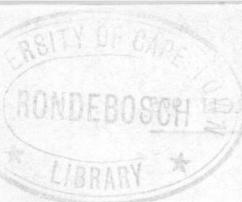


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STAATSKOERANT VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 478.

12 Maart 1975.

Hierby word bekend gemaak dat die Staatspresident sy edkeuring geheg het aan die onderstaande Wet wat hierby algemene inligting gepubliseer word:—

No. 2 van 1975: Wet op Vrugafdrywing en Sterilisasié,
1975.

DEPARTMENT OF THE PRIME MINISTER

No. 478.

12 March 1975.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 2 of 1975: Abortion and Sterilization Act, 1975.



STATE OF SOUTH AFRICA ACT

To define the circumstances in which an abortion may be procured on a woman or in which a person who is incapable of consenting or incompetent to consent to sterilization, may be sterilized; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 28 February 1975.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) “abortion” means the abortion of a live foetus of a woman with intent to kill such foetus; (x)
 - (ii) “incest” means carnal intercourse between two persons who are related to each other and by reason of such relationship incompetent to marry each other; (i)
 - (iii) “magistrate” includes an additional and an assistant magistrate; (iii)
 - (iv) “medical practitioner” means a person registered as such under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974); (ii)
 - (v) “Minister” means the Minister of Health; (iv)
 - (vi) “prescribed” means prescribed by regulation made under this Act; (ix)
 - (vii) “psychiatrist” means a person registered as such under the Medical, Dental and Supplementary Health Service Professions Act, 1974; (vi)
 - (viii) “State-controlled institution” means a hospital conducted by the State (including a provincial administration), and such part of any other institution, other than such a hospital, as may be hired and controlled by a provincial administration, and a hospital maintained out of moneys provided out of the South African Bantu Trust Fund mentioned in section 8 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936); (vii)
 - (ix) “sterilization” means a surgical operation performed for the purpose of making the person on whom it is performed, incapable of procreation, but does not include castration; (viii)
 - (x) “unlawful carnal intercourse” means rape, incest and unlawful carnal intercourse with a female idiot or imbecile in contravention of section 15 of the Immorality Act, 1957 (Act No. 23 of 1957). (v)

Prohibition of abortion.

2. No person shall procure an abortion otherwise than in accordance with the provisions of this Act.

Circumstances in which abortion may be procured.

3. (1) Abortion may be procured by a medical practitioner only, and then only—
 - (a) where the continued pregnancy endangers the life of the woman concerned or constitutes a serious threat to her physical health, and two other medical practitioners have certified in writing that, in their opinion, the continued pregnancy so endangers the life of the

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Wet op vrugafdrywing en sterilisatie van vroue om te bepaal wat voor omstandighede vrugafdrywing en sterilisatie van vroue toegelaan word.

WET

Om die omstandigheid te bepaal waarin vrugafdrywing by 'n vrou bewerkstellig mag word of waarin iemand wat nie in staat is nie of onbevoeg is om tot sterilisatie toe te stem, gesteriliseer mag word; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Februarie 1975).

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:

