
CHAPTER 231
HEALTH SERVICES

LIST OF AUTHORISED PAGES

- 1 – 4 LRO 1/2002
5 – 32 Original

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.

Public Health Authorities and Administration

3. Establishment of Health Department.
4. Supply of medicines, etc. at public expense.
5. Payment of fees for treatment.
6. Magistrate's powers.
7. Supreme Court may make an order charging real property.

Infectious Diseases

8. Notices to be given of outbreak of infectious diseases.
9. Steps to be taken on notification of infectious disease.
10. Removal of infected articles for disinfection or destruction and necessary powers.
11. Isolation of infected persons and contacts and other powers of a medical officer.
12. Penalty for casting infected rubbish, etc., into dust-bins.
13. Disinfection, and notice to owners, of infected house or giving up possession.
14. Penalty for letting infected house.
15. Penalty for making false statement on letting infected house.
16. Washing of infected clothing.
17. Infected children not to be sent to school.
18. Infected person not to take books, etc., from library.
19. Certain persons suffering from infectious diseases may be removed to hospital.
20. Penalty on exposure of infected persons or things.
21. Provision for preventing the infection of public conveyances.
22. Provision for dealing with infectious disease suspected due to milk.
23. Penalty for not burying infected corpse promptly

24. Penalty for holding wake over infected corpse.
25. Burial of persons dying in hospital of infectious disease.
26. Burial of corpse on default of relatives and recovery of expenses.
27. Anatomical examination of corpses of persons dying of certain diseases.

Prohibition of Certain Trades to Persons Suffering from Infectious Diseases

28. Infected persons not to exercise certain callings.

Rules

29. Rules.
30. Application of rules.

Miscellaneous

31. Application of Act to all buildings and vessels, etc.
32. General power of entry to premises.
33. Penalties for various offences.
34. Notices, authentication and service of.
35. Method of recovering penalties and expenses.
36. Legal proceedings by the Minister.
37. Power of entry to examine or inspect.
38. Evidence of persons authorized to perform duties.
39. When a commissioner is unable to adjudicate.
40. Provisions of Act not to be in derogation of other legal provisions and rights.
41. General penalty.
42. Power to Minister to vary interpretation of infectious disease, etc.
43. Expenses.
44. Property vested in Treasurer.
45. Contracts.
46. Serving officers.

SCHEDULE — Trades Prohibited to Persons Suffering from Infectious Diseases.

CHAPTER 231

HEALTH SERVICES

An Act to make provision for securing the public health.*[Commencement 22nd June, 1914]*

17 of 1914
 28 of 1920
 42 of 1926
 9 of 1928
 28 of 1947
 23 of 1962
 24 of 1962
 39 of 1963
 43 of 1964
 E.L.A.O., 1974
 19 of 1975.
 24 of 1975
 15 of 1976
 4 of 1987
 5 of 1987
 S.I. 93/1991
 20 of 1998

1. This Act may be cited as the Health Services Act.

Short title.
 39 of 1963, s. 2.
 Interpretation.

2. In this Act unless the context otherwise requires —
 “building” includes the curtilage of a building;

“business premises” means an hotel, restaurant, shop,
 office, cruise ship and any other premises where
 business is carried on;

24 of 1975, s. 3.

“Chief Medical Officer” means the chief medical
 officer appointed in accordance with the provi-
 sions of this Act;

“cistern” includes a tank, water-butt, jar, cask, barrel,
 tub or other receptacle used for storing water;

“contact” means a person who, in the opinion of a
 medical officer, has been exposed to infection
 from an infectious disease;

“dairy” includes any farm, farmhouse, cow-shed,
 milk-store, milk-shop, milk-cart, pasture, road
 or other place from which milk is supplied or in
 which milk is kept for purposes of sale;

“dairyman” includes any cow-keeper, purveyor of
 milk or person in charge of a dairy;

“day” means the period between the hours of six
 o’clock in the morning and six o’clock in the
 evening;

“Department” means the Health Department estab-
 lished under section 3;

39 of 1963, s. 3.

“disinfecting” and “cleansing” respectively include
 fumigating for the purpose of destroying
 noxious insects and rats, lime-washing and all
 other measures from time to time prescribed;

-
- 39 of 1963, s. 3.
Ch. 37.* “district” means any one of the districts into which the Out Islands are divided under the Local Government Act, or any other area in which a government medical officer is directed by the Minister to carry out his duties;
- “dust-bin” means any bin, tub or other receptacle for the deposit of dust, sweepings, rubbish or refuse matter;
- “earth-closet” means a closet in which dry earth, lime or other matter is used for covering and deodorising human excreta;
- 39 of 1963, s. 3.* “health officer” means any member of the Health Department authorised by the Minister to act as a health officer and includes a commissioner so authorised;
- 20 of 1998, s. 2.* “hospital” means a health care institution owned and operated by the Government;
- “house” includes schools, also factories and other buildings in which persons are employed and the curtilage of a house;
- “house gutter” includes eaves-gutter and any other gutter upon, or attached to any dwelling-house or building whatsoever;
- 23 of 1962, s. 2.* “human consumption” includes use in the preparation of food or drink for human consumption;
- 28 of 1920, s. 2.* “infectious disease” means any of the following diseases namely: plague, smallpox, yellow fever, cholera, diphtheria, typhoid fever, scarlet fever, scarlatina, mumps, measles, german measles, typhus fever, whooping cough, hydrophobia, trachoma, puerperal fever, relapsing fever, dysentery, cerebrospinal fever, acute poliomyelitis, influenza, tuberculosis, acquired immune deficiency syndrome (AIDS) and pneumonia;
- S.I. 93/1991.*
- 39 of 1963, s. 3.* “isolation station” includes any house, part of a house, tent, vessel or other place in which any patient or contact is isolated;
- “larvae” includes pupae;

