

Supplement No. 13 published with Gazette No. 12 of 18th. June, 2002.

PUBLIC HEALTH LAW
(2002 Revision)

Law 6 of 1981 consolidated with Laws 18 of 1982 (part), 43 of 1985, 4 of 1990 and 21 of 2001 and with the Public Health (Amendment of Schedule) Notice, 1988 published with Gazette No. 5 of 1988.

Revised under the authority of the Law Revision Law (1999 Revision).

Originally enacted -

Law 6 of 1981-20th February, 1981
Law 18 of 1982-9th December, 1982
Law 43 of 1985-20th December, 1985
Law 4 of 1990-20th February, 1990
Law 21 of 2001-28th July, 2001.

Originally made-

Notice, 1988-15th February, 1988

Consolidated and revised this 30th. day of April, 2002.

Note (not forming part of the law): This revision replaces the 1996 Revision which should now be discarded.

**PUBLIC HEALTH LAW
(2002 Revision)**

ARRANGEMENT OF SECTIONS

PART I - Introductory

1. Short title
2. Definitions
3. Administration of the Law: Officers

PART II - Water Supply

4. Power to prescribe standards of purity for water supply
5. Power to close, or restrict use of water from, polluted source of supply

PART III - Nuisances

6. Duty of officers to inspect the Islands for detection of nuisances and to secure their abatement
7. Statutory nuisances
8. Service of abatement notices
9. Power of Court to make abatement or closing order
10. Costs and expenses incurred in obtaining an order under section 9
11. Failure to obey a closing order
12. Officer in charge of public works to comply with request from Chief Environmental Health Officer
13. Power of individual to make complaint as to statutory nuisance
14. Chief Medical Officer may take proceedings in Grand Court for abatement of statutory nuisance

PART IV - Offensive Trades

15. Declaration of offensive trades
16. Regulations re offensive trades

PART V - Public Health Laboratory Service

17. Governor may provide a public health laboratory service
18. Persons other than Government staff may use laboratory service

PART VI - Notification, Prevention And Suppression Of Disease

19. Notification of disease
20. Restriction of movement

21. On suspicion of infectious disease premises may be inspected
22. Duty to cause premises to be cleansed and disinfected
23. Control of patients and contacts
24. Penalty for refusing to comply with any order
25. Destruction of animals
26. Infected person not to carry on occupation
27. Infected clothes not to be sent to laundry
28. Prohibition from conveyance of infected persons in public conveyance
29. Exception
30. Removal of bodies
31. Infectious rubbish
32. Provision of means of disinfection
33. Presumption for prevention of disease
34. Regulations re notification, etc., of diseases

PART VII - Sexually Transmitted Diseases

35. Regulations re sexually transmitted diseases
36. Prohibition of treatment by unqualified persons
37. Prohibition of unauthorised advertisement

PART VIII - Swimming Pools

38. Power to approve proposed swimming pools
39. Senior Medical Officer of Health may order closure of swimming pools
40. Power to rescind order closing swimming pools
41. Penalty

PART IX - Rodent Control

42. Duty of Senior Medical Officer of Health
43. Obligation of occupier of premises
44. Power of Chief Environmental Health Officer to require action
45. Appeal to Court
46. Remedies for failure to comply with notice
47. Additional powers of Chief Environmental Health Officer
48. Recovery of expenses
49. Regulations re rodent control

PART X - Removal And Disposal Of Refuse And Garbage

50. Removal of house refuse, garbage, etc.
51. Regulations re refuse and garbage
52. Removal of trade refuse and garbage
53. Regulation dustbins

54. Deposit and disposal of refuse

PART XI - Infectious Waste

55. Regulations re infectious waste

PART XII - Cemeteries And Crematoria

56. Regulations re cemeteries and crematoria

PART XIII - Special Waste Handling Fees

57. Special waste handling fees

PART XIV - Emergency Powers

58. Emergency powers of Chief Medical Officer

PART XV - Legal Proceedings

59. Procedure
60. Continuing offences and penalties
61. Restriction on right to prosecute
62. Costs
63. Recovery of expenses

PART XVI - General Provisions

64. Power of entry
 65. Power of Magistrate, etc., to grant warrant
 66. Notices to be in writing; form of notices, etc.
 67. Owner of premises need not be otherwise designated
 68. Service of notice, etc.
 69. Inaccuracies in documents
 70. Protection of public servants acting in good faith
 71. Penalties
 72. Fees for miscellaneous services
- Schedule: Notifiable Diseases

**PUBLIC HEALTH LAW
(2002 Revision)**

PART I - Introductory

1. This Law may be cited as the Public Health Law (2002 Revision). Short title

2. In this Law- Definitions
 - “adult” means a person who has attained the age of eighteen years;
 - “building” means any structure whatsoever, whether permanent or temporary, for whatsoever purpose used;
 - “burial” includes burial in earth or sea and any other mode of disposal of a dead body except cremation;
 - “carrier”, in relation to any notifiable or infectious disease, means any person having in his blood, nose, throat, excreta or discharges, the specific infectious agent of that disease;
 - “cesspool” includes a settlement tank or other tank for the reception and storage of foul matter from buildings;
 - “Chief Environmental Health Officer” means any person for the time being appointed under section 3;
 - “Chief Medical Officer” means the person for the time being holding, or acting in, that office in the public service of the Islands;
 - “child” means a person who has not attained the age of eighteen years, but does not include a person who is or has been married;
 - “cleansing”, in relation to any building, includes limewashing, papering, painting and the destruction of vermin;
 - “closet” includes privy;
 - “contact”, in relation to any infectious disease, means any person who has been exposed to the risk of infection from an infectious disease within a period not exceeding the period of incubation of that disease;
 - “Court” means a court of summary jurisdiction constituted under the Summary Jurisdiction Law (1995 Revision) 1995 Revision
 - “dustbin” means a movable receptacle for the deposit of refuse and garbage;