1. Tensy uit die samehang anders blyk, beteken in hierdie Woord-omskrywing.

Wet—

- (i) „bloedskande” vleeslike gemeenskap tussen twee persone wat aan mekaar verwant is en op grond van dié verwantskap onbevoeg is om met mekaar te trou; (ii)
- (ii) „geneesheer” iemand wat as sodanig kragtens die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), geregistreer is; (iv)
- (iii) „landdros” ook 'n addisionele landdros en 'n assistent-landdros; (iii)
- (iv) „Minister” die Minister van Gesondheid; (v)
- (v) „onwettige vleeslike gemeenskap” verkragting, bloedskande en ontug met 'n vroulike idioot of swaksinnige in stryd met artikel 15 van die Ontugwet, 1957 (Wet No. 23 van 1957); (x)
- (vi) „psigiater” iemand wat as sodanig kragtens die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974, geregistreer is; (vii)
- (vii) „Staatsbeheerde inrigting” 'n hospitaal wat deur die Staat (met inbegrip van 'n provinsiale administrasie) bedryf word, en dié deel van 'n ander inrigting as so 'n hospitaal wat gehuur en beheer word deur 'n provinsiale administrasie, en 'n hospitaal wat in stand gehou word met geld wat voorsien word uit die Suid-Afrikaanse Bantoerustfonds vermeld in artikel 8 van die Bantoerust en -grond Wet, 1936 (Wet No. 18 van 1936); (viii)
- (viii) „sterilisasie” 'n chirurgiese operasie wat verrig word ten einde die persoon op wie dit verrig word, vir voortplanting onbekwaam te maak, maar sluit dit nie kastrasie in nie; (ix)
- (ix) „voorgeskryf” voorgeskryf by regulasie kragtens hierdie Wet uitgevaardig; (vi)
- (x) „vrugafdrywing” die afdrywing van 'n lewende vrug van 'n vrou met die opset om dit te dood. (i)

2. Niemand mag 'n vrugafdrywing bewerkstellig nie, behalwe ooreenkomsdig die bepalings van hierdie Wet.

3. (1) Vrugafdrywing mag slegs deur 'n geneesheer bewerkstellig word, en dan slegs—

- (a) waar die voortgesette swangerskap die lewe van die betrokke vrou in gevaar stel of 'n ernstige bedreiging vir haar liggaamlike gesondheid uitmaak, en twee ander geneeshere skriftelik gesertifiseer het dat na hul oordeel die voortgesette swangerskap die lewe van

Verbod op

vrugafdrywing.

Omstandighede waarin vrugafdrywing bewerkstellig mag word.

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- woman concerned or so constitutes a serious threat to her physical health and abortion is necessary to ensure the life or physical health of the woman;
- (b) where the continued pregnancy constitutes a serious threat to the mental health of the woman concerned, and two other medical practitioners have certified in writing that, in their opinion, the continued pregnancy creates the danger of permanent damage to the woman's mental health and abortion is necessary to ensure the mental health of the woman;
 - (c) where there exists a serious risk that the child to be born will suffer from a physical or mental defect of such a nature that he will be irreparably seriously handicapped, and two other medical practitioners have certified in writing that, in their opinion, there exists, on scientific grounds, such a risk; or
 - (d) where the foetus is alleged to have been conceived in consequence of unlawful carnal intercourse, and two other medical practitioners have certified in writing—
 - (aa) in the case of alleged rape or incest, after such interrogation of the woman concerned as they or any of them may have considered necessary, that in their opinion the pregnancy is due to the alleged rape or incest, as the case may be; or
 - (bb) in the case of alleged unlawful carnal intercourse in contravention of section 15 of the Immorality Act, 1957 (Act No. 23 of 1957), that the woman concerned is an idiot or an imbecile.
- (2) (a) A medical practitioner who has issued a certificate referred to in subsection (1) shall in no way participate in or assist with the abortion in question, and such a certificate, or such certificates issued for the same purpose, shall not be valid if issued by members of the same partnership or by persons in the employ of the same employer.
- (b) The provisions of paragraph (a) shall not apply to the performance by any person of his functions in the service of the State.
- (3) At least one of the two medical practitioners referred to in subsection (1)—
- (a) shall have practised as a medical practitioner for four years or more since the date of his registration as a medical practitioner in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974);
 - (b) shall be a psychiatrist employed by the State, if the abortion is to be procured by virtue of the provisions of subsection (1) (b);
 - (c) shall be the district surgeon concerned where the foetus is alleged to have been conceived in consequence of rape or incest.

Sterilization of
persons incapable
of consenting
thereto.

