

BARBADOS

Medical Termination of Pregnancy Act (Act No. 4 of 1983), 11 February 1983.

(Official Gazette, Supplement, 17 February 1983.)

Section 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.

Section 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,

- (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.

Section 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 two medical practitioners are of the opinion, formed in good faith, of the matters specified in paragraph (a) or (b) of section 4(1).

Section 6. The treatment for the termination of a pregnancy of more than 20 weeks' duration may be administered by a medical practitioner, if three 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 and mental health of the woman or her unborn child.

Section 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.

Section 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.

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

Section 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 this purpose.

Section 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.

Section 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:

(a) sections 5 and 6 relating to the number of medical opinions required;
and

(b) sections 8 and 9.

Section 12. The Minister may make regulations:

(a) with respect to the counselling services to be provided;

(b) with respect to the requirement 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.

Section 13. The Chief Medical Officer or other person authorized 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.

Section 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 jurisdiction to a fine of \$2,500 or to imprisonment for 12 months.

Section 15. This Act comes into operation on a date to be fixed by proclamation.

Medical Termination of Pregnancy Regulations, 1983. (Official Gazette, Supplement, No. 41, 19 May 1983.)

Section 1. These regulations may be cited as the Medical Termination of Pregnancy Regulations, 1983.

Section 2. A medical practitioner who carries out the treatment for the termination of a pregnancy shall:

- (a) keep a record of the treatment in the form specified in the Schedule;
and
- (b) forward the record to the Chief Medical Officer within 30 days of the treatment.

Section 3. Any information given to the Chief Medical Officer in pursuance of these regulations shall not be disclosed except:

- (a) by the Chief Medical Officer in the performance of his functions under the Act and the regulations;
- (b) to a member of the police force for the purpose of instituting criminal

- proceedings under the Act;
- (c) for the purpose of carrying out scientific research; and
- (d) to a medical practitioner, or other person, with the consent in writing of the woman whose pregnancy was terminated.

Section 4. (1) A medical practitioner who carries out the treatment for the termination of a pregnancy must be familiar with counselling functions with particular reference to family life education and child-birth.

- (2) Before carrying out the treatment for the termination of a pregnancy, a medical practitioner must:
 - (a) counsel the woman requesting the termination of her pregnancy; or
 - (b) ensure that the woman has been counselled by a person authorized by the Minister.
- (3) A person who counsels a woman requesting the termination of her pregnancy must:
 - (a) advise her on courses of action that are available as alternatives to the termination of the pregnancy;
 - (b) inform her of the operative procedures and the possible immediate and long-term effects of the termination of her pregnancy;
 - (c) advise her of methods of contraception and the availability of family planning services;
 - (d) give such advice as to enable her to deal with the social and psychological consequences of the termination of her pregnancy; and
 - (e) in the case of a woman who decides to continue her pregnancy, advise her on the availability of adoption, fostering or other services.