“dwelling-house” means a house, shed, hut, tent, vehicle, vessel, boat, cave or any other structure or place whatsoever, in which, or in any portion of which, any human being sleeps or resides;

“earth-closet” means a closet having a movable receptacle for the reception of faecal matter and its deodorisation by the use of earth, chemicals, or by other methods;

“Environmental Health Officer” means any person for the time being appointed as such under section 3 and includes the Chief Environmental Health Officer;

“garbage” includes waste food and other putrescible matter;

“Governor”, unless the context otherwise requires, means the Governor in Council;

“house refuse” means refuse from a dwelling-house;

“infectious agent” means a type of microorganism, helminth or virus that causes or contributes to the cause of increased mortality of human beings or animals;

“infectious disease” means any disease which can be communicated directly or indirectly by any person suffering therefrom to any other person;

“infectious waste” means any waste material that has the potential of infecting a human being with a disease, and includes (but is not limited to) cultures and stocks of infectious agents, laboratory waste, pathological waste, contaminated animal carcasses, waste of industrial, medical or any other laboratories, and waste from any source whatsoever which is capable of causing infection;

“latrine” means a water-closet or a privy of any other type and includes a urinal;

“Medical Officer of Health” means any person for the time being appointed as such under section 3 and includes the Senior Medical Officer of Health;

1995 Revision

“medical practitioner” means a person registered under the Health Practitioners Law (1995 Revision) as a health practitioner qualified to practice the health profession of medicine;

“medical surveillance” means the requirements that persons who are not detained but allowed to move about freely attend for medical examination at such times and places as may be directed by a Medical Officer of Health;

“Minister” means the Member of Executive Council responsible for health;

“notifiable disease” means any disease for the time being specified in the Schedule;

“nuisance” includes any act, omission, or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger or damage to the sense of sight, smell or hearing, or which is or is likely to be dangerous or injurious to person or property;

“occupier”, in respect of any premises, means the person in occupation of the premises, or having the charge, management or control thereof, either on his own account or as agent of another person, but does not include a lodger;

“owner”, in relation to any land or premises, means the person for the time being entitled to receive the rent of the land or premises, whether on his own account or as the agent of or trustee for any other person or who would be so entitled if the land or premises were let at a rent, and includes any person for the time being registered under any law or regulations as the proprietor of the land or premises;

“parent” means the father or mother of a child whether legitimate or not;

“prejudicial to health” means injurious, or likely to cause injury to health;

“premises” means messuages, buildings, land, easements or hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private and whether maintained or not under statutory authority, and includes any place or structure, or any part thereof, used or intended to be used for human habitation, or for employment or any other purpose whatsoever;

“school” means any public or private establishment for primary, secondary or higher education and includes a hostel or boarding house for the pupils at any such establishment and includes also a Sunday school, a kindergarten or nursery school, a day-care and a recreational centre;

“Senior Medical Officer of Health” means any person for the time being appointed as such under section 3;

“sexually transmitted disease” means any disease transmitted by sexual intercourse and includes primary or secondary syphilis in contagious form or acute or chronic gonorrhoea or gonorrhoeal ophthalmia or soft chancre or lymphogranuloma inguinale or granuloma venereum or any other disease declared by the Governor by Notice in the Gazette to be a sexually transmitted disease;

“soakaway” means a pit or channel suitably prepared to receive water for seepage into the surrounding ground;

“swimming pool” means any swimming pool whether in private ownership or open to the public and whether or not any charge is made for its use;

“trade effluent” means any liquid either with or without particles or matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, but does not include domestic sewage;

“trade premises” means any premises used or intended to be used for carrying on any trade or business;

“trade refuse” means refuse and garbage from any trade, manufacturing process or business, and includes refuse and garbage from hotels, shops and offices;

“vehicle” means anything constructed or used for conveyance of persons or goods on land, in whatever way driven, propelled or towed but does not include any gun-carriage, tank or other armed conveyance belonging to Her Majesty’s forces; and

“vessel” includes any aeroplane other than an aeroplane forming part of Her Majesty’s Forces, or of the armed forces of any country prescribed by the Governor by Notice published in the Gazette and any marine craft however propelled and whether seagoing or not and any hovercraft but does not include a naval craft or transport of any country prescribed by the Governor by Notice published in the Gazette.

Administration of the
Law: Officers

3. (1) The Governor may, from time to time, appoint -
(a) a Senior Medical Officer of Health;
(b) such number of Medical Officers of Health as may appear to him to be necessary;
(c) a Chief Environmental Health Officer; and
(d) such number of Environmental Health Officers as appear to him to be necessary.

(2) The Senior Medical Officer of Health shall exercise the powers and discharge the duties conferred or imposed upon him by or under this or any other Law and shall at all times exercise such powers or discharge such duties subject to the general, or special, directions of the Chief Medical Officer.

(3) The Medical Officers of Health and the Chief Environmental Health Officer shall have the powers and discharge the duties conferred or imposed upon them respectively by or under this or any other law, and shall, at all times, exercise such powers or discharge such duties subject to the general or special directions of the Senior Medical Officer of Health.

(4) The Environmental Health Officers shall have the powers and discharge the duties conferred or imposed upon them by or under this or any other law and shall, at all times, exercise such powers or discharge such duties subject to the general or special directions of the Chief Environmental Health Officer.

PART II - Water Supply

Power to prescribe
standards of purity for
water supply

4. (1) The Governor may, by regulation, lay down standards of purity, both chemical and bacteriological, for water supplies and may apply different standards to different supplies or to different areas.

(2) It shall be the duty of the Chief Medical Officer to take, from time to time, such steps as may be necessary for ascertaining the sufficiency and wholesomeness of water supplies within the Islands.

