
CHAPTER 238**LEPERS****ARRANGEMENT OF SECTIONS**

SECTION

1. Short title.
2. Interpretation.
3. Portion of New Providence to be set apart for leper asylum.
4. Duty to give notice of case of leprosy.
5. Neglect to give notice.

Segregation, etc., of Lepers

6. Application for removal to leper asylum.
7. Abstention from making order if bond given.
8. Admission to leper asylum or leper able to support himself.
9. Order of contribution for leper's maintenance may be made.
10. Capture of lepers escaping from asylum.
11. Apprehension of leper quitting asylum.
12. Aiding lepers to escape from asylum.
13. Harboursing leper.
14. Detention of lepers now in asylum.
15. Prohibition of certain trades to lepers.
16. Penalty for carrying on prohibited trade.
17. Sale of food, etc., prepared by a leper.
18. Landing of lepers prohibited.
19. When impracticable to obtain certificate in any district, supposed leper to be taken to Nassau.

Part of Asylum for Prisoners

20. Power to apportion part of asylum for prisoners and lunatics.
21. Leper sentenced to imprisonment to be committed to asylum.

Offences by Inmates of Asylum

22. Offences by inmates of asylum.
23. More serious offences by inmates of asylum.
24. Provisions as to solitary confinement.

Discharge from Asylum

25. Minister may discharge from asylum on bond being given.
26. Discharge of leper on certificate of medical superintendent.

Miscellaneous Provisions

27. Rules.
28. Penalty on persons trespassing on asylum.
29. Execution and obstruction of order.
30. Protection of qualified practitioners.
31. Jurisdiction of stipendiary and circuit magistrate.
32. Recovery of fines.
33. Expenses.

SCHEDULE — Trades or Callings Prohibited to Lepers.

CHAPTER 238

LEPERS

An Act relating to lepers.

[Commencement 5th June, 1928]

*10 of 1928
G.N. 7(9) of 1964
18 of 1965
E.L.A.O., 1974
5 of 1987*

1. This Act may be cited as the Lepers Act. Short title.
2. In this Act, unless the context otherwise requires — Interpretation.
 - “leper” means any person suffering from any variety of leprosy;
 - “leper asylum” means any part of New Providence set apart for the segregation and confinement of lepers;
 - “magistrate” means a stipendiary and circuit magistrate or the commissioner of any district whom the Governor-General may by Order to be published in the *Gazette* from time to time appoint to exercise any jurisdiction conferred by this Act;
 - “medical officer” includes the Chief Medical Officer, the medical officer or a district medical officer;
 - “medical practitioner” means a duly qualified medical practitioner within the meaning of the Medical Act; Ch. 224.
 - “Minister” means the Minister responsible for Medical, Nursing and Health Services. *E.L.A.O., 1974.*
3. (1) The Minister may by Order to be published in the *Gazette* set apart any portion of New Providence as a leper asylum, and any lepers may lawfully be detained therein any law to the contrary notwithstanding. Portion of New Providence to be set apart for leper asylum.
E.L.A.O., 1974.
 - (2) The medical officer shall be the medical superintendent of the leper asylum.
4. (1) Every person residing in any house used for human habitation who knows or has good reason to suspect that any inmate therein is a leper, and every person who knows or reasonably suspects that any person employed by him is a leper, and every person who knows Duty to give notice of case of leprosy.

or has good reasons to suspect that any person residing in the same district with him is a leper, shall forthwith give notice thereof to a medical officer and if there is no medical officer of the district to the commissioner. In New Providence such notice shall be given to the Chief Medical Officer.

(2) On receiving such notice a medical officer shall forthwith visit and examine such inmate, employee or other suspected person and send a full report in writing to the Minister with a written certificate, stating whether, in his opinion such inmate, employee or other suspected person is or is not afflicted with leprosy.

