



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 9.13

### LEPERS ACT

**Revised Edition**  
showing the law as at 31 December 2002

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This edition contains a consolidation of the following laws—

#### **LEPERS ACT**

**Act 13 of 1912** ... in force 12th June 1912

Amended by: Act 6 of 1976

Act 7 of 1976

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## **CHAPTER 9.13**

### **LEPERS ACT**

AN ACT TO MAKE PROVISION RESPECTING THE CONTROL AND PREVENTION OF THE SPREAD OF LEPROSY; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

#### **PART I**

##### **PRELIMINARY**

##### **Short title.**

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

##### **Interpretation.**

2. In this Act—

“leper” means any person suffering from any variety of leprosy;

“Minister” means the Minister responsible for Health;  
*(Inserted by Act 7 of 1976)*

“public place” includes any road, street, square, sidewalk, alley, court, path, wharf, pier, jetty, bridge, shop, court-house or any other place to which the public have access or are admitted without payment;

“District Medical Officer” means the Government Medical Officer of the District in which the patient resides.

#### **PART II**

##### **LEPER HOMES**

##### **Minister in Council may declare leper home.**

3. The Minister, by notice, may declare any buildings and land attached thereto to be a leper home, and thereupon such buildings and land shall be a leper home for the purposes of this Act.

*(Amended by Act 6 of 1976)*

##### **Leper home.**

4. The buildings and land at Sandy Point in the island of Saint Christopher now actually used and occupied as a leper home, together with such other 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 home under this Act.

##### **Governor-General may appoint officers.**

5. The Governor-General shall, from time to time, appoint any duly qualified medical practitioner to perform the duties of Medical Superintendent for any leper home, and such staff as may be necessary for its proper upkeep, who shall receive

such salaries as may be provided by the National Assembly.

*(Amended by Act 6 of 1976)*

### PART III

#### ADMISSION TO HOME

##### **Notification of Leprosy.**

6. (1) Where an inmate of any premises used for human habitation appears to be suffering from leprosy, then unless such premises are an institution in which only persons suffering from leprosy are received, the following provisions shall apply—

- (a) the head of the household to which such inmate (in this Act referred to as the patient) belongs, and in his or her default the nearest relation of the patient, and in default of such relation any person in charge of or in attendance on the patient, or in default of such person the occupier of the premises, shall, as soon as he or she becomes aware that the patient appears to be suffering from leprosy, give 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 either the Chief or 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) The expression “occupier” in this subsection includes a person having the charge, management, or control of any premises or of any part of the premises 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 rent payable by the tenants or lodgers either on his or her own account or as the agent of another; and in the case of labourers, employees or others resident upon any plantation, estate, farm or factory includes the manager or other person for the time being in charge of such plantation, estate, farm or factory; and in the case of a ship, vessel or boat, the master or other person in charge thereof.

(3) Any person required by this section to give a notice or certificate, who fails to give the same, commits an offence, and shall be liable, on summary conviction, to a fine not exceeding five hundred dollars.

##### **Examination and segregation of leprosy.**

7. (1) It shall be lawful for the District Medical Officer, on receiving a notice or certificate to the effect mentioned in section 6, to enter upon the premises where the person named in such notice or certificate resides and to examine him or her with a view to ascertaining whether he or she 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 who refuses to admit the District Medical Officer to such premises or who obstructs him or her in making the examination, commits an offence and shall be liable, on summary conviction, to a fine not exceeding five hundred dollars.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

(2) It shall be lawful for the District Medical Officer to order any person named in any notice or certificate referred to in subsection (1), to attend at a place within the district in which such person resides to be notified to such person in writing there to be examined, and any person who refuses or fails to attend at the place notified to him or her or obstructs examination at such place commits an offence and shall be liable, on summary conviction, to a fine not exceeding five hundred dollars.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

(3) Upon making an examination under the provisions of this section, the District Medical Officer shall report forthwith the result of the examination to the Chief Medical Officer for the information of the Minister.

(4) The powers, rights and jurisdiction conferred and the fines, penalties, liabilities and duties imposed, by or under the provisions of this section shall extend and apply to a case where a District Medical Officer receives or acquires information that any person residing within his or her district is a leper or shows symptoms from which it may be reasonably inferred that he or she is a leper, in all respects as if the District Medical Officer had received a notice or certificate such as is in subsection (1) referred to.

(5) On receipt of the report mentioned in subsection (3), or of any notification or other information that any person is a leper or shows symptoms from which it may reasonably be inferred that he or she is a leper, the Chief Medical Officer may order such person to be examined in such place within the district in which such person resides as may seem to him or her expedient, by two or more medical practitioners, separately or together, who shall immediately forward a certificate or certificates of their findings upon such examination, in such form as may be prescribed, to the Chief Medical Officer for the information of the Minister, and shall cause a copy of the certificate or certificates to be served upon the person to be affected thereby immediately upon the same being made.

