

CAP. 78**INFECTIOUS DISEASES ACT, 1908**

ARRANGEMENT OF SECTIONS

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CAP. 78**INFECTIOUS DISEASES ACT, 19081**

AN ACT to provide for the prevention of the spread of infectious and contagious diseases, for the settlement of claims for compensation and damages in connection with measures taken to prevent the spread of those diseases, for the control of diseases of a communicable nature and for related matters.

1. Infectious or contagious diseases

The Minister may, by legislative instrument, declare a disease to be a disease of an infectious or contagious nature, and on that declaration, this Act shall apply.

2. Declaration of infected area

(1) The Minister may, by legislative instrument,

- (a) declare a clearly defined area in which an infectious disease has occurred as an infected area, and

1. The Act, enacted as an Ordinance, Cap. 78 of the 1951 Edition of the Laws of the Gold Coast, was assented to on 24th April, 1908.

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- (b) order the evacuation from the whole or a part of the infected area, of a person or class of persons whom the Minister considers should be evacuated considering the exigencies of a particular case.

(2) A person shall not

- (a) reside or carry on business within an infected area or a part of an infected area in contravention of an order for evacuation, or to enter or be in an infected area, except when passing along a thoroughfare;
- (b) allow that person's business to remain open to the public, without an order in writing to that effect signed by a medical officer, and on the conditions directed by the medical officer.

(3) A person who contravenes a provision of subsection (2) commits an offence and is liable on conviction,

- (a) for a first offence, to a fine not exceeding one hundred and fifty penalty units, or to a term of imprisonment not exceeding three months, and
- (b) for a second or subsequent offence, to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

3. Power to stop vehicles

(1) A medical officer, sanitary inspector or police officer may stop a vehicle travelling to or from or suspected to be traveling to or from an infected area, and may detain the persons or any of the persons traveling or being in or on the vehicle with a view to their undergoing a medical examination.

(2) A person suffering or suspected to be suffering from an infectious disease, or a corpse or an article suspected to be capable of spreading infection may be removed from the vehicle and dealt with as prescribed by the Regulations.

(3) The driver of a vehicle who refuses or neglects to stop when called on to do so by any of the officers mentioned in subsection (1), commits an offence, and is liable on summary conviction to a fine not exceeding one hundred and fifty penalty units or to a term of imprisonment not exceeding three months or to both fine and the imprisonment.

4. Spirit and wine and beer licences in evacuated area

A person licensed to sell spirits or wine and beer in a store situated in an infected area or a part of an infected area specified in an order for evacuation, and to whom the order applies

- (a) may transfer the licence to a store situated in a place to which the order for evacuation does not extend, and where a higher licence fee is not payable; or
- (b) may be awarded by a compensation board a refund of the whole or a part of the fee paid for the licence.

5. Post mortem examinations

Where a medical officer suspects that a person has died of an infectious disease, whether in an infected area or not, the medical officer shall order that the body of the deceased person shall be conveyed to a place appointed by the medical officer for an examination which the medical officer considers necessary.

6. Marking of houses

(1) A medical officer may place or cause to be placed on the door or wall of a house or building in which a case of infectious disease has occurred, whether in an infected area or not, a mark which the medical officer considers advisable for the purpose of denoting the occurrence of the disease, and shall keep the mark affixed for the time that the medical officer considers necessary.

(2) A person who removes or obliterates that mark without the authority of a District Magistrate commits an offence and is liable on conviction to a fine not exceeding twenty-five penalty units.

7. Disinfection

A medical officer may order the disinfection of a house or building in which a case or suspected case of infectious disease has occurred, whether in an infected area or not, and of the property belonging to a person residing or being in the house or building.

8. Destruction of house or building

(1) A medical officer may order the destruction of a house or building where a case of infectious disease has occurred, whether in an infected area or not, or of anything in that house or building or elsewhere, which the medical officer considers necessary in the interests of public health.

(2) An order under subsection (1) shall be carried out in the manner, and by the persons, directed by the medical officer.

(3) A claim for compensation in respect of the destruction of a house, building or thing under this section shall be determined by the compensation board.

9. Destruction of animals

A medical officer may order the destruction of an animal, whether in an infected area or not, which the medical officer has reason to believe is likely to be an agent in the transmission of an infectious disease, and may dispose of the carcass of that animal in the appropriate manner.

