
CHAPTER 239**VENEREAL DISEASES****ARRANGEMENT OF SECTIONS**

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SCHEDULE — Forms

CHAPTER 239

VENEREAL DISEASES

An Act relating to venereal disease.

[Commencement 12th July, 1945]

*21 of 1945
3 of 1946
G.N 7(10) of 1964
E.L.A.O., 1974
5 of 1987*

1. This Act may be cited as the Venereal Diseases Act. Short title.
2. In this Act, unless the context otherwise requires — Interpretation.
 - “child” means a person under fourteen years of age;
 - “hospital” means the Princess Margaret Hospital;
 - “medical officer” means a medical officer on the public establishment of The Bahamas;
 - “medical practitioner” means a person registered under the Medical Act. Ch. 224.
 - “Minister” means the Minister responsible for Medical, Nursing and Health Services; E.L.A.O., 1974.
 - “pharmacist” means a person licensed under the Pharmacy Act and includes chemist and apothecary; Ch. 227.
 - “prescribed” means prescribed by this Act or by rules made thereunder;
 - “prescribed form” means a form substantially similar to the appropriate form set out in the Schedule to this Act or any variation thereof that may be prescribed; Schedule.
 - “venereal disease” includes gonorrhoea, gonorrhoeal ophthalmia, syphilis, soft chancre, venereal warts, venereal granuloma and lymphogranuloma inguinale.
3. No person other than a medical officer or a medical practitioner or a person acting under the direction or instructions of a medical officer or medical practitioner shall attend upon, treat or supply any drug or medicine designed to alleviate or cure venereal disease to any person suffering from or suspected to be suffering from venereal disease, or prescribe any remedy therefor or give any Persons permitted to treat venereal disease.

advice in connection with the treatment thereof, whether the advice is given to the person so suffering or suspected to be suffering from such disease or to any other person on the former's behalf:

Provided that this section shall not apply to any pharmacist who dispenses to the patient of a medical officer or a medical practitioner the prescription of such medical officer or medical practitioner if such prescription is dated and bears the usual signature or initials of such medical officer or medical practitioner.

Restrictions on advertisements, etc.

4. (1) No person shall by any advertisement or any public notice or announcement treat or offer to supply any drug or medicine to any person suffering or suspected to be suffering from venereal disease or prescribe or offer to prescribe any remedy therefor or give or offer to give any advice in connection with the treatment thereof.

(2) No person shall dispose of or attempt to dispose of to any other person by sale, gift or in any manner whatsoever, any medicines or medicaments for the prevention, cure or relief of any venereal disease:

Provided that nothing in this section shall apply to any offer or recommendation made or published by or with the sanction of the Minister or to any publication sent only to medical practitioners or to wholesale or retail pharmacists for the purposes of their business.

Duty of person suffering from venereal disease to place himself under treatment.

5. (1) Every person suffering from venereal disease or suspecting that he is suffering shall on becoming aware of or suspecting his condition immediately consult a medical practitioner thereon, furnish his correct name and address to such medical practitioner and, if on examination he be found to be suffering from any such disease, place himself under treatment by such medical practitioner or shall attend at the hospital, furnish his correct name and address and if on examination he be found so to be suffering, place himself under treatment by a medical officer thereat, until he shall be certified in writing by such medical practitioner or such medical officer to be cured of such venereal disease, or to be no longer liable to convey infection, as the case may be.

3 of 1946, s. 2.

(2) If any such person desires to change his medical practitioner or if the medical practitioner attending such person dies or for any reason is unable or unwilling to

attend him further, such person shall forthwith consult and place himself under treatment by another medical practitioner and inform the latter of the name of his last previous medical practitioner or shall forthwith attend at the hospital and place himself under treatment thereat and inform the medical officer of the name of his last medical practitioner.

(3) Such medical practitioner or medical officer consulted by any such person shall forthwith send to the medical practitioner or medical officer last treating such person a notice in the prescribed Form A. of the change made by the patient.

Schedule.

6. Whenever a person suffering from venereal disease is under treatment by a medical officer or a medical practitioner and fails to obey his instructions then and in every such case such medical officer or medical practitioner shall forthwith notify in writing the Chief Medical Officer of such failure to obey his instructions.

Duty of medical practitioner to require patient to continue treatment.

7. (1) Whenever the Chief Medical Officer is aware or has reasonable cause to suspect and believe and does suspect and believe that any person is suffering from a venereal disease he shall, unless he is satisfied that such person is under treatment therefor by a medical practitioner or medical officer, forthwith serve or cause to be served on such person personally a notice in writing in the prescribed Form B. addressed to such person marked “confidential” and directing such person within three days from the date of the service upon him of such notice to attend at the hospital to undergo medical examination for the purpose of ascertaining whether or not such person is so suffering and, if so suffering, to receive medical treatment.