#### **Detention of leper after examination.**

**8.** (1) If a patient is certified by two medical practitioners as suffering from leprosy, it shall be lawful for the Minister, if he or she shall think fit, to order such patient to be removed to a leper home, there to be detained until lawfully discharged.

(2) If any person who is so certified desires to contest the fact that he or she is suffering from leprosy, he or she may within seven days after service upon him or her of a copy of the certificate or certificates referred to in section 7(5) inform the Chief Medical Officer that he or she intends to challenge the certificate, and the Chief Medical Officer shall thereupon cause the case to be laid before the Magistrate of the district in which such person may be.

(3) The Magistrate shall hold an inquiry into the case in camera, and shall hear the Chief Medical Officer and the person concerned, and any medical or other evidence that may be adduced, and counsel, if any, on both sides, and he or she shall adjudicate on the case, and transmit to the Chief Medical Officer his or her finding on the evidence, and cause a copy of the finding to be delivered to the person concerned.

(4) If the Magistrate upholds the certificate, but not otherwise, the Chief Medical Officer shall forward the same to the Minister and the person named in the certificate may be dealt with as provided by subsection (1).

(5) The Minister may abstain from giving any direction for the removal or detention—

- (a) if the person suffering from leprosy is a closed case and able to maintain himself or herself outside a leper home in a manner approved by the Chief Medical Officer;
- (b) if the person suffering from leprosy is an open case and able to provide for himself or herself outside a leper home effective isolation in accordance with rules made under this Act, and subject to security being given by bond in the manner and for the amount provided in section 15.

(6) For the purposes of this section—

“closed case” or “open case” shall mean a case certified as such by a Government Medical Officer.

(7) In the event of the disregard or breach of any rules referred to in this section the Minister may direct that the person suffering from leprosy be removed to a leper home and detained in the leper home until lawfully discharged.

#### **Mode of dealing with vagrant lepers.**

**9.** (1) A Magistrate may, on information upon oath of any credible witness, that any person appearing to be suffering from leprosy has been wandering about begging or collecting alms, or seeking precarious support, or exposing his or her leprosy in any public place, summon such leper or supposed leper to appear before him or her, or, if he or she thinks it necessary, the Magistrate shall issue a warrant under his or her hand, directed to any police officer authorising or directing the police officer to cause the leper to be brought before him or her at a time and place to be specified in the summons or warrant.

(2) Any police officer may arrest without warrant any person appearing to be suffering from leprosy whom he or she finds wandering about begging or collecting alms, or seeking precarious support, or exposing his or her leprosy in any public place and shall as soon as possible after arresting the person bring him or her before a Magistrate to be dealt with as hereinafter provided.

(3) If, on the hearing of the case, it is proved to the satisfaction of the Magistrate that the person is a leper, the Magistrate shall report his or her decision to the Minister, who shall have power to proceed in the case of such person in the manner provided in section 8, and the Magistrate shall direct that, pending the making of an order by the Minister, such person be removed and conveyed to a leper home by a police officer.

#### **Admission to asylum of leper able to support himself or herself.**

**10.** The Medical Superintendent may, on the application of any leper able to support himself or herself, admit such leper to any leper home, and such admission shall be on such terms and conditions, as to payment for maintenance and in other respects, as to the Minister may seem meet, and the leper shall remain in the leper home until discharged by order of the Minister as hereinafter provided.

#### **Leper sentenced to imprisonment to be committed to home.**

**11.** When any leper is sentenced to imprisonment for any offence, or for the non-payment of any money or penalty, the Judge or Magistrate inflicting the imprisonment shall order that such leper shall be committed to a leper home to

undergo such imprisonment and to be detained thereafter until discharged by order of the Minister.

**Power to apportion part of home for prisoners and lunatics.**

**12.** (1) The Minister may, by Notice to be published in the *Gazette*, set apart any portions of any leper home as places in which lepers sentenced to imprisonment or who have been certified as suffering from lunacy shall respectively be detained, and any such lepers may be lawfully detained in the leper home, any law to the contrary notwithstanding.

(2) When the term of imprisonment expires or the lunatic recovers his sanity, then, unless the Medical Superintendent certifies in writing that any such person may be discharged without detriment to himself or herself or others, such person shall be retained in the home as an ordinary leper.

(3) The Minister may make rules as to the management of the portions set apart, and as to the treatment and discipline of the persons detained in those portions.

(4) The portion set apart for lepers sentenced to imprisonment shall be deemed and taken to be a prison, and shall be under the sole control of the Medical Superintendent.

