

**IN THE HIGH COURT OF JUSTICE**

**QUEENS BENCH DIVISION**

**ADMINISTRATIVE COURT**

**URGENT APPLICATION FOR PERMISSION FOR JUDICIAL REVIEW**

**BETWEEN:**

**Her Majesty the Queen**

**(on the application of CHRISTIAN CONCERN)**

**Claimant**

**-v-**

**Secretary of State for Health and Social Care**

**Defendant**

---

**Witness statement of the Rt Hon. Ann Widdecombe**

---

*I, Ann Widdecombe, of [REDACTED] SAY as follows:*

1. I was a Member of Parliament for Maidstone between 1987 and 1997 and (following a boundary change) for Maidstone and The Weald between 1997 and 2010. I served in various ministerial positions in the government of John Major during 1990-1997, and then as Shadow Health Secretary during 1998-1999 and Shadow Home Secretary during 1999-2001. In 2019 I was elected, and briefly served, as a Member of the European Parliament for South West England and Gibraltar until the UK's representation in the European Parliament ceased due to this country's exit from the European Union on 31 January this year.
2. I make this statement in support of Christian Concern's application for judicial review of the decision by the Department of Health and Social Care to designate "a pregnant woman's home" as an approved class of places for abortions to be carried out under s. 1(3A) of the Abortion Act 1967.
3. Unless indicated otherwise, all facts and matters in this statement are within my own knowledge and are true. Where I refer to a fact or a matter that is not within my own

knowledge, it is true to the best of my information and belief and I identify the source of my information.

4. S. 1(3A) was added to the Abortion Act 1967 by s. 37 of Human Fertilisation and Embryology Act 1990. I participated in the House of Commons debates on the Human Fertilisation and Embryology Bill 1989 (“the Bill”). I have now been shown the relevant extracts from Hansard (vol. 174, columns 1178-1222, 21 June 1990) to refresh my memory about those events.
5. The Bill (which was mainly concerned with a different issue from abortion) originated in the House of Lords. In the course of its passage through the House of Commons, the Conservative MP for Salisbury, Robert Key introduced the Amendment No 29, which was subsequently passed and became s. 37 of the Act. That amendment was supported by the then Health Secretary, the Rt Hon. Kenneth Clarke. In the course of the debate, the following relevant exchanges took place:

*Miss Widdecombe: [...] Amendment No. 29 gives the Secretary of State powers to enlarge the classes of premises that will be licensed. I believe that that is merely a paving measure—even if it is not intended as such—for self-administered home abortion.*

*Mr. Key: It has been brought to my attention that what my hon. Friend has just said appears in the whip issued by the pro-life group. That is not the intention and, quite inadvertently I am sure, my hon. Friend has been very misleading. [...]¹*

*Mr Clarke: [...] My hon. Friend the Member for Maidstone mistakenly suggested that the abortion pill will be given out and taken home. First, no such pill is yet licensed here. It will not be licensed unless the Committee on Safety of Medicines is satisfied when the application is made that it should be licensed. Such a pill would be administered only in closely regulated circumstances under the supervision of a registered medical practitioner.*

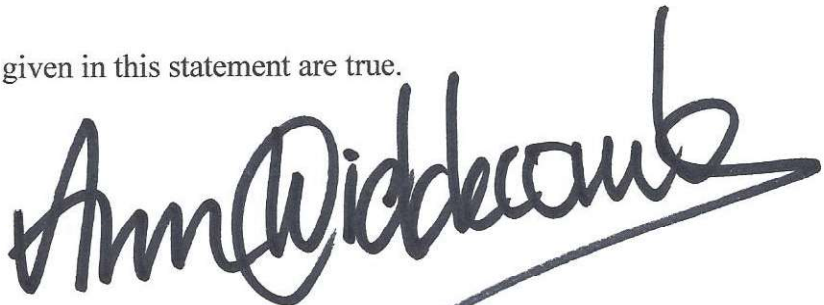
*A question was asked earlier about what type of premises would be used for administering such a drug. It is possible that the pill could be administered in a GP's surgery under the supervision of a registered medical practitioner. The patient would still have to return two days later to be given the pessary.*

---

¹ Column 1195

*All that my hon. Friend the Member for Salisbury seeks to ensure is that, if such a drug is licensed, the Secretary of State will at least have the power in primary legislation to approve the places and circumstances in which it might be used. If we do not address that matter this evening and if the drug is licensed in a year or two, there will be a private Member's Bill on every Friday for several years about whether the circumstances in which the drug is administered should be changed. It is for the House to decide.<sup>2</sup>*

6. I have no reason whatsoever to doubt the assurances given at that time by the Health Secretary. Contrary to my original concerns, I was reassured and believed that the intended legal effect of the amendment was not to pave the way for the Health Secretary to authorise self-administered home abortions. I further believe that the House of Commons, including both pro-abortion and anti-abortion MPs, voted on the amendment on that premise. Whether the pro-abortion MPs may have hoped that some future legislation would ultimately legalise home abortions is a different matter.
7. I took the then Secretary of State's assurances in the spirit of a *Pepper v Hart* statement and therefore assumed that no change could be wrought to the legislation without a vote of Parliament. I perceive the current Department of Health's decision to overturn prevailing regulations without parliamentary endorsement as wholly contrary to the legislative intent.
8. I believe that the facts given in this statement are true.



**The Right Honourable Ann Widdecombe**

**15 April 2020**

---

<sup>2</sup> Column 1201