

THE LEPROSY ACT

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SCHEDULE

THE LEPROSY ACT

Cap. 218
Act
7 of 2011
Sch.

[17th November, 1949.]

PART I. *Preliminary*

1. This Act may be cited as the Leprosy Act.

Short title.

2. In this Act—

Interpreta-
tion.

“institution” means any hospital, asylum, alms-house or house of refuge maintained at public expense for the care of the sick or destitute poor;

“leprosarium” means an institution for the segregation and treatment of persons suffering from leprosy;

“leprous patient” means a person found, after examination in accordance with the provisions of section 8, to be suffering from any variety of leprosy;

“medical practitioner” means a duly qualified medical practitioner registered under the Medical Act;

“premises” includes ships and aircraft;

“Visiting Justice” means a Visiting Justice of a leprosarium appointed by the Minister under section 29.

Establishment of Leprosarium

3. The Minister may by order declare any buildings and any land attached thereto to be a leprosarium and thereupon such buildings and land shall be a leprosarium under this Act.

Establish-
ment of
leprosarium.

4.—(1) The buildings and land at Spanish Town hitherto known as “The Lepers Home” shall be known and styled as “The Hansen Home” and wherever any reference occurs in any enactment or in any rule, regulation, by-law, proclamation, order, notification, notice or any other instrument

The Lepers
Home,
Spanish
Town.

to "The Lepers Home" such reference shall be construed as a reference to the "The Hansen Home".

(2) The Hansen Home, together with such 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 leprosarium under this Act.

Appointment
of servants.

5.—(1) The Governor-General may appoint fit and proper persons to perform the duties of Medical Superintendent, Medical Officer, Dental Officer, Matron, Assistant Matron, Dispenser, Warder and Dispenser of a leprosarium.

(2) The Chief Medical Officer shall, subject to the direction of the Minister, have the control and direction of every leprosarium.

Erection of
dwelling-
house by an
inmate.

6. Any leprous patient may, by special permission of the Chief Medical Officer, cause to be erected for himself a dwelling-house at his own expense within the limits of the leprosarium in which he is detained or in which he is about to become a patient, subject to such conditions as to plans, site, structure, drainage and otherwise as the Chief Medical Officer may approve.

*Notification and Examination of Persons suffering
from Leprosy*

Notification
of leprosy.

7.—(1) Where an inmate of any premises used for human habitation is a leprous patient or shows signs from which it may reasonably be suspected that he is a leprous patient, then, unless such premises is a leprosarium, the following provisions shall apply—

- (a) The head of the family to which such inmate belongs, and in his default the nearest relative of the inmate present in the premises, or being in attendance on the inmate, and in default of such relative, any person in charge of or in attendance on the inmate, and in default of any such person,

the occupier of the premises, shall, as soon as he becomes aware that the inmate is a leprous patient, or is suspected of being a leprous patient, give notice thereof to the Medical Officer (Health) of the parish in which such premises is situated.

- (b) Every medical practitioner attending on or called in to visit any such inmate shall forthwith upon becoming aware that the inmate is a leprous patient or is suffering from a disease suspected to be leprosy, send to the Medical Officer (Health) of the parish in which such inmate resides a notice containing such particulars and in such form as may be prescribed.

(2) Every person who fails to give any notice required under paragraph (a) or paragraph (b) of subsection (1) shall be guilty of an offence against this Act.

(3) For the purposes of this section "occupier" includes a person having the charge, management or control of any premises or of any part of any premises, and in the case of a house the whole or any part of which is let to tenants or lodgers, the person entitled to receive the rent payable by any such tenant or lodger, whether on his own account or as the agent of another, and in the case of a vessel or aircraft, the master or other person in charge thereof.

8.—(1) Where any Medical Officer (Health) receives a notice under section 7 or receives or obtains any information in any other manner that any person is a leprous patient or is suspected to be a leprous patient, such Medical Officer shall, with a view to determining whether such person is suffering from leprosy, either—

Examination
of leprous
patient.

- (a) enter the premises wherein any such person resides and examine him; or

(b) require any such person by notice in writing in the prescribed form to attend at a specified place and time for the purpose of being examined.