4. (1) A sterilization shall not be performed on any person who for any reason is incapable of consenting or incompetent to consent thereto, unless—

- (a) two medical practitioners, of whom one shall be a psychiatrist, have certified in writing that the person concerned is capable of procreating children and
 - (i) is suffering from a hereditary condition of such a nature that if he or she were to procreate a child, such child would suffer from a physical or mental defect of such a nature that it would be seriously handicapped; or
 - (ii) due to a permanent mental handicap or defect is unable to comprehend the consequential implications of or bear the parental responsibility for the fruit of coitus;

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- die betrokke vrou aldus in gevaar stel of aldus 'n ernstige bedreiging vir haar liggaaamlike gesondheid uitmaak en vrugafdrywing noodsaaklik is om die vrou se lewe of liggaaamlike gesondheid te verseker;
- (b) waar die voortgesette swangerskap 'n ernstige bedreiging vir die geestesgesondheid van die betrokke vrou uitmaak, en twee ander geneeshere skriftelik gesertifiseer het dat na hul oordeel die voortgesette swangerskap die gevaar skep van blywende skending van die vrou se geestesgesondheid en vrugafdrywing noodsaaklik is om die geestesgesondheid van die vrou te verseker;
- (c) waar daar 'n ernstige gevaar bestaan dat die kind wat gebore gaan word, aan 'n liggaaamlike gebrek of geestesgebrek van so 'n aard sal ly dat hy onherstelbaar ernstig gestrem sal wees, en twee ander geneeshere skriftelik gesertifiseer het dat daar, na hul oordeel, op wetenskaplike gronde so 'n gevaar bestaan; of
- (d) waar die vrug na bewering verwek is ten gevolge van onwettige vleeslike gemeenskap, en twee ander geneeshere skriftelik gesertifiseer het—
- (aa) in die geval van beweerde verkragting of bloedskande, na dié ondervraging van die betrokke vrou wat hulle of die een of die ander van hulle nodig geag het, dat die swangerskap na hul oordeel te wye is aan die beweerde verkragting of bloedskande, na gelang van die geval; of
- (bb) in die geval van beweerde ontug in stryd met artikel 15 van die Ontwerp, 1957 (Wet No. 23 van 1957), dat die betrokke vrou 'n idioot of swaksinnige is.
- (2) (a) 'n Geneesheer wat 'n sertifikaat bedoel in subartikel (1) uitgereik het, mag op geen wyse deelneem aan of behulpsaam wees met die betrokke vrugafdrywing nie, en so 'n sertifikaat, of sodanige sertifikate wat vir dieselfde doel uitgereik is, is nie geldig nie indien dit uitgereik is deur lede van dieselfde vennootskap of deur persone in diens van dieselfde werkewer.
- (b) Die bepalings van paragraaf (a) is nie van toepassing nie op die verrigting deur iemand van sy werkzaamhede in diens van die Staat.
- (3) Minstens een van die twee geneeshere bedoel in subartikel (1)—
- (a) moet vier jaar of meer sedert die datum van sy registrasie as geneesheer ingevolle die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), as geneesheer gepraktiseer het;
- (b) moet 'n psigiater wees wat in diens van die Staat is indien die vrugafdrywing uit hoofde van die bepalings van subartikel (1) (b) bewerkstellig gaan word;
- (c) moet die betrokke distriksgeneesheer wees waar die vrug na bewering ten gevolge van verkragting of bloedskande verwek is.

4. (1) 'n Sterilisatie word nie op iemand uitgevoer nie wat om enige rede nie in staat is nie of onbevoeg is om daartoe toesteem, tensy—

Sterilisatie van persone wat nie toestemming daar toe kan verleen nie.

- (a) twee geneeshere, van wie een 'n psigiater moet wees, skriftelik gesertifiseer het dat die betrokke persoon in staat is om kinders te verwek en
- (i) aan 'n oorerlike toestand van so 'n aard ly dat indien hy of sy 'n kind sou verwek, die kind aan 'n liggaaamlike gebrek of geestesgebrek van so 'n aard sou ly dat hy ernstig gestrem sou wees; of
- (ii) weens 'n blywende geestesgebrek of -defek nie in staat is om die gevolglike implikasies van koëtus te begryp of die ouerlike verantwoordelikheid vir die vrug van koëtus te dra nie;

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Place where
abortion or
sterilization may
take place.

