

TRINIDAD AND TOBAGO.

Lepers.

No. 32.—1913.

3rd December.

AN ORDINANCE relating to Lepers.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

15th December, 1913.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Lepers Ordinance, 1913. Short Title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.

“Leper” means a person suffering from any variety of leprosy;

“Leper Asylum” includes a Leper settlement;

“Institution” means any hospital, asylum, almshouse or house of refuge kept up at the public expense for the relief of the sick or destitute poor;

“Medical Practitioner” means a member of the Medical Board of Trinidad;

“Police Constable” means a member of the Constabulary Force established under the Constabulary Ordinance No. 16 of 1905, or any Ordinance amending the same.

Establishment of Leper Asylums.

Governor may establish asylums.

3. The Governor, by proclamation to be published in the *Royal Gazette*, may declare any buildings and the land attached thereto to be a Leper Asylum, and thereupon such buildings and land shall be a leper asylum under this Ordinance.

Cocorite asylum.

4. The buildings and land in Cocorite now actually used and occupied as a Leper asylum, together with such buildings and lands adjacent thereto as may hereafter be erected or acquired for the same purpose shall be deemed to be and the same are hereby declared to be a Leper Asylum under this Ordinance.

Appointment of officers.

5.—(1.) The Governor shall from time to time in his discretion appoint fit and proper persons to perform the duties of Medical Superintendent, Resident Superintendent, and such staff as may be necessary for every Leper Asylum.

(2.) The Surgeon-General, subject to the direction of the Governor, shall have the control and management of every Leper Asylum.

Erection of dwelling house by inmate.

6. Any leper may by special permission of the Governor erect or cause to be erected for himself a dwelling house at his own expense within the limits of the Leper asylum in which he is detained, or which he is about to enter, subject to such conditions as to plan, site, drainage and otherwise as to the Governor shall seem fit.

Notification and Examination of Lepers.

Notification of leprosy.

7.—(1.) Where an inmate of any premises used for human habitation is a leper or shows symptoms from which it may be reasonably inferred that he is a leper, then, unless

such premises are an institution in which only lepers are received, the following provisions shall apply:—

(a.) The head of the family to which such inmate (in this Ordinance referred to as the patient) belongs, and in his default the nearest relative of the patient present in the premises 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 occupier of the premises shall, as soon as he becomes aware that the patient is suffering from leprosy or a disease suspected to be leprosy, send notice thereof to the District Medical Officer.

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

(2.) Every person required by this section to give a notice or certificate, who fails to give the same, shall be guilty of an offence and shall be liable to a fine not exceeding Two pounds.

(3.) The expression "occupier" in this section includes a person having the charge management or control of any premises or of any part thereof in which the patient is, and in the case of a house the whole or any part of which is let to lodgers, the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another, and in the case of a ship, vessel or boat, the master or other person in charge thereof.

8.—(1.) The Governor in Executive Council may from time to time prescribe forms for certificates under the preceding section, and any forms so prescribed shall be used in all cases to which they apply.

Forms of
Certificate.

(2.) Such forms shall be supplied gratuitously to any Medical Practitioner who applies for them to the Colonial Secretary.

Examination of lepers.

9.—(1.) It shall be lawful for the District Medical Officer on receiving a notice or certificate to the effect mentioned in Section 7 of this Ordinance to enter upon the premises where the person named in such notice or certificate resides and to examine him with a view to ascertaining whether he is suffering from leprosy, and in the event of admission or examination being refused, a Magistrate may grant a warrant authorising such entry and examination, and on such warrant being exhibited, any person refusing to admit the District Medical Officer to such premises or obstructing him in making the examination aforesaid shall be liable to a fine not exceeding £5.

(2.) It shall be lawful for the District Medical Officer to order any person named in any notice or certificate as above mentioned to attend at a place to be notified to such person in writing there to be examined, and any person refusing or failing to attend at the place notified to him or obstructing examination at any such place shall be liable to a fine not exceeding £5.

(3.) On making an examination under the provisions of this section the District Medical Officer shall report forthwith the result thereof to the Surgeon-General for the information of the Governor.

Admission to Asylums.

Voluntary application for admission to asylum.

10.—(1.) Any person desirous of being admitted into a leper asylum may make an application to any District Medical Officer in the following form :—

I the undersigned do hereby request you to cause me to be admitted into the leper asylum at _____, and I undertake to remain therein until duly discharged and to conform to the rules of the said leper asylum.

