

Repealed with savings by Ord. 14 of 1939 S. 47

CHAPTER 189.

LEPROSY.

[No. XV of 1905.]

[1st July, 1905.]

1. This Ordinance may be cited as the Leprosy Ordinance. Short title.

2. In this Ordinance,—

“asylum” means leper asylum;

Interpreta-
tion.

“leper” means anyone suffering from any variety of leprosy;

“registered medical practitioner” means a medical practitioner registered under the Colonial Medical Service (Consolidation) Ordinance. Chapter 186.

LEPER ASYLUMS.

3. The Governor, by proclamation to be published in the Gazette, may declare any buildings and the land attached thereto to be an asylum, and thereupon the buildings and the land shall be an asylum under this Ordinance. Governor
may declare
leper
asylums.

4. The buildings and land near Mahaica now actually used and occupied as an asylum, together with any other buildings and land adjacent thereto hereafter erected or acquired for the same purpose, are hereby declared to be an asylum under this Ordinance. Asylum at
Mahaica.

5.—(1) The Governor shall, from time to time in his discretion, appoint a registered medical practitioner to perform the duties of medical superintendent for an asylum, and the necessary staff. Governor
may appoint
officers.

(2) The Surgeon General, subject to the direction of the Governor, shall have the control and management of every asylum. Control of
asylum.

ADMISSION TO ASYLUM.

Admission of
leper to
asylum.

6.—(1) Whenever it is made to appear to a magistrate that anyone within the limits of his jurisdiction is probably a leper, the magistrate may, upon the application of anyone legally bound to maintain the supposed leper, hold an inquiry into the case, and if the magistrate is satisfied that the supposed leper is a leper, and that he has become or is likely to become a burden upon the person legally bound to maintain him, the magistrate may, by warrant under his hand, order his detention in an asylum until he is discharged by order of the Governor, and the person legally bound to maintain him shall pay every month to the Government during his detention such sum for his maintenance as the magistrate orders, having regard to all the circumstances of the case.

(2) Any magistrate, on its being certified to him by a registered medical practitioner that anyone within his jurisdiction is a leper, and on its being further certified by the practitioner, or by any officer of the poor law commissioners, or officer in charge of a public institution, or justice of the peace, that the person is a fit subject for gratuitous relief, shall make an order for the admission of the person into an asylum and his maintenance there free of charge until discharged by order of the Governor, as hereinafter provided.

Dealing with
leper
wandering
about
begging or
exposing
leprosy.

7.—(1) Any magistrate, on information upon oath of any credible witness, that a leper has been wandering about begging or collecting alms, or seeking precarious support, or exposing his leprosy in any public road, street, or place, may summon the leper to appear before him, or, if he thinks it necessary, shall issue a warrant, under his hand, directed to any constable or officer of police, authorising or directing the constable or officer of police to cause the leper to be brought before him at a time and place to be specified in the summons or warrant.

(2) Any officer of police may arrest without warrant a leper whom he finds wandering about begging or collecting alms, or seeking precarious support, or exposing his leprosy in any public road, street, or place, and shall, as soon as possible thereafter, bring him before a magistrate, to be dealt with as hereinafter provided.

(3) If, on the hearing of the matter, it is proved to the satisfaction of the magistrate that the supposed leper is a leper, and it is made further to appear upon the oath

of some credible witness that he has been seen wandering abroad begging or collecting alms, or seeking precarious support, or exposing his leprosy on any public road, street or place, then the magistrate, unless security is given as hereinafter provided, may make an order for the removal and conveyance of the leper to an asylum, and any constable or officer of police thereto directed by the magistrate shall remove and convey the leper to an asylum, there to be detained until discharged by order of the Governor as hereinafter provided.

(4) If, on the hearing of the matter, the leper, or anyone on his behalf, gives security to the Crown Solicitor, by a bond to that officer's satisfaction to the amount of ninety-six dollars, that he shall be properly isolated and maintained and treated in private, and shall not be suffered to be at large, the magistrate may abstain from making an order of removal, and the amount so secured shall be recoverable by parate execution.