5. (1) If the Chief Medical Officer is of the opinion that the water in or obtained from any well, tank, cistern or other source of supply being water which is, or is likely to be used for domestic purposes or in the preparation of food or drink for human consumption, is, or is likely to become, so polluted as to be prejudicial to health, the Chief Medical Officer may apply to the Court, and thereupon a summons may be issued to the owner or occupier of the premises to which the source of supply belongs, or to any other person alleged in the application to have control thereof.

Power to close, or restrict use of water from, polluted source of supply

(2) Upon the hearing of the summons, the Court may make an order directing the source of supply to be permanently or temporarily closed or cut off, or the water therefrom to be used for certain purposes only, or such other order as appears to the Court to be necessary to prevent injury or damage to the health of persons using the water, or consuming food or drink prepared therewith or therefrom. The Court shall hear any user of the water who claims to be heard, and may cause the water to be analysed or submitted to bacteriological examination at the cost of the Government.

(3) If a person on whom an order is made under subsection (2) fails to comply therewith, the Court may-

- (a) on application of the Chief Medical Officer, authorise him to do whatever may be necessary for giving effect to the order, and any expenses reasonably incurred in so doing may be recovered by him from the person in default; and
- (b) convict such person in default of an offence and impose a fine of one thousand dollars.

PART III - Nuisances

6. (1) It shall be the duty of the Senior Medical Officer of Health to cause the Islands to be inspected from time to time for the detection of matters requiring to be dealt with under this Part as being statutory nuisances within the meaning of section 7.

Duty of officers to inspect the Islands for detection of nuisances and to secure their abatement

(2) It shall be the duty of the Chief Environmental Health Officer to take such steps as he deems necessary to remove or secure the abatement of all statutory nuisances and, if the circumstances so warrant, proceed at law against any person committing any such nuisances.

7. (1) In this Part-

Statutory nuisances

“to abate” includes to take all reasonably practical measures to prevent recurrence.

- (2) For the purposes of this Law any-
- (a) premises or part thereof so situated or so constructed or so dilapidated or so damp or so defective in lighting or ventilation as to be prejudicial to health or a nuisance;
 - (b) premises which are occupied whether by day or night and not provided with, or so situated or constructed that they cannot be provided with, sufficient and sanitary latrines;
 - (c) premises or part thereof so overcrowded, verminous or dirty as to be prejudicial to health or a nuisance;
 - (d) well or cistern or other source or means of storing water, whether public or private, the water from which is used or likely to be used by human beings for drinking or domestic purposes, or in connection with any dairy or place where food intended for human consumption is made or prepared, which is in a condition liable to render such water prejudicial to health or a nuisance;
 - (e) wash house, bathhouse, latrine or collection of garbage or refuse harbouring mosquitoes in any state of development;
 - (f) gutter, drain, chute, stack, pipe, downpipe, water tank or cistern which causes damp in any dwelling so as to be prejudicial to health or a nuisance;
 - (g) deposit of material in or on any building or street which causes damp in any building so as to be prejudicial to health or a nuisance;
 - (h) street or part thereof, stream, watercourse, ditch, gutter, drain, soakaway, pit, well, pool, cistern, water tank, sink, waste pipe, slop tank, dustbin, garbage receptacle, ash pit, refuse pit, soil pipe, septic tank, latrine, sewer, cesspool, cesspit, dung pit or manure heap, so foul or in such a state or so situated or constructed as to be offensive or prejudicial to health or a nuisance;
 - (i) noxious matter or waste flowing or discharged from any premises into any street, or into the gutter or side-channel of any street, or into any gully, swamp, watercourse, irrigation channel or bed thereof, not approved by a Medical Officer of Health;
 - (j) furnace, chimney, fireplace, bonfire or other place from which is emitted smoke or other unconsumed combustible matter in such quantity or in such a manner as to be prejudicial to health or a nuisance;
 - (k) growth of weeds, long grass, trees, bushes, hedge or vegetation of any kind which is or could become prejudicial to health and any fruit or vegetable that is of itself dangerous to children or others either by its effluvia or owing to any part of it being eaten;

- (l) collection of water in any well, pool, watercourse, gutter, depression or excavation or any barrel, bucket, bottle, tin, coconut shell or other article whether serviceable or useless, which contains or is likely to collect and hold water in which mosquitoes are likely to multiply or develop;
- (m) collection of water, sewage, rubbish, refuse, garbage or other fluid or solid matter which permits or facilitates the multiplication of parasites of man or animals or of organisms which carry parasites which may otherwise cause or facilitate the infection of man or animals by such parasites;
- (n) area of land kept or permitted to remain in such a state as to be prejudicial or offensive to health or a nuisance;
- (o) animal so kept as to be offensive or prejudicial to the health of mankind;
- (p) stable, cowshed or other premises used for keeping animals or birds which is offensive or prejudicial to the health of mankind;
- (q) accumulation or deposit of refuse, garbage, offal, manure or other matter whatsoever which is prejudicial to health or a nuisance;
- (r) building so constructed or any premises in such a state or condition as to harbour or be likely to harbour rats;
- (s) accumulation of stones, timber or other materials whatsoever which harbours or is likely to harbour rats;
- (t) factory, workshop or other trade premises causing or emitting effluvia, gases, vapours, dust or smoke in such a manner as to be offensive or prejudicial to health or a nuisance to persons either within or outside such premises;
- (u) factory, workshop or other trade premises not kept clean and free from offensive smells arising from their operation, latrines or drains or so overcrowded, ill lighted or ventilated as to be prejudicial to health or a nuisance;
- (v) vehicle or vessel, in such a condition as to be offensive, prejudicial to health or a nuisance; and
- (w) noise or vibration (other than noise or vibration caused by an aircraft) which is a nuisance,

is a statutory nuisance.