Signature of Applicant.....

Signature of Witness.....

To the District Medical Officer at.....

(2.) The signature of the applicant shall be attested by a Magistrate or Justice, who shall not so attest unless he has satisfied himself that the applicant understands the effect of the application and unless the District Medical Officer attaches a certificate to the application that the applicant is a leper or that the District Medical Officer has reasonable grounds to suspect that the applicant is a leper.

(3.) Such applicant after his reception into the asylum shall not, unless discharged by order of the Governor under this Ordinance, be entitled to leave such asylum, and in case of leaving without being discharged as aforesaid may be dealt with under Section 35 of this Ordinance, as if a warrant or order had been issued against him.

11.—(1.) After such examination and report as is mentioned in Section 9 of this Ordinance, it shall be lawful for the Governor, if he shall think fit, to order the leper or alleged leper to be removed to or detained in a leper asylum, provided always that the Governor may refrain from making any such order for removal or detention if the leper or alleged leper shall, in the opinion of the Governor, be able to provide for himself, at his own place of abode, effective isolation, in accordance with rules made under this Ordinance.

is Detention of leper in asylum after examination.

Isolation in lieu of removal to asylum.

(2.) In the event of the disregard or breach of any such rules the Governor may order such leper or alleged leper to be removed to and detained in a leper asylum.

(3.) Provided always that no person shall be removed to or detained in a leper asylum, unless a certificate shall have been given by two medical practitioners that such person is actually suffering from the disease of leprosy.

Examination by Medical Practitioners.

(4.) For the purposes of this section the Governor shall have power to order a leper or an alleged leper to attend to be examined, and in such case the provisions of Section 9 (2) of this Ordinance shall apply in all respects as if the Governor had been expressly named therein.

Power to order attendance for Examination.

12.—(1.) It shall be lawful for any Magistrate, on information upon oath of any credible witness, that any leper or alleged leper has been wandering about begging or collecting alms, or seeking precarious support, or expos-

Leper wandering about begging, etc.

ing his leprosy in any public road, street or place, to summon such leper or alleged leper to appear before him, or if he think it necessary, such Magistrate may issue a warrant under his hand directed to any Police Constable, authorizing or directing such constable to cause any such leper or alleged leper to be brought before him at a time and place to be specified in such warrant.

(2.) If, on the hearing of the case, it is proved to the satisfaction of such Magistrate that such person is a leper, the Magistrate shall report his decision to the Governor who shall have power to proceed in the case of such person in the manner provided in Section 11 of this Ordinance. The Magistrate shall direct that, pending the making of an order by the Governor, such person be removed and conveyed to a leper asylum by a Police Constable.

Detention of
leper waiting
trial or
convicted.

13. When any leper is committed to take his trial or for further examination or is sentenced to imprisonment for any offence or for the non-payment of any money or penalty, the Court ordering the commitment or inflicting the imprisonment shall direct the leper to be committed to a Leper Asylum, there to be kept or there to undergo his sentence of imprisonment as the case may be.

Prison accom-
modation in
asylum.

14. It shall be lawful for the Governor by proclamation to set apart any portion of any leper asylum as a place in which lepers committed or sentenced to imprisonment under Section 13 hereof shall be detained, and it shall be lawful for the Governor in Executive Council to make rules and regulations as to the management of such portions so set apart, and as to the treatment and discipline of lepers so committed or undergoing such imprisonment.

Removal and Discharge from Asylums.

Removal of
lepers.

15. The Colonial Secretary may by order in writing direct the removal of any leper from any asylum or other institution to any other asylum or institution, and such order shall be sufficient authority for the removal of such leper and also for his reception into and detention in the asylum or institution to which he is ordered to be removed.

16. The Governor may in his absolute discretion, order the discharge of any inmate of a leper asylum, not being a prisoner under sentence of imprisonment, upon security being given by some person on behalf of such inmate to the Crown Solicitor by bond in the sum of Twenty pounds that such inmate shall be properly isolated, maintained and treated in private and shall not be suffered to be at large.

Governor may discharge from a asylum.

17. Whenever it appears to the Medical Superintendent of a leper asylum that any inmate thereof is fit to be discharged therefrom, such Medical Superintendent shall certify the same to the Governor; and thereupon it shall be lawful for the Governor to direct that such person shall be discharged.

