

1924

83
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KENYA

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C. O.
41340
1 SEP 24

From
BOARD OF TRADE

Date
30th August 1924.

For Circulation --

Mr.
Mr.
Mr.
Asst. U.S. of S.

PUBLIC HEALTH (PORT HEALTH) REGULATIONS, 1923.

This copy of corres with Min of Health.
Comment on regulation requiring a person on
board ship to be vaccinated against his will.
Hopes that Articles named may be used with discre-
tion.

Perm' U.S. of S.

Part U.S. of S.

Secretary of State

Previous Paper

~~600~~
60000
28

MINUTES

Mr. B. ...

The Ministry of Health are in agreement of with the arguments of the Kenya Govt and in view of the Board of Trade ... to the extent of limiting themselves to a ... that the regulation in question will be exercised with discretion.

I think it will be enough to send the for copies of the ... with the B. of T. ... the legislation may stand ... attached to the B. of T. ...

Subsequent Paper

See Box X 1102 ...

copy copy made by ... 8 - SEP 1924

its exercise

S. African Dept to do
afterwards as to the
last para. of 197 letter

Qu 3/9/24

The Regulations have
been in force for 18
months and the
shipping people here
have had them for
more than a year
(see 3/468/23) There
have been no protests.

As specified.

W. G. S.

4.9.24

W. G. S.

and appointed to
the Reg. as to the
the 11 of the 11 has not been
in 197/100

Telegrams—SHIPMINDER, PARL, LONDON.
Telephone—VICTORIA 8740 Ext.

Any further communication on this subject should be addressed to—
The Assistant Secretary,
Mercantile Marine Department,
(Address as opposite)
and the following number desired—
M. 5649/24

MERCANTILE MARINE DEPARTMENT,
BOARD OF TRADE,
3, SANCTUARY BUILDINGS,
GREAT SMITH STREET,
LONDON, S.W.1.



C.O.
41340
1 SEP 24

30th August, 1924.

62080
28

Sir,

With reference to your letter of the 9th January, 1924, regarding the Kenya Public Health (Port Health) Regulations, 1923, I am directed by the Board of Trade to transmit herewith, for the information of Mr. Secretary Thomas, copy of correspondence with the Ministry of Health on the subject.

As Mr. Thomas will no doubt agree, there are considerations other than purely medical ones, which also have a bearing on such a case; and the Board question whether the Port Health Officer would be justified in requiring a person on board a ship visiting a port in the Colony to be vaccinated against his will, if such person could, and would, give adequate guarantees that he would not land in the Colony.

The Under Secretary of State,
Colonial Office,
S.W.1.

/The

Mercantile Marine Department,
Board of Trade,
3, Sanctuary Buildings,
Great Smith Street,
London, S.W.1.

M. 5649/24.

27th February, 1924.

The Board recognise that the mere possibility that a regulation may be administered in an oppressive manner may not, in itself, be a sufficient reason for rescinding it; but I am to express the hope that Port Health Officers in the Colony will use the greatest possible discretion in the exercise of their powers under Article 28 of the Regulations.

I am to add that similar considerations would appear to apply to Article 14 of the South African Regulations. Those Regulations do not appear to have been previously brought to the Board's notice.

I have the honour to be,

Sir,

Your obedient Servant,

C.H. Guinness

Sir,

With reference to the letter from this Department of 20th June last (M.8416/23) forwarding a copy of the Kenya Public Health (Port Health) Regulations, 1923, I am directed by the Board of Trade to transmit herewith a copy of correspondence between this Department and the Colonial Office in the matter.

From the last letter from the Colonial Office it appears that a Regulation on the lines of the new Regulation which the Board take exception to is already in force in South Africa. This South African Regulation had not previously been brought to the Board's notice.

The Board have not received any complaint as to the operation of the South African Regulation but much would doubtless depend on the manner in which the Regulation is administered. There is,

Yin

The Secretary,
Ministry of Health,
S.W.1.

in the Board's opinion, a certain danger that the assumption by Port Authorities of the power to require every person on every ship entering the port to be vaccinated may lead to considerable difficulties unless it is very carefully safeguarded; and the question whether the exercise of such powers is really necessary in the interests of health appears to require examination.

The Board would be glad if they might be favoured with the Minister's observations as to the validity of the argument contained in the memorandum dated 12th November prepared by the Acting Principal Medical Officer, Nairobi. In particular they would be glad to know whether, in the Minister's opinion, a person on board a ship who declines to be vaccinated is likely to become infected with smallpox from the shore, even if he does not land, and, if so, whether he himself is likely to become a source of infection to persons on shore even if he himself may be isolated.

I am, Sir,
Your obedient Servant,
(Sgd.) G.E. Baker.

in the Board's opinion, a certain danger that the assumption by Port Authorities of the power to require every person on every ship entering the port to be vaccinated may lead to considerable difficulties unless it is very carefully safeguarded; and the question whether the exercise of such powers is really necessary in the interests of health appears to require examination.

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I am, Sir,
Your obedient servant,
(Sgd.) J.E. Baker.

Copy.

Ministry of Health,

Whitehall, S.W.1.

1st August, 1924.

161274/23.

Sir,

With reference to your letter of 8th ultimo
M.5649/24, I am directed by the Minister of Health to
state that the delay in replying is due to the fact
that your communication of 27th February last
(regarding the Kenya Public Health (Port Health)
Regulations, although duly received, is unable to be
found.

