Reprint
as at 24 March 2020

Abortion Regulations 1978

(SR 1978/50)

Abortion Regulations 1978: revoked, on 24 March 2020, by section 18(3) of the Abortion Legislation Act 2020 (2020 No 6).

Keith Holyoake, Governor-General

Order in Council

At the Government Buildings at Wellington this 13th day of March 1978

Present:
The Right Hon R D Muldoon presiding in Council

Pursuant to section 43 of the Contraception, Sterilisation, and Abortion Act 1977, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Justice.

Schedule 3
Prescribed forms

Regulations

1 Title and commencement

(1) These regulations may be cited as the Abortion Regulations 1978.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2 Interpretation

In these regulations, **Act** means the Contraception, Sterilisation, and Abortion Act 1977.

3 Applications for licences

Every application made pursuant to section 20 of the Act for a licence authorising the performance of abortions in an institution shall be in form 1 of the Schedule.

4 Form of licences

Every licence issued pursuant to section 22 of the Act authorising the performance of abortions in an institution shall be in form 2 of the Schedule.

5 Certificates authorising abortions

Every certificate issued pursuant to section 33 of the Act authorising the performance of an abortion shall be in form 3A or, as the case may require, 3B of the Schedule.

6 Fees

(1) The fee payable on making an application under section 20 of the Act for a licence authorising the performance of abortions in any institution is $68.

(2) The fee payable on making an application under section 24 of the Act for the renewal of such a licence is $20.40.

Regulation 6: substituted, on 1 July 2011, by regulation 4 of the Abortion (Licence Fees) Amendment Regulations 2011 (SR 2011/154).

7 GST included

The fees prescribed by these regulations are inclusive of goods and services tax.

Regulation 7: added, on 1 July 2011, by regulation 4 of the Abortion (Licence Fees) Amendment Regulations 2011 (SR 2011/154).

Schedule
Prescribed forms

rr 3, 4, 5

Form 1
Application in respect of an institution for licence authorising the performance of abortions

Section 20, Contraception, Sterilisation, and Abortion Act 1977

To the Secretary,

Abortion Supervisory Committee,

Wellington.

I, [*full name*], of [*address*], being the [*state capacity in which application is made*] hereby apply for a full (*or* limited) licence authorising the performance of abortions in the institution situated at [*number, street, and town*] and known as [*name of institution*], being [*state whether the institution is a hospital or other kind of institution*].

And I hereby state as follows:

1 That there are, in the institution, the following facilities:

[*Describe—*

(a) *facilities for the accommodation of patients, including provision of overnight accommodation; and the number of wards or rooms available for the care of patients having abortions:*

(b) *the number of operating theatres and other surgical facilities:*

(c) *the facilities available for the care of patients suffering complications arising while they are awaiting, undergoing, or recuperating from an abortion:*

(d) *any arrangements made with any other hospital for the transfer of patients suffering any such complications:*

(e) *the number and qualifications of staff employed in or engaged by the institution.*]

2 That there is no other institution in the area in which the institution to which this application relates is situated, and there is a need for such an institution in the area for the following reasons:

[*specify*]

or

That the following institution(s) is (are) in the area in which the institution to which this application relates is situated:

[*specify*]

but there is a need for another such institution in the area for the following reasons:

[*specify*]

3 That the following counselling services will be available to women considering having an abortion in the institution:

[*State—*

(a) *the qualifications and experience of the persons (to be) employed as counsellors:*

(b) *the manner in which the counselling service is to be supervised, and by whom:*

(c) *whether the counsellors are to be employed by the person or persons conducting the institution, and, if not, by whom they are to be employed:*

(d) *the manner in which and the procedures by which confidentiality and privacy are to be ensured during counselling.*]

4 I enclose the application fee of $50.

Dated: [*place, date*]

Applicant:

Notes

1 Section 20(1) of the Act provides that an application for a licence may be made by—

(a) in the case of a hospital, the person for the time being in charge of providing hospital care services (within the meaning of the Health and Disability Services (Safety) Act 2001) there; or

(b) in the case of any other institution, the person for the time being in charge of the institution.

