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26th January 2022

Deputy Canney,
Dáil Éireann,
Leinster House
Dublin 2

PQ3286/22: To ask the Minister for Health the number of cases that have been recorded in which births of infants born alive following a termination of pregnancy as defined in section 2 of the Health (Termination of Pregnancy) Act 2018 have been registered as a live birth; and if he will make a statement on the matter.

PQ3287/22: To ask the Minister for Health the number of cases of deaths of infants born alive following a termination of pregnancy as defined in section 2 of the Health (Termination of Pregnancy) Act 2018 that have been notified under section 42A (1) of the Civil Registration Act 2004 as amended; and if he will make a statement on the matter.

PQ3288/22: To ask the Minister for Health the number of cases of comfort care that were recorded in respect to live births arising from the operation of the Health (Termination of Pregnancy) Act 2018; and if he will make a statement on the matter.

Dear Deputy Canney,

The Health Service Executive has been requested to reply directly to you in the context of the above Parliamentary Question, which you submitted to the Minister for Health for response. I have examined the matter and the following outlines the position.

The Health (Regulation of Termination of Pregnancy) Act 2018 sets out the parameters in which termination of pregnancy may be lawfully carried out in this country. As per Sections 9, 10 and 11 of the Act, a termination of pregnancy may be carried out where there is a risk to the life or of serious harm to the health of the pregnant woman, or where there exists a condition likely to lead to the death of the foetus. Medical practitioners are bound through professional regulatory mechanisms to operate in accordance with best medical practice.

The HSE is not currently collating data nationally on termination of pregnancy services. Data is being collated by the Department of Health via the notification process. The Minister for Health must prepare a report on the notifications received in a given year not later than 30 June the following year and lay it before the Houses of the Oireachtas. This report may then be published. The most recent report covers the period from 1 January 2020 until 31st December 2020 and it available on www.gov.ie.

However the HSE is in the process of defining quality measures and data collection mechanisms for termination of pregnancy services in both the Acute and Community settings. This work which is in an early stage, will be done in collaboration with the Department of Health, with a view to ensuring that the HSE is positioned to quality review termination of pregnancy services at national level.

All infants delivered with a diagnosis of a life-limiting condition are provided with comfort care. The current legislation on registration of live births states that if an infant is born with signs of life, regardless of birthweight or gestational age, the birth is registered as a live birth. If the subsequent death of the infant occurs during the perinatal period, the death should be registered as a neonatal death. I trust this clarifies the matter.

Yours sincerely,



Mary-Jo Biggs, General Manager, National Women and Infants Health Programme