T
the abortion and conscientious objection debate was re-ignited this March when a CMF member was
denied a general practice rotation because he refused
to clerk patients for elective abortions. When asked,
Dr Everett Julyan told the interview panel that he would neither
prepare patients for nor perform abortions because of his beliefs.
He said that two panel members had said later that he had not
been appointed solely because of his views on abortion.

North Glasgow University Hospitals NHS Trust has admitted
that ‘inappropriate questions may have been asked’. Furthermore
they stated: ‘There is no policy to stop candidates with
conscientious objections from working in our department.’ Still,
given the large number of abortions performed there, they felt it
‘wholly reasonable’ to ask a doctor’s views.1

Health is a devolved issue in Scotland but abortion policy is
reserved to Westminster, mainly as the government fear that
changes to the current legislation could lead to women travelling
across the border to seek abortions if the laws were different in
England and Scotland. In 1994 the NHS Executive issued
guidance to all English and Welsh hospital trusts, instructing
them not to question candidates about their personal views on
abortion. However, for reasons that are still unclear, similar
Scottish guidelines were not issued.

The Abortion Act 1967 carries a conscientious objection clause,
allowing doctors to refuse to participate in terminations but
obliging them to provide emergency treatment when a woman’s life
may be jeopardised. However, the BMA’s advice concludes that
doctors who feel unable to participate in abortions still have an
ethical duty to refer patients to another colleague and that
‘preliminary procedures such as clerking in the patient’ are
‘incidental to the termination’ and are to be considered outside the
scope of the clause.’ This suggests that while doctors are not legally
required to authorise or perform abortions, they are obliged to be
involved in pre-operative care and referral, regardless of their
personal beliefs. However, these recommendations have never been
tested in court. They are based mainly on the outcomes of
two legal precedents, one of which was the Janaway case,
concerning a doctor’s secretary who refused to type a referral letter
for an abortion, claiming the protection of the conscience clause. In
his summing up of the case, Lord Keith said, ‘The regulations do
not appear to contemplate that the signing of the certificate would
form part of the treatment for the termination of pregnancy’.2

It is increasingly difficult for Christian doctors to enter careers
in certain specialties and there is substantial evidence of
discrimination. A CMF survey of 1405 doctors revealed that 14% of
doctors felt they had been discriminated against because of
their abortion views. Four thought they had been refused jobs
whilst five members had had to change jobs or even specialties.3
However, Dr Julyan is believed to be the first to be told that he
had been discriminated against. Having been approached by a
Daily Mail reporter, he eventually agreed to be interviewed in the

References
1 Macdonell H. Doctor rejected for his conscience. Scottish Daily Mail 2000; 7 October
2 BMA’s Ethics, Science and Information Division. Medical Ethics Today: its
4 Burton E, Ferguson A. Members’ Attitudes to Abortion: a survey of reported views
5 Macdonell H. Guidelines call after doctor lost out on job over abortion
beliefs. Daily Mail 2000, 9 October
6 Scott K. Doctor’s abortion view cost him job. Guardian 2000; 9 October
7 Write with your views: Ms Susan Deacon, Minister of Health, The Scottish
Executive, St Andrew’s House, Regent Road, Edinburgh EH1 2DG
8 Romans 13:1-2
9 Deuteronomy 5:7; 1 John 5:21

Helen Barratt is News Editor for Nucleus