-
- “master” means in the case of a building or part of a building, a person in occupation of or having the charge, management or control of the building, or part of the building, and in the case of a house the whole or part of which is let out in separate tenements or rooms, or in the case of a lodging house the whole of which is let to lodgers, includes the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person, and in the case of a vessel means the master or other person in charge thereof;
- “medical officer” includes the Chief Medical Officer and a district medical officer;
- “medical officer of health” means any medical officer appointed to be a medical officer of health and includes the Chief Medical Officer and a district medical officer; *39 of 1963, s. 3.*
- “medical practitioner” means a duly qualified medical practitioner within the meaning of the Medical Act or any Act passed in amendment thereof or substitution therefor: *Ch. 224.*
- “Minister” means the Minister responsible for Public Health; *E.L.A.O., 1974.*
- “noxious insects” includes mosquitoes, fleas, flies and other insects which may be from time to time prescribed;
- “owner” means the person for the time being receiving the rent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such premises were let;
- “pail closet” means a movable receptacle for human excreta;
- “patient” means a person whom a medical officer or medical practitioner believes or suspects to be suffering from an infectious disease;
- “place of public resort” includes any library, building, place or conveyance to which for the time being the public are entitled or permitted to have access either without any condition or upon

condition of making any payment, and any building or place which is for the time being used for any public or religious meeting or assembly or as an open court;

E.L.A.O., 1974.

“prescribed” means prescribed for the time being by the Minister by Order published in the *Gazette*;

“public place” includes any park, market, market place, street, highway, road, bridge, wharf, pier, jetty, lane, footway, square, court, alley of passage, whether a thoroughfare or not;

“rules” means rules made under this Act;

“sanitary conveniences” includes urinals, water-closets, earth-closets, pail closets, privies and any similar conveniences or receptacles for human excreta or urine, together with the structure comprising such convenience or receptacle and the fittings and apparatus connected therewith;

“suffering from an infectious disease”, “liable to retain infection,” “exposed to infection,” “injurious to health,” “dangerous to health” and “infected” respectively mean so suffering, so liable to retain, so exposed, so injurious, so dangerous or infected, in the opinion of a medical officer or in any district where there is no medical officer in the opinion of a commissioner;

39 of 1963, s. 3.

E.L.A.O., 1974.

“town” means any area in New Providence or in any Out Island now known or commonly called a town or hereafter declared by the Minister by notice in the *Gazette* to be a town for the purposes of this Act and includes the City of Nassau and its suburbs as defined in any Act;

“vessel” includes any ship, boat and every description of vessel used in navigation;

E.L.A.O., 1974.

“village” means any area containing ten or more houses used for human habitation beyond the boundaries of the town, no one of which houses is more than fifty yards from the house nearest to it, together with the area within fifty yards of each such house; and it includes any area with houses thereon beyond the boundaries of a town from time to time declared by the Minister by notice in the *Gazette* to be a village for the purposes of this Act.

Public Health Authorities and Administrations

3. (1) There shall be established a Health Department which shall comprise a Chief Medical Officer who shall be the principal adviser and chief executive officer of the Minister and such other medical, public health, nursing and other officers as may from time to time be authorized by Parliament.

Establishment of Health Department.
39 of 1963, s. 4.

(2) Notwithstanding the provisions of any other Act, no person shall be appointed to the office of Chief Medical Officer, specialist or medical officer in the Department unless he holds a medical or surgical degree or diploma of a university or like institution in the Commonwealth or of a university or like institution of a foreign country recognised by the Minister for the purposes of this section:

Provided that in the case of the Chief Medical Officer, the person appointed shall have had at least five years experience in his profession and shall possess such public health qualifications as the Minister may approve.

4. Subject to any rules prescribed by the Minister under section 29, medical and surgical attention and requisites shall be supplied by the Department at the public expense to —

Supply of medicines, etc. at public expense.
39 of 1963, s. 4.

- (a) such poor and indigent persons as may need and apply for them;
- (b) the inmates and staff of the prisons and of the industrial schools;
- (c) the members of the police force;
- (d) the patients in the leper asylum.

5. (1) The Minister shall by rule prescribe the fees to be paid by persons who are admitted to hospital as paying patients for medical or surgical treatment.

Payment of fees for treatment.
39 of 1963, s. 4.

(2) The Minister may, by rule or otherwise, attach to the giving of medical or surgical treatment in hospital such conditions as to payment as may be deemed reasonable and having regard to the special circumstances of any individual case.

6. A magistrate on the application of the Minister or some other person authorised by him upon its being proved that any person is or has been in receipt of medical

Magistrate's powers.
39 of 1963, s. 4.

or other relief from a hospital, and that such person or the parent, child or husband of such person is able to contribute to the cost of such relief, may make an order upon such person or upon such parent, child of husband to contribute such sum either by weekly payments or otherwise and whether in respect of past or future relief as the magistrate may deem reasonable in view of all the circumstances of the case.

Supreme Court may make an order charging real property. 39 of 1963, s. 4.

7. The Supreme Court on its equity side may in its discretion on the application of the Minister make an order charging any real property vested in any person who shall have died in hospital (or who shall have been removed from hospital within a month prior to his death) in respect of the cost of maintenance supplied to such person to such an amount and subject to such conditions as the court in its discretion may deem fit and may order such charge to be enforced by sale of the property or otherwise as it may deem fit:

Provided that no such order shall be made unless the same shall be applied for within the period of six months from the death of the person in whom the property was vested.

Infectious Diseases

Notices to be given of outbreak of infectious diseases.

8. (1) Where an inmate of any house is suffering or suspected to be suffering from an infectious disease, the following provisions shall have effect, that is to say —

- (a) the head of the family to which such inmate (in this section referred to as the patient) belongs, and in his default the nearest relative of the patient present in the house, or being in attendance on the patient, and in default of such relative, every person in charge of or in attendance on the patient, and in default of any such person the master of the house, shall, as soon as he becomes aware or suspects that the patient is suffering from an infectious disease —
 - (i) forthwith call in a medical practitioner to visit the patient or give notice, verbal or written to the Chief Medical Officer, medical officer of health, district medical officer, commissioner or peace officer;

39 of 1963, s. 10.

-
- (ii) immediately after the death of the patient unless the patient was attended at the time of his death by a medical practitioner, give notice of such death to the Chief Medical Officer, medical officer of health, district medical officer, commissioner or peace officer.