10. Detention of infected persons and suspects

A medical officer may cause a person suffering or suspected to be suffering from an infectious disease, whether in an infected area or not, to be removed to a government hospital or any other place provided by the Government, and detain that person until that person can be safely discharged.

11. Isolation of contacts

(1) A medical officer may order a person living in the same house or compound as, or otherwise brought into contact with, a person suffering or suspected to be suffering from an infectious disease, whether in an infected area or not, to be isolated in a place that the Government may provide, until that person is safely discharged.

(2) A person authorised by the medical officer to carry out the order may use necessary force to compel obedience to the order.

12. Compensation boards

(1) A claim for refund of spirit licence fees under section 4, and for damages or compensation for destruction of property under section 8, 9, or 17 (1) (d), shall be heard and determined by a compensation board to be appointed in writing by the Minister, consisting of two persons, one of whom is not a public officer or unconnected with a Government service.

(2) The unofficial member of the board is entitled to actual out-of-pocket expenses; and the Minister may allow a further remuneration as the Minister considers fit.

(3) In appointing a compensation board the Minister shall

(a) define the limits of the jurisdiction of the board, (b)

appoint a member by name or ex officio,

(c) appoint a secretary to the board, and

(d) in case a person appointed is or becomes unable or unwilling to act, or dies, appoint another member instead.

(4) An appointment made under this section shall be published in the *Gazette*.

(5) A compensation board shall have the powers of the High Court to summon witnesses, and to call for the production of books, plans or documents, and to examine witnesses and parties on oath.

(6) A person summoned to attend and give evidence or to produce books, plans or documents shall obey the summons served on that person as a witness is bound to obey a subpoena from the High Court. and is entitled to the like expenses as if summoned to attend the High Court on a criminal trial, if the same is allowed by the board, but the board may disallow the whole or a part of those expenses.

(7) Where the members of a compensation board are equally divided the matter shall be referred to a Justice of the High Court, who shall for the purposes of the reference be deemed to be a member of the compensation board, and whose decision shall be deemed to be the award of the board.

(8) The award of a compensation board shall be in writing signed by the members or by the Justice, and the amount awarded shall be paid in accordance with the award by the Government.²

2. The words "and shall be final" appearing after the word, "Justice", have been moiled in lieu of subsection (9) and clause (1) of article 137 of the Constitution.

(9) For the purposes of the Criminal Offences Act, 1960 (Act 29) a compensation board shall be deemed to be a Court.

13. Claims

(1) A claim for damages or compensation shall be made within six months after the happening of the event in respect of which the claim is made.

(2) A claim may be sent in the first instance to the compensation board or to the Minister, who shall refer the claim to the compensation board appointed to deal with the claim.

(3) A claim shall not be entertained of which notice has not been received by the compensation board or the Minister within the time specified by this section.

14. Restriction on civil proceedings

An action, a suit, or a civil proceeding shall not, without the written consent of the Attorney-General, be brought against a person in a Court for damages or compensation

(a) in respect of a measure taken or to be taken to prevent the spread of an infectious disease, or

(b) in respect of an act which may be done in the execution or intended execution of the Regulations.

15. Presumption of knowledge of disease

A person in charge of or in attendance on or living with a person suffering from an infectious disease charged with an offence against this Act or the Regulations, shall be presumed to have known of the existence of the disease in that person, unless it is shown to the satisfaction of the Court that the person charged did not have knowledge and could not with reasonable diligence have obtained that knowledge.

16. Penalties

A person who, without lawful authority or excuse, the proof of which lies on that person,

(a) contravenes a provision of this Act or of the Regulations for which a punishment is not provided, or

(b) does or omits to do anything which, under this Act or the Regulations ought not to be done or omitted to be done, or

(c) obstructs or impedes or aids or incites any other person to obstruct or impede a medical officer, police officer, health officer, or any other person lawfully acting in the execution of a provision of the Regulations, commits an offence, and is liable on conviction to a fine not exceeding one hundred and fifty penalty units or to a term of imprisonment not exceeding three months, or to both the fine and the imprisonment.