*(Amended by Act 6 of 1976)*

**Power to order removal of leper.**

**13.** The inmates of any leper home may at any time, by order of the Minister, be removed from the leper home to any other leper home.

*(Amended by Act 6 of 1976)*

**Capture of lepers escaping from home.**

**14.** A person received into a leper home under any warrant or order issued under the provisions of this Act shall be detained in the leper home until he or she is removed or discharged, and in case of escape may by virtue of a warrant or order be captured by any officer or servant of the asylum, or any police officer or other person and may be conveyed to and received into and detained in such home.

PART IV

DISCHARGE FROM HOME

**Minister may discharge from home.**

**15.** The Minister may in his or her absolute discretion, order the discharge of any inmate of a leper home, not being a prisoner, under sentence of imprisonment, upon security being given by some person on behalf of such inmate, to the Attorney-General by bond in the sum of one thousand five hundred dollars that such inmate shall be properly isolated, maintained and treated in private, and shall not be suffered to be at large.

*(Amended by Acts 6 of 1976, 7 of 1976 and 9 of 1986)*

**Discharge of leper on certificate of Medical Superintendent.**

**16.** Whenever it appears to the Medical Superintendent of a leper home that any inmate of the leper home is fit to be discharged therefrom, the Medical

Superintendent shall certify the same to the Minister; and thereupon it shall be lawful for the Minister to direct that such person shall be discharged, and the Minister may in any such case impose terms of parole upon any leper so discharged.

*(Amended by Act 6 of 1976)*

## PART V

### PROHIBITION OF CERTAIN TRADES TO LEPERS

#### **Prohibition of certain trades to lepers.**

17. (1) No leper shall carry on any of the trades or callings specified in the Schedule, or any other trade or calling which the Minister may, from time to time, by Order published in the *Gazette*, prohibit lepers from carrying on.

(2) 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 three hundred dollars, and in addition to the fine any leper who is convicted may be committed to a leper home, to be detained there till discharged by order of the Minister.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

(3) Any person knowing himself or herself 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 to be consumed on the premises, or bathe in any public bath, or any river or stream or wash any clothes in, or otherwise contaminate such bath, river, or stream, 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, on summary conviction, to a fine not exceeding three hundred dollars, and any leper so convicted may in addition to the fine, be committed to a leper home to be detained there till discharged by order of the Minister.

*(Amended by Acts 6 of 1976, 7 of 1976 and 9 of 1986)*

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

18. (1) If any leper sells any article of food or drink which has been prepared or handled by him or her, or with which he or she has come in contact, he or she shall be liable, on summary conviction, to a fine not exceeding three hundred dollars, and may in addition to the fine be committed to a leper home to be detained there until discharged by order of the Minister.

(2) If any person knowingly sells any article of food or drink which has been prepared or handled by a leper, or with which a leper has come in contact, he or she shall be liable, on summary conviction, to a fine not exceeding five hundred dollars.

*(Amended by Acts 6 of 1976, 7 of 1976 and 9 of 1986)*

PART VI

LANDING OF LEPERS PROHIBITED

**Landing of lepers prohibited.**

**19.** (1) Except with the permission of the Minister, no leper shall be allowed to land at any port of the State unless he or she shall be a native of the State and the master or other person in charge of any vessel who suffers or omits to prevent the landing from such vessel, save as aforesaid, at any such port of any person whom he or she knows or has reasonable grounds to suppose to be a leper shall be liable, on summary conviction, to a fine not exceeding seven hundred and fifty dollars.

(2) A leper who unlawfully lands in breach of the prohibition in subsection (1) may be committed to a leper home by a warrant under the hand of the Minister, and may be detained in the leper home for such period as may be directed by such warrant.

*(Amended by Acts 6 of 1976, 7 of 1976 and 9 of 1986)*

PART VII

MISCELLANEOUS PROVISIONS

**Penalty on person trespassing on home.**

**20.** (1) Any person, not having official business at a leper home, who, without permission of the Medical Superintendent of the leper home, goes within the limits of the leper home, commits trespass and upon being convicted of that offence shall be liable to a fine not exceeding one hundred and fifty dollars.

(2) Any person who purchases or receives from any inmate of a leper home any food, clothing or other article, shall, on conviction thereof, be liable to a fine not exceeding one hundred and fifty dollars.

(3) A complaint for an offence under this section may be laid by the Medical Superintendent, or any person duly authorised by him or her in that behalf.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

**Aiding leper to escape and harbouring of escaped leper.**

**21.** Any person who aids or abets any inmate of a leper home to escape or attempt to escape from such home before the inmate has been lawfully discharged from that home, or who harbours or hides, or assists in harbouring or hiding any inmate of a leper home who has escaped from the leper home, shall, on conviction be liable to imprisonment for a term not exceeding three months or to a fine not exceeding three hundred dollars.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

**Evidence required to prove leprosy.**

**22.** (1) No supposed leper shall be convicted of an offence under this Act, and no person shall be convicted of any offence with respect to the landing, and no costs shall be recovered in respect of any supposed leper, except on the evidence or certificate of a duly qualified medical practitioner that such supposed leper is a leper.

