CHAPTER 124

VENEREAL DISEASES (TREATMENT) ACT

To make provision for the treatment of Venereal Diseases.

(27th December, 1948)*

ACT LVIII of 1948, as amended by Legal Notice 46 of 1965; Acts: LVIII of 1974, XXII of 1976 and XIII of 1983; and Legal Notice 409 of 2007.

Short title.

1. The short title of this Act is the Venereal Diseases (Treatment) Act.

Interpretation. *Amended by: XXII. 1976.4.*

2. In this Act -

"clearance certificate" means, in relation to any person, a certificate in writing given by the medical officer contemplated in subsection (1) of section 6 of this Act, certifying that that person does not, at the date of the certificate, show signs of venereal disease in a communicable form;

"prescribed" means as prescribed by the Chief Government Medical Officer;

"special practitioner" means the medical officer in charge of the venereal diseases department of the hospital or his assistant, or any medical practitioner recognized by the Chief Government Medical Officer as a special practitioner for the purposes of this Act;

"treatment" includes any periodical or other medical examination;

"venereal disease" means gonorrhoea, syphilis or chancroid.

Special practitioner's duty in certain circumstances to notify the Chief Government Medical Officer of certain particulars relating to a patient suffering from venereal disease.

3. Subject to the provisions contained in section 4 of this Act, any special practitioner who receives from a patient found by him to be suffering from a venereal disease information as to a person from whom the patient suspects that the disease was contracted shall, unless, having regard to the time at which sexual relations between the parties are alleged to have taken place and any other information before him, the practitioner is of opinion that there is no reasonable cause to believe that the disease was so contracted, send a notice in the prescribed form to the Chief Government Medical Officer giving the prescribed particulars as to the patient and the disease from which the patient is suffering and as to the person from whom it is suspected that the disease was contracted.

Conditions and limitations of the duty specified in section 3.

4. (1) Before seeking from the patient detailed particulars as to the source of infection, the special practitioner shall explain to the patient that all information supplied will be treated as strictly confidential and that any communication made in good faith for the purposes of this Act is exempt from civil or criminal proceedings. He shall also inform the patient of his liability to severe penalties if he should make a statement or furnish information as to the suspected source of infection which he knows or has reasonable

**See* Government Notice No. 816 of 28th December, 1948.

cause to believe to be false in a material particular.

(2) The special practitioner shall not send to the Chief Government Medical Officer the notice mentioned in section 3 of this Act before he has obtained the patient's signature or mark to a statement setting out that patient's consent to the proposed transmission of notice.

Duty of the Chief Government Medical Officer on receipt by him of a notice sent under section 3.

5. (1) If it appears to the Chief Government Medical Officer that any person being a person specified in notices sent under section 3 of this Act, is a person from whom two or more patients suspect that they have contracted a venereal disease, he shall, unless it appears to him that there is no reasonable cause to believe that the disease was so contracted, serve on that person a notice in the prescribed form -

(*a*) stating that, according to information received in pursuance of this Act, there is reason to believe that that person may require treatment in respect of venereal disease; and

(*b*) requiring that person to attend for, and submit to, medical examination by a medical officer deputed by the said Chief Government Medical Officer for the purpose, within such period and in such a place as may be specified in the notice.

(2) Any such notice shall be served upon the person on whom it is required to be served either personally or by a letter sent by registered post to the last known place of residence or resort of the person concerned. In the latter case the letter shall be deemed to have been delivered in the ordinary course of the postal service, unless proof to the contrary is produced.

Clearance certificates and treatment notices.

6. (1) The medical officer by whom any person is examined in pursuance of the requirements of any such notice as aforesaid shall either send to the Chief Government Medical Officer a clearance certificate in respect of the person examined, or serve upon that person (hereinafter referred to as "the contact") a notice in the prescribed form (hereinafter referred to as a "treatment notice") requiring the contact to attend for, and submit to further examination and, or in the alternative, treatment in accordance with such directions as may be given by him and to continue to do so for such time as the said medical officer shall consider necessary.

(2) The said medical officer shall inform the Chief Government Medical Officer in writing of any treatment notice he may have served. When, in his opinion, any contact who has been under his treatment as required by this Act is no longer suffering from a venereal disease in a communicable form and need no longer attend for examination or for treatment, the said medical officer shall inform the Chief Government Medical Officer accordingly.

Magistrate may order admission into, and detention in, a hospital of a contact.

7. Whenever the medical officer deputed for the purpose hereunder by the Chief Government Medical Officer reports in writing that he is of opinion that a contact, who is reasonably suspected by him of continuing to spread infection, requires special

treatment in hospital, the Chief Government Medical Officer may apply for an order by a magistrate directing that such contact be admitted into and detained in a hospital at the cost of the government for such a time, to be fixed in such order, or in a subsequent order or orders, as may appear to the magistrate, after having heard the opinion of the said medical officer, to be necessary to prevent the spread of venereal disease.

Penalties in respect of infringements of the provisions of sections 5 and 6. *Amended by: XIII. 1983.5; L.N. 409 of 2007.*

8. If, in contravention of the requirements of any notice under section 5 or of any treatment notice under section 6, a person or a contact, as the case may be, fails to attend for or submit to medical examination by the medical officer before whom that person is required to attend, or to comply with any directions given to the contact by such a medical officer, the latter shall forthwith report the circumstances in writing to the Chief Government Medical Officer, and that person or, as the case may be, that contact shall thereby be guilty of an offence under this Act, and shall, on conviction, be liable to a fine (*multa*) of not less than forty-six euro and fifty-nine cents (46.59) but not exceeding two hundred and thirty-two euro and ninety-four cents (232.94) or to imprisonment for a term of from one to three months or to both such fine and such imprisonment.

Penalties in respect of false information maliciously given, and exemption from penalties in respect of false information given in good faith. *Amended by: L.N. 46 of 1965; LVIII. 1974.68; XIII. 1983.4, 5; L.N. 409 of 2007.*

9. (1) A patient found by a special practitioner to be suffering from a venereal disease who gives information as to the person from whom the patient suspects that the disease was contracted, knowing or having reasonable cause to believe the information so given to be false in a material particular, shall be guilty of an offence under this Act, and shall, on conviction, be liable to a fine (*multa*) of not less than forty-six euro and fifty-nine cents (46.59) but not exceeding two hundred and thirty-two euro and ninety-four cents (232.94) or to imprisonment for a term of from one to three months or to both such fine and such imprisonment. Proceedings for an offence under this subsection shall not be taken except with the consent of the Attorney General who shall, as far as he considers proper in each case, seek to obtain the prior concurrence of the person to whose detriment the false information was given.

(2) If any information as aforesaid is given in good faith, it shall, for the purpose of the law relating to defamation, be deemed to have been communicated in pursuance of a statutory duty.

Secrecy in respect of information given under the provisions of this Act and penalties in respect of breaches of that secrecy. *Amended by: XIII. 1983.4, 5; L.N. 409 of 2007.*

10. (1) No person who obtains any information by virtue of this Act shall, otherwise than in connection with the execution of the provisions of this Act, disclose that information.

(2) Any person guilty of an offence under subsection (1) of this section shall be liable, on conviction, to imprisonment for a term not exceeding one year or to a fine (*multa*) of not less than two hundred and thirty-two euro and ninety-four cents (232.94) but not exceeding four hundred and sixty-five euro and eighty-seven cents (465.87) or to both such imprisonment and such fine.

Proceedings to be held with closed doors.

11. All judicial proceedings under this Act shall be held with closed doors.