

QUARANTINE ACT**Principal Act****Act. No. 1935-07***Commencement* 17.5.1935
Assent 17.5.1935

Amending enactments	Relevant current provisions	Commencement date
Act. 1937-04	s. 2	
1944-10	-	
1948-09	ss. 2, 4(3), 29	
1987-34	s. 2	27.12.1987
1997-25	s. 2	21.8.1997

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AN ACT TO MAKE PROVISIONS FOR PREVENTING THE INTRODUCTION OF INFECTIOUS DISEASES INTO, AND THE SPREAD OF SUCH DISEASES FROM AND WITHIN, GIBRALTAR.

PART I.
GENERAL.

Short title.

1. This Act may be cited as the Quarantine Act.

Interpretation.

2. In this Act, unless the context otherwise requires,—

“aircraft” includes any machine which can derive support in the atmosphere from the reactions of the air and is intended for aerial navigation;

“boarding officer” means the Captain of the Port or any person employed in the Port department who in the course of his duties is required to board vessels for the purposes of this Act;

“health officer” means the Senior Medical Officer, Royal Air Force, or his deputy, the Public Health Director, the Port Medical Officer, the Deputy Port Medical Officer, the Officer appointed from time to time by the Deputy Director of Medical Services as Embarkation Medical Officer for Naval, Military and Air Force passengers travelling in merchant vessels or any duly registered medical practitioner who may be appointed by the Governor to be a health officer for the purposes of this Act;

“infectious disease” means any disease of an infectious or contagious nature or which is liable to become epidemic, or which the Governor may specifically declare to be an infectious disease in pursuance of section 3;

“port” means that area of water and the foreshore adjacent thereto as is commonly known and recognised as the port, roadstead and anchorage ground of Gibraltar, but does not include the waters known as the Admiralty Waters, delimited in the Admiralty Waters (Gibraltar) Order 1972.

“Public Health Director” means the registered medical practitioner appointed as such by the Gibraltar Health Authority.

Power to declare infectious disease.

3. The Governor may by notice in the Gazette declare any particular disease which he deems to be of an infectious or contagious nature or which he considers is liable to become epidemic to be an infectious disease within the meaning of this Act.

Rules.

4. (1) The Governor may make rules for—

- (a) preventing the introduction of infectious diseases into Gibraltar whether by sea or land;
- (b) the signals to be hoisted by vessels having any case of infectious disease on board;
- (c) the questions to be answered by masters, pilots and other persons on board any vessel as to cases of infectious disease on board during the voyage or on the arrival of the vessel;
- (d) the detention of vessels and of persons on board vessels;
- (e) the duties to be performed in cases of infectious disease by masters, pilots and other persons on board vessels;
- (f) the control and management of persons, vessels and things in quarantine, the establishment of quarantine stations and isolation hospitals and the conditions of admission thereto;
- (g) the prevention of illegal communication with or escapes from vessels in quarantine, quarantine stations, isolation hospitals and from vessels not admitted to pratique;
- (h) the prevention or mitigation of diseases at quarantine stations, isolation hospitals and on board vessels;
- (i) the inspection of vessels and persons leaving Gibraltar for places out of Gibraltar, and the prevention of the embarkation of anyone suffering from an infectious disease;
- (j) the cleansing of persons on board or about to embark on any vessel and the disinfection or (if necessary) the destruction of theft effects, bedding, clothing, food and other articles whether on board or about to be taken on board;

- (k) the removal, detention and isolation of anyone found suffering or suspected to be suffering from any infectious disease, and the prohibition of the dispatch out of Gibraltar of any article which cannot be disinfected and which is likely to convey infectious disease;
- (l) the disinfection of vessels and the destruction of rats or mosquitoes on vessels;
- (m) the issue and production of bills of health; and
- (n) generally carrying out the provisions of this Act.

(2) Such rules may further provide for the seizure or destruction of any articles shipped or conveyed or attempted to be shipped or conveyed to or from Gibraltar in contravention of the rules.

(3) The power conferred on the Governor to make rules under the provisions of subsection (1) in relation to vessels and to persons on board or embarking on or disembarking from vessels shall extend to the making of rules to the like extent and for the like purposes, so far as they may be applicable in relation to aircraft and to persons on board or embarking on or disembarking from aircraft.