(2) The certificate in writing of a duly qualified medical practitioner shall be admissible as evidence under this section.

#### **Responsibility for maintenance of leper.**

**23.** No person who is legally responsible for the maintenance of any other person shall, by reason of the leprosy and removal of such other person to a leper home under the authority of this Act, be absolved from his or her responsibility in that respect, but that person shall be liable to pay by weekly or other instalments such part of the expenses of maintenance of such other person while a patient in a leper home as the Chief Medical Officer, subject to the approval of the Minister, shall, looking to the circumstances of the person suffering from leprosy, think just and reasonable, and the Chief Medical Officer is hereby authorised to demand payment thereof from such person, and if not paid within ten days after demand, the Chief Medical Officer may proceed by action or suit for the recovery of the payment as a debt due to the State.

#### **Right of entry of Chief Medical Officer.**

**24.** (1) The Chief Medical Officer or any person, deputed in writing by him or her, may enter at all reasonable times any premises within which any person suffering from leprosy is permitted to be isolated, or which, within six months of such entry, have been inhabited by a person suffering or alleged to be suffering from leprosy, to do such acts therein for the purpose of cleansing and disinfecting the same as may from time to time be prescribed, and any person who refuses to admit the Chief Medical Officer or other person to the place or obstructs him or her in making the necessary examination commits an offence and shall be liable to a fine not exceeding three hundred dollars.

(2) If the Chief Medical Officer considers such a course to be necessary, he or she may order the destruction of such premises or of any articles or things in or about such premises or exposed to infection, subject to the payment to the owners of the premises or articles or things of a reasonable measure of compensation to be fixed by the Minister.

*(Amended by Acts 6 of 1976, 7 of 1976 and 9 of 1986)*

#### **Examination of infant of infected parent.**

**25.** (1) The Chief Medical Officer or any person deputed in writing by him or her may, at all reasonable times, enter any premises where an infant born of a parent or parents suffering from leprosy is maintained, for investigation as to the care and general health of such infant and any person who refuses to admit the Chief Medical Officer or other person or obstructs him or her in making the necessary examination commits an offence and shall be liable to a fine not exceeding three hundred dollars.

(2) The Chief Medical Officer may, by order in writing under his or her hand cause any infant, one or both of whose parents are suffering from leprosy, to be separated as soon as possible from such parent or parents.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

#### **Actions against persons purporting to act under this Act.**

**26.** In any action against any person for anything purporting to have been done in pursuance of the provisions of this Act or of any rules made under this Act, there shall be judgment for the defendant unless the plaintiff has alleged and proved that the action complained of was done by such person maliciously and without reasonable or probable cause.

**Recovery of penalties.**

27. All fines and penalties imposed by or under this Act, shall be recoverable summarily under the provisions of the Magistrate's Code of Procedure Act, Cap. 3:17, and all penalties recoverable under any bond given under this Act shall be recovered as Crown debts by the Attorney-General in accordance with the law and practice for the time being prevailing.

**Rules.**

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

- (a) the duties of the Medical Superintendent and staff of any leper home;
- (b) the management, inspection, discipline, control and punishment of the inmates and staff of any leper home;
- (c) the visiting of inmates by their friends;
- (d) the appointment of official visitors, and the periodical visiting of leper homes by them;
- (e) the conditions under which persons suffering from leprosy may be permitted to be isolated, maintained and treated outside a leper home;
- (f) the conditions under which patients in a leper home may be permitted to be discharged on parole;
- (g) the cleansing, disinfection or destruction of any premises which have been or are inhabited, and any vessels, articles or things which have been or are being used by any person suffering from leprosy or which have been otherwise exposed to infection;
- (h) the care and maintenance of any infant separated by order of the Chief Medical Officer from any parent suffering from leprosy;
- (i) generally for the carrying into effect the provisions of this Act.

**Forms etc.**

29. The Minister may prescribe the forms of certificates, warrants, bonds, orders, or other forms to be used under this Act.

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**SCHEDULE***(Section 17(1))*

## TRADES OR CALLINGS PROHIBITED TO LEPERS

Baker	Dairyman
Barber	Domestic Servant
Bootmaker	Fishmonger
Butcher	Nurse
Chemist	Tailor
Cook	Washer

or any trade or calling in which the person employed handles or comes in contact with articles of food, drink, drugs, medicines, tobacco or clothing in any form, or comes in contact with other persons.

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