8. (1) The Chief Environmental Health Officer shall, if satisfied of the existence of a statutory nuisance, serve notice on the person through whose act, default or sufferance the nuisance arises or continues or, if such a person cannot be found, on the occupier or owner of the premises on which the nuisance arises requiring him to abate the same within the time and date specified in the notice and to execute such works and do such things as may be necessary for that

Service of abatement notices

purpose, and if the Chief Environmental Health Officer thinks it desirable, specifying any works to be executed.

(2) Where the nuisance arises from any want or defect of a structural character or where the premises are unoccupied, the notice shall be served on the owner.

(3) Where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the occupier or owner of the premises, the Chief Environmental Health Officer may request the officer for the time being in charge of the Government Department of public works to abate the nuisance.

(4) Whoever has been served with a notice under subsection (1) and-

- (a) the nuisance arose from his wilful act or default; or
- (b) he makes default in complying with any of the requisitions of the notice within the time and date specified,

is guilty of an offence and liable on conviction, to a fine of five hundred dollars for each offence and to a further fine of fifty dollars for each day during which the offence is continued after the date specified in the notice as provided in subsection (1), whether any nuisance order mentioned in section 9 is or is not made upon him.

Power of Court to make abatement or closing order

9. (1) If -

- (a) the person on whom a notice to abate a nuisance has been served under section 8 makes default in complying with any of the requisitions thereof within the time and date specified; or
- (b) the nuisance, although abated since the service of the notice, is in the opinion of the Chief Environmental Health Officer likely to recur on the same premises,

on complaint by the Chief Environmental Health Officer or the Senior Medical Officer of Health the Court may make on such person an order (hereinafter in this Law referred to as a "nuisance order").

(2) A nuisance order may be an abatement order or a closing order.

(3) An abatement order may require a person to comply with all or any of the requisitions in the notice, or otherwise to abate the nuisance within the time and date specified in the order.

(4) An abatement order shall, if the person on whom the order is made so requires, or the Court considers it desirable, specify the works to be executed by such person for the purpose of abating the nuisance.

(5) A closing order may prohibit a dwelling-house from being used for human habitation.

(6) If any person can establish to the reasonable satisfaction of the Chief Medical Officer that -

- (a) he is as the result of a closing order relating to a dwelling-house unable to continue to reside therein;
- (b) he was residing in that dwelling-house at the time when the notice to abate the nuisance to which such closing order relates was served; and
- (c) by reason of lack of means, illness or other sufficient cause he neither has been, or is, able to obtain accommodation elsewhere,

the Chief Medical Officer shall use his best endeavours to obtain such suitable accommodation.

(7) A closing order shall only be made where it is proved to the satisfaction of the Court that by reason of a nuisance a dwelling-house is unfit for human habitation and, if such proof is given, the Court shall make a closing order.

(8) The Court, when satisfied that the dwelling-house has been rendered fit for human habitation, may declare that it is so satisfied and cancel the closing order.

(9) Whoever fails to comply with a nuisance order with respect to the abatement of a nuisance, unless he satisfies the Court that he has used all due diligence to carry out such order, is guilty of an offence and liable on conviction to a fine of five hundred dollars and to a further fine of fifty dollars for each day during which he continues to make such default.

(10) Whoever knowingly and wilfully acts contrary to a closing order is guilty of an offence and liable on conviction to a fine of fifty dollars a day during the period of such contrary action.

(11) Subject to sections 62 and 63, in the cases mentioned in subsections (9) and (10), the Chief Environmental Health Officer or any person authorised by him in writing in that behalf may enter the premises to which a nuisance order relates and abate or remove the nuisance and do whatever is necessary in the execution of such order and the costs and expenses thereby incurred shall be paid by the person in default.

(12) In case of nuisances caused by the act or default of the owner of premises, such costs and expenses, together with any costs and expenses which the Court orders such owner to pay, shall be deemed to be costs and expenses to which section 61 applies and shall be recoverable under that section.

Costs and expenses incurred in obtaining an order under section 9

10. A Court making any order under section 9 may require any person on whom any order is made to pay all costs and expenses incurred in obtaining the order.

Failure to obey a closing order

11. Where a closing order has been made under section 9 with respect to any dwelling-house, the Chief Environmental Health Officer shall serve notice of the order on every tenant of the dwelling-house and within such period as is specified in the notice not being less than seven days (save in case of immediate danger) after the service of the notice the order shall be obeyed by him and he and all other occupants shall cease to inhabit the dwelling-house, and in default he is guilty of an offence and liable on conviction to a fine of fifty dollars a day during his disobedience to the order, and the Court shall, upon application by the Chief Environmental Health Officer, make a summary order for his ejection and the same may be carried into effect by any police officer:

Provided that the owner shall make to every tenant whose tenancy has not been lawfully determined such reasonable allowance, if any, on account of his expenses in removing as a Court may allow or order, and such allowance shall be recoverable in a summary manner.

Officer in charge of public works to comply with request from Chief Environmental Health Officer

12. The officer for the time being in charge of the Government Department responsible for public works shall comply promptly with any request made to it by the Chief Environmental Health Officer under this Part.

Power of individual to make complaint as to statutory nuisance

13. Complaint of the existence of a nuisance under this Law may be made to the Court by any person aggrieved by the nuisance and thereafter the like proceedings shall be had and the like incidents and consequences as to the making of orders or penalties for disobedience of orders and otherwise as in the case of a complaint by the Chief Environmental Health Officer.

Chief Medical Officer may take proceedings in Grand Court for abatement of statutory nuisance

14. If, in the case of any statutory nuisance, the Chief Medical Officer is of the opinion that proceedings in the Court would afford an inadequate remedy he may take proceedings in the Grand Court for the purpose of securing the abatement or prohibition of that nuisance or of obtaining a closing order and such proceedings shall be maintainable notwithstanding that he has suffered no damage from the nuisance.