In any such notice there shall be stated the full name and the age and sex of the patient, a description of the situation of the house, and the infectious disease from which the patient is suffering or is suspected to be suffering, and, in the event of the death of the patient, the infectious disease of which the patient is believed or suspected to have died, and the date and hour of the death;

- (b) every medical practitioner attending on or called in to visit the patient shall forthwith, on becoming aware of or suspecting that the patient is suffering from an infectious disease, give to the Minister, the district medical officer or a commissioner a certificate stating the full name and the age and sex of the patient, a full description of the situation of the house, and the infectious disease from which in the opinion of such medical practitioner the patient is suffering or is suspected by him to be suffering, and in the event of the death of the patient he shall also give a certificate to the Minister, the district medical officer or a commissioner stating, in addition to the above particulars, the infectious disease of which in his opinion the patient has died or is suspected by him to have died and the date and hour of the death;
- (c) the head master or head mistress of any school suspecting that any child in his or her school is suffering from any infectious disease shall notify the same to the Minister, the district medical officer or a commissioner.

(2) Every person required by this section to give any notice or certificate, who fails forthwith to give the same shall be liable on summary conviction to a penalty of ten dollars:

5 of 1987, Sch.

Provided that, if a person is not required to give notice in the first instance but only in default of some other person, he shall not be liable to any penalty if he satisfies the magistrate that he had reasonable cause to suppose that the notice had been duly given.

(3) The Minister may prescribe forms for the purpose of certificates to be given in pursuance of this section, and if such forms are so prescribed they shall be used in all cases to which they apply, and all information and particulars required by such forms shall be given by the person required to give the certificate. The Minister shall gratuitously supply such forms of certificate to any medical practitioner residing or practising in New Providence or an Out Island district who applies for the same; and every medical practitioner shall be paid for such certificate duly sent by him in accordance with this section a fee of eighty cents.

39 of 1963, s. 10.

5 of 1987, s. 2.

Steps to be taken on notification of infectious disease.

39 of 1963, s. 11.

9. Any peace officer receiving any notice under section 8 of this Act shall forthwith report the same to the medical officer or commissioner of the district in which the case or suspected case or the death as the case may be has occurred. In New Providence such report shall be made by a peace officer to the Chief Medical Officer or medical officer of health.

10. (1) The Minister may do all or any of the following things —

- (a) provide in any suitable place proper premises for the disinfection or destruction of any bedding, clothing or other articles which have become infected by any infectious disease;
 - (b) provide the necessary carriages, vessels or other means of conveyance of any such bedding, clothing or other articles to such premises and the necessary apparatus and attendance for such disinfection or destruction;
 - (c) destroy, or disinfect and return after disinfection, any such bedding, clothing or other articles free of charge.
- (2) If satisfied —
- (a) that any house or part of a house is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby; or

Removal of infected articles for disinfection or destruction and necessary powers.

-
- (b) that the cleansing and disinfecting of any house or part of a house, and of any article therein or the destruction of such article would tend to prevent the occurrence or check the spread of any disease,

a health officer may serve notice on the master of such house or part thereof or, if the house or part thereof is unoccupied, on the owner thereof that the same and any such articles therein will be cleansed and disinfected, or the articles destroyed, at the cost of such master or owner unless within such time as the health officer may specify from the service of the notice he informs the health officer, that he will, within the time fixed by the notice, himself cleanse and disinfect the house or part thereof and any such articles, or destroy such articles, to the satisfaction of the health officer. *39 of 1963, s. 12.*

(3)(a) Such house or part thereof and such articles may be cleansed and disinfected or such articles may be destroyed by the health officer if —

- (i) in the opinion of the Chief Medical Officer or his deputy, or a health officer, the necessity for cleansing and disinfecting the house or part thereof or any article therein likely to retain infection, or for destroying such article is urgent;
- (ii) within such time from the service of the notice as may be fixed therein, the person on whom it is served does not inform the health officer of his intention to cleanse and disinfect or destroy as aforesaid; *39 of 1963, s. 12.*
- (iii) having given such information as aforesaid such person fails to have the house or part thereof and any such articles cleansed and disinfected, or the articles destroyed within the time fixed in the notice;
- (iv) the master or owner before or after such notice gives his consent;
- (v) the Minister is of opinion that the master or owner is unable effectually to cleanse and disinfect the house or part thereof and any such articles therein.

(b) Any expenses thereby incurred by the Minister shall be recoverable in a summary manner from the master or owner unless in the opinion of the Minister the master or owner is from poverty or any other cause unable to pay such expenses, in which case they may be paid out of the Consolidated Fund by warrant in the usual manner.

(4) For the purpose of carrying into effect this section the health officer may enter by day on any premises.

11. (1) Subject to the terms of any rules made under this Act when a medical officer believes or suspects any person to be suffering from an infectious disease the following steps may be taken with the approval of the Minister —

- (a) the medical officer may cause the patient to be isolated in the same house or part of a house in which the patient then is until he is satisfied that the patient is no longer infectious, if in his opinion, such house or part of a house is so situate as to permit of the effectual isolation of the patients therein, and such house or part of a house during such isolation shall be deemed to be an isolation station. If in the opinion of the medical officer the patient cannot be effectually isolated in such house or part of a house, he may cause the patient to be removed to an isolation station or hospital and to be there isolated until the medical officer in charge of such isolation station or hospital is satisfied that the patient is no longer infectious;
- (b) the medical officer may cause the immediate attendants of any such patient and other contacts to be isolated in the same house or part of a house in which the patient is isolated or in some other isolation station and for such period of time as he shall think fit;
- (c) the medical officer may cause the clothes and bedding of all patients and contacts and all articles which in his opinion have been infected or exposed to infection by patients or contacts to be disinfected or destroyed as he shall think fit.

(2)(a) A contact may be liberated or exempted from isolation by a medical officer subject to his undergoing surveillance by the medical officer if the medical officer is

Isolation of
infected persons
and contacts and
other powers of a
medical officer.

