



**BERMUDA
1946 : 24**

QUARANTINE ACT 1946

ARRANGEMENT OF SECTIONS

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FIRST SCHEDULE

Quarantine (Maritime) Regulations 1946
[see Title 11 Item 2(b)]

SECOND SCHEDULE

Quarantine (Air) Regulations 1946
[see Title 11 Item 2(c)]

[10 May 1946]

[preamble and words of enactment omitted]

Interpretation

- 1 (1) In this Act—
"aerodrome" includes both a land and a water aerodrome;

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"commander", in relation to any aircraft, includes any person for the time being in charge or command of an aircraft;

"the Minister" means the Minister for the time being responsible for health and welfare and related matters;

"master", in relation to any ship, includes any person for the time being in charge or command of a ship;

"port" includes any place at which ships arrive and depart;

"ship" includes a vessel or boat.

(2) References hereinafter made to this Act shall be deemed to include a reference to any regulation, rules or orders in force by virtue thereof.

Minister to be the Quarantine Authority

2 (1) For the purposes of this Act there shall be a quarantine Authority.

(2) The Minister shall be the Quarantine Authority.

(3) There may be appointed such number of public officers to be Health Officers, Visiting Officers, quarantine guards and to fulfil other functions for the purposes of this Act, as may from time to time be authorized by the Governor.

(4) Health Officers and Visiting Officers shall, in the exercise of their powers and the performance of their duties under this Act, act under the general or special directions and control of the Quarantine Authority.

[section 2 amended by 1998 : 20 effective 18 June 1998]

Minister may make regulations

3 (1) The Quarantine Authority may make regulations, as respects the whole or any part of Bermuda, including the ports and territorial waters thereof—

(a) for preventing danger to public health from ships or aircraft or persons or things therein, arriving at any place; and

(b) for preventing the spread of infection by means of any ship or aircraft about to leave any place or by means of any person or thing about to leave any place in any ship or aircraft.

(2) Without prejudice to the generality of the powers conferred by subsection (1), regulations made under that subsection may, for the purposes therein set forth, make provision for all or any of the following matters—

- (a) the collection and transmission of epidemiological and sanitary information;
 - (b) the signals to be displayed by ships or aircraft;
 - (c) the questions to be answered and information (whether oral or documentary) to be supplied by masters, commanders and other persons who are or have been on board any ship or aircraft or are desirous of boarding any ship or aircraft;
 - (d) the detention of ships or aircraft and of persons and things that are or have been on board them;
 - (e) the destruction of things which are or have been on board ships or aircraft;
 - (f) the duties to be performed by masters, commanders and other persons who are or have been on board ships or aircraft or who are desirous of boarding any ship or aircraft;
 - (g) authorizing the making of charges, fixing the charges and providing for the recovery of charges and expenses;
 - (h) the enforcement of the regulations;
 - (i) for conferring on appropriate officers powers to board ships and aircraft and to enter premises;
 - (j) for any incidental and supplementary matters connected with any of the matters aforementioned.
- (3) [omitted] [covered by Interpretation Act 1951 section 35]
- (4) The affirmative resolution procedure shall apply to regulations made under this section.
- (5) [revoked by 1977:35]
- (6) [revoked by 1977:35]
- (7) The regulations contained in the First and Second Schedules shall have effect as if they were regulations made by the Quarantine Authority and in operation in accordance with this section.

Minister may make emergency orders

4 (1) When in the opinion of the Quarantine Authority an emergency exists, the Quarantine Authority may by order direct special measures to be taken during the continuance of that emergency for any of the purposes specified in section 3 and section 4 and any such order shall have effect notwithstanding anything to the contrary in any regulations or rules in force by virtue of those sections.

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(2) An order made under subsection (1) may be varied or rescinded by order of the Governor.

Recovery of expenses and charges

5 (1) Any person—

- (a) who refuses to answer or knowingly gives an untrue answer to any inquiry made under the authority of this Act, or who intentionally withholds any information reasonably required of him by an officer or other person acting under the authority of this Act, or who knowingly furnishes to any such officer or other person any information which is false; or
- (b) who refuses or wilfully omits to do any act which he is required to do by this Act, or who refuses or wilfully omits to carry out any lawful order, instruction or condition made, given or imposed by any officer or other person acting under the authority of this Act; or
- (c) who assaults, resists, wilfully obstructs, or intimidates any officer or other person acting under the authority of this Act, or who offers or gives a bribe to any officer or person in connection with his powers or duties under this Act, or who, being such officer or person, demands, solicits or takes a bribe in connection with his powers or duties under this Act, or who otherwise obstructs the execution of this Act,

commits an offence against this Act:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$3,360, or both such fine and imprisonment.

(2) Any person who commits any other offence against this Act or against any regulations made thereunder:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$3,360, or both such fine and imprisonment.

Police; powers and duties

6 (1) All expenses and charges payable to the Quarantine Authority under this Act, whether or not the amount claimed exceeds two hundred and forty dollars, may be sued for and recovered before a court of summary jurisdiction by the Minister responsible for health and welfare and related matters in the manner prescribed by the Magistrates Act 1948 [*title 8 item 15*], for the recovery of a debt or liquidated demand; and a certificate purporting to be under the hand of the Chief Medical Officer to the effect that the expenses or charges sued for are due and payable shall be received in evidence and shall be sufficient evidence of the facts therein stated unless the contrary is shown.

(2) Any sum received by the Quarantine Authority or recovered by the Minister in payment of such expenses or charges as aforesaid shall be paid into the Consolidated Fund.

Conflict with Public Health Act 1949

7 (1) It shall be the duty of every police officer to enforce (using force if necessary) compliance with this Act and with any order, instruction or condition lawfully made, given or imposed by any officer or other person under the authority of this Act and for such purpose any police officer may board any ship or aircraft and may enter any premises without a warrant.

(2) Any police officer may arrest without a warrant any person whom he has reasonable cause to believe to have committed any offence against this Act.

8 Where any provision of this Act is inconsistent with any provision of the Public Health Act 1949 [*title 11 item 1*], the provision of this Act shall prevail.

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SCHEDULES

FIRST SCHEDULE

[Contained the Quarantine (Maritime) Regulations, 1946, printed as Item 2 (b) of this Title.]

SECOND SCHEDULE

[Contained the Quarantine (Air) Regulations, 1946, printed as Item 2 (c) of this Title.]

[Amended by:

1948 : 25
1949 : 24
1951 : 78
1952 : 11
1970 : 390

1971 : 83
1977 : 35
1998 : 20]