

New Zealand.**CONTAGIOUS DISEASES.****1908, No. 27.**

AN ACT to consolidate certain Enactments of the General Assembly for the Prevention of certain Contagious Diseases.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) The Short Title of this Act is "The Contagious Diseases Act, 1908." Short Title.
- (2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto. Enactments consolidated.
2. In this Act, if not inconsistent with the context,—
  - "Contagious disease" means venereal disease, and includes gonorrhœa: Interpretation.  
1869, No. 52, sec.
  - "Inspector" means an Inspector of Police, and includes any officer of police of a higher grade than Inspector:
  - "Reformatory" means any place declared by the Governor to be a female reformatory for the purposes of this Act.

*Extent of Act.*

3. (1.) This Act shall apply to such districts as the Governor from time to time by Proclamation declares to be subject to the provisions hereof, and the boundaries and names of those districts shall for the purposes of this Act be such as are defined and declared in the Proclamation. Extent of Act.  
Ibid, sec. 3

(2.) The Governor may at any time revoke any such Proclamation, and thereupon this Act shall cease to apply to the district named therein.

*Expenses of Execution of Act.*

4. All expenses incurred in the execution of this Act in each district to which it applies shall be paid, as may be directed by the Governor, by the local authorities having jurisdiction within such district. Expenses to be paid  
by local authorities.  
Ibid, sec. 4

*Visiting Surgeons.*

Appointment of  
Visiting Surgeons  
and Medical Officers.  
1869, No. 52, sec. 5

5. (1.) The Governor may from time to time appoint a Medical Officer for each of the districts to which this Act applies, to be during pleasure Visiting Surgeon therein for the purposes of this Act, and may also from time to time as occasion requires appoint a Medical Officer to be the assistant of any such Visiting Surgeon, and every such assistant shall have the like powers and duties as the Visiting Surgeon whose assistant he is.

(2.) A notice of the appointment of every such Visiting Surgeon and assistant shall be published in the *Gazette*.

(3.) A copy of the *Gazette* containing such notice shall be conclusive proof of the appointment.

*Reformatories.*

Declaration of  
female reformatory.  
Ibid, sec. 6

6. The Governor may from time to time declare any prison or other building, or parts of any prison or other building, to be a reformatory for the purposes of this Act, and every such reformatory shall be a public prison:

Provided that no person shall be committed thereto except under the provisions of this Act.

Governor to make  
regulations for  
reformatory.  
Ibid, sec. 7

7. The Governor shall make adequate provision for the moral and religious training and instruction of the inmates of any reformatory, and shall make regulations for the management and government of every such reformatory.

*Periodical Medical Examinations.*

Justice may issue  
summons to woman.  
Ibid, sec. 8

8. Where information on oath in the form numbered (1) in the Second Schedule hereto is laid by an Inspector before a Justice, to the effect that the informant has good cause to believe that a woman therein named is a common prostitute, and either is resident within any district to which this Act applies, or, being resident within five miles of such district, has within fourteen days before the laying of the information been within that district for the purpose of prostitution, the Justice may, if he thinks fit, issue a summons to such woman, in the form numbered (2) in the said Schedule, which summons the Inspector shall cause to be served on her.

And order periodical  
examination.  
Ibid, sec. 9

9. In either of the following cases, namely:—

(a.) If the woman on whom the summons is served appears herself or by some person on her behalf at the time and place appointed in the summons, or at some other time and place appointed by adjournment; or

(b.) If she does not so appear, and it is shown on oath to the Justice present that the summons 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,—

the Justice present, on oath being made before him verifying the matter of the information to his satisfaction, may, if he thinks fit, order that the woman be subject to a periodical medical examination by the Visiting Surgeon for any period not exceeding one year, for the purpose of ascertaining at the time of each such examination whether she is affected with a contagious disease; and thereupon she shall be

subject to such examination, and the order shall be a sufficient warrant for the Visiting Surgeon to conduct the examination accordingly.

