

## **SEYCHELLES**

### **Termination of Pregnancy Regulations, 1996.**

In exercise of the powers conferred by section 6 of the Termination of Pregnancy Act, 1994, the Minister of Health makes the following Regulations:

1. These Regulations may be cited as the Termination of Pregnancy Regulations, 1996.

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 been 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:

- (a) to a medical officer where the information is required for the discharge of his official duties;
- (b) to the Attorney-General in respect of any criminal prosecution;
- (c) to a police officer not below the rank of superintendent of police for the purpose of any criminal investigation;
- (d) where required to do so by a court of competent jurisdiction;
- (e) 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;
- (f) 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;
- (g) 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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**An Act (No. 6 of 1994) of 3 June 1994 to repeal and reenact the Termination of Pregnancy Act, 1981. (*Supplement to Official Gazette*, 7 June 1994, pp. 27-31, as summarized in *International Digest of Health Legislation*, Vol. 47, No. 1, 1996, pp. 35-36.)**

**Section. 3 (Medical termination of pregnancy)** reads as follows:

**"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 medical 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."

The other principal Sections are entitled as follows:

4. Termination on account of rape, incest, defilement or mental disorder;
5. Time of termination (a pregnancy may only be terminated under Sec. 3 or 4 before the end of the 12th week of pregnancy, unless in the opinion of the Director of Health Services there are exceptional grounds for late termination);
6. Regulations;
7. Conscientious objection to participation in termination of pregnancy; and
8. Repeal and reenactment of Section 149A (Authorised termination of pregnancy) of the Penal Code.