

SAINT LUCIA
Criminal Code, 2004.

Medical or surgical treatment

164. — (1) Where any person does an act in good faith, for the purposes of medical or surgical treatment, an intent to cause death shall not be presumed from the fact that the act was or appeared likely to cause death.

(2) Any act which is done, in good faith and without negligence, for the purposes of medical or surgical treatment of a pregnant woman is justifiable, although it causes or is intended to cause a termination of pregnancy or miscarriage, or premature delivery, or the death of the child.

(3) Notwithstanding section 165, the treatment for the termination of a pregnancy shall be lawful if administered in accordance with the provisions of sections 166.

(4) For the purposes of this section “termination of pregnancy” has the same meaning assigned to it under section 166.

Explanation as to termination of pregnancy

165. — (1) Subject to section 166, the offence of causing a termination of pregnancy or miscarriage of a woman can be committed either by that woman or by any other person; and that woman or any other person may be convicted of using means with intent to commit that offence, although the woman is not in fact pregnant.

(2) The offence of causing a termination of pregnancy is committed by causing a woman to be prematurely delivered of a child, with intent unlawfully to cause or hasten the death of the child.

(3) The person who intentionally and unlawfully causes a termination of pregnancy or a miscarriage is liable on conviction on indictment to imprisonment for seven years.

(4) For the purposes of this section “termination of pregnancy” has the same meaning assigned to it under section 166.

Termination of pregnancy in certain cases

166. — (1) In this section:

“medical practitioner” means any person registered as a duly qualified medical practitioner under the Registration of Medical Practitioners Act No. 13 of 1967 or any enactment replacing it;

“termination of pregnancy” means termination of human pregnancy with an intention other than to produce a live birth.

(2) For the purposes of this section, the duration of a pregnancy shall be determined:

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

Where [two] medical practitioners have reason to believe that:

(a) the continuance of a pregnancy involves a risk to the life of the pregnant woman;

(b) the pregnancy is as a result of a rape or incest;

(c) a termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant woman, the medical practitioners may, with the consent of the pregnant woman or a person authorized by the pregnant woman, administer treatment for the termination of the pregnancy, if the length of the pregnancy does not exceed twelve weeks.

(4) For purposes of this section and notwithstanding any other provisions of this Code regarding rape or incest, where a treatment for termination of pregnancy is pursuant to subsection (3)(b), it shall be enough for a woman to show that a rape or incest occurred by providing to the medical practitioners, a copy of a police report in the form specified in the Eighth Schedule signed by the Commissioner or a person authorized by him or her for that purpose, showing:

- (a) the date and time the incidence of the rape or incest was reported;
- (b) that an investigation by the police is underway.

(5) In the treatment of the termination of a pregnancy of a woman of any marital status, while the medical practitioners may encourage the woman to inform her partner, they are not required either to obtain the partner’s consent or to notify him.

(6) A medical practitioner shall advise a pregnant woman that she may seek pre-termination counselling and to facilitate such counselling no treatment for a termination shall be administrated until forty-eight hours after the woman has made a request for such termination of pregnancy has passed.

(7) The following subsections 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) subsection (3) relating to the number of medical opinions required;
- (b) subsection (3) insofar as it relates to the length of the pregnancy;
- (c) subsection (6) relating to counselling; and in such circumstances a single medical practitioner may administer the treatment.

(8) No treatment for termination of pregnancy shall be administered in accordance with this section at any place other than at an approved institution certified by the Minister for Health by Order in the *Gazette*.

Explanation as to causing harm to child at birth

167. — (1) Where harm is caused to a child during the time of its birth, or where, upon the discovery of the concealed body of a child, harm is found to have been caused to it, such harm shall be presumed to have been caused to the child before its death.

(2) The expression “during the time of birth” includes the period from the commencement of labour to the time when the child so becomes an independent person.

Penalty for causing harm to child at birth

168. Any person who intentionally and unlawfully causes harm to a living child during the time of its birth is liable on conviction on indictment to imprisonment for ten years.