10. The order shall be in the form numbered (3) in the Second Schedule hereto; and the Inspector shall cause a copy thereof to be served on the woman.

11. (1.) Any woman in any district to which this Act applies may voluntarily, by a submission in writing signed by her in the presence of and attested by an Inspector, subject herself to a periodical medical examination under this Act for any period not exceeding one year.

(2.) Such submission shall be in the form numbered (4) in the Second Schedule hereto or to the like effect.

12. For each of the districts to which this Act applies the Governor may from time to time make regulations respecting the times and places of medical examination under this Act at that place, and generally respecting the arrangements for the conduct of such examinations; and a copy of all such regulations from time to time in force for each such place shall be sent by the Governor to the Clerk of the Magistrate's Court, Visiting Surgeon, and Inspector.

13. The Visiting Surgeon, having regard to the regulations aforesaid and to the circumstances of each case, shall, at the first examination of each woman examined by him, and afterwards from time to time as occasion requires, appoint the times and places at which she will be required to attend again for examination, and shall from time to time give or cause to be given to each such woman notice in writing in the form numbered (5) in the Second Schedule hereto of the times and places so appointed.

#### *Detention in Reformatory.*

14. (1.) Where on any such examination the woman examined is found to be affected with a contagious disease, she may be detained in a reformatory, subject and according to the provisions of this Act.

(2.) In such case the Visiting Surgeon shall sign a certificate that she is affected with a contagious disease, and shall name therein the reformatory in which she is to be placed.

(3.) Such certificate shall be in the form numbered (6) in the Second Schedule hereto: it shall be signed in triplicate, and one of the originals so signed shall be delivered to the woman and the others to the Inspector.

15. (1.) Any woman certified to be affected by a contagious disease shall proceed to the reformatory named in the certificate and place herself there for medical treatment.

(2.) If after the certificate is delivered to her she neglects or refuses so to do, the Inspector or a constable acting under his orders shall apprehend her and convey her with all convenient speed to the reformatory and place her there for medical treatment; and for so doing the certificate shall be sufficient warrant.

16. (1.) Where a woman certified by the Visiting Surgeon to be affected with a contagious disease places herself or is placed as aforesaid in a reformatory under this Act for medical treatment, she shall be detained there for that purpose until discharged by the Visiting Surgeon for the time being by writing under his hand.

Order to specify time and place of examination.

1869, No. 52, sec. 10

Voluntary submission of woman.

Ibid, sec. 11

Governor may make regulations as to examination.

Ibid, sec. 12

Visiting Surgeon to appoint times, &c.

Ibid, sec. 13

Certificate of Visiting Surgeon.

Ibid, sec. 14

Placing in reformatory.

Ibid, sec. 15

Detention.

Ibid, sec. 16

Certificate to be authority.  
1869, No. 52, sec. 17

Time of detention.  
Ibid, sec. 18

Form of discharge.  
Ibid, sec. 18

Woman may apply to Justice for discharge.  
Ibid, sec. 19

Woman to be deemed to be in legal custody.  
Ibid, sec. 20

Woman refusing to be examined;  
Ibid, sec. 21

Or quitting reformatory;

Or disobeying regulations;

(2.) The Inspector shall deliver one of the originals of the aforesaid certificate to the Visiting Surgeon of the place named in the certificate, and the same shall be sufficient authority for such detention.

17. (1.) No woman shall be detained under any one certificate for a longer time than three months, unless the Visiting Surgeon at the place wherein she is detained certifies that her further detention for medical treatment is requisite.

(2.) Such certificate shall be in the form numbered (7) in the Second Schedule hereto: it shall be in duplicate, and one of such duplicates shall be delivered to the woman.

(3.) The woman may thereupon be further detained in the reformatory until discharged by the Visiting Surgeon for the time being by writing under his hand:

Provided that no woman shall be detained under any one certificate for a longer time in the whole than six months.