2 Paragraph 2 of this form need not be completed if the application is for a full licence.

Schedule form 1: amended, on 1 October 2002, by section 58(3) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

Schedule form 1: amended, on 15 September 1994, by regulation 2(2) of the Abortion Regulations 1978, Amendment No 2 (SR 1994/164).

Form 2

Licence authorising the performance of abortions in institution

Section 22, Contraception, Sterilisation, and Abortion Act 1977

Pursuant to the Contraception, Sterilisation, and Abortion Act 1977, the institution situated at [*number, street, and town*] and known as [*name of institution*] is hereby licensed as an institution in which abortions may be performed.

This licence is a full licence and authorises the holder to permit the performance of abortions in the institution to which it relates regardless of the length of time for which the pregnancy has been continuing.

or

This licence is a limited licence and authorises the holder to permit the performance of abortions in the institution to which it relates only during the first 12 weeks of the pregnancy.

This licence, unless it is sooner cancelled or renewed, will continue in force until [*date*], and shall then expire.

Issued under the authority of the Abortion Supervisory Committee this [*date*].

For the committee:

Note

Section 2 of the Act provides that the holder, in relation to a licence, means the person for the time being in charge of the institution for which it was issued (whether or not the person was in charge of the institution when the licence was issued).

Schedule form 2: amended, on 1 October 2002, by section 58(3) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

Schedule form 2: amended, on 15 September 1994, by regulation 2(3) of the Abortion Regulations 1978, Amendment No 2 (SR 1994/164).

Schedule form 2: amended, on 15 September 1994, by regulation 2(4) of the Abortion Regulations 1978, Amendment No 2 (SR 1994/164).

Form 3A

Certificate of certifying consultants authorising an abortion

Section 33(1), (5), Contraception, Sterilisation, and Abortion Act 1977

This certificate is issued in respect of [*full name and address of patient*].

To [*name of person holding licence in respect of institution in which abortion is to be performed*]

Case record No:

We, the undersigned, being certifying consultants on the list of certifying consultants maintained under section 30(1) of the Contraception, Sterilisation, and Abortion Act 1977, hereby authorise the performance of an abortion on the above-named patient.

One (*or* each) of us is a practising obstetrician or gynaecologist within the meaning of the Act.

In our opinion an abortion is justified on the following ground(s):

[*specify*]

The patient's pregnancy is estimated to have commenced on or about [*date*].

Dated: [*place, date*]

Signed:

(certifying consultants)

I, [*full name*], not being one of the certifying consultants issuing this certificate, hereby state that I am willing to perform an abortion on the above-named patient.

Signed:

(operating surgeon)

Notes

1 This form is to be used where the 2 certifying consultants agree to authorise the performance of an abortion. Where one does not agree, but another medical practitioner is consulted, in accordance with section 33(3) of the Act, and agrees that an abortion is justified, form 3B must be used.

2 The grounds on which an abortion is justified are set out in section 187A of the Crimes Act 1961 (as inserted by section 6 of the Crimes Amendment Act 1977 and amended by section 2 of the Crimes Amendment Act 1978). The certifying consultants must state on which of those grounds they are authorising the performance of an abortion.

2A The endorsement by the operating surgeon is not required if he is one of the certifying consultants issuing the certificate. In no case is this certificate invalidated by the failure of the operating surgeon to sign the endorsement, nor is any other medical practitioner precluded from performing an abortion on the patient pursuant to the certificate.

3 This form should be forwarded to the person for the time being in charge of the institution in which the abortion is to be performed.

Schedule form 3A: amended, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Schedule form 3A: amended, on 15 September 1994, by regulation 2(5) of the Abortion Regulations 1978, Amendment No 2 (SR 1994/164).

Schedule form 3A: amended, on 28 July 1978, by regulation 2(1) of the Abortion Regulations 1978, Amendment No 1 (SR 1978/209).