(5) If it be proved to the satisfaction of a magistrate that a leper as to whom security has been given under the last preceding sub-section is not maintained in a state of isolation from the general public, the magistrate may by warrant under his hand order the detention of the leper in an asylum until he is discharged by order of the Governor.

8.—(1) Notwithstanding anything in this Ordinance contained, no leper who is suffering from ulcers shall be permitted to be isolated and maintained and treated in private, but he shall be removed to an asylum under the provisions of this Ordinance.

Leper
suffering
from ulcers.

(2) Sub-section (4) of the last preceding section and section thirty-four of this Ordinance shall not apply in any case in which a magistrate or the Governor, as the case may be, is satisfied that a leper is suffering from ulcers.

(3) The Governor may on the report of the Surgeon General order that any leper who has been isolated under sub-section (4) of the last preceding section, or who has been discharged from the asylum under section fourteen, or who has provided for his own isolation under section thirty-four of this Ordinance, shall be removed to and detained in an asylum, if the Governor is satisfied that he is suffering from ulcers, or has not been properly isolated in private.

Admission to asylum of leper able to support himself.

9.—(1) The Surgeon General may, on the application of any leper able to support himself, admit him to any asylum; and the admission shall be on such terms and conditions, as to payment for maintenance and in other respects, as to the Governor seems meet.

(2) The leper shall remain in the asylum until discharged by order of the Governor, as hereinafter provided.

Leper sentenced to imprisonment to be committed to asylum.

10. When any leper is sentenced to imprisonment for any offence, or for the non-payment of any money or penalty, the judge or magistrate inflicting the imprisonment shall order that the leper shall be committed to an asylum to undergo the imprisonment and to be detained thereafter until discharged by order of the Governor.

Power to apportion part of asylum for prisoners and lunatics.

11.—(1) The Governor may, by proclamation to be published in the Gazette, apportion any parts of an asylum as places in which lepers sentenced to imprisonment, or who have been certified as suffering from lunacy, shall respectively be detained, and those lepers may be lawfully detained therein, any law to the contrary notwithstanding.

(2) When the term of imprisonment expires or the lunatic recovers his sanity, then, unless the medical superintendent certifies in writing that the person may be discharged without detriment to himself or others, he shall be retained in the asylum as an ordinary leper.

(3) The Governor in Council may make rules as to the management of the parts of an asylum so apportioned and as to the treatment and discipline of those detained therein.

(4) The part apportioned for lepers sentenced to imprisonment shall be deemed and taken to be a prison and be under the sole control of the Surgeon General.

Power to order removal of leper from one asylum to another.
Capture of lepers escaping from asylum.

12. The inmates of an asylum may at any time, by order of the Governor, be removed therefrom to any other asylum.

13. Everyone received into an asylum under any warrant or order issued under the provisions of this Ordinance may be detained therein until he is removed or discharged, and in case of escape may, by virtue of the warrant or order, be captured by any officer or servant of that asylum, or any police constable or other person, and may be conveyed to and received into and detained in the asylum.

DISCHARGE FROM ASYLUM.

14. The Governor may, in his absolute discretion, order the discharge of any inmate of an asylum (not being a prisoner under sentence of imprisonment) upon security being given by someone on behalf of the inmate to the Crown Solicitor by bond in the sum of ninety-six dollars that the inmate shall be properly isolated, maintained, and treated in private, and shall not be suffered to be at large, and the amount so secured shall be recoverable byparate execution.

Governor may discharge from asylum.

15. Whenever it appears to the medical superintendent of an asylum that any inmate thereof is fit to be discharged therefrom, he shall certify the fact to the Governor; and thereupon the Governor may direct that person to be discharged.

Discharge of leper on certificate of medical superintendent.

16.—(1) Whenever it appears to the Surgeon General that an inmate of an asylum, not being a prisoner under sentence of imprisonment, is a fit person to receive a conditional discharge, he shall certify the fact to the Governor; and thereupon the Governor may direct that inmate to be permitted to absent himself from the asylum for the period and under the conditions which the Governor, in his absolute discretion in each individual case, determines.

Conditional discharge on certificate of Surgeon General.

(2) The Governor may at any time cancel the permission or vary the conditions under which it has been given, or may extend its period.

