

ผนวก ข.

พระราชบัญญัติการทำแท้งของประเทศไทย

Abortion Act 1967

27 October 1967

An Act to amend and clarify the law relating to termination of pregnancy by registered medical practitioners

1. Medical termination of pregnancy

(1) Subject to the provisions of this section, a person shall not be guilty of an offence under the law relating to abortion when a pregnancy is terminated by a registered medical practitioner if two registered medical practitioners are of the opinion, formed in good faith--

(a) that the pregnancy has not exceeded its twenty-fourth 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; or

(b) that the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant woman; or

(c) that the continuance of the pregnancy would involve risk to the life of the pregnant woman, greater than if the pregnancy were terminated; or

(d) 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.]

(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) of this section, account may be taken of the pregnant woman's actual or reasonably foreseeable environment.

(3) Except as provided by subsection (4) of this section, any treatment for the termination of pregnancy must be carried out in a hospital vested in [the Secretary of

State for the purposes of his functions under the National Health Service Act 1977 or the National Health Service (Scotland) Act 1978 [or in a hospital vested in a National Health Service trust] or in a place approved for the purposes of this section by the Secretary of State.]

(3A) The power under subsection (3) of this section to approve a place includes power, in relation to treatment consisting primarily in the use of such medicines as may be specified in the approval and carried out in such manner as may be so specified, to approve a class of places.

(4) Subsection (3) of this section, and so much of subsection (1) as relates to the opinion of two registered medical practitioners, shall not apply to the termination of a pregnancy by a registered medical practitioner in a case where he 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.

2. Notification

(1) The Minister of Health in respect of England and Wales, and the Secretary of State in respect of Scotland, shall by statutory instrument make regulations to provide--

(a) for requiring any such opinion as is referred to in section 1 of this Act to be certified by the practitioners or practitioner concerned in such form and at such time as may be prescribed by the regulations, and for requiring the preservation and disposal of certificates made for the purposes of the regulations;

(b) for requiring any registered medical practitioner who terminates a pregnancy to give notice of the termination and such other information relating to the termination as may be so prescribed;

(c) for prohibiting the disclosure, except to such persons or for such purposes as may be so prescribed, of notices given or information furnished pursuant to the regulations.

(2) The information furnished in pursuance of regulations made by virtue of paragraph (b) of subsection (1) of this section shall be notified solely to the [Chief

Medical Officer of the [Department of Health], or of the Welsh Office, or of the Scottish Home and Health Department].

(3) Any person who wilfully contravenes or wilfully fails to comply with the requirements of regulations under subsection (1) of this section shall be liable on summary conviction to a fine not exceeding [level 5 on the standard scale].

(4) Any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

3. Application of Act to visiting forces etc

(1) In relation to the termination of a pregnancy in a case where the following conditions are satisfied, that is to say--

(a) the treatment for termination of the pregnancy was carried out in a hospital controlled by the proper authorities of a body to which this section applies; and

(b) the pregnant woman had at the time of the treatment a relevant association with that body; and

(c) the treatment was carried out by a registered medical practitioner or a person who at the time of the treatment was a member of that body appointed as a medical practitioner for that body by the proper authorities of that body, this Act shall have effect as if any reference in section 1 to a registered medical practitioner and to a hospital vested in [the Secretary of State] included respectively a reference to such a person as is mentioned in paragraph (c) of this subsection and to a hospital controlled as aforesaid, and as if section 2 were omitted.

(2) The bodies to which this section applies are any force which is a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952 and any headquarters within the meaning of the Schedule to the International Headquarters and Defence Organisations Act 1964; and for the purposes of this section--

(a) a woman shall be treated as having a relevant association at any time with a body to which this section applies if at that time--

(i) in the case of such a force as aforesaid, she had a relevant association within the meaning of the said Part I with the force; and

(ii) in the case of such a headquarters as aforesaid, she was a member of the headquarters or a dependant within the meaning of the Schedule aforesaid of such a member; and

(b) any reference to a member of a body to which this section applies shall be construed--

(i) in the case of such a force as aforesaid, as a reference to a member of or of a civilian component of that force within the meaning of the said Part I; and

(ii) in the case of such a headquarters as aforesaid, as a reference to a member of that headquarters within the meaning of the Schedule aforesaid.

4. Conscientious objection to participation in treatment

(1) Subject to subsection (2) of this section, no person shall 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 he has a conscientious objection:

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

(2) Nothing in subsection (1) of this section shall affect 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) In any proceedings before a court in Scotland, a statement on oath by any person to the effect that he has a conscientious objection to participating in any treatment authorised by this Act shall be sufficient evidence for the purpose of discharging the burden of proof imposed upon him by subsection (1) of this section.

5. Supplementary provisions

(1) No offence under the Infant Life (Preservation) Act 1929 shall be committed by a registered 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 fetus, her miscarriage of any fetus) is unlawfully done unless authorised by section 1 of this Act and, in the case of a woman carrying more than one fetus, anything done with intent to procure her miscarriage of any fetus 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 fetus and the thing is done for the purpose of procuring the miscarriage of that fetus, or

(b) any of the other grounds for termination of the pregnancy specified in that section applies.

6. Interpretation

In this Act, the following expressions have meanings hereby assigned to them:--

"the law relating to abortion" means sections 58 and 59 of the Offences against the Person Act 1861, and any rule of law relating to the procurement of abortion;

7. commencement and extent

(1) This Act may be cited as the Abortion Act 1967.

(2) This Act shall come into force on the expiration of the period of six months beginning with the date on which it is passed.

(3) This Act does not extend to Northern Ireland.

Notes:

Sec. 1, Sub-sec. (1): paras (a)-(d) substituted for paras (a), (b) as originally enacted by the Human Fertilisation and Embryology Act 1990, s 37(1).

Sec. 1, Sub-sec. (2): words in square brackets added by the Human Fertilisation and Embryology Act 1990, s 37(2).

Sec. 1, Sub-sec. (3): first words in square brackets substituted by the Health Services Act 1980, Sch 1, para 17; words in square brackets therein added by the National Health Service and Community Care Act 1990, s 66(1), Sch 9, para 8.

Sec. 1, Sub-sec. (3A): added by the Human Fertilisation and Embryology Act 1990, s 37(3).

Sec. 2, Sub-sec. (2): first words in square brackets substituted by SI 1969 No 388 art 2, Sch 1, words in square brackets therein substituted by SI 1988 No 1843, art 5(4), Sch 3, para 3(a).

Sec. 2, Sub-sec. (3): maximum fine increased by the Criminal Law Act 1977, s 31, Sch 6, and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 37, 46.

Sec. 3, Sub-sec. (1): words in square brackets substituted by the Health Services Act 1980, s 1, Sch 1, para 17(2).

Sec. 4, Sub-sec. (3): applies only to Scotland.

Sec. 5, Para (1): substituted by the Human Fertilisation and Embryology Act 1990, s 37(4).

Sec. 5, Para (2): words in square brackets substituted by the Human Fertilisation and Embryology Act 1990, s 37(5).

Sec. 6: Definition omitted repealed by the Health Services Act 1980, s 25(4), Sch 7.