Approval by
medical practi-
tioner in charge
of institution,
and certificate by
magistrate.

- (b) the person who may in law consent to an operation beneficial to that person has granted written consent to the sterilization; and
- (c) the Minister has granted written authority for the sterilization.
- (2) The person who may consent to an operation as contemplated in subsection (1) (b), is hereby authorized to grant the consent referred to therein.
- (3) The provisions of this section shall not be construed as affecting the position in law of any person capable of consenting or competent to consent to an operation on himself.

5. (1) An abortion may be procured and a sterilization contemplated in section 4 may be performed only at a State-controlled institution or an institution designated in writing for the purpose by the Minister in terms of subsection (2).

(2) The Minister may designate any institution for the purposes of subsection (1), and subject to such conditions and requirements as he may consider necessary or expedient for achieving the objects of this Act, and may, if in his opinion it is justified, at any time withdraw any such designation.

(3) A decision of the Minister in terms of subsection (2) shall be final.

6. (1) An abortion shall not be procured and a sterilization contemplated in section 4 shall not be performed without the written authority of—

- (a) in the case of a State-controlled institution, the medical practitioner in charge of such institution or a medical practitioner designated for the purpose by the first-mentioned medical practitioner; or
- (b) in the case of an institution designated in terms of section 5 (2), a medical practitioner designated for the purpose by the person managing such institution, granted on application to such medical practitioner in accordance with subsection (2).

(2) An application for authority in terms of subsection (1) shall be made in the prescribed form by the medical practitioner who is to procure the abortion in question or perform the sterilization in question, and shall be accompanied—

- (a) in the case of an intended abortion—
 - (i) in the circumstances contemplated in subsection (4), by the certificate referred to in that subsection;
 - (ii) by the certificate or certificates referred to in section 3 issued by two medical practitioners;
- (b) in the case of an intended sterilization, by the certificate or certificates, consent and authority referred to in section 4.

(3) If a medical practitioner has issued a certificate for the purposes of section 3 (1) and he is at any time such a medical practitioner as is referred to in subsection (1) of this section, he shall not be precluded from granting any relevant authority for the purposes of the said subsection.

(4) Where the pregnancy is alleged to be the result of unlawful carnal intercourse, the abortion shall not be procured unless there is produced to the medical practitioner whose written authority is required in terms of subsection (1) a certificate, issued by a magistrate attached to the court having jurisdiction in respect of the alleged offence in question, to the effect that—

- (a) he has satisfied himself—
 - (i) that a complaint relating to the alleged unlawful carnal intercourse in question has been lodged with the Police or, if such a complaint has not been so lodged, that there is a good and acceptable reason why a complaint has not been so lodged;

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- (b) die persoon wat regtens kan toestem tot 'n operasie wat vir so iemand voordelig is, skriftelike toestemming tot die sterilisasie verleen het; en
- (c) die Minister skriftelike magtiging vir die sterilisasie verleen het.

(2) Die persoon wat tot 'n operasie kan toestem soos in subartikel (1) (b) bedoel, word hierby gemagtig om die toestemming daarin bedoel, te verleen.

(3) Die bepalings van hierdie artikel word nie so uitgelê dat dit die posisie in die regte raak van iemand wat daar toe in staat of bevoeg is om tot 'n operasie op homself toe te stem nie.

5. (1) 'n Vrugafdrywing mag bewerkstellig en 'n sterilisasie Plek waar beoog in artikel 4 mag uitgevoer word slegs by 'n Staatsbeheerde vrugafdrywing of inrigting of 'n inrigting wat deur die Minister skriftelik vir die plaasvind. doel ingevolge subartikel (2) aangewys is.

(2) Die Minister kan 'n inrigting vir die doeleinades van subartikel (1) aanwys, en wel onderworpe aan die voorwaardes en vereistes wat hy noodsaklik of dienstig ag ten einde die doelstellings van hierdie Wet te verwesenlik, en kan, indien dit na sy mening geregverdig is, te eniger tyd sodanige aanwysing intrek.