(2) Where any Medical Officer (Health) is refused admission to any premises wherein any leprous patient or person suspected to be a leprous patient is or is prevented from examining any such person, a Justice may issue a warrant in the prescribed form authorizing such entry and examination, and upon such warrant being read at such premises any person who refuses to admit the Medical Officer (Health) to such premises or obstructs the Medical Officer (Health) in the performance of the examination shall be guilty of an offence against this Act.

(3) Every person who fails to comply with any notice in writing under paragraph (b) of subsection (1) or who, having attended pursuant to such notice, refuses to be examined or obstructs the Medical Officer (Health) in the performance of such examination shall be guilty of an offence against this Act.

(4) (a) Where the Medical Officer (Health) on examination by him of any person (other than a person notified to him under paragraph (b) of subsection (1) of section 7) is of opinion that such person is suffering from leprosy he shall forthwith cause such person to be examined by some other Government Medical Officer, and, if in the opinion of such other Government Medical Officer, such person is not suffering from leprosy, the Medical Officer (Health) shall forthwith cause such person to be examined by the Medical Superintendent of the nearest leprosarium whose opinion shall be final.

(b) Where the Medical Officer (Health) on examination by him of any person notified to him under paragraph (b) of subsection (1) of section 7 is of opinion that such person is not suffering from leprosy he shall forthwith cause such person to be examined by the Medical Superintendent of the nearest leprosarium whose opinion shall be final.

(c) Where the Medical Officer (Health) or the Medical Superintendent (as the case may be) is of opinion that any person examined by him is a leprous patient but that it is not necessary in the interest of the community that such leprous patient should be isolated he shall issue instructions as to the steps which should be taken by such leprous patient to ensure his effective supervision.

(d) Where the Medical Officer (Health) or the Medical Superintendent (as the case may be) is of opinion that any person examined by him is a leprous patient and such leprous patient should be isolated and such leprous patient does not make application for admission into a leprosarium in the manner provided in section 9, the Medical Officer (Health) or Medical Superintendent (as the case may be) shall make a report in writing to the Resident Magistrate of the parish wherein such leprous patient resides.

Admission to Leprosarium

9.—(1) Any leprous patient who desires to be admitted into a leprosarium may make an application in the prescribed form to any Medical Officer (Health).

Voluntary application for admission to leprosarium.

(2) Upon receipt of any such application, the Medical Officer (Health) shall examine the applicant and if, in his opinion, the detention of the said applicant in a leprosarium is desirable in the interests of the community, he shall forward the application, together with a report in writing, to the Medical Superintendent of the nearest leprosarium requesting him to arrange for the admission and detention of the applicant therein.

(3) No leprous patient admitted to a leprosarium under subsection (2) shall be entitled to leave such leprosarium otherwise than under an order made by the Chief Medical Officer under this Act and should any such person leave otherwise than pursuant to such an order he may be dealt with under section 32.

Detention
of leprosy
patient after
examination.

10.—(1) Upon receipt of any report under subsection (4) of section 8 a Resident Magistrate shall order any such leprosy patient to be removed to and detained in a leprosarium:

Provided, however, that where a Resident Magistrate is satisfied that any such leprosy patient is able to make immediate and effective arrangements at his own place of abode for his effective isolation the Resident Magistrate may refrain from making an order for removal to and detention in a leprosarium of any such leprosy patient.

(2) Where any leprosy patient, in respect of whom a Resident Magistrate permits arrangements to be made for isolation at the place of abode of such leprosy patient, acts in contravention of any rules made under this Act relating to the isolation of leprosy patients not detained in a leprosarium a Resident Magistrate may order such leprosy patient to be removed to and detained in a leprosarium.

Leper wan-
dering at
large in any
public place.

11.—(1) A Resident Magistrate, on information upon oath of any credible witness that any person alleged to be a leprosy patient has been wandering at large in any public place, may summon such person to appear before him, or if he think it necessary, may issue a warrant under his hand directed to any constable requiring such constable to cause any such person to be brought before him at a time and place to be specified in such warrant.

(2) Where any person is brought before a Resident Magistrate under subsection (1), the Resident Magistrate shall cause such person to be examined by any two Government Medical Officers.

(3) Where any two Government Medical Officers certify that any such person is a leprosy patient and that in their opinion it is desirable in the interests of the community that such person should be isolated, the Resident Magistrate shall order such person to be detained in a leprosarium.

