5. Abortion and prenatal harm

Each Concentrate revision guide is packed with essential information, key cases, revision tips, exam Q&As, and more. Concentrates show you what to expect in a law exam, what examiners are looking for, and how to achieve extra marks. This chapter is concerned with the statutory provisions governing abortion and prenatal harm. It considers the offence of abortion under sections 58 and 59 of the Offences against the Person Act 1861 and section 1(1) of the Infant Life (Preservation) Act 1929, and defences available prior to the Abortion Act 1967. It discusses the ethical debates concerning abortion, exploring ‘right-to-life’ arguments and rights of parties such as the foetus and the father. It also looks at the court’s approach towards adult women who lack capacity before concluding with an analysis of actions for prenatal harm, namely, wrongful birth, wrongful conception, prenatal injury, and wrongful life. Relevant court cases are cited.
5. Abortion and prenatal harm