INSTRUCTIONS

1. Students are requested in their own interests, to write legibly.

2. Students must answer all questions.

3. This paper consists of three (3) pages. Please ensure that you have them all.
QUESTION 1

1.1 The Children’s Act 38 of 2005 stipulates that a surrogate motherhood agreement must contain clauses relating to the genetic origin of the child born as a result of the agreement, as well as the status of the child. Briefly discuss the content of these clauses.

[10 marks]

1.2 A qualified physician attends to Patient B, who is a 3-month-old who has been admitted to the hospital with a newly diagnosed ventricular septal defect. She is in early congestive heart failure and the drug digoxin is indicated. Within 30 minutes of the drug being administered to the baby, the baby vomits and then has a cardiac arrest and dies. The physician discovers that in writing the digoxin order he misplaced the decimal point and the child got 10 times more that the correct dosage. Discuss the legal position.

[10 marks]
1.3 A qualified obstetrician/gynaecologist attends to Patient C, a 16 year old woman who is 15 weeks pregnant. The pregnancy was unplanned and she wants to have it terminated. Patient C is concerned that she might not legally qualify for an abortion and she is worried that she will have to locate the father of the unborn child and request his permission for the abortion. The obstetrician/gynaecologist is not comfortable performing abortions and is considering not offering them at all at his private practice. Discuss the legal position of both parties.

[10 marks]

TOTAL Q1: 30 MARKS

QUESTION 2

With reference to the decision in Sonny v. Premier, KwaZulu-Natal 2010(1) SA 427(KZP), distinguish between wrongful birth and wrongful life actions.

[20 marks]

TOTAL MARKS FOR PAPER: 50 MARKS