PART IV - Offensive Trades

Declaration of offensive trades

15. The Governor may, by Notice published in the Gazette, declare to be an offensive trade, any trade, business, process or manufacture, which in his opinion causes offensive or noxious effluvia or dust or is otherwise of an offensive or harmful nature.

16. The Governor may make regulations in relation to offensive trades prescribing or providing for-

Regulations re offensive trades

- (a) registration or licensing and fees and charges in connection therewith;
- (b) the prevention of nuisances;
- (c) the restriction of the carrying on of offensive trades, or groups or classes of such trades to certain areas or districts, or otherwise than in certain areas or districts; and
- (d) the construction, size, ventilation, drainage, cleansing, repair and maintenance of any building, yard, pen or other places in which any offensive trade is carried on.

PART V - Public Health Laboratory Service

17. The Governor may provide a public health laboratory under the direction and control of the Chief Medical Officer. The functions of the laboratory shall include-

Governor may provide a public health laboratory service

- (a) carrying out investigations on epidemiological problems related to the infectious diseases;
- (b) providing a bacteriological service for public health field workers;
- (c) undertaking chemical analysis and bacteriological examinations of samples of food, drink, drugs and water submitted by Government staff;
- (d) undertaking chemical analysis of blood, urine or other substances submitted by the Commissioner of Police; and
- (e) maintaining a link with the World Health Organisation particularly with regard to the quarantine diseases of smallpox, typhus, yellow fever, cholera, relapsing fever and plague.

18. The Chief Medical Officer may allow persons other than Government staff to make use of the public health laboratory service on such terms, including, with the prior approval of the Financial Secretary, terms as to the payment of charges as the Chief Medical Officer may determine.

Persons other than Government staff may use laboratory service

PART VI - Notification, Prevention And Suppression Of Disease

19. (1) Where an inmate of any premises used for human habitation is suffering from a notifiable disease, or any disease the symptoms of which may give rise to a suspicion that it may be a notifiable disease then-

Notification of disease

- (a) the head of the family to which such inmate (herein referred to as the patient) belongs, and in his default, the nearest relatives of the

patient present in or upon the premises or being in attendance on the patient, and in default of such person, the occupier of the premises shall, as soon as he becomes aware that the patient is suffering from a notifiable disease, forthwith send notice thereof to the Senior Medical Officer of Health; and

- (b) every medical practitioner attending or called in to visit the patient shall forthwith, on becoming aware that the patient is suffering from a notifiable disease or a disease which he suspects to be a notifiable disease send to the Senior Medical Officer of Health a certificate stating the name and sex of the patient, the situation of the premises, and the disease from which, in the opinion of such medical practitioner, such patient is suffering or suspected to be suffering.

(2) Whoever, being required by subsection (1) to send a notice or certificate, fails forthwith to send the same is guilty of an offence and liable on conviction to a fine of one hundred dollars.

(3) A Medical Officer of Health shall, upon application, supply forms of certificates for use under subsection (1) (b) free of charge to any medical practitioner.

Restriction of movement

20. In the event of the prevalence of any notifiable disease in any area, the Governor, with a view to preventing infection from the disease, by Order published in the Gazette, may-

- (a) declare the area to be an infected area; and
- (b) regulate or prohibit the movement of persons or food into, out of, or within the area.

On suspicion of infectious disease premises may be inspected

21. Subject to section 63, a Medical Officer of Health may, with or without assistance as he may deem desirable, at any reasonable time, enter and inspect any premises in which he has reason to believe there is any carrier or any person suffering or who has recently suffered from any infectious disease or who has recently been exposed to the infection of any infectious disease, and may medically examine any person found on such premises with a view to ascertaining whether such person is a carrier or is suffering or has recently suffered from any infectious disease, and may also examine any dead body found on such premises.

Duty to cause premises to be cleansed and disinfected

22. (1) Where a Medical Officer of Health is of the opinion that the cleansing and disinfecting of any building or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it is his duty to give notice in writing to the owner or occupier of such building or part thereof specifying the steps to be taken to cleanse and disinfect such building or part thereof and such articles within a time specified in such notice.

(2) Whoever, having been given notice under subsection (1), fails to comply therewith is guilty of an offence and liable on conviction to a fine of fifty dollars for each day during which he continues to make default, and any Medical Officer of Health may cause such building or part thereof and such articles to be cleansed and disinfected and may recover the expenses from the owner or occupier.

(3) Where the owner or occupier of any building or part thereof is from poverty or otherwise unable, in the opinion of a Medical Officer of Health, effectually to carry out the requirements of this section the Medical Officer of Health may, with or without the consent of such owner or occupier, direct any of his staff to enter, cleanse and disinfect such building or part thereof and such articles.

(4) For the purpose of preventing the spread of an infectious disease, a Medical Officer of Health may-

- (a) cleanse, ventilate or disinfect any building or part of a building;
- (b) cleanse, disinfect or remove any clothing, article or thing of whatever nature; and
- (c) order the closure or vacation of any building or part of a building for such time not exceeding three days as he deems necessary.

(5) If, in the opinion of the Senior Medical Officer of Health, it is necessary to prevent the spread of an infectious disease to prohibit any building from being used for human occupation for any period longer than three days the Court may, on complaint by such officer, make a closing order.

(6) A closing order under subsection (1) shall only be made where it is proved to the satisfaction of the Court that it is necessary to prohibit human occupation of a building for a period longer than three days to prevent the spread of infectious disease and, if such proof is given, the Court shall make a closing order.

(7) Section 9(8), (10) and (11) and sections 10 and 11 shall apply in relation to a closing order made under this section as they apply in relation to a closing order made under those sections.

23. (1) If, in the opinion of a Medical Officer of Health, any person is suffering or reasonably suspected of suffering from any notifiable disease, the Officer may direct-

Control of patients and contacts

- (a) that the person shall be kept in isolation in his home; or
- (b) that the person shall be removed to a hospital or other place.

