

## Contagious Diseases Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

### ARRANGEMENT OF CLAUSES.

#### Clauses.

- Preamble.
- 1. Short Title.
- 2. Interpretation of Terms.
- 3. Act to extend only to Places in Schedule.
- 4. Provision as to Expenses of Act.
- 5. Appointment of Inspector of Hospitals under this Act.
- 6. Hospitals to be examined and reported on.
- 7. Power to certify Hospitals.
- 8. Periodical Inspection.
- 9. Power to withdraw Certificate.
- 10. CLAUSE A.—Granting or Withdrawal of Certificate to be gazetted.
- 11. CLAUSE B.—On Information, Justice may issue Notice as in Second Schedule.
- 12. CLAUSE C.—Constable to serve Notice on Woman.
- 13. CLAUSE D.—Justice may order Medical Examination at Certified Hospital.
- 14. CLAUSE E.—Medical Examination at Certified Hospital.
- 15. CLAUSE F.—Under Order of Justice Woman may be detained for Medical Treatment in Hospital.
- 16. CLAUSE G.—Penalty for refusing to be examined, or to conform to Rules, or quitting Hospital.
- 17. Penalty for permitting Prostitute having Contagious Disease to resort to any House, &c. for Prostitution.
- 18. Application of 11 & 12 Vict. c. 43. and 14 & 15 Vict. c. 93.
- 19. CLAUSE H.—Forms in Second Schedule.
- 20. CLAUSE I.—Limitation of Actions, &c.
- 21. CLAUSE K.—Continuance of Act.

#### SCHEDULES.

[Bill 212.]

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# B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

## The Prevention of Contagious Diseases at certain Naval and Military Stations.

**W**HEREAS it is expedient to make Provisions calculated Preamble.  
to prevent the spreading of certain Contagious Diseases  
in the Places to which this Act applies :

Be it therefore enacted by the Queen's most Excellent Majesty,  
5 by and with the Advice and Consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled, and  
by the Authority of the same, as follows :

1. This Act may be cited as The Contagious Diseases Prevention Short Title.  
Act, 1864.

10 2. In this Act—

The Term "Contagious Disease" means Venereal Disease :

The Term "Hospital" includes Ward of a Hospital :

The Term "public Place" means a Thoroughfare or other public  
Street or Place, or a House or Room which is open to the  
15 Inspection of the Police, or any Brothel.

Interpreta-  
tion of  
Terms.

[Bill 212.]

A 2

3. The

Act to extend only to Places in Schedule.

**3.** The Places to which this Act applies shall be the Places mentioned in the First Schedule hereto, the Limits of which Places shall for the Purposes of this Act be such as are defined in that Schedule.

Provision as to Expenses of Act.

**4.** Expenses incurred in the Execution of this Act shall be paid **5** under the Direction of the Lord High Admiral of the United Kingdom or the Commissioners for executing his Office (hereafter in this Act styled the Admiralty), and of such One of Her Majesty's Principal Secretaries of State as Her Majesty thinks fit for the Time being to intrust with the Seals of the War Department **10** (hereafter in this Act styled the Secretary of State for War), out of Money to be provided by Parliament for the Purpose.

Appointment of Inspector of Hospitals under this Act.

**5.** The Admiralty and the Secretary of State for War shall, on the passing of this Act, appoint a Superior Medical Officer of Her Majesty's Navy or Army to be, during Pleasure, Inspector of Hos- **15** pitals certified under this Act, and may from Time to Time, on the Death, Resignation, or Removal from Office of any such Inspector, appoint another such Officer in his Stead.

Hospitals to be examined and reported on.

**6.** On the Application of the Authorities having the Direction or Management of any Hospital desiring that such Hospital should **20** be certified under this Act, the Admiralty and the Secretary of State for War may direct the Inspector of Hospitals to examine and report to them on the Condition of that Hospital, and on the Regulations established for its Direction and Management.

Power to certify Hospitals.

**7.** If on such Examination and Report the Hospital appears to **25** the Admiralty and the Secretary of State for War to be useful and efficient for the Purposes of this Act, and is certified in Writing to be so by the Admiralty and the Secretary of State for War, the same shall be deemed a Certified Hospital for the Purposes of this Act; and every such Hospital is in this Act referred to as a **30** Certified Hospital.

