

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

Ordonnance relative aux Maladies Secrètes, 1937 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. 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. 102; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Public Health and Related Offences (Increase of Fines) Ordinance, 1986 (Recueil d'Ordonnances Tome XXIII, p. 427); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). This Ordinance is applied to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948 (Recueil d'Ordonnances Tome IX, p. 280); and 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 Criminal Justice (Bailiwick of Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 172).

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ARRANGEMENT OF SECTIONS

1. Treatment for venereal disease.
2. Advertisements and public notices. Preparations for treatment of venereal disease. Printing of advertisements, etc.
3. Penalty for contravention.

(Made on 27th November, 1937.)

Ordonnance relative aux Maladies Secrètes, 1937

ATTENDU QU'UNE clinique pour le traitement de maladies secrètes a été établie en cette Île par le Conseil de Santé et qu'il est dans l'intérêt public que le traitement de telles maladies ne se fera que par et sous la direction de personnes qualifiées à exercer la profession de médecin et chirurgien en cette Île:

LA COUR, ouïes les conclusions des Officiers du Rois a ordonné et ordonne comme suit, savoir: –

Treatment for venereal disease.

1. A person shall not, unless he is a duly qualified medical practitioner authorised to practise in this Island, for reward, either direct or indirect, treat any person for venereal disease or prescribe any remedy therefor, or give any advice in connection with the treatment thereof, whether the advice is given to the person to be treated or to any other person.

NOTES

The 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.

The Ordinance is applied to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, with effect from 1st January, 1949, subject to the exceptions, adaptations and modifications set out in the First Schedule to the 1948 Ordinance.

In its application to the Island of Alderney, the Ordinance is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

Certain references in this Ordinance shall have effect in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 3, with effect from 1st January, 1949.

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.

Advertisements and public notices. Preparations for treatment of venereal disease. Printing of advertisements, etc.

2. (1) A person shall not by any advertisement or any public notice or announcement treat or offer to treat any person for venereal disease, or prescribe or offer to prescribe any remedy therefor, or offer to give or give any advice in connection with the treatment thereof.

(2) A person shall not hold out or recommend to the public by any notice or advertisement, or by any written or printed paper or handbill, or by any label, or words written or printed, affixed to or delivered with any packet, box, bottle, phial or other container, any preparation or thing whatsoever to be used or applied externally or internally as a medicine or medicament for the prevention, cure or relief of any venereal disease.

Provided that nothing in this section shall apply to any advertisement, notification, announcement, recommendation or holding out made or published by or under the authority of the States [Committee for Health & Social Care] or to any publication sent only to duly qualified medical practitioners or to chemists for the purposes of their business.

(3) A person shall not print or otherwise produce any such advertisement, notice, announcement, paper or handbill as is prohibited under the provisions of this Ordinance.

NOTES

In section 2, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

In its application to the Island of Alderney, section 2 is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part IV, with effect from 1st

January, 1949.

Penalty for contravention.

3. If any person acts in contravention of any of the provisions of this Ordinance, that person shall be liable on conviction to a fine not exceeding [level 5 on the uniform scale], or to imprisonment, with or without hard labour, for a term not exceeding six months.

NOTES

In section 3, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.³

The Ordinance was made and came into operation on 27th November, 1937.

In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(2), with effect from 21st January, 1980, 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.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

² The functions, rights and liabilities of the Health and Social Services Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Health and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 4, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

³ 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.