Discharge on certificate of Medical Superintendent.

Prohibition of certain Trades and acts to Lepers.

18. No leper shall carry on any of the trades or callings specified in the Schedule to this Ordinance, or any other trade or calling which the Governor in Executive Council may from time to time, by order to be published in the *Royal Gazette*, prohibit lepers from carrying on.

Prohibition of certain trades to lepers.

19. Any leper who shall carry on any trade or calling as aforesaid, and any person who shall knowingly employ a leper in any such trade or calling shall be liable to a fine not exceeding ten pounds or, if the person convicted is not a leper, to imprisonment with or without hard labour, for any period not exceeding one month, and any leper so convicted shall be committed by the convicting Magistrate to a leper asylum to be detained there till discharged by order of the Governor.

Penalty for carrying on prohibited trade.

20. Any person knowing himself to be a leper who shall enter any public vehicle or lodge in any hotel, boarding house or lodging house, or enter any shop where food or drink is sold, or bathe in any public bath, and the proprietor or person in charge of any such public vehicle, hotel or boarding house, lodging house, shop or bath who shall knowingly allow any leper to enter the same, shall be liable to a fine not exceeding ten pounds, or, if the person convicted is not a leper, to imprisonment with or without hard labour for any period not exceeding

Lepers entering vehicles, etc.

one month, and any leper so convicted shall be committed by the convicting Magistrate to a leper asylum to be detained there till discharged by order of the Governor.

Sale of food,
etc., by leper.

21.—(1.) If any leper sells, barter or exchanges any article of food or drink, he shall be liable to a fine not exceeding ten pounds, and may be committed by the convicting Magistrate to a leper asylum to be detained there until discharged by order of the Governor.

(2.) If any person knowingly sells, barter or exchanges any article of food or drink which has been prepared or handled by a leper or with which a leper has come in contact, he shall be liable to a fine not exceeding ten pounds, or to imprisonment with or without hard labour for any period not exceeding one month, or to both.

Obtaining
article from
inmate of an
Asylum.

22. Any person who purchases or who without the permission in writing of the Medical Superintendent receives from any inmate of a Leper Asylum any articles of whatsoever nature shall be liable to a fine not exceeding five pounds or to imprisonment, with or without hard labour, not exceeding fourteen days.

Landing of Lepers prohibited.

Landing of
lepers
prohibited.

23. Subject to the provisions of Section 25 of this Ordinance, no leper who is not a native of the Colony or lawfully domiciled therein shall land at any of the ports of the Colony from any place not within the Colony, and the master or other person in charge of any vessel who suffers or omits to prevent the landing from such vessel at any such port of any person whom he knows or has reasonable grounds to suppose to be a leper shall be liable to a fine not exceeding One Hundred Pounds.

Lepers unlawfully landed may be returned to place whence they came.

24. Every leper landing in contravention of the provisions of the preceding section may be brought before a Magistrate, who may examine such leper and any witness on oath touching the place from which he was brought into the Colony, and may cause such leper to be removed to the place from which he was so brought in such manner as the Governor may direct, and the reasonable cost of such removal and of his maintenance in the

Colony pending his removal shall be borne and paid by the master or other person in charge of the vessel by which such leper was brought to the Colony by whose act or default such leper was permitted to land and may be sued for and recovered as money due from him to His Majesty.

23.—(1.) If the Harbour Master or other officer discharging the duties of a Harbour Master within any port in this Colony, on boarding any vessel which shall come into this Colony has reason to suspect that any person on board of such vessel is afflicted with leprosy, but such person shall deny that he is so afflicted, it shall be lawful for such Harbour Master or other officer by writing under his hand directed to the master or other person in charge of such vessel to make order that the person so suspected to be so afflicted shall be detained on board of such vessel until he shall be examined by the Health Officer of the port, and such other medical practitioner or practitioners, if any, as the Governor shall see fit to appoint, and the master or other person in charge of such vessel shall cause such person to be detained on board of such vessel until such examination; and if any such person, in respect of whom any such order of detention shall be made, shall land in this Colony without the order of the Harbour Master or the permission of the Governor being first granted, the master or other person in charge of such vessel shall be liable to a fine not exceeding Two Hundred Pounds.

Harbour
Master may
detain leper
on vessel.

