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REC-24 SEP 17

Vol. 225  
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1917  
21 July  
Last previous Paper.

INFECTIOUS DISEASES AMENDMENT ORDINANCE  
NO. X of 1917

Trs. copies with legal report.

Copies to Sir?

*W. B. Parlett*  
*W. B. Parlett* W. B. Parlett

Noted  
and 15.2.17

*W. B. Parlett's reports are very full  
and there is little to add.*

*As there is nothing about publication,  
I take it that sec. 1(2) of the 1903 Order  
applies to the new rules. If so, sec (2) also  
applies & it follows that the rules will  
not operate until they are proclaimed  
when an epidemic exists or is expected.*

Page 210

*But provision for notification is  
deniable apart from actual epidemics.*

a copy of  
the  
rule

*As long as the 1903 Order does not  
provide for the rules being withdrawn  
it would seem that one  
could not say they were in force.*

Ans. 761. 5.2.17

Last previous Paper.

AFRICA PROTECTORATE  
No. 423

GOVERNMENT HOUSE,  
NAIROBI,  
BRITISH EAST AFRICA.

47076

July 31st, 1917.

Rec-24 SEE V

Sir,

Ordinance  
Memorandum.

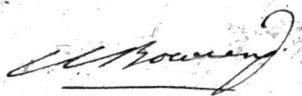
I have the honour to transmit herewith two authenticated and ten printed copies of "The Infectious Diseases Amendment Ordinance, 1917" as passed by the Legislative Council on the 19th of June, together with an explanatory memorandum by the Attorney General.

2. I have assented to the Ordinance in the name of His Majesty.

I have the honour to be,

Sir,

Your humble, obedient servant,



ACTING GOVERNOR.

THE RIGHT HONOURABLE  
WALTER LONG, P.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W.

THE INFECTIOUS DISEASES AMENDMENT ORDINANCE, 1917.STATEMENT OF OBJECTS AND REASONS.

The purpose of the Infectious Diseases Amendment Ordinance, 1917, is to supplement the matters in the Infectious Diseases Ordinance, 1903, in respect of which the Governor may make rules. The Ordinance of 1903 is deficient in that it does not give power to provide for the notification of infectious diseases neither does it specifically make provision for the other matters dealt with in Clause 2 (b)-(g) of the Bill.

2. Clause 2 (h) of the Bill has been enacted to provide for any emergency which may occur. It is constantly being found that unforeseen circumstances arise in combating infectious diseases in this country and the medical authorities are handicapped by lack of power to act under legislative authority in dealing with such circumstances. Abuse of any power given by rules issued under Clause 2 (g) or (h) is safeguarded by the provision of an appeal to the Resident Magistrate or other first class Magistrate having jurisdiction in the area from any order issued under the rules.

3. Clause 3 of the Bill has been inserted to legalise certain rules, especially those of the 29th July, 1913, (Government Notice No. 171), some of which have been held by the High Court to be ultra vires of the Ordinance of 1903.

4. A provision has been inserted in the Bill (vide Clause 4) for the purpose of giving power at any time to add diseases to the definition of "Infectious Disease" contained in Section 3 of the Infectious Diseases Ordinance.

1903. The Acting Principal Medical Officer was insistent on the necessity for such a Clause and agrees with the safeguards to the abuse of such a power added during the passage of the Bill through Council i.e. the exclusion of venereal diseases from the proposed power and making any addition to the definition subject to the subsequent approval of the Legislative Council.

5. The Bill further provides that all rules issued under it or under the Infectious Diseases Ordinance, 1903, shall be subject to the approval of the Legislative Council and shall, <sup>be</sup> subject to revocation or amendment by that body. This procedure gives the Council control of the legislation by rule under the law dealing with infectious diseases without causing the inconvenience and danger to health which might arise owing to the delay if the rules had to be approved by the Council before coming into force.

6. The maximum penalties for the breach of any rule provided by Section 5 of the Infectious Diseases Ordinance, 1903, have been increased to a fine of Rs.1,500/- and 6 months imprisonment of either description on the ground that the penalties provided by the Ordinance of 1903 were insufficient to act as a deterrent in matters which might gravely affect the Health of the whole community.

7. It has been considered advisable to repeal Section 4 (2) of the Ordinance of 1903 in order that the Court can deal entirely with any claim for compensation rather than to leave the settlement of matters which may involve legal issues to the decision of an arbitrator.

8. In view of the necessity for providing for the proper notification of disease under legal authority I am of opinion

the

the Bill is one to which assent can properly be given without prior reference to the Secretary of State.

2. A comparative table is annexed hereto.

ATTORNEY GENERAL.  
R.

Nairobi.

The 7 day of July 1917.

THE INFECTIOUS DISEASES AMENDMENT ORDINANCE, 1917.

COMPARATIVE TABLE.

Section.	Remarks.
1.	Short title.
2.	Power to make rules in addition to that provided by the Infectious Diseases Ordinance, 1903, Section 6.
3.	Saving in respect to rules made before the enactment of the Bill.
4.	Power to add to the definition of "Infectious Disease" contained in Section 5 of the Infectious Diseases Ordinance, 1903.
5.	Transfers the power to make rules contained in the Infectious Diseases Ordinance, 1903, to the Governor in Council.
6.	Penalty Clause in substitution for Section 6 of the Infectious Diseases Ordinance, 1903.
7.	Repeal.

Nairobi,  
24th of July 1917.

ATTORNEY GENERAL