18. Every discharge from a reformatory given by a Visiting Surgeon shall be in the form numbered (8) in the Second Schedule hereto.

19. Where a woman detained in any reformatory considers herself entitled to be discharged therefrom, and the Visiting Surgeon refuses to discharge her, she shall on her request be conveyed before a Justice, who, on proof to his satisfaction that she is free from any contagious disease, shall discharge her from the reformatory, and such order of discharge shall have the same effect as a discharge by the Visiting Surgeon.

20. Every woman conveyed under this Act to a reformatory shall, while being so conveyed thither and also while detained there, be deemed to be legally in the custody of the person conveying or detaining her, notwithstanding that she is for that purpose removed out of one jurisdiction into or through another, or is detained in a jurisdiction other than that wherein the certificate of the Visiting Surgeon was given.

*Refusal to be examined, &c.*

21. (1.) In the following cases, namely:—

(a.) Where any woman, subjected by order of a Justice to periodical medical examination, at any time absents herself in order to avoid submitting herself to such examination on any occasion whereon she ought so to submit herself, or refuses or wilfully neglects to submit herself to such examination on any such occasion; or

(b.) Where any woman required under this Act to be detained in a reformatory for medical treatment quits the reformatory without being discharged therefrom in manner aforesaid; or

(c.) Where any woman required under this Act to be detained in a reformatory for medical treatment, or any woman being in a reformatory under medical treatment for a contagious disease, refuses or wilfully neglects while in the reformatory to conform to the regulations thereof approved under this Act,—

then and in every such case such woman commits an offence and is liable to imprisonment either in a prison, with or without hard labour,

or in a reformatory, 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 three months.

(2.) Every woman who quits any reformatory without being discharged as aforesaid may be taken into custody by any constable without warrant.

22. Where any woman is convicted of and imprisoned for the offence of absenting herself as aforesaid, or of refusing or neglecting to submit herself to examination, the order subjecting her to periodical medical examination shall be in force after and notwithstanding her imprisonment, unless the surgeon or other medical officer of the prison, or a Visiting Surgeon appointed under this Act, certifies in writing at the time of her discharge from imprisonment that she is then free from a contagious disease, and in that case the order subjecting her to periodical medical examination shall on her discharge from imprisonment cease to operate.

Effect of order of imprisonment for refusing to be examined.

1869, No. 52, sec. 22

23. Where any woman is convicted of and imprisoned for the offence of quitting a reformatory without being discharged, or of refusing or neglecting while in such reformatory to conform to the regulations thereof as aforesaid, the certificate of the Visiting Surgeon under which she was detained in the reformatory shall continue in force; and on the expiration of the term of imprisonment she shall be detained in such reformatory under that certificate as if it had been given on the day of the expiration of her term of imprisonment, unless the surgeon or other medical officer of the prison or a Visiting Surgeon certifies in writing, in the form numbered (9) in the Second Schedule hereto, that she is then free from a contagious disease, and in that case she shall be discharged, and the certificate under which she was detained and the order subjecting her to periodical medical examination shall on her discharge from imprisonment cease to operate.

Effect of order of imprisonment for quitting reformatory.

Ibid, sec. 23

24. (1.) Where any woman, at the time she leaves a reformatory, is still affected with a contagious disease, notice in writing shall be given to her by the Visiting Surgeon in the form numbered (10) in the Second Schedule hereto.

Woman discharged as incurred conducting herself as prostitute

Ibid, sec. 24

(2.) If such woman is afterwards in any place for the purpose of prostitution, at any time before a certificate in writing of a Visiting Surgeon to the effect that she is then free from a contagious disease has been filed in the Magistrate's Court in or nearest to the place for which such Visiting Surgeon was appointed, she commits an offence, and on summary conviction before two Justices is liable to imprisonment either in a prison, with or without hard labour, or in a reformatory, 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 three months.