I am to express regret for the cause of
delay and if you would be good enough to send a copy
of the original communication it is hoped that no
further delay will be occasioned.

I am, Sir,

Your obedient Servant,

(Sgd.)

Assistant Secretary,
Mercantile Marine Department,
Board of Trade,
3, Sanctuary Buildings,
Great Smith Street,
S.W.1.

copy.

Ministry of Health,

Whitehall, S.W.1.

21st August, 1924.

1110/161274/23.

Sir,

I am directed by the Minister of Health to advert to your letter of the 7th instant, No. M.5649/24 relative to Article 26 of the Kenya Public Health (Port Health) Regulations, 1923, which empowers the Port Health Officer to require in certain circumstances the vaccination of any person on board any ship at a port in the Colony.

I am to state for the information of the Board of Trade that the Minister is advised that the arguments of the acting Principal Medical Officer at Nairebi in his memorandum of November 12th, 1923, are sound from the medical point of view. They represent the arguments on which it is customary in several foreign countries and apparently also in South Africa to require vaccination as a condition of landing in the country when smallpox is prevalent or even when that disease is not actually prevalent.

Assistant Secretary,
Mercantile Marine Department,
Board of Trade,
3, Sanctuary Buildings,
S.W.1.

/As

As regards the argument in favour of vaccinating persons on board who do not land, such persons would not be necessarily free from risk of contracting smallpox, if the disease was prevalent at the time in the port. As suggested by the acting Principal Medical Officer it is possible for infection to be conveyed by means of contacts, or infected clothing and baggage, while it may sometimes be difficult to control the movements of the persons on the ship so strictly that they do not go ashore.

It may be considered, therefore, that the vaccination of an unprotected person while in the port is desirable, whether he goes on shore or not, if at the time smallpox is prevalent at the port to any notable extent. The Regulation proposed should not give rise to hardship or objection, if it is used with discretion and limited to occasions on which there is substantial risk of smallpox infection. In practical administration it might be desirable not to enforce the requirement in the case of a passenger who declines to be vaccinated and gives sufficient guarantees that he will not go ashore and will

submit

submit to any necessary measures of isolation and undertake to pay the cost of treatment in hospital should he be attacked by smallpox. Action of this kind, however, would be within the discretion of the Port Medical Officer and could hardly be provided for in the Regulations.

I am to express regret that your letter of the 27th February last on this subject has been mislaid.

I am, Sir,

Your obedient Servant,

(Sgd.) F. Slater.

Gov Kenya
62538/24

C. D.
R 5 SEP
D. 8

Sept 1924

Left for dept.

Sr

DRAFT.

Kenya No (62538/24)
Gov. Secretary
MINUTE.

with ref to your report no
1725 of the 23rd of Nov. last,
dated 28 of
regarding the Public Health

(Public Health) Regulation, 1923

- Mr. Jewell 5.9.24
- Mr. Mashig 5/9/24
- Mr. [unclear]
- Sir C. Davis
- Sir G. Grivell
- Sir H. Read
- Sir J. Masteron Smith
- Lord Arnold
- Mr. Thomas

I have the honour to transmit
to you the ^{former} ass. report of the
with H. P. & T. on the
regarding his submission of a
subject. Copies of the evidence
with the letter from the Board
are also set ~~before~~ ^{before} you
2 in the enclosure.

To B. T. 9/24 1924 (62538/24)
From do 30/9/24 (4124)

now proposed by the Dept. I am prepared to

~~assume that the legislation No 28~~
appears the substance of the regulations.
I would, however,

invite your attention to the
Association of the Board of Trade's opinion
as to the expediency of the desirability of
exercise using all possible discretion
in the exercise of the powers which it confers.

I have



(for the Secretary of State)
(Signed) HENRY LAMBERT

Downing Street,

8. September, 1924.

DRAFT.

Sir,

With reference to your despatch

KENYA.

No. 941
Gov. Coryndon.

(62538/23)

No. 1725 of the 23rd of November, I have

the honour to transmit to you the accompanying copies of further correspondence with the Board of Trade regarding the provisions of Article 28 of the Kenya Public Health (Port Health) Regulations 1923.

MINUTE.

Mr. Jewell 5.9.24.

Mr. Machtig 5.9. 24.

Mr.

Sir C. Davis.

Sir G. Grindle.

Sir H. Reid.

Sir J. Masterton Smith.

Lord Arnold.

Mr. Thomas.

2. Having regard to the views

expressed by the Board of Trade I am prepared to approve the retention of the regulations. I would, however, invite your attention to the Board of Trade's opinion as to the desirability of using

B. of T. 9 Jan. 1924 (62538/23)

-49- 30 Aug. (41340)

views expressed by Mr. A. G. T. I am prepared to

accept that the Regulation No 28
appears the striking of the regulation.
may stand. I would, however,

invite your attention to the
observations of the Board of Trade's opinion

as to its exercise. The desirability of
exercise using all possible discretion

is the exercise of the power which it confers.

I have

(for the Secretary of State)
(Signed) HENRY LAMBERT

all possible discretion in the exercise
of the powers which it confers.

I have etc.

(for the Secretary of State)
(Signed) HENRY LAMBERT