Periodical Inspection.

**8.** The Inspector shall from Time to Time visit and inspect every Certified Hospital.

Power to withdraw Certificate.

**9.** If on the Report of the Inspector respecting any Certified Hospital the Admiralty and the Secretary of State for War think **35** proper to withdraw their Certificate, that Hospital shall thereupon cease to be a Certified Hospital for the Purposes of this Act.

## **10. A Notice**

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**10.** A Notice shall be published in the London or Dublin Gazette (as the Case may require) of the granting or Withdrawal of any Certificate relative to any Hospital under this Act; and a Copy of the Gazette containing any such Notice shall be sufficient Evidence **5** of such granting or Withdrawal; and any such Certificate shall be presumed to be in force until the Withdrawal thereof is proved.

CLAUSE A.  
Granting or  
Withdrawal  
of Certificate  
to be ga-  
zatted.

**11.** Where an Information, in the Form given in the Second Schedule to this Act, or to the like Effect, is laid before a Justice of the Peace by a Superintendent or Inspector of Police or Con- **10** stabulary authorized to act in any Place to which this Act applies, or by any Medical Practitioner duly registered as such, the Justice may, if he thinks fit, issue to the Woman named in the Information a Notice in the Form given in the same Schedule, or to the like Effect.

CLAUSE B.  
On Infor-  
mation, Jus-  
tice may  
issue Notice  
as in Second  
Schedule.

**12.** A Constable or other Peace Officer shall serve such Notice **15** on the Woman to whom it is directed, by delivering the same to her personally, or by leaving the same with some Person for her at her last or usual Place of Abode.

CLAUSE C.  
Constable to  
serve Notice  
on Woman.

**13.** In either of the following Cases; namely,— **20**

(1.) If the Woman on whom such Notice is served appears herself, or by some Person on her Behalf, at the Time and Place appointed in the Notice, or at some other Time and Place appointed by Adjournment:

CLAUSE D.  
Justice may  
order Medi-  
cal Exami-  
nation at  
Certified  
Hospital.

**25** (2.) If she does not so appear, and it is shown (on Oath or Affirmation) to the Justice present that the Notice was served on her a reasonable Time before the Time appointed for her Appearance, or that reasonable Notice of such Adjournment was given to her (as the Case may be):

**30** the Justice present, on Oath or Affirmation being made before him substantiating the Matter of the Information to his Satisfaction, may, if he thinks fit, order such Woman to be taken to a Certified Hospital for Medical Examination.

**14.** Such Order shall be a sufficient Warrant for any Constable **35** or Peace Officer to whom the Order is delivered, to apprehend such Woman, and to convey her with all practicable Speed to the Hospital therein named, and for the Authorities of the Hospital to cause her to be examined by some Medical Officer of such Hospital, for the Purpose of ascertaining whether or not she has a Contagious Disease, and in case, on such Examination, it is ascertained that **40** she has a Contagious Disease, then to detain her in the Hospital for Twenty-four Hours from the Time of her being brought there.

CLAUSE E.  
Medical Ex-  
amination at  
Certified  
Hospital.

[212.]

A 3

**15.** Within

**CLAUSE F.** **15.** Within the said Period of Twenty-four Hours the Authorities of such Hospital shall cause a Certificate, signed by the Medical Officer who has made such Examination, stating (if the Fact be so) that on such Examination it has been ascertained that such Woman has a Contagious Disease, to be made out and laid before the Justice by whom the Order was made, or some other Justice having the like Jurisdiction ; and thereupon such Justice may, if he thinks fit, order the Authorities of such Hospital to detain such Woman in the Hospital for Medical Treatment until discharged by such Authorities, and such Authorities shall detain her accordingly. 10

