

CHAPTER 247

THE LEPERS ACT

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SCHEDULE

LEPERS

(12th June, 1912.)

13/1912.

7/1913.

411918.

111928.

611929.

2711937.

211944.

S.R.O. 22/1956.

1811989.

S.I. 3911989.

1. This Act may be cited as the Lepers Act. Short title.
2. In this Act— Interpretation.

"leper" means any person suffering from any variety of leprosy.

"public place" includes any road, street, square, sidewalk, alley, court, path, wharf, pier, jetty, bridge, shop, court-house or any other place to which the public have access or are admitted without payment.

"District Medical Officer" means the Government Medical Officer of the District in which the patient resides.

PART I

LEPER HOMES

3. The Cabinet by order may declare any buildings and land attached thereto to be a leper home and thereupon such buildings and land shall be a leper home for the purposes of this Act. **Cabinet may declare leper home.**

4. The buildings and land at Pearn's in the island of Antigua now actually used and occupied as a leper home together with such other buildings and land adjacent thereto as may hereafter be erected or acquired for the same purpose shall be deemed to be and the same are hereby declared to be a leper home under this Act. **Leper home.**

Public Service
Commission may
appoint officers.

5. The Public Service Commission shall from time to time appoint any duly qualified medical practitioner to perform the duties of Medical Superintendent for any leper home and such staff as may be necessary for its proper upkeep, who shall receive such salaries as may be provided by Parliament.

PART II

ADMISSION TO HOME

Notification of
leprosy.

6. Where an inmate of any premises used for human habitation appears to be suffering from leprosy then unless such premises are an institution in which only persons suffering from leprosy are received, the following provisions shall apply—

(a) The head of the household to which such inmate (in this Act referred to as the patient) belongs, and in his default the nearest relation of the patient, and in default of such relation any person in charge of or in attendance on the patient, or in default of such person the occupier of the premises, shall, as soon as he becomes aware that the patient appears to be suffering from leprosy, give notice thereof to the District Medical Officer.

(b) Every Medical practitioner attending on or called in to visit the patient shall forthwith, on becoming aware that the patient is suffering from leprosy or a disease suspected to be leprosy, send to either the Chief or the District Medical Officer a certificate stating the name of the patient, the situation of the premises, and the disease from which, in the opinion of such medical practitioner, such patient is suffering or suspected to be suffering.

(c) The expression "occupier" in this subsection includes a person having the charge, management, or control of any premises or of any part thereof in which the patient is, and in the case of a house, the whole or any part of which is let to lodgers, the person receiving rent payable by the tenants or lodgers either on his own account or as the agent of another; and in the case of labourers, employees or others resident upon any plantation, estate, farm or factory includes the manager

or other person for the time being in charge of such plantation, estate, farm or factory; and in the case of a ship, vessel or boat, the master or other person in charge thereof.

(2) Any person required by this section to give a notice or certificate, who fails to give the same, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding five hundred dollars.

7. (1) It shall be lawful for the District Medical Officer, on receiving a notice or certificate to the effect mentioned in section 6, to enter upon the premises where the person named in such notice or certificate resides and to examine him with a view to ascertaining whether he is suffering from leprosy, and, in the event of admission or examination being refused, a Magistrate may grant a warrant authorizing such entry and examination, and, on such warrant being exhibited, any person refusing to admit the District Medical Officer to such premises or obstructing him in making the examination aforesaid shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars.

Examination and segregation of leprosy.

(2) It shall be lawful for the District Medical Officer to order any person named in any notice or certificate as above mentioned to attend at a place within the district in which such person resides to be notified to such person in writing there to be examined, and any person refusing or failing to attend at the place notified to him or obstructing examination at any such place shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars.

(3) Upon making an examination under the provisions of this section, the District Medical Officer shall report forthwith the result thereof to the Chief Medical Officer for the information of the Minister.

(4) The powers, rights and jurisdiction conferred and the fines, penalties, liabilities and duties imposed, by or under the provisions of this section shall extend and apply to a case where a District Medical Officer receives or acquires infor-

mation that any person residing within his district is a leper or shows symptoms from which it may be reasonably inferred that he is a leper, in all respects as if such District Medical Officer had received a notice or certificate such as is in subsection (1) referred to.

(5) On receipt of such report as is mentioned in subsection (3), or of any notification or other information that any person is a leper or shows symptoms from which it may reasonably be inferred that he is a leper, the Chief Medical Officer may order such person to be examined in such place within the district in which such person resides as may seem to him expedient, by two or more medical practitioners, separately or together, who shall immediately forward a certificate or certificates of their findings upon such examination in such form as may be prescribed to the Chief Medical Officer for the information of the Minister, and shall cause a copy of such certificate or certificates to be served upon the person to be affected thereby immediately upon the same being made.