17. Regulations

- (1) The Minister may, by legislative instrument, make Regulations
- (a) prescribing the mode of burial or disposal of the body of a person who dies from an infectious disease;
 - (b) establishing a cordon around an infected area or part of an infected area where an infectious disease has occurred or is suspected to have occurred or otherwise preventing persons departing from or going to that area or a part of that area;
 - (c) prohibiting building on, or habitation of, or tillage, or any other disturbance of, the soil in an area, or in a part of that area, in which plague has occurred, or in which the bodies of persons who have died of plague, or are suspected to have died of plague, have been buried;
 - (d) for closing, destroying, disinfecting, cleansing, or otherwise rendering harmless any houses, buildings, latrines, wells, cesspits, dustbins, dumping grounds, and places considered to be injurious or dangerous to health;
 - (e) for the removal of persons from a part of an infected area the evacuation of which has been ordered by the Minister;
 - (j) prescribing the form and mode of service or delivery of notices and any other documents under this Act;
 - (g) for isolating persons suffering or suspected to be suffering from an infectious disease, or brought into contact with a person so suffering or so suspected;
 - (h) for the appointment of the authority by whom the provisions of this Act and of the Regulations are to be carried out, and of inspectors and other necessary officers, and for the execution of their duties;
 - (i) prescribing the procedure to be adopted in the proceedings of the compensation board, and the form of witness summonses and other documents to be used in connection with those proceedings;
 - (j) for preventing, in a place where an infectious disease exists, or is suspected to exist, the holding of public meetings or the performance of funerals or any other customs likely to tend to the dissemination of the infectious disease;
 - (k) for the publication within the area infected by beating of gong-gong, or in any other manner, of an order or the Regulations;
 - (l) for the disposal or destruction of refuse or sewage;
 - (m) prohibiting the removal of property from an infected house;
 - (n) prescribing the reporting of cases of sickness and deaths;
 - (o) for the erection of temporary huts, mortuaries, and similar buildings by the appropriate authorities of towns or villages, and the provision of subsistence for a person suffering from an infectious disease;

- (P) for inspecting and granting passports to persons travelling by sea or land from a town, village or place where an infectious disease has occurred, and for disinfecting their clothing and effects;
 - (q) for the destruction of rats, mice, and any other kinds of vermin, and of mosquitoes, and for the closing of holes made by rats and mice and for the rendering of floors and plinths of houses rat-proof; and
 - (r) generally for the better carrying into effect of the provisions of this Act.
- (2) The Regulations may apply generally to the whole of the Republic or to an infected area.
- (3) The Regulations may provide for the better control of a disease of a communicable nature, which is not an infectious disease and in particular with respect to
- (a) the conditions precedent to the compulsory removal to a hospital sanatorium, or any other suitable place, of a person suffering from a communicable disease;
 - (b) the reporting by medical practitioners of cases of a communicable disease;
 - and
 - (c) the supply of medical and any other assistance and facilities for the treatment of persons suffering from, and for the detection of, a communicable disease.

18. Application of section 2 to Ashanti

*.Spent*³

19. Modifications in application of sections 8, 9, 10, 11 and 14

*Spent*⁴

20. Interpretation

In this Act, unless the context otherwise requires,

"**compensation board**" means a board appointed under section 12;

3. The section reads,

"21. Section 2 shall in Ashanti have effect as if the reference in the definition of "Sanitary Inspector" to a

Town Council was instead a reference to the Kumasi Public Health Board."

4. The section reads,

"22. In the application of this Ordinance to Ashanti and the Northern Region, the following modifications

shall have effect:

(1) After the words "Medical Officer" wherever they occur in sections 8, 9, 10, and the words "or

District Commissioner" shall be inserted.

(2) The words "in the town of Accra (as defined under section 3 of the Town Council Ordinance) by the Minister and elsewhere by the Provincial Commissioner of the Province and to consist of two person, one of whom shall", where they occur in section 14 (1) shall be replaced by the words "by the Chief Commissioner and to consist of two persons one of whom shall, if practicable" .

(3) The words "Minister or Provincial Commissioner, as the case may be," where they occur in

section 14 (2) and (3) shall be replaced by the words "Chief Commissioner".

"Court" means a court of competent jurisdiction;

"infectious disease" includes plague, cholera, small-pox, yellow fever, and any other disease of an infectious or contagious nature which the Minister may declare as an infectious disease within the meaning of this Act;

"medical officer" means a medical practitioner in the service of the Government;

"Minister" means the Minister responsible for Health;

"police officer" means a police officer in the Police Service;

"Regulations" means the Regulation made under this Act;

"sanitary inspector" means an officer serving as an inspector of nuisances whether in the medical or health department of the Government or in the service of a Municipal or Metropolitan Assembly.

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