(2) Any person who is a carrier or has been in contact with any person suffering or reasonably suspected of suffering from a notifiable disease may be

isolated or placed under surveillance or removed to a hospital for observation and there kept for such necessary period as a Medical Officer of Health shall direct.

Penalty for refusing to comply with any order

24. Whoever refuses or neglects to comply with any direction given by a Medical Officer of Health having as its purpose the prevention, control or suppression of infectious disease, or enters a hospital or other place used for the reception of carriers or persons suffering from an infectious disease, or leaves such hospital or place without the permission of such an officer, or refuses or neglects to comply with any of the requirements or conditions of observation, isolation or surveillance is guilty of an offence.

Destruction of animals

25. A Medical Officer of Health, in consultation with the Chief Veterinary Officer, may order the destruction of any animals which he has reason to believe are likely to be agents in the transmission of an infectious disease and may dispose of the carcass of any animal so destroyed in such manner as he may think proper.

Infected person not to carry on occupation

26. Whoever-

- (a) knowing himself to be a carrier or suffering from an infectious disease, or who is nursing or attending on a case of infectious disease, milks any animal, engages in any occupation connected with food or carries on any trade or business in such a manner as to be likely to spread the infectious disease;
- (b) while suffering from any infectious disease, wilfully exposes himself, without proper precautions against spreading the disease, in any street, public place, shop, hotel or public convenience; or
- (c) being in charge of any person so suffering so exposes such sufferer, or causes such sufferer to be so exposed,

is guilty of an offence.

Infected clothes not to be sent to laundry

27. (1) No person shall give, lend, transmit, sell or expose for sale, without previous disinfection, any bedding, clothing, rags or other things which have been exposed to infection from any infectious disease.

(2) No person shall take, send or deliver to any public washing place or to any laundry, or give to any person, for the purpose of being washed, any bedding, clothes or other things which he knows to have been exposed to infection from any infectious disease, unless they have been disinfected by or to the satisfaction of a Medical Officer of Health.

(3) Whoever contravenes subsection (1) or (2) is guilty of an offence.

(4) An Environmental Health Officer may, on the application of any person, supervise the carrying out of the disinfection of any such bedding, clothes or other things free of charge.

28. (1) Whoever-

- (a) being the owner, driver or carrier of a public conveyance knowingly conveys in any public conveyance a person suffering from any notifiable disease;
- (b) knowingly places in any public conveyance a person suffering from any notifiable disease; or
- (c) being a person suffering from any notifiable disease enters a public conveyance,

Prohibition from conveyance of infected persons in public conveyance

is guilty of an offence and liable on conviction to a fine of one hundred dollars.

(2) If any person suffering from any infectious disease is conveyed in any public conveyance, the owner or carrier thereof as soon as it comes to his knowledge shall give notice to the Medical Officer of Health, and cause such conveyance to be disinfected, and if he fails so to do, is guilty of an offence and liable on conviction to a fine of one hundred dollars and the owner, driver or carrier of such conveyance shall be entitled to recover from the person so conveyed by him, or from the person causing that person to be so conveyed, a sum sufficient to cover any loss and expenses incurred by him in connection with such disinfection. It shall be the duty of an Environmental Health Officer when so required by the owner, driver or carrier of such public conveyance, to provide for the disinfection of the same free of charge.

29. Notwithstanding section 28, it shall be lawful for the owner or person in charge of any public conveyance to transport at Government expense from place to place within the Islands any person suffering or suspected to be suffering from an infectious disease when required to do so by the Medical Officer of Health:

Exception

Provided always that such owner or person shall observe such precautions as may be prescribed or required by such officer.

30. The bodies of persons dying of an infectious disease in a hospital or other place used for the reception of persons suffering from infectious diseases shall not be removed without the permission of a Medical Officer of Health, and any person contravening this section is guilty of an offence.

Removal of bodies

31. (1) Whoever, knowingly casts, causes or permits to be cast into any place designed for the reception of refuse, any rubbish infected by an infectious disease without previous disinfection, is guilty of an offence and liable on conviction to a fine of one hundred dollars and if the offence continues, to a further fine of fifty dollars for each day during which the offence so continues after the service of a notice under subsection (2).

Infectious rubbish

(2) A Medical Officer of Health shall cause a notice of the provisions of this section to be served on and explained to the occupier of any house or part

thereof in which there is a carrier or person suffering from an infectious disease and, on the request of such occupier, shall provide for the removal and disinfection or destruction of the aforesaid rubbish.

Provision of means of disinfection

32. The Governor shall provide a proper place, with all necessary apparatus and attendance, for the disinfection of bedding, clothing or other articles which have been infected, and a Medical Officer of Health may direct any articles brought for disinfection to be disinfected or destroyed free of charge, and any such direction shall be sufficient authority for their disinfection or destruction.

Presumption for prevention of disease

33. Where a person in charge of or in attendance on or living with a person suffering from an infectious disease, is charged with an offence against this Part relative to such infectious disease, he shall be presumed to have known of the existence of such disease in such person, unless and until he shows to the satisfaction of the Court that he had not such knowledge and could not, with reasonable diligence, have obtained such knowledge.

Regulations re notification, etc., of diseases

34. The Governor may make regulations for-

- (a) the closing of schools, cinemas and other places of public entertainment;
- (b) prohibiting the holding of any public meeting, procession, or festive ceremony;
- (c) the medical examination of all persons residing in or entering any infected area and for the disinfection, inoculation, vaccination, surveillance or observation of persons suffering from an infectious disease;
- (d) preventing any person from leaving any infected area without undergoing all or any of the following: medical examination, disinfection, inoculation, vaccination, surveillance or observance;
- (e) the removal and accommodation of persons who are suffering from an infectious disease, and persons who have been in contact with such persons;
- (f) regulating the entry or departure by aircraft, boats or ships to or from places in the Islands and the landing and disinfection of passengers or cargoes thereon;
- (g) the administration of quarantine;
- (h) the vaccination or inoculation of persons residing in or entering the Islands not already vaccinated or inoculated and the supply and quality of vaccine matter and serum; and
- (i) any other purpose, having for its object the prevention, control or suppression of infectious disease,

and may, by Order, declare all or any of the Regulations so made to be force within the whole or any part of the Islands.