Offences.

5. A person who contravenes or wilfully neglects or refuses to obey or carry out or obstructs the execution of any of the provisions of this Act or any rules made thereunder, is guilty of an offence and, except where any other penalty is expressly provided, is liable on summary conviction to a fine of £100, and in the case of a continuing offence to a further fine of £50 for every day during which the offence continues.

PART II.

PROCEDURE IN REGARD TO VESSELS.

On approach vessels to hoist pre-scribed signals.

6. The master of every vessel anchoring off or arriving at Gibraltar from any place outside Gibraltar shall, immediately before entering the outer anchorage hoist or cause to be hoisted at the foremast head of such vessel when it is possible to do so, or otherwise in the most conspicuous position available and clear of any other flags or lights, the prescribed flags or lights and shall keep such flags or lights in position until pratique has been granted as provided under this Act. As soon as pratique has been granted the boarding or health officer or other duly authorized officer so granting it shall

order such flags or lights to be lowered, and for the purpose of this Act the granting of pratique shall be signified by the lowering of such flags or lights.

All vessels to be visited on arrival.

7. (1) Every vessel arriving in Gibraltar from any place outside Gibraltar shall, immediately after arrival and before having any communication with the shore, be visited by a boarding or health officer who is hereby empowered and required, whilst remaining at a convenient distance from such vessel, to put to the master of the vessel or to the surgeon thereof (if any) such questions regarding matters to which this Act relates as may be prescribed, or such of them as may be necessary, and any other questions which in the circumstances of the case may be considered desirable. The boarding or health officer shall also address the master or the surgeon to the following effect:—

“It is my duty to caution you that if any of the statements you have made are to your knowledge incorrect you will be liable to penalties. “

(2) The master or the surgeon may also be required to sign his name to the answers given and state in writing over his signature that the answers are correct and true to the best of his knowledge and belief.

No one to board vessel before boarding officer.

8. No person not being a licensed pilot or a person authorized in writing by the Captain of the Port shall go on board any vessel before she has been visited by a boarding or health officer and until pratique has been granted.

No person on board to quit before pratique granted.

9. No person, belonging to or on board of any vessel (including a pilot or any authorised person as is mentioned in section 8), shall without the permission of a boarding or health officer quit the vessel before she has been visited by such boarding or health officer and admitted to pratique.

Suspected or infected vessel to be notified of intention to place it in quarantine.

10. Where any infectious disease exists or is suspected to exist in any person, animal or thing on board of any vessel at Gibraltar, or where the boarding or health officer considers that the public health cannot otherwise be adequately safeguarded, he shall notify the master of such vessel of the intention of placing such vessel in quarantine or of requiring him to remove such vessel in quarantine to another part of the port for the purpose of dealing with such infection.

Master may refuse to submit to quarantine or removal.

11. Where the master of a vessel has been informed by the boarding or health officer or other duly authorized officer of the intention of placing that vessel in quarantine or of requiring him to move that vessel in quarantine to another part of the port, and where such master declines to submit to quarantine or refuses so to remove the vessel, he shall immediately inform such officer accordingly and shall forthwith hoist or keep hoisted the prescribed quarantine signals on the vessel and shall remove the vessel from the neighbourhood of any wharf, landing place or any other vessel and shall leave Gibraltar with all possible dispatch after notifying the boarding or health officer of the next intended port of call of the vessel.

Placing vessel in quarantine.

12. If the master decides to submit to quarantine or to remove such vessel as required and elects to remain in Gibraltar, the boarding or health officer shall then place such vessel in quarantine and in conjunction with the Captain of the Port shall fix the place of mooring of such vessel. The master of every vessel in quarantine shall cause the prescribed quarantine flags and lights to be kept hoisted.

Vessels in quarantine to take up mooring appointed.

13. (1) Every vessel placed in quarantine shall, if so directed by a boarding or health officer or the Captain of the Port, proceed to the place of mooring appointed by such boarding or health officer or the Captain of the Port.

(2) The master of a vessel who does not cause the vessel to proceed to the place of mooring appointed by the boarding or health officer or the Captain of the Port, is guilty of an offence against this Act, and the boarding or health officer or the Captain of the Port, and anyone called to his assistance, may enforce the removal of the vessel to the place appointed, and the vessel shall be liable for all expenses incurred by the boarding or health officer or the Captain of the Port in enforcing the removal.

