

## CHAPTER 44A

### MEDICAL TERMINATION OF PREGNANCY

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## CHAPTER 44A

### MEDICAL TERMINATION OF PREGNANCY

*An Act to reform the law relating to abortion.*

[10th May, 1983]

1983—4.

Commence-  
ment.

S.I. 1983

No. 58.

Short title.

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

2. In this Act “medical practitioner” has the meaning assigned to it by section 2 of the *Medical Registration Act*.

Interpreta-  
tion.

Cap. 371.

3. Notwithstanding sections 61 and 62 of the *Offences against the Person Act*, the treatment for the termination of pregnancy is lawful if administered in accordance with this Act.

Medical ter-  
mination of  
pregnancy,  
Cap. 141.

4. (1) The treatment for the termination of a pregnancy of not more than 12 weeks duration may be administered by a medical practitioner if he is of the opinion, formed in good faith

Pregnancy  
of 12 weeks  
duration or  
less.

(a) that the continuance of the pregnancy would involve risk to the life of the pregnant woman or grave injury to her physical or mental health; or

(b) that there is substantial risk that if the child were born, it would suffer such physical or mental abnormalities as to be seriously handicapped.

(2) The written statement of a pregnant woman stating that she reasonably believes that her pregnancy was caused by an act of rape or incest is sufficient to constitute the element of grave injury to mental health required by subsection (1)(a).

(3) In determining whether the continuance of a pregnancy would involve such risk of injury to the health of the pregnant woman as is required by subsection (1) (a), the medical practitioner must take into account the pregnant woman’s social and economic environment, whether actual or foreseeable.

#### THE LAWS OF BARBADOS

Pregnancy of between 12 to 20 weeks duration.

5. The treatment for the termination of a pregnancy of more than 12 weeks duration and of not more than 20 weeks duration may be administered by a medical practitioner, if 2 medical practitioners are of the opinion, formed in good faith, of the matters specified in paragraph (a) or (b) of section 4(1).

Pregnancy of over 20 weeks duration.

6. The treatment for the termination of a pregnancy of more than 20 weeks duration may be administered by a medical practitioner, if 3 medical practitioners are of the opinion, formed in good faith, that the treatment to terminate the pregnancy is immediately necessary to save the life of the pregnant woman or to prevent grave permanent injury to the physical or mental health of the woman or her unborn child.

Determination of duration of pregnancy.

7. For the purposes of sections 4 to 6, the duration of a pregnancy must be determined

(a) by calculating from the first day of the last normal menstruation of the pregnant woman ending on the last day of the relevant week; and

(b) by clinical examination.

Consents.

8. (1) Subject to this section and to section 11, a medical practitioner may require the written consent of the pregnant woman before administering treatment for the termination of a pregnancy.

(2) The treatment for the termination of the pregnancy of a female under the age of 16 years or of a person of unsound mind of any age shall not be administered except with the written consent of her parent or guardian.

Cap. 46.

(3) "Person of unsound mind" has the meaning assigned to it by section 2 of the *Mental Health Act*.

Place of treatment.

9. The treatment for the termination of a pregnancy of more than 12 weeks duration shall be administered in a hospital approved by the Minister for the purpose.

Conscientious objection.

10. (1) Subject to subsection (4), no person is under any legal duty to participate in any treatment for the termination of a pregnancy to which he has a conscientious objection.

(2) In legal proceedings, the burden of proving the conscientious objection lies on the person making the allegation.

(3) The burden of proof referred to in subsection (2) may be discharged by the person testifying on oath or affirmation to the fact of his conscientious objection.

(4) Subsection (1) does not affect the duty of a person to participate in treatment for the termination of a pregnancy that is immediately necessary to save the life of the pregnant woman or to prevent grave permanent injury to her physical or mental health.

**11.** The following sections do not apply where the treatment to terminate the pregnancy is immediately necessary to save the life of the pregnant woman or to prevent grave permanent injury to her physical or mental health, namely:

Non-application of certain provisions.

- (a) sections 5 and 6 relating to the number of medical opinions required; and
- (b) sections 8 and 9.

**12.** The Minister may make regulations

Regulations.

- (a) with respect to the counselling services to be provided;
- (b) with respect to the requirements as to residence that a pregnant woman must possess in order to qualify for treatment under this Act;
- (c) in respect of the records to be kept by medical practitioners or other persons of the pregnancies terminated and in respect of the submission of the records to the Chief Medical Officer, together with other prescribed information;
- (d) prohibiting the disclosure, except to such persons and for such purposes as may be prescribed, of any information required to be contained in records kept by virtue of paragraph (c); and
- (e) in respect of the form of consents required by section 8.

Powers of  
entry.

**13.** The Chief Medical Officer or other person authorised by him in writing, may at all reasonable times enter any premises for the purpose of ascertaining whether there has been any contravention of this Act or the regulations.

Offences.

**14.** (1) Subject to section 10, a person who contravenes sections 8 and 9 is guilty of an offence and is liable on summary conviction to a fine of \$2 500 or imprisonment for 12 months.

(2) A person who unlawfully discloses information obtained by virtue of paragraph (d) of section 12 is guilty of an offence and liable on summary conviction to a fine of \$2 500 or to imprisonment for 12 months.