25. Every order under this Act subjecting a woman to periodical medical examination shall be in operation and enforceable in the manner provided by this Act so long as and whenever from time to time the woman to whom it relates is resident within the district to which this Act applies wherein the order was made, or within five miles of such district, but not in any case for a longer period than one year; and where the Visiting Surgeon on the discharge by him

Duration of order.

Ibid, sec. 25

of any woman from a reformatory certifies that she is free from a contagious disease (proof of which certificate shall lie on her) the order subjecting her to periodical medical examination shall thereupon cease to operate.

*Relief from Examination.*

Application for relief from examination.  
1869, No. 52, sec. 26

26. (1.) Where any woman subjected to a periodical medical examination under this Act (either on her own submission or under the order of a Justice) desires to be relieved from such examination, and is not under detention in a reformatory, she shall make application in writing in that behalf to a Justice.

(2.) The application shall be in the form numbered (11) in the Second Schedule hereto or to the like effect.

(3.) On receiving the application the Justice shall appoint by notice in writing a time and place for the hearing thereof, and shall cause the notice to be delivered to the applicant, and a copy of the notice, as well as a copy of the application, to be delivered to the Inspector.

Order for relief.  
Ibid, sec. 27

27. Where on the hearing of the application it is shown to the satisfaction of a Justice that the applicant has ceased to be a common prostitute, or where the applicant with the approval of the Justice enters into a recognisance, with or without sureties as to the Justice seems meet, for her good behaviour during three months thereafter, the Justice shall order that she be relieved from periodical medical examination.

Forfeiture of recognisance.  
Ibid, sec. 28

28. Every such recognisance shall be deemed to be forfeited if at any time during the term for which it is entered into the woman to whom it relates is, within the limits of any place to which this Act applies, in any public thoroughfare, street, or place for the purpose of prostitution, or otherwise (within those limits) conducts herself as a common prostitute.

Permitting prostitute having contagious disease to resort to house.  
Ibid, sec. 29

29. (1.) Every person commits an offence, and is liable on summary conviction thereof before any two Justices to a fine not exceeding twenty pounds or to six months' imprisonment with or without hard labour, who, being the owner or occupier of any house, room, or place within the limits of any district to which this Act applies, or, being a manager or assistant in the management thereof, and having reasonable cause to believe any woman to be a common prostitute and to be affected with a contagious disease, induces or suffers her to resort to or to be in that house, room, or place for the purpose of prostitution.

(2.) A conviction under this section shall not exempt the offender from any penal or other consequences to which he may be liable for keeping or being concerned in keeping a bawdy-house or disorderly house, or for the nuisance thereby occasioned.

*Procedure, &c.*

Form of proceedings.  
Ibid, sec. 30

30. All proceedings under this Act shall be had according to the provisions of "The Justices of the Peace Act, 1908," so far as those provisions respectively are not inconsistent with any provisions of this Act, and save that the room or place in which a Justice sits to inquire into the truth of the statements contained in any informa-

tion or application under this Act against or by a woman shall not, unless the woman so desires, be deemed to be an open Court for that purpose; and, unless the woman otherwise desires, the Justice may in his discretion order that no person have access to or be or remain in that room without his consent or permission.

31. In any proceeding under this Act any summons, notice, order, certificate, copy of regulations, or other instrument purporting to be signed by a Justice, Inspector, Visiting Surgeon, assistant Visiting Surgeon, surgeon, or other medical officer of a prison or reformatory shall on production be received in evidence, and shall until the contrary is shown be presumed to have been duly signed by the person and in the character by whom and in which it purports to be signed.

Rule of evidence.  
1869, No. 52, sec. 33

32. Every summons, notice, order, or other instrument required by this Act to be served on a woman shall be served and service thereof may be proved in the manner provided by "The Justices of the Peace Act, 1908," in the case of a summons under that Act.