12. When any leprous patient is remanded in custody or is committed to take his trial for any offence, the court making any such order as aforesaid shall direct that the leprous patient be committed to a leprosarium there to be kept in custody or to await his trial, as the case may be.

Detention of leper awaiting trial or conviction.

13. The Minister may, by order, direct that any specified portion of a leprosarium shall be set apart as a place in which leprous patients awaiting trial or sentenced to a term of imprisonment shall be detained.

Prison accommodation in leprosarium.

Removal and Discharge from Leprosarium

14.—(1) The Minister may, by order in writing, direct the removal of any leprous patient from any leprosarium or other institution to any other leprosarium or other institution, and such order shall be sufficient authority for the removal of such leprous patient and for his reception into and detention in the leprosarium or other institution to which he is ordered to be removed.

Removal of lepers.

(2) The Chief Medical Officer may, by order in writing, direct the removal of any leprous patient from any leprosarium to any other leprosarium and such order shall be sufficient authority for the removal of such leprous patient and for his reception into and detention in the leprosarium to which he is ordered to be removed.

15. The Chief Medical Officer may, in his absolute discretion, order the discharge from any leprosarium of any leprous patient, not being a prisoner under sentence of imprisonment, upon security being given by some person on behalf of such leprous patient to the Accountant-General by bond in the sum of two hundred and fifty thousand dollars conditioned that such leprous patient shall be properly isolated, maintained and treated in private and shall not be permitted to be at large.

Chief Medical Officer may discharge from leprosarium.

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Discharge on certificate by Medical Superintendent.

16. Whenever it appears to the Medical Superintendent of a leprosarium that any inmate thereof is fit to be discharged therefrom, such Medical Superintendent shall so certify to the Chief Medical Officer who may thereupon direct that such person shall be discharged either unconditionally or subject to such conditions as the Chief Medical Officer may impose.

Prohibition of certain trades to leprosy patients. Schedule.

17. No leprosy patient shall, except with the permission in the prescribed form of a Medical Officer (Health), carry on any trade or calling specified in the Schedule or any other trade or calling which the Minister may, by order published in the *Gazette*, add to such Schedule.

Penalty for carrying on prohibited trade. Schedule.

18. Every leprosy patient who, except with the permission in the prescribed form of a Medical Officer (Health), carries on any trade or calling specified in the Schedule, and any person who knowingly employs such a leprosy patient in any such trade or calling shall be guilty of an offence against this Act.

Leprosy patients entering public vehicles or frequenting public places.

19.—(1) Every leprosy patient who, without the permission in the prescribed form of the Medical Officer (Health), enters any public vehicle or lodges in any hotel, boarding-house or lodging-house, or enters any shop where food or drink is sold, or bathes in any public bath shall be guilty of an offence against this Act.

(2) Every person who, being the proprietor or person in charge of any such public vehicle, hotel, boarding-house, lodging-house, shop or bath, as is mentioned in subsection (1), knowingly allows any such leprosy patient to enter the same shall be guilty of an offence against this Act.

(3) Every leprosy patient convicted of an offence against this section may be committed to a leprosarium, there to be detained until discharged therefrom by direction of the Minister.

20.—(1) Every person who, knowing or having reasonable cause to believe himself to be a leprous patient, sells, barter or exchanges any wearing apparel or any article of food or drink shall be guilty of an offence against this Act and upon conviction shall be committed to a leprosarium, there to be detained until discharged therefrom by the direction of the Minister.

Sale of food and drink by leprous patient.

(2) Every person who sells, barter or exchanges any wearing apparel or any article of food or drink which such person knows or has reasonable cause to believe has been prepared or handled by a leprous patient or with which a leprous patient has been in contact, shall be guilty of an offence against this Act.

21. Every person who, without the permission in writing of the Medical Superintendent, purchases or receives from any inmate of a leprosarium any article of any kind whatever shall be guilty of an offence against this Act.

Obtaining article from inmate of leprosarium.

Landing of Lepers Prohibited

22.—(1) Subject to the provisions of subsection (2), no leprous patient or person suspected of being a leprous patient who is not a native of or lawfully domiciled in this Island shall land in the Island from any place outside of this Island, and every master or other person in charge of any vessel or aircraft who knowingly permits or negligently fails to prevent the landing in this Island of any person whom he knows or has reasonable cause to suspect is a leprous patient shall be guilty of an offence against this Act.