(3) 'n Besluit van die Minister ingevolge subartikel (2) is afdoende.

6. (1) 'n Vrugafdrywing mag nie bewerkstellig en 'n sterilisasie beoog in artikel 4 mag nie uitgevoer word nie sonder die goedkeuring deur geneesheer in beheer van inrigting, en sertifikaat deur landdros.

- (a) in die geval van 'n Staatsbeheerde inrigting, die geneesheer wat in beheer van dié inrigting is, of 'n geneesheer wat deur eersgenoemde geneesheer vir die doel aangewys is; of
- (b) in die geval van 'n inrigting wat ingevolge artikel 5 (2) aangewys is, 'n geneesheer wat vir die doel aangewys is deur die persoon wat dié inrigting bestuur, verleen op aansoek by dié geneesheer ooreenkomsdig subartikel (2).

(2) 'n Aansoek om magtiging ingevolge subartikel (1) word op die voorgeskrewe vorm gedoen deur die geneesheer wat die betrokke vrugafdrywing gaan bewerkstellig of die betrokke sterilisasie gaan uitvoer, en word vergesel—

- (a) in die geval van 'n voorgenome vrugafdrywing—
 - (i) in die omstandighede beoog in subartikel (4), van die sertifikaat bedoel in dié subartikel;
 - (ii) van die sertifikaat of sertifikate bedoel in artikel 3 deur twee geneeshere uitgereik;
- (b) in die geval van 'n voorgenome sterilisasie, van die sertifikaat of sertifikate, toestemming en magtiging bedoel in artikel 4.

(3) Indien 'n geneesheer 'n sertifikaat vir die doeleinades van artikel 3 (1) uitgereik het, en hy te eniger tyd 'n geneesheer is soos in subartikel (1) van hierdie artikel bedoel, belet dit hom nie om 'n betrokke magtiging vir die doeleinades van genoemde subartikel te verleen nie.

(4) Waar die swangerskap na bewering die gevolg van onwettige vleeslike gemeenskap is, word die vrugafdrywing nie bewerkstellig nie tensy daar aan die geneesheer wie se skriftelike magtiging ingevolge subartikel (1) vereis word, 'n sertifikaat voorgelê word, uitgereik deur 'n landdros verbonde aan die hof watregsbevoegdheid ten opsigte van die betrokke beweerde misdryf het, met die strekking dat—

- (a) hy homself oortuig het—
 - (i) dat 'n klagte betreffende die betrokke beweerde onwettige vleeslike gemeenskap by die Polisie ingedien is, of, indien so 'n klagte nie aldus ingedien is nie, dat daar 'n goeie en aanvaarbare rede is waarom 'n klagte nie aldus ingedien is nie;

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- (ii) after an examination of any relevant documents submitted to him by the Police and after such interrogation of the woman concerned or any other person as he may consider necessary, that, on a balance of probability, unlawful carnal intercourse with the woman concerned had taken place;
 - (iii) in the case of alleged incest, that the woman concerned is within the prohibited degree related to the person with whom she is alleged to have committed incest; and
 - (b) in the case of alleged rape or incest, the woman concerned alleges, in an affidavit submitted to the magistrate or in a statement under oath to the magistrate, that the pregnancy is the result of that rape or incest, as the case may be.
- (5) Where it is not proved that any person charged with unlawful carnal intercourse with a female idiot or imbecile in contravention of section 15 of the Immorality Act, 1957 (Act No. 23 of 1957), knew, at the time of the alleged offence, that that woman was an idiot or imbecile, but it is proved that he had carnal intercourse with her, such carnal intercourse shall for the purposes of subsection (4) nevertheless be deemed to be unlawful carnal intercourse.
- (6) If an application complying with the requirements of this section is made to the appropriate medical practitioner referred to in this section, he shall grant the authority in question.

Reports.