Service of summons,  
&c.  
Ibid, sec. 34

33. (1.) Any action or prosecution against any person for anything done in pursuance or execution or intended execution of this Act shall be commenced and tried in the Supreme Court district where the thing was done, and shall be commenced within three months after the thing was done and not otherwise.

Limitation of  
actions.  
Ibid, sec. 35

(2.) Notice in writing of every such action and of the cause thereof shall be given to the intended defendant one month at least before the commencement of the action.

Notice of action.  
Ibid, sec. 36

(3.) 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 may give this Act and the special matter in evidence.

Plea.  
Ibid, sec. 37

(4.) The plaintiff shall not recover if tender of sufficient amends is made before action brought, or if after action brought a sufficient sum of money is paid into Court by or on behalf of the defendant.

Tender of amends.  
Ibid, sec. 38

(5.) If a verdict is given for the defendant, or if the plaintiff becomes nonsuit, or discontinues the action, or if judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client, and shall have the like remedy for the same as any defendant has by law for costs in other cases.

Verdict for  
defendant to carry  
costs.  
Ibid, sec. 39

(6.) Though a verdict is given for the plaintiff he shall not have costs against the defendant unless the Judge before whom the trial is had certifies his approval of the action.

Plaintiff's costs.  
Ibid, sec. 40

34. The Governor in Council may from time to time order and direct that any or all of the powers, functions, duties, and authorities vested in or required by this Act to be performed by the Governor within any district to which this Act applies be exercised or performed by any person therein whom the Governor thinks fit, subject, however, to any limitations or restrictions imposed by him, and thereupon such functions, powers, duties, and authorities may be exercised or performed by that person within the district specified in the order.

Governor may  
depute his powers  
under Act.  
Ibid, sec. 41

## SCHEDULES.

## FIRST SCHEDULE.

## ENACTMENTS CONSOLIDATED.

1869, No. 52.—“The Contagious Diseases Act, 1869.”

## SECOND SCHEDULE.

## (1.) INFORMATION.

“The Contagious Diseases Act, 1908.”

Section 8.  
1869, No. 52,  
Schedule A.New Zealand,  
to wit

THE information of X. Y., Inspector of Police for , under “The Contagious Diseases Act, 1908,” taken this day of 19 , before the undersigned, one of His Majesty’s Justices of the Peace in and for New Zealand, who upon oath says he has good cause to believe that A. B. is a common prostitute, and is resident within the limits of a place to which the said Act applies, that is to say at , and was within those limits, that is to say at , for the purpose of prostitution, within fourteen days before laying this information.

Taken and sworn before me the day and year first above mentioned.

L. M., Justice of the Peace.

## (2.) SUMMONS TO WOMAN.

“The Contagious Diseases Act, 1908.”

Section 8.  
Ibid, Schedule B.

To A. B., of

TAKE notice that an information, a copy whereof is subjoined, has been laid before me, and that in accordance with the provisions of the Act above mentioned the truth of the statements in the said information will be inquired into before me or some other Justice at , on the day of , 19 , at o’clock in the noon. You are therefore to appear before me or such other Justice at that place and time, and to answer 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 subject to a periodical medical examination by the Visiting Surgeon under the said Act. If you prefer it you may by a submission in writing, signed by you in the presence of the Inspector and attested by him, subject yourself to such periodical examination; and if you do so before the time above appointed for your appearance it will not be necessary for you to appear before a Justice.

Dated this day of , 19 .

L. M., Justice of the Peace.

[Subjoin copy of information.]

## (3.) ORDER SUBJECTING WOMAN TO EXAMINATION.

Section 10.  
Ibid, Schedule C.New Zealand,  
to wit

BE it remembered that on the day of 19 , in pursuance of “The Contagious Diseases Act, 1908,” I, one of His Majesty’s Justices of the Peace in and for New Zealand, do order that A. B., of , be subject to a periodical medical examination by the Visiting Surgeon for during calendar months from this day, for the purpose of ascertaining at the time of each such examination whether she is affected with a contagious disease within the meaning of the said Act, and that she do attend for the first examination at on the day of , 19 , at o’clock in the noon.