Landing of leprous patient prohibited.

(2) Notwithstanding the provisions of subsection (1), the Minister may grant permission to a leprous patient to land in the Island upon two sufficient and suitable persons, being householders within the Island, entering into a bond to Her Majesty in the penal sum of one million dollars conditioned that such leprous patient shall not be at large in the Island, nor do any act whereby he shall become chargeable upon the public or parochial funds of the Island, and that such leprous patient shall

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conform to the rules of any leprosarium to which he may be admitted or such rules as may from time to time be made under this Act relating to the isolation and supervision of leprous patients not detained in a leprosarium.

Visiting
Officer may
detain person
suspected of
being leprous
patient.

23.—(1) Where any Visiting Officer performing the duties of inspection and examination of persons arriving in this Island upon any vessel or aircraft, is of opinion that any such person, not being a native of or legally domiciled in this Island, and not having been granted permission to land in the Island by the Minister under the provisions of subsection (2) of section 22 is suffering from leprosy he shall by writing under his hand directed to the master or other person in charge of such vessel or aircraft order that such person be detained on board such vessel or aircraft or at such other convenient place as may be specified until it is determined whether or not such person is suffering from leprosy.

(2) The master or other person in charge of any vessel or aircraft upon whom such an order has been served who knowingly permits or negligently fails to prevent the departure of any such person from such vessel or aircraft shall be guilty of an offence against this Act.

(3) Every Visiting Officer making an order for the detention of any person under the provisions of subsection (1) shall forthwith report such action to the Medical Officer (Health) of the parish who shall forthwith cause such person to be examined in accordance with the provisions of this Act.

(4) (a) Where it is determined that such person is not suffering from leprosy the Medical Officer (Health) shall withdraw by writing under his hand the order made whereby such person was so detained, and, subject to the provisions of the Immigration Restriction (Commonwealth Citizens) Act, or of

the Aliens Act, as the case may be, such person shall be permitted to land in the Island.

(b) Where it is determined that such person is suffering from leprosy, the Medical Officer (Health) shall by writing under his hand directed to such person and to the master or person in charge of the vessel or aircraft prohibit the landing of such person except in accordance with the provisions of this Act.

(5) For the purposes of this section "Visiting Officer" shall have the meaning assigned to it by the Quarantine Act.

24.—(1) Any person suffering or suspected to be suffering from leprosy landing in this Island in contravention of the provisions of this Act shall be brought before a Resident Magistrate who shall, if necessary, cause such person to be examined by any two Government Medical Officers and may, if it be determined that such person is suffering from leprosy, examine on oath such person and any witnesses for the purpose of establishing the place from which he was brought into the Island and may order that such person be detained in the nearest leprosarium until he can be removed to the place from which it appears he was brought.

Leprous patients landing unlawfully may be returned to place whence they came.

(2) All reasonable expenses incurred in the detention and removal of such person shall be borne and paid by the master or other person in charge of the vessel or aircraft by which such person was brought into the Island by whose act or default such person was permitted to land.

(3) The expenses which the master or other person in charge of any vessel or aircraft is required by subsection (2) to pay may be sued for and recovered either against such master or other person in charge of the vessel or aircraft or against the owner or agent of such vessel or aircraft in the Island.

Management and Discipline of Leprosarium

25.—(1) The Minister may make rules for the better carrying out of the provisions of this Act.

Power to make rules.

(2) Rules made under subsection (1) may, without prejudice to the generality of the power conferred by subsection (1), make provision for—

- (a) prescribing the forms of notices, certificates, warrants, bonds, and orders under this Act;
- (b) the management, inspection, discipline and control of any leprosarium;
- (c) the visiting of leprous patients in a leprosarium by friends and relatives;
- (d) the duties of officers and servants of a leprosarium;
- (e) the appointment of Official Visitors and the periodical visiting of every leprosarium by such Official Visitors;
- (f) prescribing measures for cleansing and disinfection of premises inhabited by and of vehicles used in the transport of any leprous patient;
- (g) the effective isolation of infectious leprous patients not detained in a leprosarium;
- (h) the adequate supervision of non-infectious leprous patients not detained in a leprosarium.

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(3) Notwithstanding section 29(b) of the *Interpretation Act*, rules made under section 25 may provide in respect of a breach of any of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate's Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.

Violation of
rules by
inmates.