**CLAUSE G.** **16.** If any Woman ordered as aforesaid to be taken to a Certified Hospital for Medical Examination refuses to submit to such Examination, or if any Woman ordered to be detained in a Certified Hospital for Medical Treatment refuses or wilfully neglects while in the Hospital to conform to the Regulations thereof, or quits the Hospital without being discharged from the same as aforesaid, every such Woman shall be guilty of an Offence against this Act, and on summary Conviction thereof before Two or more Justices of the Peace shall be liable to Imprisonment in the Case of a First Offence, for any Term not exceeding One Month and in the Case of a Second or any subsequent Offence for any Term not exceeding Two Months. 15 20

**17.** If any Person, being the Owner or Occupier of any House, Room, or Place within the Limits of any Place to which this Act applies, or being a Manager or Assistant in the Management thereof, induces or knowingly suffers any common Prostitute having a Contagious Disease to resort to or be in such House, Room, or Place for the Purpose of Prostitution, every such Person shall be guilty of an Offence against this Act, and on summary Conviction thereof before Two or more Justices of the Peace shall be liable to a Penalty not exceeding Ten Pounds, or, at the Discretion of the Justices, to be imprisoned for any Term not exceeding Three Months, with or without Hard Labour. 25 30

Provided that a Conviction under this Enactment shall not exempt the Offender from any penal or other Consequences to which he or she may be liable for keeping or being concerned in keeping a Bawdy House or Disorderly House, or for the Nuisance thereby occasioned. 35

**18.** All Proceedings under this Act before and by Justices shall be had, in England according to the Provisions of the Act of the Session of the Eleventh and Twelfth Years of Her Majesty (Chapter Forty-three), "to facilitate the Performance of the Duties of Justices 40

Applica-  
tion of  
11 & 12 Vict.  
c. 43. and  
14 & 15 Vict.  
c. 93.

“ Justices of the Peace out of Sessions within England and Wales, with respect to summary Convictions and Orders,” and in Ireland according to the Provisions of The Petty Sessions (Ireland) Act, 1851, save so far as those Provisions respectively are inconsistent with any provision of this Act, and save also that, except where the Woman concerning whom an Information is laid under this Act in the Form given in the Second Schedule desires the contrary, the Room or Place in which a Justice sits to inquire into the Truth of the Statements contained in any such Information shall not be deemed an open Court for that Purpose, and, except in the Case aforesaid, such Justice may in his Discretion order that no Person have Access to or be or remain in that Room without his Consent or Permission.

19. The Forms of Orders and Certificate given in the Second Schedule to this Act shall be used for the Purposes of this Act, with such Variations as Circumstances may require.

CLAUSE H.  
Forms in  
Second  
Schedule.

20. For the Protection of Persons acting in the Execution of this Act,—all Actions and Prosecutions against any Person for anything done in pursuance or execution or intended execution of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Three Months after the Fact committed, and not otherwise; and Notice in Writing of such Action and of the Cause thereof shall be given to the Defendant One Month at least before the Commencement of the Action; and in any such Action the Defendant may plead generally that the Act complained of was done in pursuance or execution or intended execution of this Act, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and the Plaintiff shall not recover in any such Action if Tender of sufficient Amends is made before such Action brought, or if a sufficient Sum of Money is paid into Court after such Action brought, by or on behalf of the Defendant; and if a Verdict passes for the Defendant, or the Plaintiff becomes nonsuit, or discontinues any such Action after Issue joined, or if upon Demurrer or otherwise Judgment is given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant has by Law in other Cases; and though a Verdict is given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant unless the Judge before whom the Trial is had certifies his Approbation of the Action and of the Verdict.

CLAUSE I.  
Limitation of  
Actions, &c.

21. This Act shall continue in force for Three Years from the passing thereof, and no longer.

CLAUSE K.  
Continuance  
of Act.

[212.]

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## The FIRST SCHEDULE.