L. M., Justice of the Peace.



(4.) VOLUNTARY SUBMISSION TO EXAMINATION.

Section 11 (2).  
1869, No. 52,  
Schedule D.

"The Contagious Diseases Act, 1908."  
I, A. B., of \_\_\_\_\_, in pursuance of the above-mentioned Act, by this submission voluntarily subject myself to a periodical medical examination by the Visiting Surgeon for \_\_\_\_\_ for \_\_\_\_\_ calendar months from the date hereof.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

A. B.

Witness—X. Y.,  
Inspector of Police [or as the case may be].

(5.) NOTICE OF TIME OF EXAMINATION.

Section 13.  
Ibid, Schedule E.

To A. B., of \_\_\_\_\_  
TAKE notice that, in pursuance of "The Contagious Diseases Act, 1908," you are required to attend for medical examination as follows: [Here state times and places of examination].  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

E. F.,  
Visiting Surgeon for \_\_\_\_\_

(6.) CERTIFICATE OF VISITING SURGEON.

Section 14 (3).  
Ibid, Schedule F.

IN pursuance of "The Contagious Diseases Act, 1908," I hereby certify that I have this day examined A. B., of \_\_\_\_\_, and that she is affected with a contagious disease within the meaning of that Act, and that the reformatory in which she is to be placed under that Act is \_\_\_\_\_  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

E. F.,  
Visiting Surgeon for \_\_\_\_\_

(7.) CERTIFICATE FOR DETENTION BEYOND THREE MONTHS.

Section 17 (2).  
Ibid, Schedule G.

"The Contagious Diseases Act, 1908."  
I, the undersigned, hereby certify that the further detention of A. B., now an inmate of this reformatory, is requisite.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

E. F.,  
Visiting Surgeon for \_\_\_\_\_

(8.) DISCHARGE FROM REFORMATORY.

Section 18.  
Ibid, Schedule H.

IN pursuance of "The Contagious Diseases Act, 1908," I hereby discharge A. B. from this reformatory, and certify that she is now free from a contagious disease.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

E. F.,  
Visiting Surgeon for \_\_\_\_\_

(9.) CERTIFICATE ON DISCHARGE FROM IMPRISONMENT.

Section 23.  
Ibid, Schedule I.

"The Contagious Diseases Act, 1908."  
WHEREAS under the above-mentioned Act A. B., of \_\_\_\_\_, was on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, convicted of the offence of \_\_\_\_\_, and has since been imprisoned for that offence in the [Name of prison] at \_\_\_\_\_, [or reformatory at \_\_\_\_\_], and is now discharged from imprisonment therein: Now, in pursuance of the said Act, I hereby certify that she is free from a contagious disease.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

C. D., Surgeon [or other medical officer  
of prison]; [or  
E. F., Visiting Surgeon for \_\_\_\_\_].

Section 24  
1869, No. 52,  
Schedule K.

## (10.) NOTICE TO WOMAN LEAVING REFORMATORY.

"The Contagious Diseases Act, 1908."

To A. B.

As you are now leaving the reformatory at \_\_\_\_\_, I hereby, in pursuance of the above-mentioned Act, give you notice that you are still affected with a contagious disease.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

E. F.,  
Visiting Surgeon for

Section 26.  
Ibid, Schedule L.

## (11.) APPLICATION TO BE RELIEVED FROM EXAMINATION.

To L. M., Esquire, and others His Majesty's Justices of the Peace in and for New Zealand.

I, A. B., being under the provisions of "The Contagious Diseases Act, 1908," subject to a periodical medical examination on my own submission [or under the order of L. M., Esquire, *as the case may be*], dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, do hereby apply to be relieved therefrom.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

A. B.

Witness—G. H.