

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **Ordonnance ayant rapport aux Maladies Secrètes (1942) \***

[CONSOLIDATED TEXT]

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Recueil d'Ordonnances Tome VIII, p. 103; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Ordonnance supplémentaire a l'Ordonnance ayant rapport aux Maladies Secrètes (1942) (Recueil d'Ordonnances Tome VIII, p. 107); the Public Health and Related Offences (Increase of Fines) Ordinance, 1986 (Recueil d'Ordonnances Tome XXIII, p. 427). This Ordinance is applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Recueil d'Ordonnances Tome IX, p. 247). See also the Reform (Guernsey) Law, 1948 (Ordres en Conseil Vol. XIII, p. 288); the Magistrate's Court (Guernsey) Law, 1954 (Ordres en Conseil Vol. XVI, p. 103); the Criminal Justice (Bailiwick of Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 172); the Magistrate's Court (Guernsey) Law, 2008 (No. XVIII of 2009).

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**Ordonnance ayant rapport aux Maladies Secrètes (1942)**

ARRANGEMENT OF SECTIONS

1. Definitions.
2. Persons suffering from Venereal Disease.
3. Duties of Medical Practitioner.
4. Failure to receive treatment prescribed.
5. Suspected persons. Compulsory isolation. Powers of Police Inspector.  
Compulsory isolation.
6. Penalty for contravention.

*(Made on the 7th November, 1943.)*

## **Ordonnance ayant rapport aux Maladies Secrètes (1942)**

**LA COUR**, le jugeant nécessaire pour prévenir et réprimer les maux résultant de l'introduction en cette Île de Maladies Secrètes, a, ouïes les conclusions du Procureur Général, ordonné et ordonne comme suit, savoir: –

### **Definitions.**

**1.** In this Ordinance the following expressions shall have the meanings hereinunder assigned to them respectively –

**"Contact"** includes –

- (a) a person who has, during the period in which another person has been suffering or is believed by the States Medical Officer of Health or a private medical practitioner to have been suffering from Venereal Diseases, had sexual intercourse with that other person, and
- (b) any child, who has not attained the age of seventeen years, of any person found to be suffering from Venereal Disease, and
- (c) any parent of a child who has not attained the age aforementioned and is found to be suffering from Venereal Disease, and
- (d) any other member of the household of which a person found to be suffering from Venereal Disease forms part,

**"Law Officer"** means the Attorney General or the Solicitor General and includes any person for the time being exercising the functions of either of those offices,

**"Police Inspector"** includes any person for the time being exercising the functions of Inspector of the States Salaried Police in this Island,

**"States Medical Officer of Health"** includes any medical practitioner for the time being exercising the duties of that office,

**"Venereal Disease"** shall include Syphilis, Gonorrhoea and Soft Chancre.

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**NOTES**

*This Ordinance is applied to the Island of Herm by the Herm Laws Ordinance, 1948, Article 1, Schedule, Part III, with effect from 13th March, 1948;*

*In accordance with the provisions of the Reform (Guernsey) Law, 1948, Article 70(3), with effect from 1st January, 1950, this formerly Provisional Ordinance of the Royal Court became a Permanent Ordinance of the States.*

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**Persons suffering from Venereal Disease.**

2. Any person, whether male or female, on becoming aware of the fact that he or she is suffering from Venereal Disease shall forthwith place himself or herself under treatment therefor either by a private medical practitioner authorised to practise as such in the Island of Guernsey or at the Venereal Disease Clinic established by the States of Guernsey and shall thereafter continue to receive the treatment prescribed, and shall submit to the tests adjudged necessary, by the private medical practitioner or by the medical practitioner in charge of that Clinic, as the case may be, until that person is pronounced by that medical practitioner to be cured.

**Duties of Medical Practitioner.**

3. Where any medical practitioner ascertains that a person is suffering from Venereal Disease, the medical practitioner shall forthwith –

- (a) explain to that person the nature of the disease and instruct that person that he or she must not have sexual intercourse with any other person during such period

as the medical practitioner may then prescribe, and

- (b) notify the States Medical Officer of Health of the name, address and occupation of the person and the nature of the Venereal Disease from which he or she is suffering.

**Failure to receive treatment prescribed.**

4. If any person who is suffering from Venereal Disease fails to continue to receive the treatment prescribed or to submit to the test adjudged necessary in his or her case, the medical practitioner concerned shall forthwith report such failure to the States Medical Officer of Health.