26. Where any inmate of a leprosarium is guilty of the violation of any rule made under section 25, the Medical Superintendent, after due enquiry upon oath, may, with the approval of the Chief Medical Officer, order such inmate to undergo any one of the following punishments—

- (a) payment of a fine not exceeding one thousand dollars;
- (b) solitary confinement for not longer than three days;

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27. Where any inmate of a leprosarium escapes therefrom or is guilty of the violation of any rule made under section 25 which in the opinion of the Medical Superintendent cannot adequately be punished under the provisions of section 26, the Visiting Justice, after due enquiry upon oath, may order any such inmate to undergo either or both of the following punishments, namely—

More serious offences by inmates.

- (a) solitary confinement for not longer than seven days;
- (b) imprisonment, with or without hard labour, for any term not exceeding one month.

28. Every inmate of a leprosarium who is ordered to undergo solitary confinement shall have one hour in the open air in the morning and in the afternoon in charge of an attendant and apart from other inmates.

Solitary confinement.

General

29. The Minister shall appoint a suitable person to be a Visiting Justice of a leprosarium and such Visiting Justice shall have power to hear and determine all cases arising under section 27.

Visiting Justice.

30. Every person, except a person having lawful business thereon, who without the permission of the Medical Superintendent of a leprosarium goes within the limits of such leprosarium shall be guilty of an offence against this Act.

Penalty for trespassing on leprosarium.

31. Every person who aids or abets any inmate of a leprosarium to escape or to attempt to escape therefrom shall be guilty of an offence against this Act.

Aiding leper to escape.

32. Every person admitted into a leprosarium under the provisions of this Act or any other enactment in that behalf shall be detained therein until he be lawfully removed or discharged, and if any such person escapes he may be captured by any officer or servant of such leprosarium or any constable, and shall be again conveyed to, admitted into and detained in such leprosarium.

Detention and recapture of leprosy patients.

Evidence
required to
prove leprosy.

33.—(1) No leprous patient or person suspected of being a leprous patient shall be convicted of any offence against this Act or dealt with under the provisions of section 11, or removed from the Island under the provisions of this Act, and no person shall be convicted of any offence with respect to the landing of any leprous patient or person suspected of being a leprous patient, and no costs shall be recovered with respect to the removal or maintenance of any leprous patient or person suspected of being a leprous patient, except upon the certificate of two Government Medical Officers that such person is a leprous patient.

(2) A certificate in writing signed by a medical practitioner shall be admissible in evidence under this section unless the Court shall otherwise direct.

Authority to
make tests and
take samples.

34. Every Medical Officer (Health) and every Medical Superintendent of a leprosarium may, for the purposes of the examination of any person under this Act, make such tests, and take such samples for pathological examination, as may reasonably be necessary to determine whether or not any person is a leprous patient.

Cleansing and
disinfection of
premises.

35. A Medical Officer (Health), or any person authorized by him, may at any reasonable time enter any premises which, within six months before such entry, have been inhabited by any leprous patient, and do such acts therein for the purpose of cleansing and disinfecting such premises as may from time to time be prescribed by rules made under this Act.

Penalty.

36. Every person who commits any offence against this Act in respect of which no penalty is expressly provided shall be liable upon conviction before a Resident Magistrate to a fine of five hundred thousand dollars or to imprisonment for any term not exceeding six months:

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Provided, however, that where any leprous patient is convicted of an offence against this Act such leprous patient shall, in lieu of any term of imprisonment, whether as an alternative to the payment of a fine or otherwise, be ordered to be detained in a leprosarium until lawfully discharged therefrom under this Act.

37. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.

Minister
may amend
monetary
penalties.
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SCHEDULE

(Sections 17, 18)

List of Trades or Callings Prohibited to Leprous Patients

Baker	Nurse
Butcher	Waiter
Ice Cream Vendor	Steward
Greengrocer	Barman
Market Gardener	Dairyman
Cook	Boatman
Fishmonger	Sailor
Washer	Hawker
Bootmaker	Huckster
Tailor	Vanman
Barber	Schoolmaster
Domestic	Teacher
Licensed Hackney Carriage Driver	

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.

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

Any trade or calling in which the person employed comes in contact with cows or other animals kept for the purpose of furnishing milk.

Any trade or calling, occupation or employment in which the person employed comes in contact with other persons.