7. (1) A medical practitioner who under section 6 (1) grants authority for an abortion or a sterilization, shall, within twenty-one days after the abortion or sterilization, by registered post report confidentially to the Secretary for Health the granting of such authority and at the same time submit to him a written statement in the prescribed form and setting forth—
- (a) the name, age, marital state, race and, in the case of a sterilization, the sex of the patient concerned;
 - (b) the place where and the date on which the abortion was procured or the sterilization was performed, and, in the case of an abortion, the reasons therefor;
 - (c) the names and qualifications of the medical practitioners and the name of the magistrate who issued the certificate or certificates in terms of section 3, 4 or 6, as the case may be;
 - (d) the name of the medical practitioner who procured the abortion or performed the sterilization;
 - (e) where the consent of any person other than the patient was required for the abortion or the sterilization, the name of the person who consented thereto, and the capacity in which he granted his consent.
- (2) The Secretary for Health may call upon a medical practitioner required to make a report in terms of subsection (1) or a medical practitioner referred to in subsection (1) (d) to furnish such additional information as he may require.
- (3) The person in charge of an institution where an operation connected with an abortion or the removal of the residue of a pregnancy is performed, shall keep or cause to be kept a record of the prescribed particulars in respect of any such operation in that institution, and shall—
- (a) when called upon to do so, make such record available, for inspection, to the Secretary for Health or a person authorized thereto by him in writing; and

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- (ii) na 'n ondersoek van enige betrokke stukke deur die Polisie aan hom voorgelê en na die ondervraging van die betrokke vrou of ander persoon wat hy nodig ag, dat onwettige vleeslike gemeenskap volgens oorwig van waarskynlikheid met die betrokke vrou plaasgevind het;
 - (iii) in die geval van beweerde bloedskande, dat die betrokke vrou binne die verbode graad verwant is aan die persoon met wie sy na bewering bloedskande gepleeg het; en
 - (b) in die geval van beweerde verkragting of bloedskande, die betrokke vrou in 'n beëdigde verklaring aan die landdros voorgelê, of in 'n verklaring onder eed aan die landdros, beweer dat die swangerskap die gevolg is van bedoelde verkragting of bloedskande, na gelang van die geval.
- (5) Waar nie bewys word nie dat iemand wat aangekla word van ontug met 'n vroulike idioot of swaksinnige instryd met artikel 15 van die Ontugwet, 1957 (Wet No. 23 van 1957), ten tyde van die beweerde misdryf geweet het dat bedoelde vrou 'n idioot of swaksinnige was, maar bewys word dat hy vleeslike gemeenskap met haar gehad het, word die vleeslike gemeenskap, by die toepassing van subartikel (4), desondanks geag onwettige vleeslike gemeenskap te wees.

(6) Indien 'n aansoek wat aan die voorskrifte van hierdie artikel voldoen, by die gepaste geneesheer bedoel in hierdie artikel gedoen word, moet hy die betrokke magtiging verleen.

7. (1) 'n Geneesheer wat kragtens artikel 6 (1) magtiging vir Verslae, 'n vrugafdrywing of 'n sterilisasie verleen, moet binne een-en-twintig dae na die vrugafdrywing of sterilisasie die Sekretaris van Gesondheid die verlening van bedoelde magtiging per aangeteikende pos vertroulik medeeel en terselfdertyd 'n skriftelike verklaring in die voorgeskrewe vorm aan hom voorlê, met vermelding van—

- (a) die naam, ouderdom, huwelikstaat, ras en, in die geval van 'n sterilisasie, die geslag van die betrokke pasiënt;
- (b) die plek waar en die datum waarop die vrugafdrywing bewerkstellig of die sterilisasie uitgevoer is, en, in die geval van 'n vrugafdrywing, die rede daarvoor;
- (c) die name en kwalifikasies van die geneesheere en die naam van die landdros wat die sertifikaat of sertifikate ingevolge artikel 3, 4 of 6, na gelang van die geval, uitgereik het;
- (d) die naam van die geneesheer wat die vrugafdrywing bewerkstellig of die sterilisasie uitgevoer het;
- (e) waar die toestemming van iemand anders as die pasiënt vir die vrugafdrywing of die sterilisasie nodig was, die naam van die persoon wat daartoe toegestem het, en die hoedanigheid waarin hy sy toestemming gegee het.

