

CHAPTER 284

THE VENEREAL DISEASES ACT.

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CHAPTER 284

THE VENEREAL DISEASES ACT.

Commencement: 30 September, 1977.

An Act to provide for the examination and treatment of persons infected with venereal diseases and for other matters connected therewith or incidental thereto.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “authorised officer” means a police officer not below the rank of inspector of police and includes a chief not below the rank of a gombolola chief;
- (b) “health inspector” means a health or sanitary inspector of the Ministry responsible for health and includes any member of the subordinate medical staff or other person appointed by the chief medical officer to act as such within any district;
- (c) “medical officer of health” means any medical officer in the employment of the Government and includes any member of the Government medical subordinate staff being a registered or licensed medical practitioner or other medical practitioner appointed by the chief medical officer to act as such in any district;
- (d) “venereal disease” means syphilis, gonorrhoea, chancroid, lympho granuloma venereum, granuloma inguinale and includes sexually transmitted diseases such as nongonococcal, urethritis, trichomoniasis, candidiasis, condylomata acuminata, herpes simplex due to type II herpes virus, molluscum contagiosum, scabies and pediculosis pubis.

2. Examination of persons infected or suspected to be infected with venereal disease.

Any medical officer of health may require any person whom he or she knows or reasonably suspects to be infected with venereal disease to submit himself or herself for examination at such time and place as the medical officer of health may direct.

3. Powers of medical officer of health, etc.

(1) A medical officer of health or a health inspector may, at any reasonable time, enter and inspect any premises in which he or she has reason to believe that any person suffering or who has recently suffered from any venereal disease is or has recently been present, and may require such person to submit himself or herself for medical examination in accordance with section 2 for the purpose of ascertaining whether that person is suffering or has recently suffered from or is a carrier of any such disease.

(2) Where the medical officer of health or health inspector examines a person and finds that the person is suffering from any venereal disease, he or she shall give such treatment as he or she may deem fit to that person.

(3) The medical officer of health may direct that while a person is being treated for venereal disease he or she may be detained in such place of treatment as the Minister may prescribe, for such period as the medical officer may determine to be sufficient time for treatment.

(4) Any person aggrieved by the decision of the medical officer of health may appeal to the chief medical officer against that decision, and the decision of the chief medical officer shall be final.

(5) Where the medical officer of health is satisfied that a person who has been treated for venereal disease is free from infection or can be discharged without danger to the public health, he or she shall give to that person a letter of discharge, and that person shall be discharged immediately.

4. Duty to name contact.

(1) A person who, in the opinion of the medical officer of health or health inspector, is suffering or has recently suffered from or is a carrier of venereal disease shall be required to name the person who infected him or her with a venereal disease.

(2) Any person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to a term or imprisonment not exceeding six months or to both such fine and imprisonment.

(3) It shall be a defence in any proceedings under this section if the circumstances were such that the accused person cannot reasonably remember the person who infected him or her with the venereal disease.

(4) A prosecution for an offence under this section shall not be instituted except with the consent of the Director of Public Prosecutions or a person authorised by him or her for that purpose.

5. Powers of an authorised officer.

An authorised officer may make an order—

- (a) requiring any person to submit himself or herself for medical examination or periodical medical tests for the purpose of ascertaining whether that person is suffering from a venereal disease;
- (b) requiring any person who, in the opinion of the medical officer of health, is suffering from a venereal disease to undergo such medical treatment as may be prescribed by the medical officer of health;
- (c) directing that a person who, in the opinion of the medical officer of health, is suffering from a venereal disease should be detained in a hospital or clinic until he or she is free from infection;
- (d) requiring any person who has been treated for a venereal disease and discharged from a place of treatment to submit himself or herself for periodical medical tests for the purpose of ascertaining whether that person is free from venereal disease.

6. Protection of an authorised officer, etc.

No act or thing done or omitted to be done by an authorised officer or medical officer of health or health inspector shall, if it is done bona fide for the purposes of executing any provisions of this Act, subject that authorised officer or medical officer of health or health inspector to any civil liability.

7. Offences by an authorised officer, etc.

(1) An authorised officer or medical officer of health or health inspector shall not exercise his or her powers under this Act for purposes other than for the treatment of persons suffering from venereal diseases; and where the authorised officer or medical officer of health or health inspector fails to comply with this section, he or she commits an offence and is liable

on conviction to a fine not exceeding five thousand shillings or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

(2) A prosecution for an offence under this section shall not be instituted except with the consent of the Director of Public Prosecutions or a person authorised by him or her for that purpose.

8. Offences and penalties.

(1) Any person who—

- (a) wilfully refuses to comply with an order made under section 5;
- (b) unlawfully or negligently does any act which is and which he or she knows or has reason to believe to be likely to spread the infection of a venereal disease;
- (c) while suffering from any venereal disease, other than a disease certified by the medical officer of health to be incurable, knowingly harbours that disease;
- (d) wilfully contaminates any other person with a venereal disease;
- (e) while detained at a place of treatment, leaves that place without the letter of discharge from the medical officer;
- (f) maliciously reports a person as being the person who infected him or her; or
- (g) contravenes any of the provisions of this Act,

commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

(2) The court may, as an additional penalty, order that the person convicted of an offence under this section pays all the expenses or any part of the expenses incurred in the treatment of himself or herself or of any person he or she has contaminated.

9. Regulations.

The Minister may, by statutory order, make regulations for better carrying out the provisions of this Act.

10. Act to be read with Public Health Act.

This Act shall be read as one with the Public Health Act.

History: Decree 16/1977.

Cross Reference

Public Health Act, Cap. 281.