(3) The Chief Medical Officer may have such inmate, employee or other suspected person visited, examined and reported upon, and such visit, examination and report shall be made under such rules as the Minister may prescribe; and such report shall be made to the Minister.

Neglect to give notice.
5 of 1987. Sch.

5. Every person wilfully neglecting to give such notice as aforesaid shall be guilty of an offence and shall be liable on conviction to a fine of fifty dollars.

Segregation, etc., of Lepers

Application for removal to leper asylum.

6. (1) After the receipt of such report, as provided for by section 4 of this Act as aforesaid, it shall be lawful for the Minister, if he shall think fit, to apply to a magistrate for an order that the leper or alleged leper be removed to or detained in a leper asylum.

Power to make order for removal of leper to asylum.

(2) It shall be lawful for a magistrate, upon application being made to him by the Minister for an order that the leper or alleged leper be removed to, or detained in, a leper asylum, to make such an order:

Evidence required to prove leprosy.

Provided that no such order shall be made and no person shall be committed or removed to or detained in a leper asylum under the provisions of this Act unless a certificate shall have been given by two medical practitioners that such person is actually suffering from the disease of leprosy.

Abstention from making order if bond given.

7. (1) If on the hearing of the case the leper or any one on his behalf gives security by a bond to the satisfaction of the magistrate that such person 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.

(2) If it afterwards be proved to the satisfaction of a magistrate that any leper as to whom security has been given under subsection (1) of this section is not maintained in a state of isolation from the general public, such bond shall be forfeited and it shall thereupon be lawful for such magistrate by warrant under his hand to order such leper to be removed to and detained in a leper asylum until he is discharged by order of the Minister under the provisions of this Act.

Forfeiture of bond.

8. The Chief Medical Officer or the medical superintendent may, on the application of any leper able to support himself, and with the approval of the Minister admit such leper to a leper asylum, and such admission shall be on such terms and conditions as to payment for maintenance and in other respects as to the Minister may seem meet. Such leper shall remain in a leper asylum until discharged therefrom under the provisions of this Act.

Admission to leper asylum of leper able to support himself.

9. (1) Upon the application of the Minister a magistrate may order a leper detained in a leper asylum or any person legally bound to maintain a leper so detained to contribute such sum either by weekly payments or otherwise and whether in respect of past or future maintenance, as the magistrate may deem reasonable in view of all the circumstances of the case, and any sum so ordered to be contributed shall be recoverable as a debt due to the Minister, and shall, in the case of the leper himself, be a charge upon any real property vested in him at the time of his admission to a leper asylum or to which he may become entitled during his detention therein, and no conveyance or other disposition of real property by him while so detained shall be valid without the consent of the Minister:

Order of contribution for leper's maintenance may be made.

Provided that no such order of contribution shall be made unless it is proved to the satisfaction of the magistrate that such leper or person legally bound to maintain is able to contribute to the cost of maintenance.

(2) Any sums recovered by the Minister under this section shall be paid into the Consolidated Fund and shall be accounted for annually to Parliament.

Capture of lepers escaping from asylum.

10. Every person received into a leper asylum under any warrant or order issued under the provisions of this Act may 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 leper asylum or any peace officer or other person and may be conveyed to and received into and detained in such leper asylum.

Apprehension of leper quitting asylum.

11. Any person ordered to be detained in the leper asylum who shall quit the same or be at large without having been duly discharged may be apprehended by any person and reconveyed to a leper asylum.

Aiding lepers to escape from asylum.

12. Any person who shall aid or abet any inmate of a leper asylum in escaping or attempting to escape from such asylum before such inmate has been lawfully discharged therefrom, shall, on conviction thereof, be liable to a penalty of fifty dollars or to imprisonment for three months.

5 of 1987, Sch.

Harbouring leper.

13. Any person who shall harbour or conceal, or shall remove, entice away or receive any person who shall have been detained in a leper asylum and who shall not have been duly discharged therefrom as aforesaid, shall be liable to a penalty of fifty dollars or to imprisonment for one month.

