

## IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

## CIVIL JURISDICTION

In the matter of an application under Order 42, rule 2 of the Rules of the High Court made under the High Court Act, Chapter 3:02 of the Laws of Guyana.

- and -

In the matter of the construction of section 5 of the Medical Termination of Pregnancy Act 1995, Act No. 7 of 1995

**BETWEEN:**

**FAMILY PLANNING ASSOCIATION OF GUYANA LTD**, a company incorporated under the laws of Guyana with its registered office situate at 69 Croal Street, Stabroek, Georgetown, Demerara

Plaintiff

- and -

**THE ATTORNEY GENERAL**

Defendant



**BEFORE THE HONOURABLE MADAM JUSTICE ROXANE GEORGE**

**DATED THE 9<sup>TH</sup> DAY OF NOVEMBER, 2015**

**ENTERED THE 15<sup>TH</sup> DAY OF JANUARY, 2016**



UPON READING the Application by way of Originating Summons filed herein on the 4<sup>th</sup> day of December, 2013 on the part of the abovenamed Plaintiff and the Affidavits of HYACINTH MASSAY-THOMAS, GLADSTONE MITCHELL and OLIVE FRASER-MANO HAR sworn to and filed in support thereof on the 4<sup>th</sup> day of December, 2013 and the First, Second and Third Affidavits in Answer of Naomi Christie of 95 Carmichael Street, North Cummingsburg, all sworn to and filed herein on the 14<sup>th</sup> day of February, 2014 AND UPON HEARING Attorneys-at-law for the Plaintiff and the Defendant and the Court having delivered its Ruling IT IS HEREBY ORDERED that the FAMILY PLANNING ASSOCIATION OF GUYANA LTD be and is hereby granted a declaration of its right on a true constructions of section 5(1) of the Medical Termination of Pregnancy Act 1995, Act No 7 of 1995 to enable the administration of treatment for the termination of a pregnancy of not more than eight weeks duration by any lawful and

appropriate method other than a surgical procedure on its behalf by medexes, midwives, nurses, pharmacists and any other appropriately trained and registered mid-level member of the health profession under a process supervised by a medical practitioner provided that once a client decides on Medication Abortion (MA) the medical practitioner is to be notified immediately and not merely via the form F and IT IS FURTHER ORDERED that there be no order as to costs.

BY THE COURT

*Alfred J. Board*

FOR REGISTRAR



*2016/01/15*

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ORDER OF COURT

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