(2) Die Sekretaris van Gesondheid kan 'n geneesheer wat ingevolge subartikel (1) 'n mededeling moet doen of 'n geneesheer bedoel in subartikel (1) (d) aansê om die bykomende inligting te verstrek wat genoemde Sekretaris verlang.

(3) Die persoon in beheer van 'n inrigting waar 'n operasie wat in verband staan met 'n vrugafdrywing of die verwydering van die oorblyfsels van 'n swangerskap uitgevoer word, moet aantekeninge hou of laat hou van die voorgeskrewe besonderhede ten opsigte van so 'n operasie in daardie inrigting, en moet—

- (a) sodanige aantekeninge aan die Sekretaris van Gesondheid of 'n persoon wat hy skriftelik daartoe gemagtig het, ter insae beskikbaar stel wanneer van hom verlang word om dit te doen; en

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(b) transmit to the Secretary for Health at the time prescribed the prescribed information with reference to any such operation.

Regulations.

8. The Minister may make regulations—

- (a) prescribing the form in which an application shall be made or an authority shall be granted in terms of section 6;
- (b) as to the custody and disposal of certificates and reports in terms of this Act;
- (c) as to the particulars of the records to be kept in terms of section 7 (3);
- (d) generally as to any matter in respect of which he deems it necessary or expedient to make regulations to achieve the objects of this Act.

Participation in or assistance at abortion which is not prohibited, or a sterilization.

9. A medical practitioner (other than a medical practitioner referred to in section 6 (1)), a nurse or any person employed in any other capacity at an institution referred to in section 5 (1) shall, notwithstanding any contract or the provisions of any other law, not be obliged to participate in or assist with any abortion contemplated in section 3 or any sterilization contemplated in section 4.

Offences and penalties.

10. (1) Any person—

- (a) who is not a medical practitioner and procures an abortion;
- (b) who is a medical practitioner and—
 - (i) procures an abortion without an appropriate certificate or certificates issued by two medical practitioners in terms of section 3 (1) (a), (b), (c) or (d); or
 - (ii) procures an abortion or performs a sterilization—
 - (aa) at an institution other than an institution referred to in section 5; or
 - (bb) without appropriate written authority referred to in section 6 (1);
 - (c) who performs a sterilization in contravention of section 4;
 - (d) who issues a false certificate for the purposes of section 3 (1) (a), (b), (c) or (d) or 4 (1) (a);
 - (e) who grants any written authority referred to in section 6 (1) without being in possession of an appropriate certificate referred to in section 6 (4),

shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand rand or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(2) Any person—

- (a) who grants a written authority contemplated in section 6 (1) on an application which does not substantially comply with the requirements of an application as prescribed;
- (b) who contravenes a provision of section 7 (1) or (3);
- (c) who fails to furnish the additional information required of him under section 7 (2);
- (d) who fails to comply with any provision of this Act not mentioned in this section,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred and fifty rand or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

Application of Act in South West Africa.

11. This Act and any amendment thereof shall also apply in the territory of South West Africa, including the Eastern Caprivi Zipfel.

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10. (b) die voorgeskrewe inligting met betrekking tot so 'n operasie op die voorgeskrewe tydstip aan die Sekretaris van Gesondheid stuur.

8. Die Minister kan regulasies uitvaardig—

- (a) wat die vorm voorskryf waarin 'n aansoek of 'n magtiging ingevolge artikel 6 gedoen of verleen moet word;
- (b) betreffende die bewaring van en beskikking oor sertifikate en verslae ingevolge hierdie Wet;
- (c) betreffende die besonderhede van die aantekeninge wat ingevolge artikel 7 (3) gehou moet word;
- (d) in die algemeen oor enige aangeleentheid ten opsigte waarvan hy dit noodsaaklik of dienstig ag om regulasies uit te vaardig ten einde die doelstellinge van hierdie Wet te verwesenlik.

