

CONSOLIDATED TO 30 JUNE 2012

LAWS OF SEYCHELLES

CHAPTER 236

TERMINATION OF PREGNANCY ACT

Act 6 of 1994

[7th June, 1994]

ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Medical termination of pregnancy
4. Termination on account of rape, incest, defilement or mental disorder
5. Time of termination
- (a) Regulations
7. Conscientious objection to participation in termination of pregnancy
8. Repeal and reenactment of section 149A of the Penal Code

1. This Act may be cited as the Termination of Pregnancy Act.

2. In this Act, unless the context otherwise requires -

"consultant gynaecologist" means a medical practitioner registered under the Medical Practitioners and Dentist Act and entitled to practise as an obstetrician and gynaecologist;

"Director of Health Services" means a medical practitioner for the time being appointed as Director of Health Services in the Ministry of Health.

3. (1) A consultant gynaecologist may, subject to subsection (2), terminate at Victoria Hospital, Mahe, a pregnancy of a pregnant woman.

(2) A consultant gynaecologist shall not terminate a pregnancy of a pregnant woman under subsection (1), unless the three relevant medical practitioners referred to in subsection (4) are each of the opinion formed in good faith -

- (a) that the continuance of the pregnancy would involve risk to the life of the pregnant woman, or risk of injury to the physical or mental health of the pregnant woman, greater than if the pregnancy were terminated; or
- (b) that there is a substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped.

(3) In determining whether the continuance of a pregnancy would involve risk of injury to health in terms of paragraph (a) of subsection (2) or risk of abnormalities in terms of paragraph (b) of subsection (2), the three relevant practitioners referred to in subsection (4) shall consult any other medical practitioner who holds a specialist qualification in a field relevant to the physical or mental health of the pregnant woman, if such a medical practitioner is available in Seychelles.

- (4) The three relevant medical practitioners referred to in subsections (2) and (3) are -
 - (a) the medical practitioner who is attending the pregnant woman and who proposes the termination of the pregnancy;
 - (b) the consultant gynaecologist who is to terminate the pregnancy; and
 - (c) the Director of Health Services.

4. (1) A consultant gynaecologist may terminate at Victoria Hospital, Mahe, a pregnancy of a pregnant woman -

- (a) if a Judge, after considering the relevant circumstances including any medical evidence adduced before the Judge, disorder determines -
 - (i) that the pregnancy is the result of rape, incest or defilement; or
 - (ii) that the pregnant woman is unfit to have the care of a child because she is mentally retarded or deficient; or
- (b) if the pregnant woman has been interdicted in terms of article 489 to 512 of the Civil Code or section 37 of the Mental Treatment Act and the interdiction has not been lifted.

(2) The Chief Justice may make rules for the better carrying out of subsection (1).

5. (1) A pregnancy may only be terminated under section 3 or section 4 before the end of the twelfth week of pregnancy, unless in the opinion of the Director of Health Services there are exceptional grounds for later termination.

(2) For the purposes of subsection (1) the pregnancy shall be deemed to have started on the date determined by the Director of Health Services in his sole opinion.

6. (1) The Minister shall make regulations to provide -

- (a) for requiring the opinions referred to in section 3(2) to be certified by the medical practitioners concerned in the form and at the time prescribed and for requiring the preservation and disposal of certificates made for the purposes of this Act or the regulations;

- (b) for requiring any consultant gynaecologist who terminates a pregnancy to report to the Director of Health Services the termination and other information relating to the termination as may be prescribed; and
 - (c) for prohibiting the disclosure, except to persons or for purposes as may be prescribed, of reports given or information furnished under the regulations.
- (2) Regulations made under this section may -
- (a) create offences; and
 - (b) provide that contravention of or failure to comply with the regulations shall be an offence; and
 - (c) provide the penalties to which a person convicted of an offence under the regulations shall be liable.

