

CHAPTER 63:03
SLEEPING SICKNESS
ARRANGEMENT OF SECTIONS

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Proc. 28, 1939,
Proc. 23, 1941,
Cap. 44, 1948,
Cap. 58, 1959,
Proc. 74, 1959,
HMC Order 1, 1963,
Law 28, 1964,
L.N. 84, 1966,
S.I. 12, 1977.

An Act to control sleeping sickness.

[Date of Commencement: 4th August, 1939]

PART I
Preliminary (ss 1-4)

1. Short title and application

(1) This Act may be cited as the Sleeping Sickness Act.

(2) The Minister may from time to time, by order published in the *Gazette*, apply this Act to such area or areas in Botswana as he shall deem expedient.

2. Interpretation

In this Act, unless the context otherwise requires-

"**cattle**" includes sheep and goats and the young of any sheep and goats;

"**administrative officer**" includes any person to whom the administrative officer in charge of the district has delegated his powers subject to such restrictions as he may have imposed;

"**document**" means any certificate, pass or permit issued under this Act or the regulations;

"**examining officer**" means any medical officer appointed to carry out the duties imposed by this Act or by the regulations upon an examining officer, and includes any person whom such medical officer authorizes to carry out any such duties;

"**glossina**" means any species of tsetse fly;

"**invalid document**" means a document which under this Act or the regulations is cancelled, or which is no longer required to be retained, or which is not genuine;

"**regulations**" means regulations made under section 21;

"**road**" includes any path, track or route;

"**sleeping sickness**" means any form of human trypanosomiasis;

"**vessel**" means any kind of vessel, howsoever propelled, used in navigation.

3. Compulsory examination of persons infected or suspected to be infected with sleeping sickness

Any examining officer may require any person whom he knows or suspects to be infected with sleeping sickness to submit himself for medical examination at such place and time as the examining officer may direct, and any person who, on being so required, neglects or refuses so to present himself shall be guilty of an offence.

4. Compulsory treatment of persons infected with sleeping sickness

Any examining officer who finds any person to be infected with sleeping sickness may require such person to submit himself for treatment at such time and place as the examining officer may direct, and any person who, on being so required, refuses or neglects to submit himself or to continue so to submit himself shall be guilty of an offence.

PART II

Sleeping Sickness Areas (ss 5-9)

5. Declaration of sleeping sickness area

When sleeping sickness is found or is likely to break out in any part of Botswana the Minister may, by order published in the *Gazette*, define such part and declare it to be a sleeping sickness area.

6. Employers to grant facilities for inspection and treatment of their employees

In any sleeping sickness area an examining officer may require any employer to grant reasonable facilities for the examination and treatment of his employees, and any employer who refuses or fails to grant such facilities shall be guilty of an offence.

7. Persons resident in sleeping sickness areas to furnish personal particulars

(1) Any administrative officer may require any person resident in a sleeping sickness area to furnish him with such personal particulars as the Minister from time to time may specify:

Provided that the Minister may exempt all or any of the residents or any class of residents in any sleeping sickness area or in any defined portion of any sleeping sickness area from the provisions of this subsection.

(2) Any person who refuses or fails without reasonable excuse to furnish any such particulars as he may be required to furnish, or makes any statement concerning such particulars which he knows to be false, shall be guilty of an offence.

8. Owners or occupiers of land required to take measures to prevent outbreak or spread of sleeping sickness

(1) When any administrative officer in charge of a district is informed in writing by the Director of Health Services or by any medical officer authorized in that behalf by the Director of Health Services that conditions conducive to an outbreak of or the spread of sleeping sickness exist on any land in his district situated within a sleeping sickness area he may serve or cause to be served on the owner or occupier a notice requiring him to remedy such conditions or to take such action as may be prescribed to remedy them.

(2) If the owner or occupier upon whom any notice authorized by subsection (1) has been served refuses or fails without reasonable excuse to carry out any of the measures therein prescribed he shall be guilty of an offence, and the administrative officer may enter or authorize any person to enter upon the land there to carry out the prescribed measures, and the expenses incurred shall be recoverable from the person upon whom the notice was served.