39 of 1963, s. 13.

satisfied that it is reasonably probable that the contact will duly comply with the following conditions, by which conditions the contact shall be bound and with which he shall comply in every particular upon being liberated or exempted from isolation, and if, in the case of small-pox, the contact will submit himself for vaccination, if in the opinion of the medical officer it is desirable —

- (i) during the period of surveillance the contact shall reside at such place and remain within such area as the medical officer may from time to time direct; and
- (ii) during the period of surveillance the contact shall present himself to the medical officer for medical examination and supervision at such place and at such hours and as often as the medical officer may from time to time direct.

(b) If after such liberation or exemption the contact fails, in the opinion of the medical officer, in any particular to comply with any of the conditions of this subsection, the medical officer may cause the contact to be placed and detained in isolation in an isolation station for the period prescribed in paragraph (b) of subsection (1) of this section, but the contact shall not be thereby released from liability to a penalty for' contravention of this subsection, as the case may be.

(3) No person unless authorised by a medical officer, shall enter any house or part of a house in which a patient has died of an infectious disease, before such house or part of a house shall have been disinfected, or shall enter or quit any isolation station in which a patient or contact is isolated; any person so entering or quitting any such house, part of a house, or isolation station, shall be liable to be dealt with as a contact, in addition to any penalty which he may incur for any contravention of this subsection.

(4) A medical officer shall have the following powers —

- (a) to enter any house or part of a house in which a patient is or has been, for the purpose of destroying noxious insects or rats therein, and of preventing or guarding against the entry or escape of noxious insects or rats therein or therefrom;

- (b) to enter any other house or part of a house which in his opinion is within the range of infection from a house or part of a house in which a patient has been for the purpose of taking any steps he may deem necessary for disinfecting and screening any such house or part of a house.

39 of 1963, s. 13.

(5) Any verbal or written direction or order of a medical officer under this section may be executed by any person duly authorised by him.

(6) Any expenses incurred in removing a patient or contact to, or maintaining him in, a hospital or isolation station, or in disinfecting or screening any house or part of a house shall be payable out of the Consolidated Fund by warrant in the usual manner.

(7) If any bedding, clothing or articles are disinfected by or with the approval of a health officer and any of them suffer any damage thereby the Minister shall compensate the owner for the same and he shall also compensate the owner for any bedding, clothing or articles destroyed and the amount of any such compensation, in case of disagreement, shall be fixed by a stipendiary and circuit magistrate from whose decision there shall be no appeal.

(8) Any person who contravenes any of the provisions of this section, or obstructs the execution of the powers given by this section, or obstructs the execution of any directions given by a medical officer under this section, shall be liable on summary conviction to a penalty of fifty dollars or to imprisonment for one month.

5 of 1987, Sch.

Penalty for casting infected rubbish, etc., into dust-bins.

5 of 1987, Sch.

12. (1) Any person who casts, or causes or permits to be cast, into any dust-bin any rubbish or refuse matter which he knows to be infected by any infectious disease without previous disinfection to the satisfaction of a medical officer of health shall be liable on summary conviction to a penalty of twenty-five dollars, or to imprisonment for fourteen days and, if the offence continues, to a further penalty of five dollars for every day during which the offence so continues after the notice hereafter in this section mentioned.

(2) The Minister shall cause notice of the provisions of this section to be served on the master of any house or part of a house in which there is a person suffering from an

infectious disease and on the request of such master shall provide for the removal and disinfection or destruction of the aforesaid rubbish or refuse at his expense.

13. (1) Any person who ceases to occupy any house or part of a house, in which any person has within six weeks previously been suffering from an infectious disease and either —

Disinfection, and notice to owners, of infected house or giving up possession.

- (a) fails to have such house or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a medical officer of health as testified by a certificate signed by him, or such articles destroyed;
- (b) fails to give to the owner or master of such house or part of a house notice of the previous existence of such disease;
- (c) on being questioned by the owner or master of such house or part of a house, or by any person negotiating as principal or agent for the hire of such house or part of a house, as to the fact of there having within six weeks previously been therein any person suffering from an infectious disease, knowingly makes a false answer to such question,

shall be liable on summary conviction to a penalty of fifty dollars or to imprisonment for one month.

5 of 1987, Sch.

(2) The Minister shall give notice of the provisions of this section to the occupier of any house in which he is aware that there is a person suffering from an infectious disease.

14. (1) Any person who knowingly lets for hire any house or part of a house, in which any person has been suffering from an infectious disease without having such house or part of a house and all articles therein liable to retain infection, disinfected to the satisfaction of a medical officer of health as testified by a certificate signed by him or, as regards the articles, destroyed, shall be liable on summary conviction to a penalty of one hundred dollars or to imprisonment for two months.

Penalty for letting infected house.

5 of 1987, Sch.

(2) For the purposes of this section the keeper of any house or part of a house used as an inn, boarding house or hotel or apartment house shall be deemed to let for hire part of a house to any person admitted therein as a guest.

Penalty for making false statement on letting infected house.

15. Any person letting for hire, or showing for the purpose of letting for hire, any house or part of a house, who, on being questioned by any person negotiating as principal or agent for the hire of such house or part of a house, as to the fact of there being, or within six weeks previously having been, in such house any person suffering from any infectious disease, knowingly makes a false answer to such question, shall be liable on summary conviction to a penalty of fifty dollars or to imprisonment for one month.

5 of 1987, Sch.

Washing of infected clothing.

16. (1) Any person who takes or sends to any public wash house or to any laundry or place where clothes are washed, for the purpose of being washed, any bedding, clothing or other things which he knows to have been exposed to infection from any infectious disease, unless they have been disinfected to the satisfaction of a medical officer of health as testified by a certificate signed by him, shall be liable on summary conviction to a penalty of twenty-five dollars or to imprisonment for fourteen days.

5 of 1987, Sch.

(2) The Minister shall give notice of the provisions of this section to the occupier of any house in which he is aware that there is a person suffering from an infectious disease.

Infected children not to be sent to school.

17. (1) No person being the parent or person having the care or charge of a child whom he knows or suspects to be suffering from any infectious disease shall permit such child to attend any school, and no person being the parent or having the care or charge of a child who, in the opinion of a medical practitioner, has been suffering from an infectious disease or has been exposed to infection from an infectious disease, shall after a notice from a medical practitioner that the child is not to be sent to school permit such child to attend any school without having procured from a medical practitioner a certificate that in his opinion such child may attend school without undue risk of communicating such disease to others. A medical practitioner upon giving a notice under this subsection shall forthwith report to the Minister the giving of such notice and the names and addresses of the child and of the person to whom such notice has been given.

