

Cap. 112 Rev. 1985 *Quarantine*
CHAPTER 112 QUARANTINE

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Ordinance No. 27 of 1964, Legal Notice No. 112 of 1970

AN ACT RELATING TO QUARANTINE AND SIMILAR MATTERS

[1 January 1965]

Short title

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

2. In this Act-

Interpretation

"aerodrome" includes both land and water aerodromes;

"aircraft" includes any machine which can derive support in the atmosphere from the reactions of the air and is intended for aerial navigation, and a hovercraft;

"commander" includes any person for the time being in charge or command of an aircraft;

"master" includes any person for the time being in charge or command of a ship;

"port" includes any place at which ships arrive or from which they depart; "ship" includes a vessel or boat.

Quarantine Authority and quarantine officers

- 3.-(1) For the purposes of this Act there shall be established a Quarantine Authority with the powers, duties and functions set forth in this Act. The

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Permanent Secretary for Health shall be the Quarantine Authority.

(2) For the purposes of this Act the Minister* may appoint such quarantine officers as he may consider necessary. In the exercise of their powers and in the performance of their duties under this Act, quarantine officers shall act under the general direction and control of the Quarantine Authority. (*Amended by Legal Notice 112 of 1970.*)

(3) The Quarantine Authority may delegate in writing to quarantine officers all the powers, duties and functions vested in the Quarantine Authority under this Act, save and except the power to make rules and orders under sections 5 and 6.

* The power of appointment of quarantine officers has been delegated to the Permanent Secretary for Health. See Legal Notice No. 178 of 1980.

Power to make regulations

4.-(1) The Minister may make regulations, in respect of the whole or any part of Fiji, including the ports and coastal waters thereof, for preventing-

(a) danger to public health from ships or aircraft or persons or things therein, arriving at any place; and

(b) the spread of infection by means of any ship or aircraft, or by means of any person or thing.

(Amended by Legal Notice 112 of 1970.)

(2) Without prejudice to the generality of the powers conferred by subsection (1), regulations under that subsection may, for the purposes therein set forth, make provision for all or any of the following matters, that is to say:-

- (a) the ports at which overseas vessels shall first call when entering Fiji;
- (b) the appointment of places on land or sea as quarantine stations for the performance of quarantine by vessels, persons or goods;
- (c) the prohibition or control of the introduction into Fiji of any noxious insect or any pest or any disease germ or microbe or any disease agent or any culture virus or substance or article containing or likely to contain any noxious insect, pest, disease germ, microbe or disease agent;
- (d) the prohibition or control of importation into Fiji of any articles likely to introduce any infectious or contagious disease;
- (e) the prohibition or control of the removal of any goods from any part of Fiji to any other part of Fiji;
- (f) the notification of each case of a quarantinable disease which arises in Fiji or within any part thereof;
- (g) the determination and enforcement of measures of disinfection, disinsectisation, fumigation and other measures of quarantine which vessels, aircraft, persons, buildings and goods shall carry out or be subjected to;
- (h) the collection and transmission of epidemiological and sanitary information;
- (i) the signals to be displayed by ships or aircraft;
- (j) the questions to be answered and information (whether oral or documentary) to be supplied by masters, commanders and other persons who are or have been on board any ship or aircraft or are desirous of boarding any ship or aircraft;
- (k) the detention of ships or aircraft and of persons and things that are or have been on board them;
- (l) the destruction of things which are or have been on board ships or aircraft;
- (m) the duties to be performed by masters, commanders and other persons who are or have been on board ships or aircraft or who are desirous of boarding any ship or aircraft;
- (n) authorising the making of charges and providing for the recovery of expenses;
- (o) the enforcement of the regulations;
- (p) the conferring on appropriate officers of powers to board ships and aircraft and to enter premises.

(3) Any prohibition made under the provisions of this section may be general or with limitations as to place and subject matter and either absolute or subject to any specified conditions or restrictions.

