of cases forms are being returned that are either incomplete or have errors. In particular, **a number of forms are regularly being returned without the practitioner’s signature**. Unfortunately, where a form is not signed, it has to be returned to the relevant hospital or clinic for signing. As well as taking up extra staff time for both ISD and

## From the Office of The Chief Medical Officer

### Enquiries to:

Samantha Baker  
St Andrew’s House  
EDINBURGH EH1 3DG

Tel: 0131-244 7011

[sam.baker@gov.scot](mailto:sam.baker@gov.scot)

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### Addresses

#### For action

Medical Directors, NHS Boards  
Private Healthcare Abortion  
Providers

#### For information

Chief Executives, NHS Boards  
Chairs, NHS Boards  
Directors of Public Health  
NHS Abortion Leads  
Sexual Health and Blood Borne  
Virus Executive Leads, NHS Boards

the hospital or clinic concerned, this also **increases data security risks by requiring sensitive personal data to be sent back by post or courier.**

4. Therefore I would be grateful if you could ensure that all relevant staff are reminded that all forms must be fully completed and signed before they are sent to the CMO's office. This will help reduce the time spent by your staff having to correct omissions. If there are any queries about how to complete any aspect of the form, please contact colleagues in ISD ([nss.dm-aas@nhs.net](mailto:nss.dm-aas@nhs.net)) for advice.

5. I would also like to take this opportunity to remind you of the processes to be followed in sending the forms to the CMO's office. All completed or partially completed forms must be stored securely given they contain sensitive personal data (now known as special category data under the General Data Protection Regulation). The processes for then sending forms on were set out in CMO letter SGHD/CMO(2015)6 of 2 April 2015; a copy of that letter is reattached with this one for information.

6. I am very grateful for your assistance in ensuring these processes are followed. Given the sensitivity of some of the information within the forms, I will continue to explore additional options to minimise risk, but these processes should ensure we do all we can to mitigate any risk of them being seen by anyone who does not have a legitimate reason to see them.

Yours sincerely,

Catherine Calderwood  
Chief Medical Officer