Names of Places.	Limits of Places.										
Portsmouth - - -	The Limits of the Municipal Borough of Portsmouth, and of the Residue of the Island of Portsea, and of the Parish of Alverstoke, and of the Township of Landport.	5									
Plymouth - - -	<p>The Limits of the following Parishes ; namely,—</p> <table border="0"> <tr> <td data-bbox="774 689 981 846">           St. Andrew,            Charles the Martyr,            St. Peter,            St. James the Less,            Holy Trinity,            Christ Church.         </td> <td data-bbox="981 763 1109 799">} Plymouth.</td> <td data-bbox="1209 719 1241 754">10</td> </tr> <tr> <td data-bbox="774 846 981 981">           St. John,            Stoke Damerel,            St. James the Great,            St. Paul,            St. Mary,            St. Stephen,            St. George.         </td> <td data-bbox="981 891 1145 965">} Devonport, Stoke, and Morice Town.</td> <td data-bbox="1209 869 1241 904">15</td> </tr> <tr> <td></td> <td data-bbox="981 987 1145 1014">} Stonehouse.</td> <td data-bbox="1209 987 1241 1023">20</td> </tr> </table>	St. Andrew, Charles the Martyr, St. Peter, St. James the Less, Holy Trinity, Christ Church.	} Plymouth.	10	St. John, Stoke Damerel, St. James the Great, St. Paul, St. Mary, St. Stephen, St. George.	} Devonport, Stoke, and Morice Town.	15		} Stonehouse.	20	
St. Andrew, Charles the Martyr, St. Peter, St. James the Less, Holy Trinity, Christ Church.	} Plymouth.	10									
St. John, Stoke Damerel, St. James the Great, St. Paul, St. Mary, St. Stephen, St. George.	} Devonport, Stoke, and Morice Town.	15									
	} Stonehouse.	20									
Woolwich - - -	The Limits of the Parishes of Woolwich, Plumstead, and Charlton.										
Chatham - - -	<p>The Limits of the following Parishes ; namely,—</p> <p>Chatham,          Gillingham,          St. Nicholas, Rochester,          St. Margaret, Rochester,          Strood, and          Frindsbury,          and of the Hamlet of Grange, otherwise Grench.</p>	<p>25</p> <p>30</p>									
Sheerness - - -	The Limits of the Parish of Minster, and of the Township of Queenborough.										
Aldershot - - -	<p>The Limits of the following Parishes ; namely,—</p> <table border="0"> <tr> <td data-bbox="774 1458 981 1729">           Purbright,            Ash,            Compton,            Pepper Harrow,            Frinley,            Putterham,            Seal, and            Tongham,            Elstead,            Farnham,            Bisley,         </td> <td data-bbox="981 1570 1161 1621">} in the County of Surrey.</td> <td data-bbox="1209 1458 1241 1494">35</td> </tr> <tr> <td></td> <td></td> <td data-bbox="1209 1570 1241 1606">40</td> </tr> <tr> <td></td> <td></td> <td data-bbox="1209 1704 1241 1740">45</td> </tr> </table>	Purbright, Ash, Compton, Pepper Harrow, Frinley, Putterham, Seal, and Tongham, Elstead, Farnham, Bisley,	} in the County of Surrey.	35			40			45	
Purbright, Ash, Compton, Pepper Harrow, Frinley, Putterham, Seal, and Tongham, Elstead, Farnham, Bisley,	} in the County of Surrey.	35									
		40									
		45									



Names of Places.	Limits of Places.
5	Aldershot, Yateley, Crowthall, Dogmersfield, Winchfield, Hartley Wintney, Cove, Eversley, Farnborough, Binstead, Bentley, Sandhurst, in the County of Berks.
10	} in the County of Hants.
15	Colchester - - - The Limits of the following Parishes ; namely,— St. Botolph. St. Giles. St. Mary at the Wall. Old Trinity. St. Runwald's. St. Peter's.
20	Shorncliffe - - - The Limits of the following Parishes ; namely,— Cheriton. Hythe. Folkestone.
25	The Curragh - - - The Limits of the following Parishes ; namely,— Kilcullen. Kildare. Ballysax. Great Conwell. Morristown-beller.
30	Cork and Queenstown -

The SECOND SCHEDULE.

FORM OF INFORMATION.