9. Administrative orders for the suppression or prevention of the spread of sleeping sickness

(1) Subject to the provisions of any written law for the time being in force, the Minister may, for the purpose of arresting or preventing the outbreak or spread of sleeping sickness in any sleeping sickness area, issue orders-

- (a) directing the making and maintenance of protective clearings;
- (b) prohibiting persons from residing in, assembling at, resorting to, or frequenting particular places;
- (c) prohibiting persons from journeying along any specified road or along any other than a specified road;
- (d) directing persons resident within or visiting the area to move either temporarily or permanently outside the area or from any one place to any other place within the area;
- (e) prohibiting persons in charge of vessels from navigating them along any specified route or along any other than a specified route;
- (f) prohibiting persons from landing from or embarking in any vessel at any specified place or at any other than a specified place;
- (g) directing persons moving cattle into, within or through the area to proceed along specified roads, and specifying the number of any such animals which may be driven by any single person;
- (h) prohibiting the sale of cattle at any specified place or at any other than a specified place;
- (i) providing for the registration and use of all vessels or any class of vessel;
- (j) directing persons using vehicular transport along any specified roads to submit their vehicles to disinfection at specified smudge huts along the route and limiting the size of the loads which may be carried on such vehicles;
- (k) generally for carrying out and giving effect to the purposes of this subsection.

(2) Any person who in disregard of any order issued under this section and applicable to himself does any act which he is prohibited from doing or omits to do any act which he is required to do thereunder shall be guilty of an offence.

PART III

Restricted Areas (ss 10-15)

10. Declaration of restricted areas

When the Minister is satisfied that permanent residence in or frequent resort to any sleeping sickness area or any part thereof is undesirable on account of the difficulty of protecting persons therein from contact with *glossina* he may declare such sleeping sickness

area or any part thereof to be a restricted area.

11. Persons not to enter restricted areas without permission

Any person who enters a restricted area without a permit issued to him by an administrative officer authorizing such entry shall be guilty of an offence.

12. Medical examination prior to entry into restricted area

(1) If any person desires to enter a restricted area he shall, not more than one month before the date of his intended entry, present himself for examination to an examining officer.

(2) If the examining officer is of the opinion that the condition of the examinee justifies the issue of a permit an administrative officer may, subject to the provisions of section 13, issue the permit; but if the examining officer is of the contrary opinion the administrative officer shall refuse to issue the permit.

13. Applicant must furnish such information regarding the reason of his entry as may be required

(1) Any person applying for a permit to enter a restricted area shall furnish such information as to the purpose of his entry into the restricted area as the administrative officer to whom he makes his application may require.

(2) If any person on being required as aforesaid to furnish information states what he knows to be false or does not believe to be true, an administrative officer may refuse to issue the permit, or if such permit has already been issued the administrative officer may cancel the same and it shall be deemed not to have been issued.

(3) Any person, aggrieved by the refusal of an administrative officer to issue to him a permit, may appeal to the Minister.

14. Issue of permits may be subject to conditions

The issue of a permit may be made subject to such conditions as an administrative officer may prescribe for the purpose of preventing the spread of sleeping sickness, and, in particular, may include a direction that the holder shall present himself to an examining officer for examination within 14 days after leaving the restricted area.

15. Permits to be retained

Every permit to enter a restricted area shall be retained by the person to whom it has been issued until that person leaves the area or obtains a fresh permit.

PART IV

General (ss 16-21)

16. Improper dealings with documents

Any person who-

- (a) without authority alters or causes to be altered any document with intent that it should appear to have been issued under this Act or the regulations in that altered form, or uses the document so altered with that intent;
- (b) knowingly uses an invalid document for any purpose for which a document is required under this Act or the regulations; or
- (c) transfers any document to any person to whom such document has not been issued with intent that the transferee should use it for any purpose for which a document is required under this Act or the regulations, or, uses any document so transferred with that intent,

shall be guilty of an offence and shall be liable in respect of each offence to a fine not exceeding P200 or to imprisonment for a term not exceeding 12 months, or to both.

17. Documents to be produced on demand

Any person who on the demand of an administrative officer, or of a medical officer officiating within the district to which he has been appointed, or of any police officer, refuses or fails, without reasonable excuse, to produce any document of which he is required to be in possession by this Act or the regulations shall be guilty of an offence.

18. Arrest without warrant

An administrative officer or a police officer may arrest without warrant any person whom he knows or reasonably suspects to have committed any offence against this Act or against the regulations, other than an offence against section 8:

Provided that where such arrest is made by any person other than a police officer he shall, without unnecessary delay, hand over the person arrested to a police officer or take him to the nearest police station or bring him before a court having jurisdiction in respect of the offence.

19. General penalty

Any person committing or attempting to commit any offence against this Act shall, where no special penalty is provided, be liable in respect of each offence to a fine not exceeding P100 or to imprisonment for a term not exceeding six months, or to both.

20. Exemption of Government officials

Nothing in this Act shall preclude or restrict any person in the service of the Government or of any local authority, from entering any restricted area when engaged in the performance of his official duty.

21. Regulations

The Minister may make regulations prescribing the form of any document required by this Act or the regulations, and, generally, for carrying into effect the purposes and provisions of this Act.