Access to vessels and examination on oath.

14. The Captain of the Port or a health officer is hereby empowered, if he should think it necessary, to go on board any vessel at Gibraltar whenever and as often as he may think necessary, and also to administer any oath to the master, officers, crew or any of them, or to any of the passengers thereof respectively, and to examine them or any of them upon oath, as to their state of health then and during the voyage, and to demand to see the journal or log and ship's papers of such vessel, and there should be a surgeon on board to

demand to see the journal (if any) kept by such surgeon, and to put any of the questions referred to in section 7.

False answers and concealment of facts.

15.(1) The master of any vessel who on the voyage to Gibraltar has touched at any place from which he obtained a foul bill of health or where to his knowledge there is a case of plague, cholera or yellow fever or an epidemic of typhus or smallpox and does not inform the Captain of the Port or the boarding or health officer thereof is guilty of an offence against this Act.

(2) A master or any other person who conceals from the Captain of the Port or the boarding or health officer, the true state of health of the crew or passengers or other persons on board a vessel, or refuses to answer or gives an untrue answer to any inquiry made by the Captain of the Port or such officer or fails to produce any journal, log or ship's papers when demanded under the authority of this Act, is guilty of an offence against this Act.

Expenses of quarantine.

16.(1) All expenses of disinfecting a vessel and of removing any things therefrom and disinfecting them and of destroying rats or mosquitoes or taking any other steps on board a vessel authorized by this Act, shall be borne and paid by the owner, master or agent of that vessel and shall be recoverable summarily by the Captain of the Port as a civil debt.

(2) The consignee or agent of the vessel, if called upon by the health officer, shall provide for account of the vessel all things necessary for the disinfection of the vessel or things therein needing disinfection and for destroying rats or mosquitoes or taking any other steps on board a vessel authorized by this Act.

(3) The master of the vessel, in conjunction with his agent or consignee, shall make on the order of the health officer all necessary arrangements for the disinfection of the vessel, or the removal and disinfection or disinfection only of any of the things therein needing disinfection, and for destroying rats or mosquitoes or taking any other steps on board a vessel authorized by this Act.

No person to quit quarantined vessel without permission of health officer.

17. No person shall quit a vessel after it has been put in quarantine in pursuance of this Act unless he first obtains the permission of a health officer.

Control of quarantined vessel.

18. (1) Any person who goes on board a vessel after it has been put in quarantine and before he obtains the permission of a health officer shall be liable to be dealt with in the same manner as the passengers and crew and is also guilty of an offence against this Act.

(2) No person shall take on board or remove from or suffer or permit to be taken on board or removed from a vessel in quarantine any animal or thing except by and in accordance with the permission and the directions of the Captain of the Port.

Breach of provisions relating to observation and surveillance.

19. A passenger or any of the crew who is under observation or subjected to surveillance and does not comply with the provisions of this Act or any rule made thereunder relating to observation and surveillance is guilty of an offence against this Act.

Evading examination and (if required) disinfection.

20. (1) The master, owner or agent of a vessel who knowingly conveys or allows to be conveyed to Gibraltar from an infected place outside Gibraltar a person not previously medically examined or disinfected (if required by the health authorities of that place) is guilty of an offence against this section.

(2) A person who, knowing he is suffering from an infectious disease and without the permission of a health officer, embarks on board a vessel in Gibraltar is guilty of an offence against this section.

(3) Whenever any infectious disease exists in Gibraltar, a person who takes passage in a vessel about to leave Gibraltar without submitting himself for examination by a health officer, or exports any merchandise or articles without submitting them for examination, and (if required) for disinfection, by a health officer is guilty of an offence against this section.

(4) If a vessel departs from Gibraltar when an infectious disease exists in Gibraltar without taking the measures on board, required by the health officer to be taken to his satisfaction and under his supervision immediately before the departure to secure the destruction of the rats or mosquitoes on board and otherwise to reduce the risks of conveying infection elsewhere, the master, owner or agent of the vessel is guilty of an offence against this section.