Power of C.M.O. to require person suspected of suffering from venereal disease to place himself under treatment.

Schedule.

(2) If any such person shall fail, neglect or refuse to comply with the directions aforesaid a magistrate, on application to him by the Chief Medical Officer or by some person appointed by him for the purpose, may by order in writing addressed to a peace officer direct such person so failing, neglecting or refusing as aforesaid to be taken to the hospital for treatment or for examination by a medical officer and shall also in the said order direct such person to submit himself to such treatment or examination.

Schedule. (3) Whenever in the opinion of a medical officer, after examination by him, any such person is suffering from a venereal disease, the medical officer shall issue a certificate in writing in the prescribed Form C. addressed to such person setting out his findings on such examination and such person shall be deemed to be a person suffering from a venereal disease and aware of his condition within the meaning of this Act.

Information and warning to be given to patient by medical practitioner.

8. (1) Every medical practitioner or medical officer who attends, treats or advises any patient for or in respect of any venereal disease from which the patient is suffering shall (except in the case of a child) —

Schedule.

(a) by written notice in the prescribed Form D. delivered to the patient —

(i) direct such patient's attention to the infectious character of the disease and to the legal consequences of infecting others;

3 of 1946, s. 2.

(ii) warn the patient against contracting any marriage until certified as cured of such venereal disease or to be no longer liable to convey infection, as the case may be;

(b) give such patient such printed information relating to the disease and the duties of patients as he may consider necessary.

(2) In the case of a child suffering from any venereal disease every medical practitioner or medical officer who attends, treats or gives advice with respect to the child shall give to the parent or guardian or other person in charge of such child such directions and printed information as are prescribed.

(3) Every patient, parent or guardian to whom a written notice or printed information is delivered under this section, shall give to the medical practitioner or medical officer delivering the same a receipt therefor.

Certificate of cure.

9. (1) Subject to the provisions of this Act when any patient as aforesaid becomes cured of or free from venereal disease or has ceased to be liable to convey infection, any medical practitioner or medical officer shall on being satisfied of the fact give such patient at his request a certificate in the prescribed Form E. that to the best of his

Schedule.

knowledge and belief such patient is cured or is free from venereal disease or is no longer liable to convey infection, as the case may be.

(2) Any medical practitioner or medical officer who gives to any person such a certificate knowing the same to be false in any material particular shall be liable on summary conviction to a fine of four hundred dollars. *5 of 1987, s. 2.*

10. (1) Whenever any person is sentenced to undergo and is undergoing a term of imprisonment for any offence such person shall submit himself to medical examination and be forthwith examined by the medical officer appointed to the medical charge of the prison immediately on his admission to the prison with a view to ascertaining whether or not such person is suffering from a venereal disease. *Treatment of prisoners.*

For the purposes of this section “prison” shall include the Industrial School and such other place or places as may from time to time be appointed as places for the detention of juvenile offenders, male or female, and “prisoner” shall include juvenile offender.

(2) (a) Whenever such medical officer shall find, after medical examination as aforesaid, that any such prisoner is suffering from a venereal disease, he shall cause such prisoner to be medically treated for such venereal disease until such prisoner during the term of his imprisonment becomes cured or no longer liable to convey infection of the said disease, or until he is discharged in due course of law. *3 of 1946, s. 2.*

(b) On the discharge of any such prisoner as aforesaid such medical officer shall certify in writing to the Superintendent of Prisons or person in charge of such prison, the Chief Medical Officer and to the prisoner, the fact that such prisoner is either cured of such venereal disease or is no longer liable to convey infection thereof, or is still suffering from a venereal disease in a communicable form, as the case may be. *3 of 1946, s. 2.*

(3) If such medical officer shall certify that such prisoner, on being discharged from prison, is still suffering from a venereal disease in a communicable form, such prisoner shall be deemed to be a person suffering from a venereal disease and aware of his condition under the provisions of section 5 of this Act.

Attendance of person suffering from venereal disease.

11. Every person required by this Act to attend upon a medical officer or medical practitioner shall so attend at such place and at such time as a medical officer or medical practitioner shall direct and shall submit to examination or treatment, as the case may be.

Penalty for infecting other persons.

12. (1) No person shall knowingly infect any other person with a venereal disease or knowingly do or permit or suffer any act likely to lead to the infection of any other person with such a disease.

5 of 1987, s. 2.

(2) Any person guilty of a contravention of this section shall be liable on summary conviction to a fine of four hundred dollars or to imprisonment for twelve months or to both such fine and such imprisonment.

Wrongful communication of information.

13. Every person who acts or assists in the administration of this Act and every person present in any court when any proceedings taken under this Act or an appeal therefrom are being heard, shall preserve secrecy with regard to all matters and things which come to his knowledge while so acting or assisting or present and shall not communicate any such matter or thing to any person except in the performance of his duties under this Act or in pursuance of any legal or official duty.

