

## CHAPTER 96

### THE INFECTIOUS DISEASES ACT

#### [PRINCIPAL LEGISLATION]

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### CHAPTER 96

### THE INFECTIOUS DISEASES ACT

An Act to prevent the spread of infectious diseases and to define the nature of illnesses which require notification to medical authorities, and to take power to declare infected areas and to regulate the entry of persons into and their exit from such areas.

[1st May, 1921]

Ords. Nos.

3 of 1920

35 of 1935

46 of 1935

19 of 1957

[R.L. Cap. 96]

G.Ns. Nos.

478 of 1962

102 of 1963

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh96s1]1. Short title

This Act may be cited as the Infectious Diseases Act.

[PCh96s2]2. Definitions Ords. Nos. 36 of 1935 s. 2; 19 of 1957 s. 2; G.Ns. Nos. 478 of 1962; 102 of 1963

In this Act, unless the context otherwise requires—

"infected area" means any area or place in which there is, or has recently been, an occurrence, of infectious disease, and which has been declared by the Minister by order published in the Gazette to be an infected area for the purposes of this Act;

"infectious diseases" means the several diseases set forth in the Schedule to this Act;

"Medical Officer of Health" means—

(a) the Director of Medical Services or any duly qualified medical practitioner in the service of the Government authorised by the Minister to act as Medical Officer of Health in any area; and

(b) in any city, municipality or other area of jurisdiction of a local government authority, any duly qualified medical practitioner appointed to be a Medical Officer of Health by the city council or municipal council of that municipality, or that other local government authority where—

(i) that appointment was made with prior approval of the Minister, or

(ii) if the appointment was made without the prior approval of the Minister, the medical practitioner has been authorised by the Director of Medical Services to exercise the powers conferred upon a Medical Officer of Health by this Act.

"Minister" means the Minister responsible for health;

"occupier" includes any person in actual occupation of land or premises without regard to the title under which he occupies and in cases of premises subdivided and let to lodgers or various tenants the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any other person.

## PART II

### NOTIFICATION (s 3)

[PCh96s3]3. Notification of disease Ords. Nos. 35 of 1935; 46 of 1935 s. 3

(1) When any person is suffering from an illness which is characterised in the neighbourhood where the illness occurs unusual prevalence or by an unusually large number of deaths or by rapidly fatal termination or which exhibits other signs or symptoms which are characteristic of any disease of an infectious nature, the head of the family to which such person (in this Act referred to as "the patient") belongs, and in his default the nearest relatives of the patient, and in default of such relatives, every person in charge of the patient, and in default of such person, every occupier of the same building as the patient, shall, as soon as he becomes aware that the patient is suffering from such illness, give notice thereof to a Medical Officer of Health or to an administrative officer:

Provided that a person not required to give notice in the first instance, but only in default of some other person, shall not be deemed guilty of an offence under this Act if he satisfies the court that he had reasonable cause to suppose that the notice had been duly given.

(2) Where the patient is suffering from an illness whilst in a camp, every occupier of the camp shall, in default of any of the persons mentioned in subsection (1), as soon as he becomes aware of the illness give notice to the person in charge of the camp, and that person shall forthwith convey the notice to the Medical Officer of Health or an administrative officer:

Provided that the occupier or person in charge of the camp shall not be deemed guilty of an offence under this Act if he satisfies the court that he had reasonable cause to suppose that the notice had been duly given.

(3) Every medical practitioner attending on or called in to visit the patient shall forthwith, on becoming aware that the patient is suffering from an infectious disease, send to a Medical Officer of Health or to an administrative officer a certificate stating the name of the patient, the situation of the building or camp where the patient is and the infectious disease from which, in the opinion of that medical practitioner, the patient is suffering.

### PART III

#### ISOLATION (ss 4-8)

##### [PCh96s4]4. Restriction on movement of person with infectious disease

A person suffering, or reasonably suspected of suffering, from an infectious disease shall not be removed from any house or premises without the permission of a Medical Officer of Health.

##### [PCh96s5]5. Person with infectious disease may be moved to hospital

If a Medical Officer of Health so directs, a person suffering, or reasonably suspected of suffering, from an infectious disease shall be removed to a hospital or other place appointed for the reception of persons suffering from infectious disease.

##### [PCh96s6]6. Contacts

Any person who has been in contact with any person suffering or reasonably suspected of suffering from an infectious disease—

(a) may be removed and confined within a segregation camp for the period directed by a Medical Officer of Health;

(b) shall submit to the disinfection of his person and belongings as directed by a Medical Officer of Health.

[PCh96s7]7. Persons in segregation camp to find their own food.

All persons in a segregation camp shall provide their own food unless a Medical Officer of Health shall direct otherwise.

[PCh96s8]8. No person to enter or leave hospital, etc., without leave

No person shall enter a hospital or other place used for the reception of persons suffering from an infectious disease or a segregation camp or leave that hospital, place or segregation camp without the sanction of a Medical Officer of Health.