(3) If the leper does not return to the asylum at or before the expiration of the period or extended period named in the permission, or does not comply with the conditions thereof, he may be retaken as though he had escaped from the asylum.

(4) The police authorities shall in each case be informed of the absence, and it shall be their duty to keep the person under surveillance and they shall report once in every three months to the Surgeon General as to the person's condition and conduct.

PROHIBITION OF CERTAIN TRADES TO LEPERS.

17. No leper shall carry on any of the trades or callings specified in the schedule hereto, or any other trade or calling which the Governor in Council from time to time, by order to be published in the Gazette, prohibits lepers from carrying on.

Prohibition of certain trades to lepers; schedule.

Carrying on
a prohibited
trade.

Penalty.

18.—(1) A leper who carries on any trade or calling aforesaid, and anyone who knowingly employs a leper therein, shall be liable to a fine not exceeding fifty dollars, and any leper so convicted may be committed to an asylum, to be detained there till discharged by order of the Governor.

Penalty.

(2) Anyone knowing himself to be a leper who enters any public vehicle or lodges in any hotel, boarding house, or lodging house, or enters any shop where food or drink is sold to be consumed on the premises, or bathes in any public bath, and the proprietor or person in charge of that public vehicle, hotel or boarding house, lodging house, shop, or bath, who knowingly allows a leper to enter it, shall be liable on summary conviction to a fine not exceeding fifty dollars, and a leper so convicted may be committed to an asylum to be detained there till discharged by order of the Governor.

Sale of food
or drink
prepared by
a leper.

Penalty.

19.—(1) A leper who sells any article of food or drink which has been prepared or handled by him, or with which he has come in contact, shall be liable on summary conviction to a fine not exceeding fifty dollars and may be committed to an asylum to be detained there until discharged by order of the Governor.

Penalty.

(2) Anyone who knowingly sells any article of food or drink which has been prepared or handled by a leper, or with which a leper has come in contact, shall be liable on summary conviction to a fine not exceeding fifty dollars, or to imprisonment with or without hard labour for any period not exceeding one month, or to both fine and imprisonment.

LANDING OF LEPERS PROHIBITED.

Landing of
lepers
prohibited.

Penalty.

20. No leper who is not a native of the colony or lawfully domiciled therein shall land at any of the ports of the colony from a place without the colony, and the master or other person in charge of a vessel who suffers, or omits to prevent, the landing from the vessel at any of those ports anyone whom he knows or has reasonable grounds to suppose to be a leper, shall be liable on summary conviction to a fine not exceeding five hundred dollars.

Harbour
master may
detain leper
on vessel:

21.—(1) If the harbour master, or other officer discharging the duties of a harbour master within any port in the colony, or boarding any ship or vessel which comes into the

colony, sees reason to suspect that anyone on board of the ship or vessel is afflicted with the disease of leprosy, but the person denies that he is so afflicted, the harbour master, or other officer, may by writing under his hand directed to the master or other person in charge of the ship or vessel make order that the person suspected to be so afflicted shall be detained on board of the ship or vessel until he is examined by the health officer of the port, and any other registered medical practitioner or practitioners whom the Governor sees fit to appoint, and the master or other person in charge of the ship or vessel shall cause the person to be detained on board thereof until the examination.

(2) If the person in respect of whom an order of detention is made, lands in the colony without the order of the harbour master, or the permission of the Governor first granted, the master or other person in charge of the vessel shall forfeit and pay the sum of one thousand dollars.

Penalty if
leper lands :

(3) The harbour master or other officer, immediately on making an order for the detention of anyone as aforesaid, shall notify the order and the time of making it to the Governor and the health officer of the port; and the health officer, together with any registered medical practitioner or practitioners appointed by the Governor for that purpose, shall, within fifteen hours at farthest from the time of the making of the order, visit the ship or vessel and examine the person, and shall certify in writing to the Governor whether he is afflicted with leprosy or not.