(2) Where any part of a building is occupied as a dwelling and any other part thereof is used as a school,

factory, store, shop or place of public resort or meeting and it is certified by a medical practitioner that any person is or has been suffering from an infectious disease in the part occupied as a dwelling, the Minister may declare the whole of such building to be infected, and may direct the owner, occupier or manager of such factory, store, shop or place, or in the case of a school, the manager or principal of such school, to close such part of the building until such person has been removed from the building and the building has been cleansed and disinfected to the satisfaction of a medical officer of health as testified by a certificate signed by him.

(3) Where a medical officer of health certifies that an infectious disease exists in any part of a district the Minister may declare by notice in the *Gazette* such part to be infected and prohibit the attendance at any school of children resident within the infected area or order the manager or principal of any school within or without the infected area to close such school or to exclude certain children from attendance at such school.

(4) The medical officer of health of the district in which a school is situate may require the principal of the school to furnish him within a reasonable time fixed by him a complete list of the names and addresses of the pupils in or attending at the school.

(5) If any person acts in contravention of or fails to comply with this section or any order, direction, prohibition or requisition under this section he shall be liable on summary conviction to a penalty of fifty dollars or to imprisonment for one month.

5 of 1987, Sch.

18. (1) If any person knows that he is suffering from an infectious disease he shall not take any books, review, magazine or paper, or use, or cause any book, review, magazine or paper to be taken for his use from, or enter any public or circulating library.

Infected person not to take books, etc., from library.

(2) A person shall not permit any book, review, magazine or paper which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from an infectious disease.

(3) A person shall not return to any public or circulating library any book, review, magazine or paper which he knows to have been exposed to infection from an infectious disease or permit any such book, review, magazine or paper which is under his control, to be so returned, but shall give notice to the Minister that the book, review, magazine or paper has been so exposed to infection, and the Minister shall cause the book, review, magazine or paper to be disinfected and returned to the library or to be destroyed.

(4) The Minister shall pay to the proprietor, librarian or other person in charge of the library from which the book, review, magazine or paper is procured the value of any book, review, magazine or paper destroyed under the provisions of this section.

(5) If any person acts in contravention or fails to comply with this section, he shall be liable on summary conviction to a penalty of fifty dollars or to imprisonment for one month.

5 of 1987, Sch.

Certain persons suffering from infectious diseases may be removed to hospital.

19. (1) When a medical officer suspects that a person is suffering from an infectious disease who, in such medical officer's opinion, is unable to provide himself with proper lodging or accommodation, or is unable to take proper precautions, by effectually isolating himself or otherwise to prevent the spread of the disease by him, or is unable to provide himself with necessary nursing, treatment or attendance, he may direct such person to be removed to a hospital. The medical officer shall in every such case report to the Minister who shall cause the removal to be effected at his expense.

(2) When the medical officer in charge or having the supervision of a hospital believes or suspects that a person who is in hospital is suffering from any infectious disease, and is of opinion that the person on leaving the hospital would be unable to provide himself with proper lodging or accommodation, or to take proper precautions, by effectually isolating himself or otherwise, to prevent the spread of the disease by him, or to provide himself with necessary nursing, treatment or attendance, he may direct such person to be detained in a hospital during such time as he shall think necessary.

(3) A verbal or written direction in either of the above cases may be carried into execution by any health officer; and any person obstructing the execution of or disobeying the direction shall be liable on summary conviction to a penalty of fifty dollars or to imprisonment for one month.

5 of 1987, Sch.

20. Any person who —

- (a) while suffering from an infectious disease wilfully or without proper precautions against spreading the disease exposes himself in any public place or place of public resort, or while so suffering enters any public conveyance without previously notifying to the owner or driver thereof that he is so suffering;
- (b) being in charge of any person so suffering, so exposes such sufferer;
- (c) gives, lends, sells; transmits or exposes without previous disinfection, any bedding, clothing or other articles which have been exposed to infection from any such disease,

Penalty on exposure of infected persons or things.

shall be liable on summary conviction to a penalty of twenty-five dollars or to imprisonment for one month and a person who while suffering from any infectious disease, enters any public conveyance without previously notifying to the owner or driver that he is so suffering shall, in addition, be ordered by the court to pay such owner and driver the amount of any loss and expenses they may incur in carrying into effect the provisions of this Act with respect to disinfection of the conveyance:

5 of 1987, Sch.

Provided that no proceedings under this section shall be taken against persons transmitting with proper precaution any bedding, clothes or other article for the purpose of having the same disinfected.

21. (1) A person shall not hire or use any public conveyance, other than a hearse, for conveying the body of a person whom he knows to have died from an infectious disease, without previously notifying to the owner or driver of the public conveyance that such person died from an infectious disease.

Provision for preventing the infection of public conveyances.

(2) If any person suffering from any infectious disease, or the body of any person who has died from any infectious disease is conveyed in such public conveyance

the owner or driver thereof, as soon as it comes to his knowledge, shall give notice to the Minister and shall forthwith cause such public conveyance to be disinfected under the superintendence of a health officer.

5 of 1987, Sch.

(3) If any person acts in contravention of or fails to comply with any of the provisions of this section he shall be liable on summary conviction to a penalty of fifty dollars or to imprisonment for one month.

(4) It shall be the duty of the Minister when so requested by the owner or driver of any such public conveyance to provide for the disinfection of the same at the expense of the owner or driver.

Provision for dealing with infectious disease suspected due to milk.

22. (1) If a medical officer of health suspects that any person is suffering from infectious disease attributable to milk supplied from any dairy, or that any cow the milk of which is supplied from such dairy, is affected with tuberculosis, or that the consumption of milk from such dairy is likely to cause infectious disease to any person such medical officer of health, if authorised by an order of the Minister, shall have power with or without assistance to inspect the dairy and the animals therein, and if on such inspection the medical officer of health is of opinion that any cow therein or any cow the milk of which is supplied from such dairy is affected with tuberculosis or if he is of opinion that any infectious disease is caused or likely to be caused from consumption of the milk supplied from such dairy, he shall report thereon to the Minister and the Minister may thereupon serve on the dairyman notice to appear before a magistrate within such time, not less than twenty-four hours after the service of such notice, as may be specified in the notice, to show cause to the satisfaction of the magistrate why an order should not be made for the destruction of any such cow or requiring him not to supply any milk from such dairy or keep any milk therein for the purposes of sale until the order has been withdrawn by the magistrate.