PART VII - Sexually Transmitted Diseases

35. The Governor may make regulations to provide for - Regulations re sexually transmitted diseases
- (a) medical examination, classification, temporary isolation and treatment of persons suffering from or suspected of being infected with a sexually transmitted disease;
 - (b) prescribing conditions subject to which such persons may be medically treated in their own homes or elsewhere without removal to a hospital;
 - (c) control, partial isolation, limitation of movement and association with other persons, medical examination, medical supervision, surveillance, medication, nursing, maintenance, diet and instruction of persons treated under paragraph (b);
 - (d) classification, treatment, instruction, employment and control of patients in any hospital;
 - (e) compulsory disclosure of names and addresses of contacts or other information as to possible sources of infection to a medical practitioner or other prescribed person;
 - (f) control of employment of persons suffering from or suspected of being infected with a sexually transmitted disease;
 - (g) duties and obligations of parents and guardians of children suffering from or suspected of being infected with a sexually transmitted disease; and
 - (h) prevention of persons knowing or having reason to believe that they are infected with a sexually transmitted disease from infecting other persons.
36. (1) No person other than a medical practitioner shall treat or attempt to treat any patient for a sexually transmitted disease or recommend any internal or external medicine, medicament or appliance for the cure or alleviation of a sexually transmitted disease. Prohibition of treatment by unqualified persons
- (2) Whoever contravenes subsection (1) is guilty of an offence and liable on conviction to a fine of one hundred dollars and to imprisonment for three months.
37. (1) No person shall print or publish any advertisement or statement tending to promote the sale of any medicine, appliance or article for the alleviation or cure of any sexually transmitted disease or other disease affecting the generative organs or functions or of sexual impotence or of any complaint or infirmity arising from or relating to sexual intercourse. Prohibition of unauthorised advertisement
- (2) In this section-

“publish” includes-

- (a) cause to be published by supplying to the publisher of any magazine or newspaper, whether periodical or not, or of any book or other document;
- (b) exhibit in any manner to public view; and
- (c) sell, offer for sale, or exhibit for perusal or inspection, whether for reward or gratuitously, whether in public or in private, and send by post or deliver in person or by messenger.

(3) This section shall not apply to publications by the medical department of any Government or by any public hospital or other public body in the discharge of its lawful functions or by any society or person acting with the authority of the Governor first obtained, or to any books, documents or papers published in good faith for the advancement of medical science.

(4) Whoever contravenes subsection (1) is guilty of an offence unless he shows -

- (a) that the subject matter of the charge is contained in a book or other publication of a generally lawful character distributed by him in the ordinary course of his trade and that such subject matter is not apparent on such examination as is usual on the part of distributors in circumstances similar to those of the accused;
- (b) when the matter was brought to his notice he gave all the assistance reasonably required of him by the Chief Medical Officer and the police in tracing the source of the publication; and
- (c) he forthwith ceased distribution and took effective measures to prevent distribution of any undistributed stocks of the publication remaining under his control,

and liable on a first conviction to a fine of two hundred dollars, and on a second or subsequent conviction to a fine of one thousand dollars and to imprisonment for six months.

PART VIII - Swimming Pools

Power to approve
proposed swimming
pools
2002 Revision

38. Where an application is made to the Central Planning Authority under the Development and Planning Regulations (2002 Revision) for approval for the construction of a swimming pool, such application shall be refused unless it is accompanied by a certificate signed by the Senior Medical Officer of Health, certifying that he is satisfied that, if the swimming pool is constructed in accordance with the proposals contained in the application, it will conform with public health requirements as to-

- (a) site; and

(b) purity of the water supply.

39. The Senior Medical Officer of Health may, at his discretion by notice in writing, order the owner or person in charge of any swimming pool to close such swimming pool either forthwith or within a specified time-

Senior Medical Officer of Health may order closure of swimming pools

- (a) if there is an outbreak of any infectious disease;
- (b) if he considers an outbreak of any infectious disease is apprehended; or
- (c) if, as a result of a bacteriological examination or chemical analysis of the water, he considers it to be prejudicial to the health of the users:

Provided that, where the Senior Medical Officer of Health considers the matter to be one of urgency, notification in the Gazette shall be a sufficient notice to any owner or person in charge of a swimming pool.

40. Where an order has been made under section 39, the Senior Medical Officer of Health may, in like manner, rescind that order if satisfied that the reason for making it no longer exists.

Power to rescind order closing swimming pools

41. Whoever uses or permits to be used any swimming pool during the period when its use was unlawful under this Part is guilty of an offence and liable on conviction to a fine of five hundred dollars.

Penalty

PART IX - Rodent Control

42. The Senior Medical Officer of Health shall take such steps as may be necessary to secure, as far as practical, that the Islands are kept free from rats and mice and in particular-

Duty of Senior Medical Officer of Health

- (a) from time to time, cause to be carried out such inspection as may be necessary for the purpose aforesaid;
- (b) secure the destruction of the rats or mice on Government premises and otherwise to keep such premises, as far as practical, free from rats and mice; and
- (c) enforce the duties of owners and occupiers of premises under sections 43 to 47 and to carry out such operations as are authorised therein.

43. (1) The occupier of premises shall give to the Chief Environmental Health Officer forthwith notice in writing if it comes to the knowledge of such occupier that rats or mice are living on, or resorting to, his premises.