(4) If it appears by the certificate that he is not afflicted with leprosy, the harbour master shall forthwith make order permitting his landing; but if it appears by the certificate that he is afflicted with leprosy, he shall not land in the colony without the permission of the Governor, to be granted on its being made to appear to the Governor that he is a native or domiciled inhabitant of the colony :

Provided that the Governor may grant permission for the landing in the colony of anyone afflicted with leprosy and not being a native of or domiciled in the colony, on being satisfied that two sufficient persons, being householders within the colony, have entered into a bond to His Majesty in the penal sum of five hundred dollars, conditioned that the person shall not wander about begging or collecting alms, or exposing himself in any public road, street, or place in the colony, nor do any act whereby he may become chargeable upon the public funds of the colony.

Proviso.

Lepers landing may be sent to asylum.

22. Every leper unlawfully landing in breach of the prohibition in the last preceding section contained may be committed to an asylum by a warrant under the hand of the Governor and detained therein for the period directed by the warrant.

Lepers unlawfully landing may be returned to the place whence they came.

23.—(1) Every leper unlawfully landing as aforesaid may be brought before a magistrate, who may examine him and any witnesses on oath touching the place from which he was brought into the colony, and may cause him to be removed to the place from which he was brought in the manner directed by the Governor.

(2) The reasonable cost of the removal shall be borne and paid by the master or other person in charge of the vessel by which the leper was brought to the colony and by whose act or default the leper was permitted to land, and may be sued for and recovered as money due from him to His Majesty.

Exception in favour of coolie ships.

24. The provisions of the last preceding four sections shall not apply in the case of lepers arriving in the colony in any ship exclusively employed in carrying Asiatic immigrants to the colony, but the Governor may by warrant under his hand commit any leper arriving in that ship to an asylum, there to be detained for the period directed by the warrant.

MANAGEMENT AND DISCIPLINE OF ASYLUM.

Governor in Council may make rules.

25. The Governor may make rules with respect to any or all of the following matters, namely,—

- (a) the forms of certificates, warrants, bonds and orders to be used under this Ordinance;
- (b) the management, inspection, discipline, and control of asylums;
- (c) the visiting of lepers in asylums by their relations and friends;
- (d) the appointment and duties of officers and servants of asylums;
- (e) for the appointment of official visitors and for their periodical visits to asylums; and
- (f) generally, for the carrying into effect the provisions of this Ordinance.

Offence by inmates of asylum.

26. If an inmate of an asylum is guilty of the violation of any rule made under the authority of the last preceding section for the management, discipline, and control of the

asylum, the medical superintendent, after due inquiry upon oath, may order him to undergo any one of the following punishments, namely,—

- (a) exclusion from seeing friends for not longer than three months;
- (b) deprivation of tobacco for not longer than fourteen days;
- (c) reduction of rations for not longer than seven days;
- (d) solitary confinement for not longer than three days, and to receive only bread and water or the diet the medical superintendent orders.

27. If an inmate of an asylum escapes from it, or is guilty of repeated violations of any rules made as aforesaid, which, in the opinion of the medical superintendent, cannot adequately be punished under the provisions of the last preceding section, the Surgeon General after due inquiry upon oath, may order that inmate to undergo any one or more of the following punishments, namely:—

More serious offences by inmates of asylum.

- (a) exclusion from seeing friends for not longer than six months;
- (b) deprivation of tobacco for not longer than one month;
- (c) reduction of rations for not longer than fourteen days;
- (d) solitary confinement for not longer than seven days, and to receive only bread and water or the diet the Surgeon General orders;
- (e) imprisonment with or without hard labour for any term not exceeding one month.

28. Any inmate of an asylum ordered to undergo solitary confinement under the provisions of the last two preceding sections, shall have one hour in the open air in the morning and in the evening, in charge of an attendant and apart from the other inmates.

Provision as to solitary confinement.

MISCELLANEOUS PROVISIONS.

29.—(1) Anyone, not having official business at an asylum, who without permission of the medical superintendent goes within its limits, shall be guilty of trespass, and on conviction thereof shall be liable to a penalty not exceeding twenty-four dollars.

Trespassing on asylum.

Penalty.

Receiving
article from
asylum.

(2) Anyone who, without the permission in writing of the medical superintendent, purchases or receives from any inmate of an asylum any food, clothing or other article, shall on conviction thereof be liable to a penalty not exceeding twenty-four dollars.

Penalty.

