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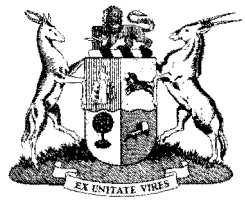

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTMENT OF THE PRIME MINISTER

No. 943. 9 May 1980.

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

No. 38 of 1980: Abortion and Sterilization Amendment Act, 1980.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 943. 9 Mei 1980.

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

No. 38 van 1980: Wysigingswet op Vrugafdrywing en Sterilisasie, 1980.

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Wet No. 38, 1980 WYSIGINGSWET OP VRUGAFDRYWING EN STERILISASIE, 1980

ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Vrugafdrywing en Sterilisasie, 1975, ten einde 'n landdros onder sekere omstandighede te magtig om toestemming te verleen tot die sterilisasie van persone wat nie self toestemming daartoe kan verleen nie; ten einde voorsiening te maak vir delegasie deur die Minister van sy bevoegdheid om magtiging vir 'n sterilisasie te verleen; en ten einde 'n landdros van die betrokke distrik in die geval van beweerde onwettige vleeslike gemeenskap te magtig om die voorgeskrewe sertifikaat vir die doeleindes van 'n relevante vrugafdrywing uit te reik, in plaas van 'n landdros verbonde aan die betrokke hof; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op 28 April 1980.*)

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

Wysiging van artikel 4 van Wet 2 van 1975.

1. Artikel 4 van die Wet op Vrugafdrywing en Sterilisasie, 1975 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur paragraaf *(b)* van subartikel (1) deur die volgende paragraaf te vervang:

„*(b)* die persoon wat regtens kan toestem tot 'n operasie wat vir so iemand voordelig is, skriftelik toestemming tot die sterilisasie verleen het **[en]** of, indien daar nie so 'n persoon is nie of so 'n persoon nie na redelike navraag gevind kan word nie, die landdros van die distrik waarin die betrokke persoon hom of haar bevind, skriftelike magtiging vir die sterilisasie verleen het na sodanige ondersoek as wat hy goed gevind het; en"; en

(b) deur paragraaf *(c)* van subartikel (1) deur die volgende paragraaf te vervang:

„*(c)* die Minister, of 'n mediese beampte van die Departement van Gesondheid wat skriftelik deur hom daartoe gemagtig is, skriftelike magtiging vir die sterilisasie verleen het.".

Wysiging van artikel 6 van Wet 2 van 1975.

2. Artikel 6 van die Hoofwet word hierby gewysig deur in subartikel (4) die woorde wat paragraaf *(a)* voorafgaan, deur die volgende woorde te vervang:

„(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 wat regsbevoegdheid ten opsigte van die betrokke beweerde misdryf het]** van die distrik waarin die betrokke misdryf na bewering gepleeg is, met die strekking dat—".

Kort titel.

3. Hierdie Wet heet die Wysigingswet op Vrugafdrywing en Sterilisasie, 1980.

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GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Abortion and Sterilization Act, 1975, to empower a magistrate in certain circumstances to grant consent to the sterilization of persons who cannot themselves consent thereto; to provide for a delegation by the Minister of his power to authorize a sterilization; and to empower a magistrate of the district in question in the case of alleged unlawful carnal intercourse to issue the prescribed certificate for the purposes of a relevant abortion, instead of a magistrate attached to the court in question; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 28 April 1980.)

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

Amendment of section 4 of Act 2 of 1975.

1. Section 4 of the Abortion and Sterilization Act, 1975 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for paragraph *(b)* of subsection (1) of the following paragraph:

"*(b)* the person who may in law consent to an operation beneficial to that person has granted written consent to the sterilization **[and]** or, if there is no such first-mentioned person or such person cannot after reasonable inquiry be found, the magistrate of the district in which the person concerned finds himself or herself has, after such investigation as he may deem fit, granted written authority for the sterilization; and"; and

(b) by the substitution for paragraph *(c)* of subsection (1) of the following paragraph:

"*(c)* the Minister, or a medical officer of the Department of Health authorized thereto by him in writing, has granted written authority for the sterilization.".

Amendment of section 6 of Act 2 of 1975.

2. Section 6 of the principal Act is hereby amended by the substitution in subsection (4) for the words preceding paragraph *(a)* of the following words:

"(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]** of the district in which the offence in question is alleged to have been committed, to the effect that—".

Short title.

3. This Act shall be called the Abortion and Sterilization Amendment Act, 1980.