7. (1) Subject to subsection (2), no person shall be under a duty whether by contract or by any statutory or other legal requirement, to participate in any termination of pregnancy authorised by this Act to which he has a conscientious objection :

Provided that in any legal proceedings the burden of proof of conscientious objection shall rest on the person claiming to rely on it.

(2) Nothing in subsection (1) shall affect any duty to participate in treatment which is necessary to save the life, or to prevent grave permanent injury to the physical or mental health, of a pregnant woman.

8. The Penal Code is amended by repealing section 149A and substituting therefore the following section -

"Authorised termination of Pregnancy	149A	A person shall not be guilty of a felony under sections 147, 148 or 149 when a pregnancy is terminated under the Termination Act, 1994."
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LAWS OF SEYCHELLES

CHAPTER 236

TERMINATION OF PREGNANCY ACT

S.I. 62 of 1996

SUBSIDIARY LEGISLATION

TERMINATION OF PREGNANCY REGULATIONS

[12th August, 1996]

1. These Regulations may be cited as the Termination of Pregnancy Regulations.
2. The Director of Health Services shall maintain for the purpose of the Act a register of termination of pregnancies in such form as the Director may determine.
3. There shall be recorded in the register maintained under regulation 2-
 - (a) the name, address and age of the pregnant woman whose pregnancy has been terminated under the Act;
 - (b) the gestational age of the pregnancy at the time of its termination;
 - (c) the section of the Act under which the pregnancy has been terminated;
 - (d) the date of termination of the pregnancy;
 - (e) where the pregnancy has been terminated under section 3 of the Act, the names of the 3 relevant medical practitioners whose opinion has been obtained under that section;
 - (f) where the pregnancy has been terminated under section 4 of that Act-
 - (i) the name of the judge who made the determination under that section, the reason for the determination and the date of the determination; or
 - (ii) the date of interdiction of the pregnant woman,
as the case may be; and
 - (g) the names of the consultant gynaecologist who terminated the pregnancy and of other persons who participated in the termination.
4. (1) The opinion of the three relevant medical practitioners under section 3 of the Act in relation to a pregnant woman shall be reduced to writing and-
 - (a) shall state the name, address and age of the pregnant woman;
 - (b) shall state the gestational age of the pregnancy of the woman;

- (c) shall state the grounds for the opinion;
- (d) shall be signed by each such medical practitioner, and
- (e) shall be filed of record in the office of the Director of Health Services.

5. (1) The consultant gynaecologist who terminates a pregnancy under the Act shall, within 3 days after the termination of pregnancy of a pregnant woman, furnish to the Director of Health Services a report which shall contain-

- (a) the name, address and age of the pregnant woman;
- (b) the date of termination of the pregnancy;
- (c) the gestational age of the pregnancy at the time of termination;
- (d) the section of the Act under which the pregnancy was terminated; and
- (e) the names of persons who participated in the termination.

(2) Where a pregnancy has ben terminated under section 4, the consultant gynaecologist shall attach to the report the determination of the judge or a copy of the order of interdiction, as the case may be.

6. The Director of Health Services, the 3 relevant medical practitioners referred to in regulation 4 or the consultant gynaecologist referred to in regulation 5, shall not disclose any information contained in the register of termination of pregnancies, the opinion filed of record under section 4, or the report of the consultant gynaecologist under section 5 except-

- (b) to a medical officer where the information is required for the discharge of his official duties;
- (c) to the Attorney-General in respect of any criminal prosecution;
- (d) to a police Officer not below the rank of superintendent of police for the purpose of any criminal investigation;
- (e) where required to do so by a court of competent jurisdiction;
- (f) to the woman whose pregnancy has been terminated, information relating to the termination of her pregnancy or with her consent in writing to a legal practitioner representing her;
- (g) to the Chairman of the Seychelles Medical and Dental Council for the purpose of any investigation of professional misconduct by a medical practitioner or any inquiry in relation thereto;
- (h) for bona fide scientific research.

7. The Director of Health Services may, after expiration of 5 years from the date of an opinion filed of record under section 4 or the report furnished under section 5, destroy the opinion or the report.

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