**Detention of
leper after
examination.**

8. (1) If the patient is certified by two medical practitioners as suffering from leprosy, it shall be lawful for the Governor-General, if he shall think fit, to order such patient to be removed to a leper home, there to be detained until lawfully discharged.

(2) If any person who is so certified desires to contest the fact that he is suffering from leprosy, he may within seven days after service upon him of a copy of the certificate or certificates referred to in subsection (5) of the preceding section inform the Chief Medical Officer that he intends to challenge the said certificate, and the Chief Medical Officer shall thereupon cause the case to be laid before the Magistrate of the district in which such person may be.

(3) The Magistrate shall thereupon hold an enquiry into the case in *camera*, and shall hear the Chief Medical Officer and the person concerned and any medical or other evidence that may be adduced, and counsel, if any, on both sides, and he shall adjudicate thereon, and transmit to the Chief Medical Officer his finding on the evidence, and cause a copy thereof to be delivered to the person concerned.

(4) If the Magistrate upholds the certificate, but not otherwise, the Chief Medical Officer shall forward the same to the Governor-General and the person named therein may be dealt with as provided by subsection (1).

(5) The Governor-General may abstain from giving any direction for the removal or detention—

(a) if the person suffering from leprosy is a closed case and able to maintain himself outside a leper home in a manner approved by the Chief Medical Officer;

(b) if the person suffering from leprosy is an open case and able to provide for himself outside a leper home effective isolation in accordance with rules made under this Act, and subject to security being given by bond in the manner and for the amount provided in section 15.

(6) For the purposes of this section—

"closed case" or "open case" shall mean a case certified as such by a Government Medical Officer.

(7) In the event of the disregard or breach of any such rules the Governor-General may direct that the person suffering from leprosy be removed to a leper home and detained therein until lawfully discharged.

9. (1) It shall be lawful for any Magistrate on information upon oath of any credible witness, that any person appearing to be suffering from leprosy has been wandering about begging or collecting alms, or seeking precarious support, or exposing his leprosy in any public place, to summon such leper or supposed leper to appear before him, or, if he thinks it necessary, such Magistrate shall issue a warrant under his hand, directed to any police officer authorizing or directing such police officer to cause any such leper to be brought before him at a time and place to be specified in such summons or warrant.

Mode of dealing with vagrant lepers.

(2) Any police officer may arrest without warrant any person appearing to be suffering from leprosy whom he finds wandering about begging or collecting alms, or seeking precarious support, or exposing his leprosy in any public

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 case, it is proved to the satisfaction of such Magistrate that such person is a leper, the Magistrate shall report his decision to the Governor-General, who shall have power to proceed in the case of such person in the manner provided in section 8. The Magistrate shall direct that, pending the making of an order by the Governor-General, such person be removed and conveyed to a leper home by a police officer.

Admission to asylum of leper able to support himself.

10. The Medical Superintendent may, on the application of any leper able to support himself, admit such leper to any leper home; and such admission shall be on such terms and conditions, as to payment for maintenance and in other respects, as to the Governor-General may seem meet. Such leper shall remain in the leper home until discharged by order of the Governor-General as hereinafter provided.

Leper sentenced to imprisonment to be committed to home.

11. 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 such leper shall be committed to a leper home to undergo such imprisonment and to be detained thereafter until discharged by order of the Governor-General.

Power to apportion part of home for prisoners and persons of unsound mind.

12. (1) The Governor-General may, by proclamation to be published in the Gazette, set apart any portions of any leper home as places in which lepers sentenced to imprisonment or who have been adjudged by a Magistrate to be persons of unsound mind and proper subjects for confinement shall respectively be detained, and any such lepers may be lawfully detained therein, any law to the contrary notwithstanding.

(2) When the term of imprisonment expires or the person of unsound mind recovers his sanity, then, unless the Medical Superintendent certifies in writing that any such person may be discharged without detriment to himself or others, such person shall be retained in the home as an ordinary leper.

(3) The Governor-General may make rules as to the management of such portions so set apart, and as to the treatment and discipline of the persons detained therein.

(4) The portion set apart for lepers sentenced to imprisonment shall be deemed and taken to be a prison, and shall be under the sole control of the Medical Superintendent.

