



THE STATUTES OF THE REPUBLIC OF SINGAPORE

VOLUNTARY STERILISATION ACT 1974

2020 REVISED EDITION

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Voluntary Sterilisation Act 1974

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An Act relating to treatment for voluntary sexual sterilisation by registered medical practitioners and for matters connected therewith.

[27 December 1974]

Short title

1. This Act is the Voluntary Sterilisation Act 1974.

Interpretation

2. In this Act, unless the context otherwise requires —
“court” means the General Division of the High Court or a Family Court;

“health institution” means —

- (a) any private hospital licensed under the Private Hospitals and Medical Clinics Act 1980;
- (b) any medical clinic licensed under the Private Hospitals and Medical Clinics Act 1980 to provide ambulatory surgery services; or
- (c) any specialist medical clinic;

“registered medical practitioner” has the meaning given by the Medical Registration Act 1997;

“specialist medical clinic” means a medical clinic —

- (a) that is licensed under the Private Hospitals and Medical Clinics Act 1980; and
- (b) at which a registered medical practitioner, who is registered under section 22 of the Medical Registration Act 1997 as a specialist in the prescribed branches of medicine, works;

“treatment for sexual sterilisation” means the surgical sterilisation of a male or female that does not involve removal of the reproduction glands or organs unless the removal is necessary for medical or therapeutic reasons.

[27/2014; 40/2019]

Treatment for sexual sterilisation

3.—(1) Despite any written law, but subject to this section and section 4, it is lawful for a registered medical practitioner to carry out treatment for sexual sterilisation.

(2) A registered medical practitioner may carry out treatment for sexual sterilisation on any person if, and only if, the following conditions are satisfied:

- (a) subject to paragraphs (d) and (e), in the case of a married or an unmarried person who is 21 years of age or older — if the person consents to the treatment;

- (b) subject to paragraph (d), in the case of a married person who is below 21 years of age — if the person consents to the treatment;
- (c) subject to paragraph (e), in the case of an unmarried person who is below 21 years of age — if the person, and at least one parent or guardian of the person, both consent to the treatment;
- (d) in the case of a married person who lacks capacity within the meaning of section 4 of the Mental Capacity Act 2008 to consent to the treatment — if, on the application of the person's spouse, the court makes an order declaring that the treatment is necessary in the best interests of that person;
- (e) in the case of an unmarried person who lacks capacity within the meaning of section 4 of the Mental Capacity Act 2008 to consent to the treatment — if, on the application of at least one parent or guardian of the person, the court makes an order declaring that the treatment is necessary in the best interests of that person.

[27/2014]

(3) Before a registered medical practitioner carries out treatment for sexual sterilisation, he or she must give to the person undergoing the treatment, not being a person who lacks capacity within the meaning of section 4 of the Mental Capacity Act 2008 to consent to the treatment, a full and reasonable explanation as to the meaning and consequences of that treatment, and that person must certify that he or she clearly understands the meaning and consequences of that treatment.

(4) For the purposes of this section, Part 2 of the Mental Capacity Act 2008 applies, with the necessary modifications, for the purposes of determining —

- (a) whether a person lacks capacity within the meaning of section 4 of that Act to consent to treatment for sexual sterilisation; and
- (b) whether such treatment is in the best interests of that person.

(5) Any registered medical practitioner who carries out any treatment for sexual sterilisation on a person when the requisite conditions referred to in subsection (2) in respect of that person are not satisfied shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both.

Sexual sterilisation to be carried out in health institution

4.—(1) Subject to subsection (2), every treatment for sexual sterilisation must only be carried out —

- (a) in a health institution; and
- (b) by a registered medical practitioner who is authorised, by the person having the management or control of the health institution, to carry out such treatment.

(2) Where the treatment for sexual sterilisation is carried out in a health institution that is a specialist medical clinic, the registered medical practitioner mentioned in subsection (1)(b) must also possess the prescribed surgical or obstetric qualifications.

Privilege against disclosure of matters or treatment relating to sexual sterilisation

5.—(1) A person who —

- (a) is concerned with the keeping of medical records in connection with any treatment for sexual sterilisation; or
- (b) participates in any treatment for sexual sterilisation,

must not, unless the person upon whom the treatment has been performed expressly consents to the disclosure, disclose any facts or information relating to that treatment except to such persons and for such purposes as may be prescribed.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

Power to inspect health institutions and examine records, etc.

6. For the purpose of ensuring that this Act and any regulations made under this Act are being complied with, a public officer authorised by the Minister may —

- (a) enter any health institution; and
- (b) examine and make copies of or take extracts from any records or documents connected with any treatment for sexual sterilisation.

Penalty for compelling any person to undergo treatment for sexual sterilisation

7. Any person who, by means of coercion or intimidation, compels or induces another person to undergo treatment for sexual sterilisation against that other person's will shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both.

Immunity of registered medical practitioners

8. No registered medical practitioner shall be liable civilly or criminally for carrying out treatment for sexual sterilisation on any person so long as —

- (a) the conditions in section 3(2) are satisfied in respect of that person; and
- (b) the treatment is not carried out in a negligent manner.

