



TRISTAN DA CUNHA
REVISED EDITION OF THE LAWS, 2017
PUBLIC HEALTH AND SAFETY

ABORTION ACT (UK)(TRISTAN DA CUNHA) ORDINANCE, 1967¹

Ordinance T3 of 1987
In force 1 September 1987

No amendments to 1 November 2017

No subsidiary legislation to 1 November 2017

ABORTION ACT (UK)(TRISTAN DA CUNHA) ORDINANCE, 1967

AN Ordinance to apply the Abortion Act, 1967 (UK) to Tristan da Cunha.

Short title

1. This Ordinance may be cited as the Abortion Act (UK)(Tristan da Cunha) Ordinance, 1967

Abortion Act, 1967 applied

2. The Abortion Act, 1967 (UK) applies to Tristan da Cunha with the modifications set out in the Schedule..

SCHEDULE
(Section 2)

<u>Section of UK Act</u>	<u>Amendment</u>
1(1)	Repeal “two registered medical practitioners” and replace it with “a government medical officer”.
2	Does not apply

APPENDIX

¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

The following is the text of the **Abortion Act, 1967 (UK)** as amended and as applied to Tristan da Cunha by virtue of the above Ordinance, and the Revised Edition of the Laws Ordinance, 1999.

Medical termination of pregnancy

1. (1) Subject to this section, a person is not guilty of an offence under the law relating to abortion when a pregnancy is terminated by a medical practitioner if a government medical officer is of the opinion, formed in good faith that—

- (a) the pregnancy has not exceeded its 24th week and that the continuance of the pregnancy would involve risk, greater than if the pregnancy were terminated, of injury to the physical or mental health of the pregnant woman or any existing children of her family;
- (b) the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant woman;
- (c) the continuance of the pregnancy would involve risk to the life of the pregnant woman, greater than if the pregnancy were terminated; or
- (d) 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.

(2) In determining whether the continuance of a pregnancy would involve such risk of injury to health as is mentioned in paragraph (a) or (b) of subsection (1), account may be taken of the pregnant woman's actual or reasonably foreseeable environment.

(3) Except as provided by subsection (4), any treatment for the termination of pregnancy must be carried out in a hospital or in a place approved for the purposes of this section by the Governor.

(3A) *Omitted*

(4) Subsection (3), and so much of subsection (1) as relates to the opinion of a government medical officer, does not apply to the termination of a pregnancy by a medical practitioner in a case where he or she is of the opinion, formed in good faith, that the termination is immediately necessary to save the life or to prevent grave permanent injury to the physical or mental health of the pregnant woman.

Notification

2. *Omitted*

Application of Act to visiting forces, etc.

3. *Omitted*

Conscientious objection to participation in treatment

4. (1) Subject to subsection (2), no person is to be under any duty, whether by contract or by any statutory or other legal requirement, to participate in any treatment authorised by this Act to which the person has a conscientious objection:

Provided that in any legal proceedings the burden of proof of conscientious objection rests on the person claiming to rely on it.

(2) Nothing in subsection (1) affects any duty to participate in treatment which is necessary to save the life or to prevent grave permanent injury to the physical or mental health of a pregnant woman.

(3) *Omitted*

Supplementary provisions

5. (1) No offence under the Infant Life (Preservation) Act 1929 is committed by a medical practitioner who terminates a pregnancy in accordance with the provisions of this Act.

(2) For the purposes of the law relating to abortion, anything done with intent to procure a woman's miscarriage (or, in the case of a woman carrying more than one foetus, her miscarriage of any foetus) is unlawfully done unless authorised by section 1 of this Act and, in the case of a woman carrying more than one foetus, anything done with intent to procure her miscarriage of any foetus is authorised by that section if—

- (a) the ground for termination of the pregnancy specified in subsection (1)(d) of that section applies in relation to any foetus and the thing is done for the purpose of procuring the miscarriage of that foetus; or
- (b) any of the other grounds for termination of the pregnancy specified in that section applies.

Interpretation

6. In this Act –
 “**medical practitioner**” means a person who may lawfully practise medicine or surgery under the provisions of the Medical Practitioners Ordinance, 1910;
 “**the law relating to abortion**” means sections 58 and 59 of the Offences against the Person Act 1861 (UK), and any other rule of law relating to the procurement of abortion.