13. The inmates of any leper home may at any time by order of the Minister, be removed therefrom to any other leper home. **Power to order removal of leper.**

14. Every person received into a leper home under any warrant or order issued under the provisions of this Act shall be detained therein until he be removed or discharged, and in case of escape may by virtue of such warrant or order be captured by any officer or servant of such asylum, or any police officer or other person and may be conveyed to and received into and detained in such home. **Capture of lepers escaping from home.**

PART III

DISCHARGE FROM HOME

15. The Governor-General may, in his absolute discretion, order the discharge of any inmate of a leper home, not being a prisoner, under sentence of imprisonment, upon security being given by some person on behalf of such inmate, to the Attorney-General by bond in the sum of three thousand dollars that such inmate shall be properly isolated, maintained and treated in private, and shall not be suffered to be at large. **Governor-General may discharge from home.**

16. Whenever it appears to the Medical Superintendent of a leper home that any inmate thereof is fit to be discharged therefrom, such Medical Superintendent shall certify the same to the Governor-General; and thereupon it shall be lawful for the Governor-General to direct that such person shall be discharged, and the Governor-General may in any such case impose terms of parole upon any leper so discharged. **Discharge of leper on certificate of Medical Superintendent.**

PART IV

PROHIBITION OF CERTAIN TRADES TO LEPERS

Prohibition of
certain trades to
lepers.
Schedule.

17. (1) No leper shall carry on any of the trades or callings specified in the Schedule, or any other trade or calling which the Cabinet may from time to time by Order to be published in the Gazette, prohibit lepers from carrying on.

(2) Any leper who shall carry on any trade or calling as aforesaid, and any person who shall knowingly employ a leper in any such trade or calling, shall be liable to a fine not exceeding five hundred dollars, and in addition thereto any leper so convicted may be committed to a leper home, to be detained there till discharged by order of the Governor-General.

(3) Any person knowing himself to be a leper who shall enter any public vehicle or lodge in any hotel, boarding house or lodging house, or enter any shop where food or drink is sold to be consumed on the premises, or bathe in any public bath, or any river or stream or wash any clothes in or otherwise contaminate such bath, river, or stream, and the proprietor or person in charge of any such public vehicle, hotel or boarding house, lodging house, shop or bath, who shall knowingly allow any leper to enter the same shall be liable on summary conviction to a fine not exceeding five hundred dollars, and any leper so convicted may in addition thereto be committed to a leper home to be detained there till discharged by order of the Governor-General.

Sale of food &c.,
prepared by a
leper.

18. (1) If any leper sells any article of food or drink which has been prepared or handled by him or with which he has come in contact, he shall be liable on summary conviction to a fine not exceeding five hundred dollars and may in addition thereto be committed to a leper home to be detained there until discharged by order of the Governor-General.

(2) If any person 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, he shall be liable, on summary conviction, to a fine not exceeding one thousand dollars.

PART V

LANDING OF LEPERS PROHIBITED

19. (1) Except with the permission of the Governor-General, no leper shall be allowed to land at any port of Antigua and Barbuda unless he shall be a native of Antigua and Barbuda and the master or other person in charge of any vessel who suffers or omits to prevent the landing from such vessel, save as aforesaid, at any such port of any person whom he knows or has reasonable grounds to suppose to be a leper shall be liable, on summary conviction, to a fine not exceeding fifteen hundred dollars.

Landing of lepers prohibited.

(2) Every leper unlawfully landing in breach of the prohibition in subsection (1) may be committed to a leper home by a warrant under the hand of the Governor-General, and may be detained therein for such period as may be directed by such warrant.

PART VI

MISCELLANEOUS PROVISIONS

20. (1) Any person not having official business at a leper home who, without permission of the Medical Superintendent thereof, goes within the limits thereof, shall be guilty of trespass and upon being convicted thereof shall be liable to a penalty not exceeding two hundred and fifty dollars.

Penalty on person trespassing on home.

(2) Any person who purchases or receives from any inmate of a leper home any food, clothing or other article, shall, on conviction thereof, be liable to a penalty not exceeding two hundred and fifty dollars.

(3) A complaint for an offence under this section may be laid by the Medical Superintendent, or any person duly authorized by him in that behalf.

21. Any person who shall aid or abet any inmate of a leper home in escaping or attempting to escape from such home before such inmate has been lawfully discharged therefrom, or who shall harbour or hide, or assist in harbouring or hiding, any inmate of a leper home who has

Aiding leper to escape and harbouring of escaped leper.

escaped therefrom, shall, on conviction thereof, be liable to imprisonment for any term not exceeding three months or to a penalty not exceeding five hundred dollars.