Sexual sterilisation not to constitute grievous hurt under section 320 of Penal Code 1871

9. To avoid doubt, any treatment for sexual sterilisation by a registered medical practitioner does not constitute grievous hurt under section 320 of the Penal Code 1871.

Conscientious objection to participate in treatment for sexual sterilisation

10. No person is under any duty, whether by contract or by any statutory or legal requirement, to participate in any treatment for

sexual sterilisation authorised by this Act to which the person has a conscientious objection.

11. [*Repealed by Act 26 of 2001*]

12. [*Repealed by Act 28 of 2012*]

Regulations

13.—(1) The Minister may make regulations for, or in respect of, every purpose which the Minister considers necessary for carrying out the provisions of this Act and for prescribing any matter which is authorised or required under this Act to be prescribed.

(2) Without limiting subsection (1), the Minister may make regulations —

- (a) requiring registered medical practitioners to keep records of treatment for sexual sterilisation and to forward the records to the Director of Medical Services together with any information relating to the treatment that the Director may require;
- (b) prescribing —
 - (i) the forms of consent to be given by a person undergoing treatment for sexual sterilisation under section 3;
 - (ii) the form of certification required under section 3(3) to be given by a person undergoing treatment for sexual sterilisation; and
 - (iii) such other forms of certification as may be required;
- (c) providing for the preservation and disposal of records in respect of treatment for sexual sterilisation authorised under this Act and for the use of the records for statistical or research purposes so long as such use does not disclose the identities of the persons who have received the treatment; and

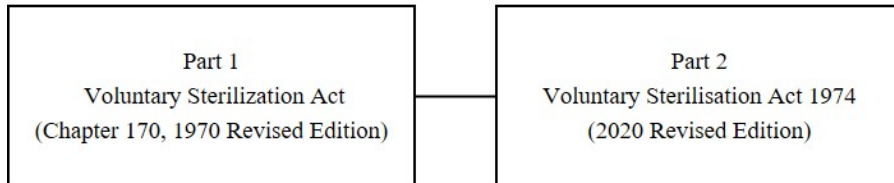
- (d) prescribing the qualifications of registered medical practitioners who may carry out treatment for sexual sterilisation in specialist medical clinics, which qualifications may differ in respect of treatment for sexual sterilisation on males or on females.

LEGISLATIVE HISTORY

VOLUNTARY STERILISATION ACT 1974

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

PICTORIAL OVERVIEW OF PREDECESSOR ACTS



LEGISLATIVE HISTORY DETAILS

PART 1

VOLUNTARY STERILIZATION ACT

(CHAPTER 170, 1970 REVISED EDITION)

1. Act 26 of 1969 — Voluntary Sterilization Act, 1969

Bill	:	41/1968
First Reading	:	3 December 1968
Second Reading	:	10 April 1969
Select Committee Report	:	Parl. 6 of 1969
Third Reading	:	29 December 1969
Commencement	:	20 March 1970

2. 1970 Revised Edition — Voluntary Sterilization Act (Chapter 170)

Operation	:	31 May 1971
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3. Act 13 of 1972 — Voluntary Sterilization (Amendment) Act, 1972

Bill	:	11/1972
First Reading	:	7 March 1972
Second and Third Readings	:	23 March 1972
Commencement	:	12 May 1972

PART 2
VOLUNTARY STERILISATION ACT 1974
(2020 REVISED EDITION)

4. Act 25 of 1974 — Voluntary Sterilization Act, 1974

Bill	:	32/1974
First Reading	:	23 October 1974
Second and Third Readings	:	6 November 1974
Commencement	:	27 December 1974

5. 1985 Revised Edition — Voluntary Sterilization Act (Chapter 347)

Operation	:	30 March 1987
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6. G.N. No. S 85/1992 — Revised Edition of the Laws (Rectification) Order 1992

Operation	:	30 March 1987
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7. Act 26 of 2001 — Statutes (Miscellaneous Amendments and Repeal) Act 2001

(Amendments made by section 19 of the above Act)

Bill	:	24/2001
First Reading	:	11 July 2001
Second and Third Readings	:	25 July 2001
Commencement	:	1 September 2001 (section 19)

8. Act 28 of 2012 — Voluntary Sterilization (Amendment) Act 2012

Bill	:	26/2012
First Reading	:	10 September 2012
Second and Third Readings	:	16 October 2012
Commencement	:	31 December 2012

9. 2013 Revised Edition — Voluntary Sterilization Act (Chapter 347)

Operation	:	30 November 2013
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10. Act 27 of 2014 — Family Justice Act 2014

(Amendments made by section 75 of the above Act)

Bill	:	21/2014
First Reading	:	8 July 2014
Second Reading	:	4 August 2014

Notice of Amendments	:	4 August 2014
Third Reading	:	4 August 2014
Commencement	:	1 October 2014 (section 75)

11. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019
(Amendments made by section 28(1) read with item 163 of the Schedule to the above Act)

Bill	:	32/2019
First Reading	:	7 October 2019
Second Reading	:	5 November 2019
Notice of Amendments	:	5 November 2019
Third Reading	:	5 November 2019
Commencement	:	2 January 2021 (section 28(1) read with item 163 of the Schedule)

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number