**Suspected persons. Compulsory isolation. Powers of Police Inspector. [Compulsory isolation].**

5. (1) The States Medical Officer of Health, if he has reason to believe that a person is or may be suffering from Venereal Disease or is a contact of a person so suffering, may apply to a Law Officer for an order directing that –

- (a) such first named person be examined, free of charge, to that person, by a medical practitioner for the purpose of determining whether that person is suffering from Venereal Disease, and
- (b) if that person is found to be so suffering, that that person submit to the treatment prescribed, and to the tests adjudged necessary, by the medical practitioner until that person is pronounced by that medical practitioner to be cured. The cost of such treatment and tests shall not fall to be borne by that person or by a person responsible for the maintenance of that person unless that person or that other person agrees to bear the same.

(2) The States Medical Officer of Health, if he has grounds for believing that any person is the cause of the spreading of Venereal Disease, may

apply to a Law Officer for an order directing the compulsory isolation of that person in a hospital or other suitable place until that person is pronounced by a medical practitioner to be non-infectious.

(3) Upon any such application as aforesaid being made to a Law Officer, the Law Officer shall, upon being satisfied that there are reasonable grounds for the making of the application, make an order accordingly and thereupon the person or persons affected by the order shall forthwith comply with the directions contained therein.

(4) The Police Inspector shall, upon the production to him of such an order as is hereinbefore in this section mentioned and upon the laying of information that any person affected by the order has failed to comply with any direction contained therein, cause that person to be apprehended and conducted, if need be by force, to such place as may be requisite for the purpose of compliance with such direction.

[(5) During the compulsory isolation of any person under an Order of a Law Officer, such person shall, without remuneration or reward, render all such services and perform all such duties in and about the premises where such person is isolated as shall be required of that person by the States Medical Officer of Health or by any person duly authorised by him in that behalf.]

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**NOTE**

*In section 5, subsection (5) was inserted by the Ordonnance supplémentaire a l'Ordonnance ayant rapport aux Maladies Secrètes (1942), 1943, section (a), with effect from 20th March, 1943.*

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**Penalty for contravention.**

6. If any person shall fail to comply with any of the provisions of this Ordinance or with any instructions given to that person by a medical practitioner under the provisions of clause (a) of section 3 of this Ordinance or with any direction contained in an order made by a Law Officer under the provisions of section 5 of this Ordinance [or with any requirement made of that person under the provisions of subsection (5) of section 5 of this Ordinance] or shall escape or

attempt to escape from any place of isolation in which that person is confined under such an order or, knowing that he or she is suffering or has suffered from Venereal Disease, has or attempts to have sexual intercourse with any other person before being pronounced by a medical practitioner to be cured or to be non-infectious, that person shall be guilty of an offence against this Ordinance and shall be liable, upon conviction before the Police Court to a fine not exceeding [level 5 on the uniform scale] or to a term of imprisonment, with or without hard labour, not exceeding six months, or to both such fine and such imprisonment and, upon the conviction of any such person, the Police Court Magistrate may, upon the application of a Law Officer, direct that the convicted person shall be forthwith isolated in a hospital or other place suitable, in the opinion of the States Medical Officer of Health, for the purpose until the convicted person is pronounced by a medical practitioner to be non-infectious and that the term of imprisonment to which the convicted person is sentenced either directly or in default of payment of a fine or both, shall only commence to be served after the convicted person has been released from such place of isolation.

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## NOTES

*In section 6,*

*the words in the first pair of square brackets were inserted by the Ordonnance supplémentaire a l'Ordonnance ayant rapport aux Maladies Secrètes (1942), 1943, section (b), with effect from 20th March, 1943;*

*the words and figure in the second pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.<sup>1</sup>*

*The Ordinance was made and came into operation on 7th November, 1943.*

*In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 1954, section 10(3) (as originally enacted), the expression "Police Court" in this section shall be deemed to refer to the Magistrate's Court, with effect from 17th January, 1955.*

*In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(2), with effect from 19th December, 1979, and subject to the provisions of section 2(3) of that Law, no person shall be sentenced by a Court to imprisonment with hard labour and accordingly the power conferred under this section shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before that date.*

*In accordance with the provisions of the Magistrate's Court (Guernsey)*

*Law, 2008, section 47(3), the references in this section to the "Magistrate" shall be construed as references to a Judge of the Magistrate's Court within the meaning of the 2008 Law, with effect from 1st September, 2009.*

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<sup>1</sup> These words and figure were previously substituted by the Public Health and Related Offences (Increase of Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.