(2) If the dairyman appears in obedience to such notice and in the opinion of the magistrate he fails to show such cause, or if the dairyman does not appear upon proof satisfactory to the magistrate of service of the notice on the dairyman, the magistrate may make the said order and he shall forthwith give notice of the order to the Minister and

he shall forthwith withdraw the said order upon receipt of a certificate from the Minister that he is satisfied that the milk supply has been changed or that the cause of the infection has been removed.

(3) If any person refuses to permit the medical officer of health or his assistants, on the production of the order of the Minister under this section, to inspect any dairy or the animals therein, or after the magistrate has made an order under this section, supplies any milk or keeps any milk for the purpose of sale in contravention of the order, or sells it for consumption, he shall be liable on summary conviction to a penalty of fifty dollars or to imprisonment for one month:

5 of 1987, Sch.

Provided that the dairyman shall not be liable to an action for breach of contract if the breach be due to an order made under this section.

23. Any person who, without the sanction in writing of a medical practitioner, retains unburied on any premises for more than twelve hours the body of any person who has died from any infectious disease shall, on the complaint of the Minister, be liable on summary conviction to a penalty of fifty dollars or to imprisonment for one month.

Penalty for not burying infected corpse promptly.

5 of 1987, Sch.

24. It shall not be lawful to hold any wake over the body of any person who has died from an infectious disease, and the master of any premises or part of any premises who permits or suffers any such wake to take place in such premises or part thereof, and every person who attends to take part in such wake shall be liable on summary conviction to a penalty of fifty dollars or to imprisonment for one month.

Penalty for holding wake over infected corpse.

5 of 1987, Sch.

25. (1) If a person dies in hospital or isolation station from any infectious disease, it shall not be lawful for any person, without the permission of the medical officer in charge of or having the supervision of such hospital or isolation station, to remove the body from such hospital or isolation station except for the purpose of forthwith burying the same; and the body when so removed shall be forthwith taken direct to the place of burial and there forthwith buried.

Burial of persons dying in hospital of infectious disease.

(2) If any person acts in contravention of this section he shall be liable on summary conviction to a penalty of fifty dollars or to imprisonment for one month.

5 of 1987, Sch.

(3) Nothing in this section shall prevent the removal of a dead body from a hospital or isolation station to a mortuary, and such mortuary shall, for the purpose of this section, be deemed part of such hospital or isolation station.

Burial of corpse on default of relatives and recovery of expenses.

26. (1) Where either —

- (a) the body of a person who has died from any infectious disease is retained in a room in which persons live, sleep or work; or
- (b) the body of a person who has died of an infectious disease is retained without the sanction in writing of a medical practitioner on any premises for more than twelve hours; or
- (c) any dead body is retained in any house so as to endanger the health of the inmates thereof, or of any adjoining or neighbouring house or building,

a medical officer of health may direct that the body be buried immediately, or within a time limited by him.

(2) Unless the relatives or friends of the deceased undertake to bury and do bury the body within the time so limited, it shall be the duty of the Minister to bury such body, and any expenses so incurred may be recovered by him in a summary manner from any person legally liable to pay the expenses of such burial.

(3) If any person obstructs the execution of any direction given by a medical officer of health under this section, he shall be liable on summary conviction to a penalty of fifty dollars or to imprisonment for one month.

5 of 1987, Sch.

Anatomical examination of corpses of persons dying of certain diseases.

27. (1) When a medical practitioner in attendance on a person is of opinion that such person presents symptoms of yellow fever, cholera or plague, he shall have power on the death of such person, if he suspects that the death of such person was caused by yellow fever, cholera or plague, to make an anatomical examination of the dead body of such person for the purpose of ascertaining the cause of death if so directed by the Minister.

(2) Where a medical officer of health suspects that any person, the cause of whose death has not been certified by a medical practitioner, has died of yellow fever, cholera or plague, he shall have power at any time to enter any premises and view the body of such person. If upon such

view he finds grounds for such suspicion he shall have power to make an anatomical examination of the said body for the purpose of ascertaining the cause of death, if so directed by the Minister.

(3) In either of such cases the medical practitioner or the medical officer of health as the case may be shall have power to cause the body to be removed to some convenient place, if he thinks fit, for the purpose of making such examination; and such removal shall be at the expense of the Minister.

(4) Any person who obstructs the execution of any of the powers conferred by this section shall be liable on summary conviction to a penalty of fifty dollars or to imprisonment for one month.

5 of 1987, Sch.

*Prohibition of Certain Trades to Persons
Suffering from Infectious Diseases*

28. (1) A person who knows or suspects that he is suffering from an infectious disease shall not carry on or be engaged in 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 prohibit him from carrying on.

Infected persons
not to exercise
certain callings.

Schedule.

(2) An employer shall not knowingly employ any person suffering from an infectious disease in any such trade or calling.

(3) If the Minister suspects that any person engaged in any of such trades or callings is suffering from an infectious disease he may by his authorised officer enter upon the premises, where any such trade or calling is carried on and examine the persons employed.

39 of 1963, s. 18.

(4) For the purposes of this section the term “infectious disease” shall mean any of the following diseases, namely, plague, small-pox, yellow fever, cholera, diphtheria, typhoid fever, scarlet fever, typhus fever, tuberculosis, dysentery and puerperal fever.

(5) If any person acts in contravention of this section he shall be liable on summary conviction to a penalty of fifty dollars or to imprisonment for one month.

5 of 1987, Sch.

Rules

Rules.
4 of 1987, s. 33.