(5) The Governor may declare by notice that a place is an infected place within the meaning of subsection (1), or that an infectious disease exists in Gibraltar within the meaning of subsections (3) and (4), and the publication of such notice in the Gazette shall be conclusive evidence of the existence of

an infectious disease at that place or in Gibraltar, as the case may be, for the purposes of any proceedings under this section.

(6) A person guilty of an offence against this section is liable on summary conviction to imprisonment for three months and to a fine of £150.

PART III.
ARRIVALS BY LAND.

Interpretation and application of Part III.

21. (1) For the purposes of this Part,—

“infected place” means any place where yellow fever, cholera, plague, smallpox or any epidemic of any other infectious disease exists, or which the Governor may declare by notice in the Gazette to be infected for the purposes of this Part.

(2) Notwithstanding the other provisions of this Act, this Part in lieu of Part II shall apply to persons arriving in Gibraltar by any vessel engaged in regular sailings between Gibraltar and Algeciras according to a published time-table as if such persons had arrived by land.

Questions to persons endeavouring to enter by land.

22.(1) It shall be lawful for any health officer, police officer or other person authorised by the Governor in that behalf, to put to any person who desires to enter Gibraltar by land any questions that may be prescribed and any other questions that may in the circumstances be necessary in order to ascertain if such person is suffering from or has recently been in contact with any infectious disease.

(2) Any person so questioned may be required to answer such questions in writing and to sign his name thereto.

(3) Any person who declines or fails to answer satisfactorily any questions which may be put to him in pursuance of this section shall be prohibited from entering Gibraltar.

Persons to be refused admittance until examined.

23. If any health officer, police officer or any person duly authorized by the Governor shall have reason to suspect that any person desirous of entering Gibraltar is suffering or has lately suffered from any sickness he may refuse to admit such person into Gibraltar until he shall have been examined by a health officer, and in the event of such person making request for and consenting to such examination it shall be the duty of the health officer

within a reasonable time to examine such person and give to the Commissioner of Police a certificate signed by him of the state of health of such person.

Offences.

24. A person who—

- (a) makes a false answer to any question put to him under the provisions of section 22; or
- (b) is found in Gibraltar after being refused admission under the provisions of section 22 or 23; or
- (c) obtains admittance by land to Gibraltar, with intent to evade any of the provisions of section 22 or 23 by means other than by the main road from La Linea; or
- (d) aids and abets any person in the doing of any of the foregoing things,

is guilty of an offence against this Act.

PART IV.

QUARANTINE STATIONS AND ISOLATION HOSPITALS.

Quarantine stations and isolation hospitals.

25. The Governor may appoint suitable places as quarantine stations and isolation hospitals for the purposes of this Act or any other law for the time being in force relating to public health and shall have power from time to time to change those places.

Prohibition on taking articles from quarantine station or isolation hospital.

26. Whenever anyone is undergoing observation at a quarantine station or treatment in an isolation hospital, no article or thing shall be taken to or removed from such station or hospital except in the cases and in the manner prescribed by a health officer. A person who contravenes the provisions of this section is guilty of an offence against this Act.

Person not to leave or enter quarantine station or isolation hospital.

27. Any person except a health officer who enters or leaves a quarantine station or isolation hospital while occupied as such without permission from a health officer is guilty of an offence against this Act, and anyone so

leaving may be apprehended without warrant by any health officer, police officer or person authorized in that behalf by a health officer, and compelled to return to the quarantine station or isolation hospital.

PART V.
MISCELLANEOUS.

Arrest without warrant.

28. Where any person is found committing an offence against this Act or any rules made thereunder, or is reasonably suspected of having committed any such offence, he may be arrested without warrant by any police officer, boarding or health officer, or any other person empowered to carry out any duties under this Act or any such rules and where the arrest is effected by any person not being a police officer, the person arrested shall be handed over to a police officer without delay.

Exemption of Her Majesty's ships, etc.

29. This Act shall not apply to ships or aircraft belonging to Her Majesty or the Government of Gibraltar, but it shall be lawful for the Governor to make rules under section 4 relating to quarantine for such vessels:

Provided that in the case of ships belonging to Her Majesty such rules shall be subject to the approval of the Lords Commissioners of the Admiralty, and in the case of aircraft belonging to Her Majesty such rules shall be subject to the approval of the Air Council.