

Zambia

Termination of Pregnancy Act, 1972

Chapter 304

Legislation as at 31 December 1996

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Termination of Pregnancy Act, 1972 (Chapter 304)

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Zambia

Termination of Pregnancy Act, 1972 Chapter 304

Commenced on 13 October 1972

[This is the version of this document at 31 December 1996.]

[This legislation has been revised and consolidated by the Ministry of Legal Affairs of the Government of the Republic of Zambia. This version is up-to-date as at 31st December 1996.]

[26 of 1972; 13 of 1994]

An Act to amend and clarify the law relating to termination of pregnancy by registered medical practitioners; and to provide for matters incidental thereto and connected therewith.

1. Short title

This Act may be cited as the Termination of Pregnancy Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**hospital**" means any institution run as such by the Government or any other institution approved in writing for the purposes of this Act by the Permanent Secretary, Ministry of Health;

"**the law relating to abortion**" means sections one hundred and fifty-one, one hundred and fifty-two and one hundred and fifty-three of the Penal Code, and includes any written law or rule of law relating to the procurement of abortion;

[Cap. 87]

"**registered medical practitioner**" means a medical practitioner registered as such under the provisions of the Medical and Allied Professions Act.

[Cap. 297]

3. 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 he and two other registered medical practitioners, one of whom has specialised in the branch of medicine in which the patient is specifically required to be examined before a conclusion could be reached that the abortion should be recommended, are of the opinion, formed in good faith—
 - (a) that the continuance of the pregnancy would involve—
 - (i) risk to the life of the pregnant woman; or
 - (ii) risk of injury to the physical or mental health of the pregnant woman; or
 - (iii) risk of injury to the physical or mental health of any existing children of the pregnant woman;
greater than if the pregnancy were terminated; or
 - (b) 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 as is mentioned in paragraph (a) of subsection (1), account may be taken of the pregnant woman's actual or reasonably foreseeable environment or of her age.
- (3) Except as provided by subsection (4), any treatment for the termination of pregnancy must be carried out in a hospital.
- (4) Subsection (3) 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 of pregnancy is immediately necessary to save the life or to prevent grave permanent injury to the physical or mental health of the pregnant woman.

4. Conscientious objection to participation in treatment

- (1) Subject to subsection (2), 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) shall affect any duty to participate in any 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, 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).

5. Regulations

- (1) The Minister may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act and, without prejudice to the generality of the foregoing, such regulations may make provision for—
 - (a) anything which is to be or which may be prescribed under this Act;
 - (b) requiring any such opinion as is referred to in section three to be certified by the registered medical practitioner concerned in such form and at such time as may be prescribed by the regulations;
 - (c) the preservation and disposal of certificates made pursuant to the regulations;
 - (d) requiring any registered medical practitioner who terminates a pregnancy to give notice of the termination of pregnancy and such other information relating to the termination of pregnancy as may be prescribed;
 - (e) prohibiting the disclosure, except to such persons or for such purposes as may be prescribed, of notices given or information furnished pursuant to the regulations.
- (2) The information furnished in pursuance of regulations made by virtue of paragraph (d) of subsection (1) shall be notified solely to the Permanent Secretary, Ministry of Health.
- (3) Any person who wilfully contravenes or wilfully fails to comply with the requirements of regulations made under subsection (1) shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two thousand penalty units.

[As amended by Act [No. 13 of 1994](#)]

6. Supplementary provisions

For the purpose of law relating to abortion, anything done with intent to procure the miscarriage of a woman is unlawfully done unless it is done in accordance with the provisions of this Act.