29. Subject to the provisions of this Act the Minister may make rules for sanitary purposes and particularly for all or any of the following objects —

- (1) regulating the washing of any clothes or other things whether they have been exposed to infection from infectious disease or not in such manner as to prevent the washing thereof from being dangerous or prejudicial to public health;
- (2) (a) guarding against and preventing the outbreak, spread or recurrence of infectious disease generally and particularly for this purpose for —
 - (i) house to house visitation;
 - (ii) appointing places for the burial of the bodies of persons who have died from any infectious disease, and for providing for and regulating the interment, burning or burial at sea of such corpses so as to prevent any injury or danger to health;
 - (iii) the provision of medical aid, maintenance and accommodation for patients and contacts;
 - (iv) the removal, detention, segregation and isolation of patients and contacts, and for the appointment, control and management of hospitals and isolation stations for the receipt of patients and contacts;
 - (v) compelling contacts to report themselves to a medical officer at such times and places and during such periods as the medical officer may direct or as may be provided by such rules, for the purpose of observation or examination by him, and generally to place contacts under the surveillance and control of a health officer;
 - (vi) the isolation, disinfection and destruction of houses, tents, vans, sheds or similar structures used for human habitation, suspected of being infected by infectious disease or which have been exposed to infection from such disease or which are within the range of infection from such disease;

39 of 1963, s. 19.

-
- (vii) the removal, detention, disinfection and destruction of clothes, bedding or any article suspected of being infected by infectious disease or which has been exposed to infection from such disease;
 - (viii) promoting the cleansing, ventilation and disinfection of premises and vessels;
 - (ix) declaring any part of The Bahamas to be an infected area infected with infectious disease and for prohibiting or regulating the passage of persons or things from such infected area to other parts of The Bahamas; and for providing for the isolation or surveillance of persons and the disinfection or destruction of things arriving in other parts of The Bahamas from such area;
- (b) the Minister may by rules made under subparagraph (a) of this paragraph annul the whole or any part of section 11 of this Act or vary or amend the provisions of the said section or substitute other provisions therefor;
 - (3) prescribing forms to be used under the provisions of this Act and any rules made thereunder;
 - (4) regulating the admission of patients to hospital; *39 of 1963, s. 19.*
 - (5) the administration of outdoor relief;
 - (6) the internal management of hospitals;
 - (7) regulating the conduct of doctors, nurses, patients and visitors in hospitals and maintaining discipline therein;
 - (8) fixing the charges payable by patients in or attending hospital;
 - (9) the engagement, training and examination of student nurses;
 - (10) the rendering of pathological and other such services to private practitioners or other members of the public and prescribing scales of charges therefor;
 - (11) prescribing the persons empowered to issue bills of health to masters of ships, fixing the fees to be paid for the same and providing for the liability of ships' agents therefor;

(12) generally for the better execution and carrying out of the provisions of this Act.

Application of rules.

30. Any rules made under section 29 of this Act may apply to the whole of The Bahamas or to any Out Island district thereof specially named therein.

Miscellaneous

Application of Act to all buildings and vessels, etc.

31. The provisions of this Act shall apply to every building, vessel, tent, van, shed or similar structure used for human habitation in like manner as nearly as may be as if it were a house; but nothing in this Act shall extend to any land, house, building, vessel, tent, van, shed or similar structure belonging to Her Majesty or to any inmate thereof, nor to any vessel belonging to any foreign government.

General power of entry to premises.

39 of 1963, s. 20.

32. (1) A health officer specially authorised in that behalf may enter in the day on any part of any premises for the purpose of carrying out any of the objects of this Act, and such entry may be made with such workmen and servants as may be necessary for the execution of any work to be done.

(2) If a magistrate is satisfied by information on oath —

- (a) that there are reasonable grounds for such entry and that there has been a refusal or failure to admit to such premises, and either that reasonable notice, written or verbal, of the intention to apply to a justice of the peace for a warrant has been given, or that the giving of notice would defeat the object of the entry;
- (b) that there is reasonable cause to believe that there is on the said premises some contravention of this Act or any rule made under it and that an application for admission or notice of an application for the warrant would defeat the object of the entry,

39 of 1963, s. 20.

the magistrate may by warrant under his hand authorise a health officer with such servants or workmen as the case may require, to enter the premises, if need be by force, with such assistance as he may require and there execute his duties under this Act.

(3) Any person obstructing the execution of any such warrant, or of any warrant granted by a magistrate in pursuance of any other provision of this Act and authorising the entry by a health officer with his servants or workmen into any premises shall be liable on summary conviction to a penalty of fifty dollars or to imprisonment for one month.

5 of 1987, Sch.

33. (1) Any person who —

Penalties for various offences.

- (a) wilfully obstructs any officer of the Minister or any person duly employed in the execution of this Act or of any of the rules;
- (b) destroys, pulls down, injures or defaces any rule, notice or other matter put up by authority of the Minister, or any board or other thing upon which such rule, notice or matter is placed or inscribed;
- (c) wilfully damages any work or property belonging to the Minister,

shall be liable on summary conviction to a penalty of fifty dollars or to imprisonment for one month.

5 of 1987, Sch.

(2) Where the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provision of this Act or of any of the rules, a magistrate, on complaint, shall by order require such occupier to permit the doing of any thing or the execution of any work which appears to the magistrate necessary for the purposes of obeying or carrying into effect such provisions of this Act or of the rules, and if within twenty-four hours after service on him of the order such occupier fails to comply therewith he shall be liable on summary conviction to a penalty of twenty-five dollars for every day during the continuance of such non-compliance.

5 of 1987, Sch.

(3) If the occupier of any premises, when requested by any health officer to state the name and address of the owner of the premises, refuses or wilfully omits to disclose or wilfully misstates the same, he shall (unless he shows cause to the satisfaction of the magistrate for his refusal) be liable on summary conviction to a penalty of fifty dollars or to imprisonment for one month.

5 of 1987, Sch.

34. (1) Notices, orders and such other documents under this Act, unless otherwise provided in this Act, shall be in writing, and when issued by the Minister, shall be

Notices, authentication and service of.

sufficiently authenticated if signed by the Minister or any health officer, or by the officer by whom the same are given or served.