5 of 1987, Sch.

Detention of lepers now in asylum.

14. All lepers in the hospital at the date of the coming into force of this Act shall continue to be detained under this Act.

Prohibition of certain trades to lepers.
Schedule.
E.L.A.O., 1974.

15. No leper shall carry on any of the trades or callings specified in the Schedule to this Act; or any other trade or calling which the Minister may from time to time by Order to be published in the *Gazette* prohibit lepers from carrying on.

Penalty for carrying on prohibited trade.

16. (1) 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 on conviction to a fine of fifty dollars and in default of payment to imprisonment for three months and any leper so convicted may be committed to a leper asylum to be detained there till discharged by order of the Minister under the provisions of this Act.

5 of 1987, Sch.

(2) Any person knowing himself to be a leper who shall enter any hackney carriage or other 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, and the proprietor or person in charge of any such hackney carriage or other public vehicle, hotel, boarding house or lodging house, shop or bath, who shall knowingly allow any leper to enter the same, shall be liable on conviction to a fine of fifty dollars and in default of payment to imprisonment for three months; and any leper so convicted may be committed to a leper asylum to be detained there till discharged by order of the Minister under the provisions of this Act.

Penalty for entering hackney-carriage, etc.

5 of 1987, Sch.

(3) 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 conviction to a fine of fifty dollars or in default of payment to imprisonment for three months, and may be committed to a leper asylum to be detained there until discharged by order of the Minister under the provisions of this Act:

Sale by leper of food, etc., prepared by him.

5 of 1987, Sch.

Provided that no supposed leper shall be convicted of an offence under this section unless a certificate shall have been given by two medical practitioners that such person is actually suffering from the disease of leprosy.

17. 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 conviction to a fine of fifty dollars or to imprisonment for one month or to both.

Sale of food, etc., prepared by a leper.

5 of 1987, Sch.

18. (1) A leper, who is not a citizen of The Bahamas, shall not land at any of the ports of The Bahamas, from any place not within The Bahamas, and the master or other person in charge of any vessel who suffers or omits to prevent the landing from such vessel at any such port of any person whom he knows or has reasonable grounds to suppose to be a leper shall be liable to a penalty of one hundred dollars or to imprisonment for two months.

Landing of lepers prohibited.

5 of 1987, Sch.

(2) If the port officer or visiting officer on boarding any vessel which shall come into The Bahamas shall see reason to suspect that any person on board such vessel is afflicted with leprosy, but such person shall deny that he is

so afflicted, it shall be lawful for such port officer or visiting officer by writing under his hand directed to the master or other person in charge of such vessel, to order that the person so suspected to be so afflicted shall be detained on board of such vessel until he shall be examined by the health officer of the port and by a medical practitioner selected by the Minister if the services of a medical practitioner are obtainable at the port at which the vessel has arrived, and the master or other person in charge of such vessel shall cause such person to be detained on board of such vessel until such examination; and if any such person, in respect of whom any such order of detention shall be made, shall land in The Bahamas without the order of the port officer or visiting officer, the master or other person in charge of such vessel shall forfeit and pay the sum of four hundred dollars which may be sued for and recovered as a debt due to Her Majesty.

5 of 1987, Sch.

(3) Such port officer or visiting officer immediately on making any such order for the detention of any person as aforesaid, shall notify the same and the time of making such order to the health officer of the port and the Minister; and such health officer together with any medical practitioner selected as aforesaid if one is available for the purpose, shall within fifteen hours from the time of the making of such order, visit such vessel and examine such person and shall certify in writing to the Minister whether such person is afflicted with leprosy or not; and if it shall appear by such certificate that such person is not afflicted with leprosy the port officer or visiting officer shall forthwith make an order permitting the landing of such person; but if it shall appear by such certificate that such person is afflicted with leprosy, it shall not be lawful for such person to land in The Bahamas without the permission of the Minister to be granted on it being made to appear to his satisfaction that such person is a citizen of The Bahamas.