(2.) Such Harbour Master or other officer immediately on making any such order for the detention of any person as aforesaid, shall notify the same and the time of making such order to the Governor and the Health Officer of the port: and such Health Officer together with such medical practitioner or practitioners, if any, as shall be appointed by the Governor for that purpose, shall within twenty-four hours at farthest from the time of the making of such order, visit such vessel and examine such person, and shall certify in writing to the Governor whether such person is afflicted with leprosy or not; and if it shall appear by such certificate that such person is not afflicted with leprosy, the Harbour Master shall forthwith make order permitting the

landing of such person ; but if it shall appear by such certificate that such person is afflicted with leprosy, it shall not be lawful for such person to land in this Colony without the permission of the Governor, to be granted on its being made to appear to him that such person is a native or domiciled inhabitant of this Colony.

(3.) Provided that it shall be lawful for the Governor to grant permission for the landing in the Colony of any person afflicted with leprosy and not being a native of or domiciled in the Colony on being satisfied that two sufficient persons being householders within the Colony have entered into a bond to His Majesty in the penal sum of £200, conditioned that such person shall not wander about begging or collecting alms or exposing himself in any public road, street or place in this Colony nor do any act whereby such person may become chargeable upon the public funds of the Colony, and that such person shall conform to such rules as may from time to time be made under this Ordinance providing for the proper isolation of lepers not detained in leper asylums.

Lepers landing
may be sent to
asylum.

26. Every person unlawfully landing in breach of the prohibition in the last section contained may be committed to a leper asylum by a warrant under the hand of the Governor, and may be detained therein until discharged by order of the Governor.

Coolie ships.

27. The provisions of the last preceding four Sections shall not apply in the case of lepers or alleged lepers arriving in the Colony in any ship exclusively employed in carrying Asiatic immigrants to the Colony, but the Governor may, by warrant under his hand, commit any such person arriving in any such ship to a leper asylum, there to be detained for such period as may be directed by such warrant.

Management and Discipline of Asylums.

Power to
make rules.

28. The Governor in Executive Council may make rules with respect to all or any of the following matters :

- (1.) The forms of certificates, warrants, bonds and orders to be used under this Ordinance ;

- (2.) The management, inspection, discipline and control of leper asylums ;
- (3.) The visiting of lepers in leper asylums by their relations and friends ;
- (4.) The appointment and duties of officers and servants of leper asylums ;
- (5.) The appointment of Official Visitors and the periodical visiting of leper asylums by them ;
- (6.) Prescribing such measures of cleansing and disinfection as he may consider necessary in the case of premises inhabited by persons suffering from leprosy ;
- (7.) Prescribing for the effective isolation of lepers not detained in leper asylums ;
- (8.) Prescribing the fees payable to Medical practitioners in respect of the examination of lepers or alleged lepers and of reports to be made and certificates granted thereon ;
- (9.) Generally for the carrying into effect the provisions of this Ordinance.

29. If an inmate of a leper asylum is guilty of the violation of any rule made under the authority of the last preceding section for the management, discipline and control of such asylum, the Medical Superintendent, after due enquiry upon oath, may order such inmate to undergo any one of the following punishments :—

Offences by inmates of asylum.

- (1.) Exclusion from seeing friends for not longer than three months ;
- (2.) Deprivation of tobacco for not longer than one month ;
- (3.) Reduction of rations for not longer than seven days ;
- (4.) Solitary confinement for not longer than three days, and to receive only bread and water or such diet as the Medical Superintendent shall order.

More serious offences by inmates of asylum.

30. If an inmate of a leper asylum escapes from it, or is guilty of repeated violations of any rules made as aforesaid, which in the opinion of the Medical Superintendent cannot adequately be punished under the provisions of the last preceding section, the Visiting Justice after due enquiry upon oath, may order such inmate to undergo any one or more of the following punishments :—

- (1.) Exclusion from seeing friends for not longer than six months ;
- (2.) Deprivation of tobacco for not longer than two months ;
- (3.) Reduction of rations for not longer than fourteen days ;
- (4.) Solitary confinement for not longer than seven days and to receive only bread and water or such diet as the Medical Superintendent shall order ;
- (5.) Imprisonment with or without hard labour for any term not exceeding one month.

Solitary confinement.

31. Any inmate of a leper asylum ordered to undergo solitary confinement under the provisions of the last two preceding sections, shall have one hour in the open air in the morning and in the evening in charge of an attendant and apart from the other inmates.

