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DEPARTMENT OF THE PRIME MINISTER

No. 587.

7 April 1976.

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

No. 43 of 1976: Children's Amendment Act, 1976.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 587.

7 April 1976.

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

No. 43 van 1976: Wysigingswet op Kinders, 1976.

Wet No. 43, 1976

WYSIGINGSWET OP KINDERS, 1976.

WET

Tot wysiging van die Kinderwet, 1960, ten einde aan 'n persoon oor die leeftyd van agtien jaar die bevoegdheid te verleen om toe te stem tot 'n operasie of ander mediese behandeling.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Maart 1976.)*

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

Wysiging van
artikel 20 van
Wet 33 van 1960,
soos gewysig deur
artikel 16 van
Wet 62 van 1966.

1. Artikel 20 van die Kinderwet, 1960, word hierby gewysig—

(a) deur subartikels (6), (7) en (8) deur die volgende subartikels te vervang:

„(6) As 'n mediese beampte soos bedoel in subartikel (1) van mening is dat dit nodig is dat 'n kind 'n operasie moet ondergaan, of dat hy behandeling moet ondergaan wat nie sonder die toestemming van die ouer of voog van bedoelde kind uitgevoer mag word nie, en die ouer of voog toestemming tot operasie of behandeling weier, of nie opgespoor kan word nie, of weens geestesongesteldheid onbevoeg is om sodanige toestemming te gee, of oorlede is, moet bedoelde beampte die saak aan die Minister rapporteer, wat dan die nodige toestemming kan verleen in plaas van die ouers of voog van bedoelde kind, wanneer hy na behoorlike ondersoek oortuig is dat die operasie of behandeling noodsaaklik is.

(7) Indien die mediese superintendent van 'n hospitaal van mening is dat 'n operasie of mediese behandeling noodsaaklik is om 'n kind se lewe te red of om hom van 'n ernstige en blywende liggaamlike letsel of gebrek te vrywaar en dat die noodsaaklikheid van die operasie of mediese behandeling so dringend is dat dit geen uitstel gedoog om die persoon te raadpleeg wat wettiglik bevoeg is om toestemming tot die operasie of mediese behandeling te verleen nie, dan kan bedoelde superintendent, nadat hy die mening van 'n ander geneesheer verkry het, die nodige toestemming verleen.

(8) Die persoon op wie die verpligting rus om die betrokke kind te onderhou, is aanspreeklik vir die koste van die behandeling of operasie wat die kind ingevolge subartikel (5), (6) of (7) ontvang of ondergaan het, asof hy daartoe opdrag gegee het.”; en

(b) deur die volgende subartikel na subartikel (8) in te voeg:

CHILDREN'S AMENDMENT ACT, 1976.

Act No. 43, 1976

ACT

To amend the Children's Act, 1960, so as to empower any person over the age of eighteen years to consent to an operation or other medical treatment.

(English text signed by the State President.)
(Assented to 19 March 1976.)

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

1. Section 20 of the Children's Act, 1960, is hereby amended—

Amendment of
section 20 of
Act 33 of 1960,
as amended by
section 16 of
Act 62 of 1966.

- (a) by the substitution for subsections (6), (7) and (8) of the following subsections:

„(6) If any medical officer mentioned in subsection (1) is of the opinion that it is necessary to perform an operation upon a child or to submit him to any treatment which may not be applied without the consent of the parent or guardian of such child, and the parent or guardian refuses his consent to the operation or treatment, or cannot be found, or is by reason of mental illness unable to give such consent, or is deceased, that officer shall report the matter to the Minister, who may, if satisfied after due enquiry that the operation or treatment is necessary, consent thereto in lieu of the parents or guardian of the said child.

(7) If the medical superintendent of a hospital is of the opinion that an operation or medical treatment is necessary to preserve the life of a child or to save him from serious and lasting physical injury or disability and that the need for the operation or medical treatment is so urgent that it ought not to be deferred for the purpose of consulting the person who is legally competent to consent to the operation or medical treatment, that superintendent may, after obtaining the views of another medical practitioner, give the necessary consent.

(8) The person whose duty it is to maintain the child in question shall be liable for the cost of any treatment of, or operation upon, the child under subsection (5), (6) or (7) as if the treatment had been given or the operation had been performed on his instructions.”; and

- (b) by the insertion after subsection (8) of the following subsection:

Wet No. 43, 1976

WYSIGINGSWET OP KINDERS, 1976.

„(8A) Ondanks 'n andersluidende regsreël is iemand bo die leeftyd van agtien jaar bevoeg om sonder die bystand van sy ouer of voog toestemming te verleen tot die uitvoer van 'n operasie op, of geneeskundige behandeling van, homself.”.

Kort titel.

2. Hierdie Wet heet die Wysigingswet op Kinders, 1976.

CHILDREN'S AMENDMENT ACT, 1976.

Act No. 43, 1976

“(8A) Notwithstanding any rule of law to the contrary, any person over the age of eighteen years shall be competent to consent, without the assistance of his parent or guardian, to the performance of any operation upon, or any medical treatment of, himself.”.

2. This Act shall be called the Children's Amendment Act, Short title.
1976.