Schedule form 3A: amended, on 28 July 1978, by regulation 2(2) of the Abortion Regulations 1978, Amendment No 1 (SR 1978/209).

Schedule form 3A: amended, on 28 July 1978, by regulation 2(3) of the Abortion Regulations 1978, Amendment No 1 (SR 1978/209).

Form 3B

Certificate of certifying consultant authorising an abortion

Section 33(4), (5), Contraception, Sterilisation, and Abortion Act 1977

This certificate is issued in respect of [*full name and address of patient*].

To [*name of person holding licence in respect of institution in which abortion is to be performed*]

Case record No:

I, the undersigned, being a certifying consultant on the list of certifying consultants maintained under section 30(1) of the Contraception, Sterilisation, and Abortion Act 1977, hereby authorise the performance of an abortion on the above-named patient.

In my opinion an abortion is justified on the following ground(s):

[*specify*]

The patient's pregnancy is estimated to have commenced on or about [*date*].

And I hereby state as follows:

1 That I first considered this case with [*full name and address*], a certifying consultant on the list of certifying consultants maintained under section 30(1) of the Act.

2 That I considered that the performance of an abortion would be justified in this case, but the said [*specify*] formed the contrary opinion.

3 In accordance with section 33(3) of the Act, the said [*specify*] and I referred the case to [*full name and address*], a medical practitioner on the list of certifying consultants maintained under section 30(1) of the Act.

4 The said [*specify*] is also of the opinion that an abortion is justified in this case.

5 Accordingly, I issue this certificate pursuant to section 33(4) of the Act.

Dated: [*place, date*]

Signed:

(certifying consultant)

I, [*full name*], not being the certifying consultant issuing this certificate, hereby state that I am willing to perform an abortion on the above-named patient.

Signed:

(operating surgeon)

Notes

1 This form is to be used where—

(a) only one of the two certifying consultants considers that an abortion is justified; and

(b) the case is referred under section 33(3) of the Act to another medical practitioner (who is on the list of certifying consultants); and

(c) that medical practitioner agrees that an abortion is justified.

2 The grounds on which an abortion is justified are set out in section 187A of the Crimes Act 1961 (as inserted by section 6 of the Crimes Amendment Act 1977 and amended by section 2 of the Crimes Amendment Act 1978). The certifying consultant must state on which of those grounds he is authorising the performance of an abortion.

2A The endorsement by the operating surgeon is not required if he is the certifying consultant issuing the certificate. In no case is the certificate invalidated by the failure of the operating surgeon to sign the endorsement, nor is any other medical practitioner precluded from performing an abortion on the patient pursuant to the certificate.

3 This form should be forwarded to the person for the time being in charge of the institution in which the abortion is to be performed.

Schedule form 3B: amended, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Schedule form 3B: amended, on 15 September 1994, by regulation 2(6) of the Abortion Regulations 1978, Amendment No 2 (SR 1994/164).

Schedule form 3B: amended, on 28 July 1978, by regulation 2(5) of the Abortion Regulations 1978, Amendment No 1 (SR 1978/209).

Schedule form 3B: amended, on 28 July 1978, by regulation 2(6) of the Abortion Regulations 1978, Amendment No 1 (SR 1978/209).

Schedule form 3B: amended, on 28 July 1978, by regulation 2(7) of the Abortion Regulations 1978, Amendment No 1 (SR 1978/209).

P G Millen,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 16 March 1978.

Reprints notes

1 General

This is a reprint of the Abortion Regulations 1978 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 Legal status

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 Editorial and format changes

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also http://www.pco.parliament.govt.nz/editorial-conventions/.

4 Amendments incorporated in this reprint

Abortion Legislation Act 2020 (2020 No 6): section 18(3)

Abortion (Licence Fees) Amendment Regulations 2011 (SR 2011/154)

Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 175(3)

Health and Disability Services (Safety) Act 2001 (2001 No 93): section 58(3)

Abortion Regulations 1978, Amendment No 2 (SR 1994/164)

Abortion Regulations 1978, Amendment No 1 (SR 1978/209)

Wellington, New Zealand:

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