General.

Visiting Justice.

32. It shall be lawful for the Governor to appoint a Magistrate or a Justice to be Visiting Justice of any leper asylum, and he shall have jurisdiction to hear and determine all cases arising under Section 30 of this Ordinance.

Penalty on person trespassing on asylum.

33. Any person not having official business at a leper asylum who without permission of the Medical or Resident Superintendent thereof goes within the limits thereof shall be guilty of trespass, and shall be liable to a fine not exceeding five pounds.

34. Any person who shall aid or abet any inmate of a leper asylum in escaping or attempting to escape from such asylum before such inmate has been lawfully discharged therefrom, shall be liable to imprisonment with or without hard labour for any term not exceeding three months, or to a fine not exceeding ten pounds.

Aiding leper to escape.

35. Every person received into a leper asylum under any warrant or order issued under the provisions of this Ordinance or of any other Ordinance in that behalf may be detained therein until he be removed or discharged, and in case of escape may by virtue of such warrant or order be captured by the officer in charge of such asylum or any officer or servant belonging thereto or any Police Constable and be again conveyed to and received and detained in such asylum.

Detention and re-capture of lepers.

36.—(1.) No leper or alleged leper shall be convicted of an offence under this Ordinance or dealt with under the provisions of Section 12 of this Ordinance, or removed from the Colony under the provisions of this Ordinance, and no person shall be convicted of any offence with respect to the landing, and no costs shall be recovered with respect to the removal or maintenance of any leper or alleged leper except on the evidence or certificate of two medical practitioners that such person is a leper.

Evidence required to prove leprosy.

(2.) The certificate in writing of a medical practitioner shall be admissible as evidence under this section, unless the Court shall otherwise direct.

37. It shall be lawful for any Medical Officer of Health or any person appointed by him at all reasonable times to enter any premises which within six months before such entry have been inhabited by any person suffering from leprosy, and to do such acts therein for the purpose of cleaning and disinfecting the same as may from time to time be prescribed by rules under Section 28 hereof.

Cleaning and disinfection of premises.

38. In any action against any person for anything purporting to have been done in pursuance of the provisions of this Ordinance or of any rule made hereunder, there shall be judgment for the defendant unless the plain-

Actions against persons purporting to act under this Ordinance.

tiff has alleged and proved that the action complained of was done by such person maliciously and without reasonable or probable cause.

Penalties.

39.—(1.) Any person committing any breach of any of the provisions of this Ordinance or of any rules made thereunder for which no penalty is expressly provided by this Ordinance, shall be guilty of an offence and shall be liable to a fine not exceeding Ten Pounds and in default of payment to imprisonment for any period not exceeding one month.

(2.) All persons punishable by fine or imprisonment under this Ordinance may be proceeded against summarily before any Magistrate, and the manner of procedure in all such cases shall be according to the Summary Conviction Offences (Procedure) Ordinance (No. 1.)

Repeal.

40. The Lepers Ordinance No. 190, the Lepers Ordinance, 1911 (No. 7-1911) and the Lepers (Amending) Ordinance, 1911 (No. 22-1911), and any provisions contained in Sections 18, 19 and 20 of the Hospitals Ordinance No. 194 referring to Lepers or Leper Asylums are hereby repealed; provided that all persons detained in any leper asylum at the time of the commencement of this Ordinance shall be deemed to be detained under the provisions of this Ordinance.

Commencement.

41. This Ordinance shall commence and come into operation on a day to be proclaimed by the Governor.

Passed in Council this Third day of December, in the year of Our Lord one thousand nine hundred and thirteen.

HARRY L. KNAGGS,
Clerk of the Council.

 SCHEDULE.

List of Trades or Callings prohibited to lepers.

Baker.

Butcher.

Ice Cream Vendor.

Green Grocer.

Market Gardener.

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.

Fishmonger.

Washer.

Bootmaker.

Tailor,

or any Trade or Calling in which the person employed manufactures, handles or comes in contact with wearing apparel.

Barber,

or any other similar Trade or Calling in which the person employed necessarily comes in contact with other persons.

Domestic Servant.

Nurse.

Waiter.

Steward.

Barman.

Licensed Hackney Carriage Driver.

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.

Boatman.

Sailor.

Hawker.

Huckster.

Vanman.

Schoolmaster.

Teacher,

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