#### PART IV

#### INSPECTION AND PREVENTION (ss 9-14)

[PCh96s9]9. Inspection of premises

If a Medical Officer of Health has reason to suspect the presence of a person suffering from an infectious disease in any house or premises he may enter and examine the same, or any person therein, for the purpose of ascertaining whether any such person is suffering from an infectious disease.

[PCh96s10]10. Medical Officer of Health may require premises to be disinfected

A Medical Officer of Health may give to the owner or occupier of any house or premises any orders which appear to him to be necessary for the cleansing, ventilation or

disinfection of the house or premises or for freeing it from rats, or other vermin, and it shall be the duty of the owner or occupier to carry out and obey the orders.

[PCh96s11]11. Power to prevent spread

For the purpose of preventing the spread of any infectious disease, a Medical Officer of Health may do all or any of the following things:

(a) destroy, cleanse, ventilate or build-disinfect any building or part of a building;

(b) destroy, cleanse, disinfect or remove any clothing, article or thing of whatever nature.

[PCh96s12]12. Infected articles not to be removed without disinfection

No person shall remove or permit to be removed from any house or premises any article which he knows, or has reason to believe, has been exposed to infection, unless the article is removed under proper precautions for the purpose of having it disinfected.

[PCh96s13]13. Bodies of persons dying of infectious disease

The body of a person who dies of an infectious disease in a hospital or other place used for the reception of persons suffering from an infectious disease, shall not be removed for the purpose of burial or burning without the permission of a Medical Officer of Health.

[PCh96s14]14. Burial of persons dying of infectious disease

The burial or burning of all persons dying of an infectious disease must be conducted with such precautions as a Medical Officer of Health may direct.



## PART V

### MISCELLANEOUS PROVISIONS (ss 15-18)

[PCh96s15]15. Compensation to be made for any damage sustained

Compensation shall be made to any person who sustains any damage to his property or effects by reason of the powers conferred by this Act or any rule, regulation, order or notice made or given in relation to any matter as to which he is not himself in default:

Provided that no compensation shall be made in respect of any damage sustained by any person by reason of his having been confined in any hospital or in any segregation or other station, camp or place under this Act or any rule, regulation, order or notice.

[PCh96s16]16. Amount of damage, in event of dispute, to be settled by arbitration

Any dispute as to fact of damage or amount of compensation shall be settled as if an agreement in writing had been entered into that the dispute should be referred to the arbitration of any person to be appointed by any court having jurisdiction in the matter, and in accordance with the provisions of the Arbitration Act \*.

[PCh96s17]17. Rules Ord. No. 46 of 1935 s. 4; G.Ns. Nos. 478 of 1962; 102 of 1963

To make further provision for the prevention of the spread of infectious disease, the Director of Medical and Sanitary Services with the approval of the Minister, may from time to time make, revoke or alter rules or regulations as to—

- (a) the interment of the dead;
- (b) house to house visitation;

- (c) the provision of medical aid and accommodation;
- (d) the establishment and regulation of hospitals and segregation camps and the detention, disinfection and treatment of persons who are suffering or are reasonably suspected of suffering from infectious disease, or who have been in contact or are reasonably suspected of having been in contact with any such person;
- (e) the establishment and regulation of observation camps or stations and the detention of persons within an infected area and the medical examination, disinfection and treatment of such persons;
- (f) the prevention of persons entering or leaving an infected area or travelling along roads of access to it and in its vicinity, thereof, and their submission to medical examination and interrogation for the purpose of preventing or checking the spread of infectious disease;
- (g) the destruction or disinfection of buildings, furniture or other articles which are likely to spread infection;
- (h) the payment of fees for any act required to be done by this Act or any rule, regulation or notice made under it;
- (i) the form, time and manner in which any notice required by this Act or any rule, regulation or order shall be given;
- (j) generally for the purpose of carrying this Act into effect.

[PCh96s18]18. Penalties

Any person who wilfully obstructs any duly authorised officer in carrying out the provisions of this Act or any rule, regulation or notice under it, or who contravenes any of

those provisions, commits an offence under this Act, and upon conviction is liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both the fine and imprisonment.

SCHEDULE G.Ns. Nos. 132 of 1923; 39 of 1926; 7 of 1939; 250 of 1944; 253 of 1945; 140 of 1986

(Section 2)

Acute gonorrhoea.

A.I.D.S. (Acquired Immunity Deficiency Syndrome).

Anterior poliomyelitis.

Anthrax.

Beriberi.

Cerebro-spinal meningitis.

Cholera.

Diphtheria.

Encephalitis lethargica.

Fevers known as typhoid, para-typhoid, enteric, relapsing or continued.

Influenza.

Leprosy.

Measles.

Mumps.

Plague.

Primary and secondary syphilis.

Rabies.

Scarlet fever.

Sleeping sickness.

Soft chancre.

Tuberculosis.

Yaws.

Yellow fever.

Any other disease prescribed as an infectious disease by the Minister, with the approval of the President by notice in the Gazette.