Evidence required to prove leprosy.

22. (1) No supposed leper shall be convicted of an offence under this Act, and no person shall be convicted of any offence with respect to the landing, and no costs shall be recovered in respect of any supposed leper, except on the evidence or certificate of a duly qualified medical practitioner that such supposed leper is a leper.

(2) The certificate in writing of a duly qualified medical practitioner shall be admissible as evidence under this section.

Responsibility for maintenance of leper.

23. No person who is legally responsible for the maintenance of any other person shall, by reason of the leprosy and removal of such other person to a leper home under the authority of this Act, be absolved from his responsibility in that respect, but every such person shall be liable to pay by weekly or other instalments such part of the expenses of maintenance of such other person while a patient in a leper home as the Chief Medical Officer, subject to the approval of the Governor-General shall, looking to the circumstances of the person suffering from leprosy, think just and reasonable, and the Chief Medical Officer is hereby authorized to demand payment thereof from such person, and if not paid within ten days after such demand, the Chief Medical Officer may proceed by action or suit for the recovery thereof as a debt due to Antigua and Barbuda.

Right of entry of Chief Medical Officer.

24. (1) It shall be lawful for the Chief Medical Officer or any person deputed in writing by him to enter at all reasonable times any premises within which any person suffering from leprosy is permitted to be isolated, or which, within six months of such entry, have been inhabited by a person suffering or alleged to be suffering from leprosy to do such acts therein for the purpose of cleansing and disinfecting the same as may from time to time be prescribed, and any person refusing to admit the Chief Medical Officer or other person to any such place or obstructing him in making the necessary examination shall be liable to a fine not exceeding five hundred dollars.

(2) If the Chief Medical Officer considers such a course to be necessary, he may order the destruction of such premises or of any articles or things in or about such premises or exposed to infection, subject to the payment to the owners thereof of a reasonable measure of compensation to be fixed by the Cabinet.

25. (1) The Chief Medical Officer or any person deputed in writing by him may at all reasonable times enter any premises where an infant born of a parent or parents suffering from leprosy is maintained for investigation as to the care and general health of such infant and any person refusing to admit the Chief Medical Officer or other person or obstructing him in making the necessary examination shall be liable to a penalty not exceeding five hundred dollars.

Examination of infant of infected parent.

(2) The Chief Medical Officer may by order in writing under his hand cause any infant one or both of whose parents are suffering from leprosy to be separated as soon as possible from such parent or parents.

26. In any action against any person for anything purporting to have been done in pursuance of the provisions of this Act or of any rules made thereunder, there shall be judgment for the defendant unless the plaintiff has alleged and proved that the action complained of was done by such person maliciously and without reasonable or probable cause.

Actions against persons purporting to act under this Act.

27. All fines and penalties imposed by or under this Act, shall be recoverable summarily under the provisions of the Magistrate's Code of Procedure Act and all penalties recoverable under any bond given under this Act shall be recovered as Crown debts by the Attorney-General in accordance with the law and practice for the time being prevailing.

Recovery of penalties.
Cap. 255.

28. The Cabinet may make rules with respect to all or any of the following matters—

Rules.

(1) The appointment and duties of the Medical Superintendent and staff of any leper home;

(2) The management, inspection, discipline, control and punishment of the inmates and staff of any leper home;

(3) The visiting of inmates by their friends;

(4) The appointment of official visitors, and the periodical visiting of leper homes by them;

(5) The conditions under which persons suffering from leprosy may be permitted to be isolated, maintained and treated outside a leper home;

(6) The conditions under which patients in a leper home may be permitted to be discharged on parole;

(7) The cleansing, disinfection or destruction of any premises which have been or are inhabited, and any vessels, articles or things which have been or are being used by any person suffering from leprosy or which have been otherwise exposed to infection;

(8) The care and maintenance of any infant separated by order of the Chief Medical Officer from any parent suffering from leprosy;

(9) Generally for the carrying into effect the provisions of this Act.

Forms &c.

29. The Cabinet may prescribe the forms of certificates, warrants, bonds, orders, or other forms to be used under this Act.

SCHEDULE

S. 17 (1)

TRADES OR CALLINGS PROHIBITED TO LEPERS

Baker.	Dairyman.
Barber.	Domestic Servant.
Bootmaker.	Fishmonger.
Butcher.	Nurse.
Chemist.	Tailor.
Cook.	Washer.

or any trade or calling in which the person employed handles or comes in contact with articles of food, drink, drugs, medicines, tobacco or clothing in any form, or comes in contact with other persons.