(2) Any notice, order or other document required or authorised to be served under this Act may be served by delivering the same or a true copy thereof either to the person to whom it is addressed at his usual or last known place of abode or business, or where addressed to the owner or occupier of the premises then to some adult person on the premises or, if there is no such person on the premises who can be so served, then by affixing the same or a true copy thereof on some conspicuous part of the premises:

Provided that any such notice may in cases of emergency be given verbally to the person on whom this Act requires or authorises the same to be served.

(3) Any notice or other document required or authorised for the purposes of this Act to be served on or given to the Minister shall be deemed to be duly served or given if in writing delivered at the office of the Minister; and any notice or other document to be so served on or given to a health officer, medical officer or medical practitioner shall be deemed to be duly served or given if in writing delivered at the office or residence of, and addressed to, such officer or practitioner.

(4) Any notice by this Act required to be served on or given to the owner or occupier of any premises may be addressed by the description of the “Owner” or “Occupier” of the premises (naming them) in respect of which the notice is served or given without further name or description.

35. (1) All offences and penalties under this Act and the rules shall be prosecuted and recovered in accordance with the law for the time being in force regulating the procedure before magistrates.

(2) All expenses directed by this Act to be recovered in a summary manner shall be recovered in accordance with the law for the time being regulating the recovery of debts before magistrates:

Provided that if the amount sought to be recovered exceeds the pecuniary jurisdiction of a magistrate the same shall be sued for and recovered in the Supreme Court only.

Method of
recovering
penalties and
expenses.

39 of 1963, s. 24.

- 36.** The Minister may appear before any court or in any legal proceedings under or arising out of this Act by a health officer or by any person authorised in writing generally or in respect of any special proceedings so to appear. Legal proceedings by the Minister. *39 of 1963, s. 25.*
- 37.** When the Minister has by virtue of this Act or the rules, power to examine or enter any premises whether a house, building, ship, tent, van, shed, structure or place, open or enclosed, any officer authorised by him may enter or examine with such workmen and servants as may be necessary for the execution of any work to be done. Power of entry to examine or inspect.
- 38.** If in any proceedings in any court any question shall arise whether any person is a medical officer of health, a medical officer, a medical practitioner, a health officer, or any person authorised to perform any duty under this Act, his own evidence thereof or any other evidence of his having acted in such capacity shall be deemed sufficient until the contrary be proved. Evidence of persons authorised to perform duties. *39 of 1963, s. 26.*
- 39.** Where a commissioner is unable from interest or any other cause whatsoever to hear and determine any proceedings taken under this Act or the rules, the powers and duties imposed and conferred on him by this Act may be exercised in an Out Island district by a circuit justice while on circuit, and for this purpose he is hereby invested with original jurisdiction. When a commissioner is unable to adjudicate. *39 of 1963, s. 27.*
- 40.** All powers, rights and remedies given by this Act shall be in addition to and not in derogation of any other powers, rights and remedies conferred by any Act, law or custom and all such other powers, rights and remedies may be exercised and put in force in the same manner and by the same authority as if this Act had not been passed: Provisions of Act not to be in derogation of other legal provisions and rights.
- Provided that no person shall be punished for the same offence both under the provisions of this Act and under any other Act or law.
- 41.** Any person who wilfully commits an offence against this Act or any rules made thereunder for which no special penalty is provided by this Act or any rule made thereunder, shall be liable on summary conviction in the case of a first conviction for such offence to a fine not exceeding one hundred dollars or to imprisonment for a General penalty. *24 of 1975, s. 4.*

term not exceeding one month and in the case of a second or subsequent conviction for such offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

Power to
Minister to vary
interpretation of
infectious
disease, etc.
E.L.A.O., 1974.

42. (1) The Minister may from time to time by Order —

- (a) vary the list of diseases included in the definition of infectious diseases in this Act by striking out any disease therefrom or adding any disease thereto;
- (b) declare that the expression “infectious disease” in any section of this Act shall not apply to any disease named in the Order.

E.L.A.O., 1974.

(2) It shall be lawful for the Minister —

- (a) to order any cargo, or portion of a cargo, which the Minister may consider to be in putrescent state, or which might in his opinion, be likely to promote the spread of disease, to be destroyed and also, if deemed necessary, to order the unloading of the cargo of any vessel, and to order, direct and regulate the manner in which the place where any such cargo as last aforesaid shall be landed and stored;
- (b) during the existence in The Bahamas of any formidable epidemic, endemic, infectious or contagious disease to make such provision for the dispensing of medicines, and for affording to poor and indigent persons afflicted by or threatened with such epidemic, endemic, infectious or contagious disease, such medical and other necessary aid as may be required.

Expenses.

43. Any expenses incurred in carrying out the provisions of this Act other than the provisions for the carrying out of which any money shall have been granted by the annual Appropriation Act shall be payable out of the Consolidated Fund by warrant in the usual manner.

Property vested
in Treasurer.
39 of 1963, s. 29.
5 of 1931.

44. (1) All immovable property which immediately prior to the seventh day of January 1964 was vested in the Health Board under the provisions of section 5 of the Medical Department Act, 1931 is hereby vested with effect from such date in the Treasurer to be held by him in trust

for Her Majesty in right of Her Government of the Bahama Islands for the purposes of this Act.

(2) All movable property which immediately prior to the said date was vested in the said Health Board or any member of the Medical Department for and on behalf of the Governor is hereby vested in the Minister for the purposes of this Act.

45. Nothing in this Act contained shall affect any contract that was valid and subsisting immediately prior to the seventh day of January 1964 and which had been entered into by the Health Board or any local Health Board (abolished by the Health Services Amendment Act, 1963, on the said date) and any such contract shall be deemed to be a contract entered into by the Minister on behalf of the Government of The Bahamas.

Contracts.
43 of 1964, Third Sch.

39 of 1963.

46. All persons who immediately prior to the seventh day of January 1964 were in the service of the Medical Department of the Colony or the Health Board which was abolished on the said date shall for the purposes of any other enactment be deemed to be in the service of the Health Department established under the provisions of this Act and on the same conditions and without any break in service.

Serving officers.
39 of 1963, s. 30.

SCHEDULE (Section 28(1))

Baker.

Barber, or any similar trade or calling in which the person employed necessarily comes into 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.