5 of 1987, Sch.

(4) Every leper unlawfully landing may be committed to a leper asylum by a warrant under the hand of the Minister and may be detained therein for such period as may be directed by such warrant.

(5) Every leper unlawfully landing may be brought before a magistrate who may examine such leper and any witness on oath touching the place from which he was

brought into The Bahamas, and may order such leper to be removed to the place from which he was brought in such manner as the Minister may direct, and the reasonable cost of such removal shall be borne and paid by the master or other person in charge of the vessel by which such leper was brought to The Bahamas, by whose act or default such leper was permitted to land any may be sued for and recovered as money due from him to Her Majesty:

Provided that no supposed leper shall be removed from The Bahamas under the provisions of this section and no person 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 unless a certificate shall have been given by two medical practitioners that such person is actually suffering from the disease of leprosy.

19. In any district of The Bahamas, in which it may be impracticable to obtain the certificates of two medical practitioners, it shall be lawful for a magistrate after having obtained the certificate of one medical practitioner or such other evidence as is obtainable in the district, by warrant to order the supposed leper to be taken before a stipendiary and circuit magistrate in Nassau. He shall at the same time deliver the depositions of the witnesses he has examined and the information or complaint and other documents issued, taken or made before him to the peace officer who has the execution of the warrant as aforesaid to be by him delivered to a stipendiary and circuit magistrate in Nassau who is hereby empowered to deal with the matter and to continue the same and to treat the case to all intents and purposes as if it had been originally begun and taken before a stipendiary and circuit magistrate.

When impracticable to obtain certificate in any district, supposed leper to be taken to Nassau.

Part of Asylum for Prisoners

20. (1) The Minister may by notice to be published in the *Gazette* set apart any portion of a leper asylum as the place in which lepers sentenced to imprisonment or who have been certified as suffering from lunacy may lawfully be detained therein and any such lepers may lawfully be detained therein any law to the contrary notwithstanding.

Power to apportion part of asylum for prisoners and lunatics.
18 of 1965, Sch. E.L.A.O., 1974.

(2) When the term of imprisonment expires or the lunatic recovers his sanity, then unless the Minister is

satisfied by the written certificate of the medical superintendent that any such person may be discharged without detriment to himself or others, such person shall be detained in a leper asylum as an ordinary leper.

(3) The portion set apart for lepers sentenced to imprisonment shall be deemed and taken to be a prison and shall be under the control of such person as the Minister shall authorise.

Leper sentenced to imprisonment to be committed to asylum.

21. Where any leper is sentenced to imprisonment for any offence or for the non-payment of any money or penalty, the judge of the Supreme Court or magistrate inflicting the imprisonment shall order that such leper shall be committed to a leper asylum to undergo such imprisonment and to be detained thereafter until discharged by order of the Minister under the provisions of this Act.

Offences by Inmates of Asylum

Offences by inmates of asylum.

22. If any inmate of a leper asylum is guilty of the violation of any rule made under the authority of this Act for the management, discipline and control of such asylum, the medical superintendent, after due enquiry upon oath, may, with the approval of the Chief Medical Officer and subject to the concurrence of the Minister, order such inmate to undergo any one of the following punishments —

- (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 such diet as the medical superintendent shall order.

More serious offences by inmates of asylum.

23. If any inmate of a leper 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 section 22 of this Act, the medical superintendent, after due enquiry upon oath, may, with the

approval of the Chief Medical Officer and subject to the concurrence of the Minister, order such inmate to undergo any one or more of the following punishments —

- (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 such diet as the medical superintendent shall order;
- (e) imprisonment with or without hard labour for any term not exceeding one month.

24. Any inmate of a leper asylum ordered to undergo solitary confinement under the provisions of sections 22 and 23 of this Act shall have one hour in the open air in the morning and one hour in the evening in charge of an attendant and apart from the other inmates.