35 to wit. } THE Information of C.D. of \_\_\_\_\_, Superintendent  
 of Police for \_\_\_\_\_ or [Medical Practitioner,  
 or as the Case may be], taken this \_\_\_\_\_ Day of \_\_\_\_\_  
 186 \_\_\_\_\_, before the undersigned, One of Her Majesty's Justices of the Peace in  
 and for the said [County] of \_\_\_\_\_, who says he has good Cause  
 to believe that A.B. of \_\_\_\_\_ in the said [County] of \_\_\_\_\_  
 40 is a common Prostitute, and has a Contagious Disease within the Meaning of  
 [212.] B The

*Contagious Diseases.*

The Contagious Diseases Prevention Act, 1864, and within Fourteen Days before the Date of this Information, that is to say, on \_\_\_\_\_ day, the \_\_\_\_\_ Day of \_\_\_\_\_, was in a public Place within the Limits of a Place to which the said Act applies, that is to say, in \_\_\_\_\_ Street, in the Parish of \_\_\_\_\_, for the Purpose of Prostitution. 5  
Taken before me the Day and Year first above mentioned.

(Signed) *L.M.*

## FORM OF NOTICE.

To *A.B.* of \_\_\_\_\_.

TAKE Notice, that an Information, a Copy whereof is subjoined hereto, has 10  
been laid before me, and that, in accordance with the Provisions of the Act therein mentioned, the Truth of the Statements therein contained will be inquired into before me, or some other Justice, at \_\_\_\_\_, on the \_\_\_\_\_ Day of \_\_\_\_\_, at \_\_\_\_\_ o'Clock.

You are, therefore, to appear before me, or such other Justice, at that Place 15  
and Time, and to answer to what is stated in the said Information.

You may appear yourself, or by any Person on your Behalf.

If you do not appear, you may be ordered, without further Notice, to be taken to a Certified Hospital for Medical Examination.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 20

(Signed) *L.M.*

Justice of the Peace for \_\_\_\_\_.

[Subjoin Copy of Information.]

## FORM OF ORDER FOR EXAMINATION.

BE it remembered, that on the \_\_\_\_\_ Day of \_\_\_\_\_, 25  
to wit. } in pursuance of The Contagious Diseases Prevention Act, 1864, I,  
One of Her Majesty's Justices of the Peace in and for the said [County] of \_\_\_\_\_,  
, do order that *A.B.* of \_\_\_\_\_ be taken to  
Hospital (being a Certified Hospital within the Meaning of the said Act)  
for Medical Examination. 30

(Signed) *L.M.*

## FORM OF MEDICAL CERTIFICATE.

To *L.M.*, Esq., and others, Her Majesty's Justices of the Peace for the [County] of \_\_\_\_\_.

IN pursuance of The Contagious Diseases Prevention Act, 1864, I hereby 35  
certify that I have this Day examined in this Hospital *A.B.* of \_\_\_\_\_,  
and that she has a Contagious Disease within the Meaning of the said Act.

Dated at the \_\_\_\_\_ Hospital this \_\_\_\_\_ Day  
of \_\_\_\_\_ 186 .(Signed) *E.F.*House Surgeon to the \_\_\_\_\_ Hospital 40  
[or as the Case may be].

FORM

FORM OF ORDER FOR DETENTION IN HOSPITAL.

To the Governors or Managers of the \_\_\_\_\_ Hospital,  
at \_\_\_\_\_, and to the Superintendent, Secretary, and  
other Officers of the said Hospital, and to all others whom it may  
5 concern.

IN pursuance of The Contagious Diseases Prevention Act, 1864,  
to wit. } I, One of Her Majesty's Justices of the Peace in and for the said  
[County] of \_\_\_\_\_, do order that *A.B.* of \_\_\_\_\_ be detained  
10 in the \_\_\_\_\_ Hospital at \_\_\_\_\_ for Medical Treatment until  
duly discharged, and I do command you to detain her accordingly; and for so  
doing this shall be your Warrant.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 186 .  
(Signed) *L.M.*

# Contagious Diseases.

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## B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

For the Prevention of Contagious Diseases at certain Naval and Military Stations.

*(Prepared and brought in by  
Lord Clarence Paget, Sir John Pakington,  
Sir Morton Peto, and Sir James Fergusson.)*

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*Ordered, by The House of Commons, to be Printed.  
15 July 1864.*

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[Bill 212.]

*Under 2 oz.*