Proceedings to be held *in camera*.

14. All proceedings under this Act or on appeal from any judgment or order given under this Act shall be held *in camera*.

Savings.

15. If any person found by a medical officer or a medical practitioner to be suffering from a venereal disease gives him information as to a contact, such information shall be deemed for the purposes of the law relating to defamation to have been communicated in pursuance of a statutory duty.

Action against medical practitioner.

16. No action shall lie against a medical officer or medical practitioner or any person appointed by the Chief Medical Officer for the purposes of this Act for anything done by him or them in good faith in pursuance of the powers conferred by this Act.

Penalty.

17. Any person who shall fail, neglect or refuse to comply with the provisions of this Act for which no specific penalty is provided shall be liable on summary conviction to a fine of two hundred dollars or to imprisonment for twelve months.

5 of 1987, s. 2.

18. (1) The Minister may by Order declare that any drug or medicine specified in such Order shall not be sold or supplied to any person except on the prescription of a medical practitioner.

Power to restrict sale of specified medicines. E.L.A.O., 1974.

(2) Every Order made under this section shall be published in the *Gazette* and shall upon publication have the force of law.

- 19. The Minister may make rules with respect to —
 - (a) the forms required under this Act;
 - (b) the fees payable to medical practitioners for services under this Act;
 - (c) any other matter or thing whether similar or not to those above mentioned in respect of which it may be expedient to make rules for the purpose of carrying this Act into execution.

Rules.

20. This Act shall apply to New Providence and to any Out Island, town or settlement to which the Act or any of its provisions may be extended by Order of the Minister.

Application. E.L.A.O., 1974

SCHEDULE (Section 5)

FORM A

CONFIDENTIAL

THE VENEREAL DISEASES ACT

To:

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This is to notify you that
(name of patient)

whom you were lately treating for
(nature of disease)

has requested me, in your stead, to treat him and that I am now treating him for the said venereal disease.

Dated at Bahamas, this
day of....., 19

.....
Medical Practitioner or Medical Officer

FORM B (Section 7)

CONFIDENTIAL

THE VENEREAL DISEASES ACT

To:

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.....

Whereas I am aware (or have reasonable cause to suspect and believe and do suspect and believe) that you are suffering from a venereal disease and that you are not under treatment for the said disease by a medical practitioner or medical officer.

Take notice that you are hereby required within THREE DAYS from the date of the service of this notice on you to attend at the Princess Margaret Hospital for medical examination (for the purpose of ascertaining whether or not you are so suffering) and (if found to be so suffering) for medical treatment therefor.

Dated at Nassau, Bahamas, this day of
19

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Chief Medical Officer

FORM C (Section 7)

CONFIDENTIAL

THE VENEREAL DISEASES ACT

To:

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This is to certify that on the day of
19 you were medically examined at by
me and that my findings on such examination were as follows:

.....
Medical Officer

NOTE: Your attention is drawn to the Venereal Diseases Act section 5(1) which is as follows:

“5(1) Every person suffering from venereal disease or suspecting that he is suffering shall on becoming aware of or suspecting his condition immediately consult a medical practitioner thereon, furnish his correct name and address to such medical practitioner

and if on examination he be found to be suffering from any such disease, place himself under treatment by such medical practitioner or shall attend at the hospital, furnish his correct name and address, and if on examination he be found to be so suffering, place himself under treatment thereat by a medical officer, until he shall be certified in writing by such medical practitioner or such medical officer to be cured of such venereal disease, or to be no longer liable to convey infection, as the case may be.”

3 of 1946. s.2

FORM D(Section 8)

THE VENEREAL DISEASES ACT

To:

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Whereas you have been found to be suffering form a venereal disease, to wit

You are hereby notified that the disease is highly infectious and that should you infect another or others with the said disease you may be liable on summary conviction to a fine of four hundred dollars (\$400) or to imprisonment for any term not exceeding twelve (12) months or to both such fine and such imprisonment:

You are hereby warned not to have sexual intercourse nor to contract a marriage with any person until you have been granted a certificate of cure in accordance with section 9 of the above Act:

Enclosed herewith is the following printed information relating to the venereal disease from which you are suffering and to the duties of patients so suffering as aforesaid.

Dated at Nassau, Bahamas, this day of 19

.....
Medical Practitioner or Medical Officer

Received from
the following printed information relating to the venereal disease known as

Dated the day of 19

FORM E (Section 9)

THE VENEREAL DISEASES ACT

To:

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.....

This is to certify that I have medically examined the above named and am satisfied that:

- (a) he is cured of the attack of the venereal disease from which he has recently been suffering; or
- (b) he is no longer liable to convey infection from, the venereal disease from which he has recently been suffering; or
- (c) he is free from venereal disease.

Dated at Nassau, Bahamas, this day of
19

.....
Medical Practitioner or Medical Officer