Provisions as to solitary confinement.

Discharge from Asylum

25. The Minister may in his discretion order the discharge of any inmate of a leper asylum not being a prisoner under sentence of imprisonment upon security being given by some person on behalf of such inmate to such person as the Minister shall nominate by bond to his satisfaction that such inmate shall be properly isolated, maintained and treated in private and shall not be suffered to be at large.

Minister may discharge from asylum on bond being given.

26. Whenever it appears to the medical superintendent of the leper asylum that any inmate thereof is fit to be discharged therefrom such medical superintendent shall certify the same to the Minister, and thereupon it shall and may be lawful for the Minister to direct that such person shall be discharged.

Discharge of leper on certificate of medical superintendent.

Miscellaneous Provisions

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

Rules.

- (a) the forms of certificates, warrants, bonds and orders to be used under this Act;

- (b) the management, inspection, discipline and control of the leper asylum; and for the providing of separate apartments for men and women and the providing of special apartments for those lepers who are able to pay their own expenses; and regulating the isolation and segregation of lepers not detained in the leper asylum;
- (c) the visiting of lepers in a leper asylum by their relations and friends;
- (d) the appointments and duties of officers in charge of and servants of a leper asylum;
- (e) any other matters as to which it may be expedient to make rules for carrying into effect the objects of this Act:

Provided that such rules shall make provision for the making of monthly reports to the Minister by the officers in charge of every leper asylum with regard to the number of lepers detained therein and the condition of such asylum.

28. (1) Any person not having official business at a leper asylum who, without permission of the Chief Medical Officer or medical superintendent thereof, goes within the limits thereof, shall be guilty of trespass, and, being convicted thereof, shall be liable to a fine of twenty-five dollars.

(2) Any person who without the permission in writing of the medical superintendent, purchases or receives from any inmate of a leper asylum any food, clothing, or other article, shall, on conviction thereof, be liable to a fine of twenty-five dollars.

(3) A complaint for an offence under this section may be made by the Chief Medical Officer or the medical superintendent, or any officer of a leper asylum to which such complaint may relate, or by the Commissioner of Police or an inspector or sergeant of police.

29. Any order issued under this Act may be carried into execution by any peace officer or any duly authorised officer or servant of the Minister; and any person obstructing the execution of, or disobeying the order, shall be liable to a penalty of fifty dollars or to imprisonment for one month.

Penalty on persons trespassing on asylum.
5 of 1987, Sch.

5 of 1987, Sch.

Execution and obstruction of order.
5 of 1987, Sch.

30. No action, suit or other proceeding shall be brought against any medical practitioner for any certificate given or for any thing done in good faith in pursuance of the provisions of this Act or of any rule made thereunder.

Protection of qualified practitioners.

31. For the purposes of this Act the jurisdiction and powers of a stipendiary and circuit magistrate shall be deemed to and shall extend to every part of The Bahamas.

Jurisdiction of stipendiary and circuit magistrate.

32. All fines imposed by this Act shall be recovered in a summary manner before a magistrate in the manner prescribed by law in this behalf.

Recovery of fines.

33. All expenses incurred in carrying out the provisions of this Act shall be paid out of the Consolidated Fund by warrant in the usual manner.

Expenses.

SCHEDULE (Section 15)

TRADES OR CALLINGS PROHIBITED TO LEPERS

Baker.

Barber, or any similar trade or calling in which the person employed necessarily comes in contact with other persons.

Boatmen and stevedores on any boat carrying passengers or cargo.

Bootmaker.

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.

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.

Domestic servant.

Fishmonger.

Licensed hackney carriage driver.

Makers for sale of baskets, mats, hats and other straw goods.

Nurse.

Tailor, dressmaker, or any trade or calling in which the person employed manufactures, handles or comes in contact with wearing apparel.

Washer.