(3) A complaint for an offence under this section may be made by the medical superintendent, or any officer of any asylum to which the complaint relates, or any inspector or sergeant of police.

Aiding leper
to escape
from asylum.

30. Anyone who aids or abets an inmate of an asylum in escaping or attempting to escape from the asylum before he has been lawfully discharged therefrom, shall on conviction thereof be liable to imprisonment with or without hard labour for any term not exceeding three months, or to a penalty not exceeding fifty dollars.

Penalty.

Evidence
required to
prove leprosy.

31.—(1) No supposed leper shall be convicted of an offence under this Ordinance, or removed from the colony under the provisions of this Ordinance, and no one shall be convicted of any offence with respect to the landing, and no costs shall be recovered with respect to the removal of any supposed leper, except on the evidence or certificate of two registered medical practitioners that the supposed leper is a leper.

(2) The certificate in writing of a registered medical practitioner shall be admissible as evidence under this section unless the court or magistrate otherwise directs.

Erection of
dwelling
house by
inmate.

32. Anyone detained as a leper in an asylum may by the special permission of the Governor erect or cause to be erected for himself a dwelling house, at his own proper expense, within the limits of the asylum in which he is detained, subject to the conditions as to plan, site, drainage, and otherwise which to the Governor seems meet.

Duty to give
notice as to
lepers.

33.—(1) Everyone, except a minister of religion, who knows, or has good reason to suppose, that anyone is a leper shall give notice thereof to the Surgeon General, or to the nearest magistrate, justice of the peace, or government medical officer, who shall thereupon report the notice to the Surgeon General.

(2) Everyone wilfully neglecting to give the notice, and every magistrate, justice of the peace, or government medical officer neglecting to report the notice, shall be guilty of an offence and be liable on conviction to a fine not exceeding twenty-four dollars.

Neglect to give notice or make report.
Penalty.

(3) On the receipt of the report aforesaid the Surgeon General shall forthwith transmit it to the Colonial Secretary for the information of the Governor, and such inspection and examination of the alleged leper shall be held and such report made thereon as the Governor orders.

Procedure when notice given.

(4) After the inspection, examination, and report aforesaid, the Governor may, if he thinks fit, order the leper or alleged leper to be removed to or detained in an asylum :

Removal of leper to asylum :

Provided that no one shall be removed to, or detained in, an asylum unless a certificate has been given by two registered medical practitioners that he is actually suffering from the disease of leprosy.

Proviso.

34. No order for removal or detention in sub-section (4) of the last preceding section mentioned shall be made if the leper or alleged leper is, in the opinion of the Governor, able to provide for himself, at his own place of abode, effective isolation, but in that case the Governor may prescribe rules for his observance in order to secure that isolation, and in the event of the disregard or breach of any of those rules the Governor may order him to be removed to and detained in an asylum.

Isolation in lieu of removal to asylum.

35. All fines and penalties imposed by or under this Ordinance and all offences thereunder shall be recoverable and cognizable under the Summary Jurisdiction Ordinances.

Procedure.

36. All persons acting under the provisions of this Ordinance shall be entitled to the protection of the Justices Protection Ordinance.

Protection of persons acting under this Ordinance
Chapter 254.

37. The rules made under the authority of the Leper Asylum Ordinance, 1870, shall continue in operation and be deemed to be rules made under the authority of section twenty-five of this Ordinance, and all persons lawfully detained in any asylum at the commencement of this Ordinance shall be deemed to be detained therein under the provisions hereof.

Repeal.

SCHEDULE.

PROHIBITED TRADES OR CALLINGS.

(Section 17.)

- Baker, butcher, cook, or any trade or calling in which the person employed handles or comes in contact with articles of food or drink, drugs, medicines or tobacco in any form.
- Fishmonger, washer, bootmaker, tailor, or any trade or calling in which the person employed manufactures, handles, or comes in contact with wearing apparel.
- Barber, or any other similar trade or calling in which the person employed necessarily comes in contact with other persons.
- Domestic servant.
- Nurse.
- Licensed hackney carriage driver.
- Dairyman, or any situation or calling in which the person employed comes in contact with cows or other animals kept for the purpose of furnishing milk.
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