9. 'n Geneesheer (uitgesonderd 'n geneesheer bedoel in artikel 6 (1)), 'n verpleegster of iemand wat in 'n ander hoedanigheid werksaam is by 'n inrigting bedoel in artikel 5 (1), is, ondanks die een of ander kontrak of die bepalings van die een of ander wet, nie verplig nie om deel te neem aan of behulpsaam te wees met 'n vrugafdrywing beoog in artikel 3 of 'n sterilisasie beoog in artikel 4.

10. (1) Iemand—

- (a) wat nie 'n geneesheer is nie en 'n vrugafdrywing bewerkstellig;
- (b) wat 'n geneesheer is en—
 - (i) 'n vrugafdrywing bewerkstellig sonder 'n toepaslike sertifikaat of sertifikate wat ingevolge artikel 3 (1) (a), (b), (c) of (d) deur twee geneeshere uitgereik is; of
 - (ii) 'n vrugafdrywing bewerkstellig of 'n sterilisasie uitvoer—
 - (aa) by 'n ander inrigting as 'n inrigting bedoel in artikel 5; of
 - (bb) sonder toepaslike skriftelike magtiging bedoel in artikel 6 (1);
- (c) wat 'n sterilisasie instryd met artikel 4 uitvoer;
- (d) wat 'n vals sertifikaat vir die doeleinnes van artikel 3 (1) (a), (b), (c) of (d) of 4 (1) (a) uitreik;
- (e) wat 'n skriftelike magtiging bedoel in artikel 6 (1) verleen sonder om in besit te wees van 'n toepaslike sertifikaat bedoel in artikel 6 (4),

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met sodanige boete sowel as sodanige gevangenisstraf.

(2) Iemand—

- (a) wat 'n skriftelike magtiging bedoel in artikel 6 (1) verleen op 'n aansoek wat nie wesenlik voldoen aan die vereistes van 'n aansoek soos voorgeskryf nie;
- (b) wat 'n bepaling van artikel 7 (1) of (3) oortree;
- (c) wat versuum om die bykomende inligting te verstrek wat kragtens artikel 7 (2) van hom verlang word;
- (d) wat versuum om aan 'n bepaling van hierdie Wet te voldoen wat nie in hierdie artikel vermeld is nie,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd-en-vyftig rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met sodanige boete sowel as sodanige gevangenisstraf.

11. Hierdie Wet en 'n wysiging daarvan is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel.

Regulasies.

Deelname aan of hulp by vrugafdrywing wat nie verbode is nie of 'n sterilisasie.

Misdrywe en strawwe.

Toepassing van Wet in Suidwes-Afrika.

Act No. 2, 1975**ABORTION AND STERILIZATION ACT, 1975.**

Amendment of section 2 of Act 38 of 1909 (Transvaal), as amended by section 19 of Act 26 of 1963.

Short title.

12. Section 2 of the Criminal Law Amendment Act, 1909 (of the Transvaal), is hereby amended by the deletion of subsection (8).

13. This Act shall be called the Abortion and Sterilization Act, 1975.

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12. Artikel 2 van die „Criminal Law Amendment Act, 1909“ Wysiging van (van Transvaal), word hierby gewysig deur subartikel (8) te skrap.

artikel 2 van
Wet 38 van 1909
(Transvaal),
soos gewysig deur
artikel 19 van
Wet 26 van 1963.

13. Hierdie Wet heet die Wet op Vrugafdrywing en Sterili- Kort titel.
sasie, 1975.

LIET OF AFRIGA'DRUKING EN STIERLIZZIE, 1903.

15. Vuurlei & van die "Griekse Law" Act of 1800. Maaklike ver-
sies.
16. Janssen's word pleide beweeg gesprek (2) in
Met. o. o. van 1900
(Janssen)
sociaal beweeg gesprek
stuur 12 van
Wet. o. o. van 1900
17.

18. Missies. Met voor die Wet op Afrikaanslaads en Suid-Afrikale
spesie 192.