Power to make rules

5. - (1) Subject to the provisions hereinafter contained, the Quarantine Authority may make rules for implementing or carrying into effect any regulations in force by virtue of section 4, and for supplementing any such regulations in regard to any matters for which the Quarantine Authority may deem it expedient to provide with a view to carrying into effect the purposes set forth in subsection (1) of that section.

(2) Without prejudice to the generality of the powers conferred by subsection (1), rules under that subsection may, for the purposes therein set forth, make provision for all or any of the following matters, that is to say:-

- (a) regulating the granting or withdrawal of passes;
- (b) regulating the issuing of certificates and other documents;
- (c) the governance of quarantine mooring stations, anchorages and berthing places, and of places where persons or things are detained or taken for examination and of places used for the observation or isolation of persons;
- (d) the sanitation of vessels and aircraft, ports and aerodromes and their surroundings, including measures for keeping them free from rodents, mosquitoes and other vectors of disease;
- (e) fixing the charges sanctioned by regulations in force by virtue of section

4 and providing for their incidence.

(3) The power to make rules under this section shall be without prejudice to any power to make regulations under section 4:

Provided that rules shall not have any force or effect if and to the extent that they are at any time inconsistent with any regulations in force by virtue of that section.

(4) Rules made by the Quarantine Authority under this section shall not have any force or effect unless approved by the Minister. In approving any rules, the Minister may make any amendments thereto which he may deem desirable.

(Amended by Legal Notice 112 of 1970.)

Power to make orders in emergency

6.-(1) When in the opinion of the Quarantine Authority an emergency exists, the Quarantine Authority may by order direct special measures to be taken

during the continuance of that emergency for any of the purposes specified in sections 4 and 5 and any such order shall have effect notwithstanding anything to the contrary in any regulations or rules in force by virtue of those sections.

(2) An order made under the provisions of subsection (1) may be varied or rescinded by order of the Minister. *(Amended by Legal Notice 112 of 1970.)*

Offences and penalties

7.-(1) Any person who-

- (a) refuses to answer or knowingly gives an untrue answer to any inquiry made under the authority of this Act or intentionally withholds any information reasonably required of him by any officer or other person acting under the authority of this Act, or knowingly furnishes to any such officer or other person any information which is false; or
- (b) refuses or wilfully omits to do any act which he is required to do by this Act, or refuses or wilfully omits to carry out any lawful order, instruction or condition made, given or imposed by any officer or other person acting under the authority of this Act; or
- (c) assaults, resists, wilfully obstructs, or intimidates any officer or other person acting under the authority of this Act, or offers or gives a bribe to any officer or person in connection with his powers or duties under this Act, or otherwise obstructs the execution of this Act,

shall be guilty of an offence and shall be liable on conviction to a fine of \$100 or to imprisonment for 6 months or both such fine and imprisonment.

(2) Any person convicted of an offence under this Act for which no special penalty is provided shall be liable in the case of the first offence to a fine not exceeding \$50 or to imprisonment for 3 months, and in the case of a second or subsequent conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding 6 months, or both such fine and imprisonment.

Duty and power of the police

8.-(1) It shall be the duty of every police officer to enforce compliance with this Act and with any order, instruction or condition lawfully made, given or imposed by any officer or other person under the authority of this Act, and for such purpose any police may board any ship or aircraft and may enter any premises without a warrant.

(2) - Any police officer may arrest without a warrant any person whom he has reasonable cause to believe committed any offence against this Act.

Disposal and recovery of charges and expenses

9.-(1) Any sum of money paid to the Quarantine Authority in respect of charges and expenses under this Act shall be paid by the Quarantine Authority into the Consolidated Fund.

(2) In default of payment, when due, of any of the charges and expenses payable to the Quarantine Authority under this Act, those charges and expenses may be enforced and recovered at the suit of the Quarantine Authority.

Controlled by Ministry of Health