Obligation of occupier of premises

(2) Whoever fails to give a notice which he is required to give under subsection (1) is guilty of an offence and liable on conviction to a fine of fifty dollars.

Power of Chief
Environmental Health
Officer to require action

44. (1) If, in the case of any premises, it appears to the Chief Environmental Health Officer, whether in consequence of a notice given in respect of the premises under section 43 or otherwise, that steps should be taken for the destruction of rats or mice on the premises or otherwise for keeping the premises free from rats or mice, he may serve on the owner or occupier of the premises a notice requiring him to take, within such reasonable period as may be specified in the notice, such reasonable steps for the purpose aforesaid as may be so specified; and, where the owner of any premises is not also the occupier thereof, separate notice may be served on the owner and the occupier.

(2) Any such notice may -

- (a) require the application to the premises of any form of treatment specified in the notice;
- (b) require the carrying out on the premises of any structural repairs or other works so specified; and
- (c) prescribe the times at which any treatment required by the notice to be carried out.

(3) If, on complaint made by the owner of any premises, it appears to the Court that the occupier of the premises prevents the owner from carrying out any work which he is required to carry out by a notice under this section, the Court may order the occupier to permit the carrying out of the work.

Appeal to Court

45. Any person aggrieved by a notice served under this Part requiring the carrying out of any structural works may appeal to the Court.

Remedies for failure to
comply with notice

46. (1) Subject to section 45, if any person on whom a notice is served by the Chief Environmental Health Officer fails under that section to take any steps required by the notice at the time or within the period prescribed by the notice, the Chief Environmental Health Officer may take those steps and recover from him any expenses reasonably incurred in doing so.

(2) Without prejudice to subsection (1), but subject to section 45 with respect to appeals, whoever fails to take any steps as aforesaid is guilty of an offence and liable on conviction to a fine in the case of a first offence of one hundred dollars, and in the case of a second or subsequent offence of five hundred dollars.

Additional powers of
Chief Environmental
Health Officer

47. (1) If it appears to the Chief Environmental Health Officer that rats or mice are found in substantial numbers on any premises in the occupation of different persons and it is expedient to deal with those premises as one unit for the

purpose of destroying rats or mice or keeping the premises as far as practical free from rats or mice, he may, without serving notices under section 44 on the occupiers or owners of those premises himself take, in relation to the premises, such steps as he considers necessary or expedient for the purpose aforesaid:

Provided that the steps taken by the Chief Environmental Health Officer under subsection (1) shall not include the carrying out of any structural work.

(2) Without prejudice to section 62, the Chief Environmental Health Officer shall, before taking any steps under subsection (1) in relation to any premises, give to the occupier at least seven days notice of his intention to do so, specifying the terms to be taken.

(3) Any expenses reasonably incurred by the Chief Environmental Health Officer in taking steps under subsection (1), in relation to any premises, may be recovered by him from the several occupiers thereof in such proportion as may be just having regard to the cost of the work done on the several premises.

(4) For the purposes of this section any premises which are unoccupied shall be deemed to be in the occupation of the owner, and reference in this section to the occupier shall be construed accordingly.

48. Any expenses incurred by the Chief Environmental Health Officer under section 46 or 47 shall be recovered as a simple contract debt in any court of competent jurisdiction.

Recovery of expenses

49. The Governor may make regulations-

- (a) for the control and destruction of rats and mice; and
- (b) prescribing fees for any service provided under this Part.

Regulations re rodent control

PART X - Removal And Disposal Of Refuse And Garbage

50. (1) The Chief Environmental Health Officer may undertake-

- (a) the removal of house refuse and garbage; and
- (b) the cleansing of earth closets, privies, septic tanks, cesspools or any of them;

Removal of house refuse, garbage, etc.

as respects the whole or any part of the Islands.

(2) Where the Chief Environmental Health Officer has undertaken the performance of any of the services mentioned in subsection (1) the Governor may make regulations applicable to the area to which that undertaking extends -

- (a) imposing on the occupier of premises duties in connection with the removal, in order to facilitate the work which has been so undertaken;
- (b) prohibiting the deposit of dangerous substances or any liquid matter in dustbins or garbage cans; and
- (c) prohibiting any person from removing any matter which the Chief Environmental Health Officer has undertaken to remove, not being matter produced on his own premises which he intends to remove for sale, or for his own use, and which is kept in the meantime so as not to be a nuisance.

(3) The Governor shall prescribe such charges for this service as he thinks fit.

Regulations re refuse
and garbage
1996 Revision

51. (1) Subject to section 47 of the Water Authority Law (1996 Revision), where the Chief Environmental Health Officer has not undertaken the performance of the service in question, the Governor may make regulations requiring the occupiers of premises in that part or parts of the Islands to remove and dispose of, at specified intervals, their house refuse, and garbage, or as the case may be, to cleanse at specified intervals their earth closets, privies, septic tanks and cesspools:

Provided that no work done under this subsection shall create a nuisance.

(2) Subsection (1) shall not apply to the extent that it is inconsistent with section 47 of the Water Authority Law (1996 Revision).

Removal of trade refuse
and garbage

52. (1) The Chief Environmental Health Officer may undertake the removal of trade refuse and garbage from premises within the Islands or from premises within any part of the Islands.

(2) The Governor shall prescribe an economic charge for removing trade refuse under this section.

(3) The Governor may, at the request of the owner or occupier of any premises, undertake to dispose of any refuse or garbage which may be delivered to a place appointed by the Governor, and shall make a charge for so doing.

Regulation dustbins

53. (1) The Chief Environmental Health Officer may, by notice, require the owner or occupier of any building within the Islands to provide such reasonable number of covered dustbins for the reception of house refuse or garbage of such material, size and construction as the Chief Environmental Health Officer may approve.

(2) Whoever fails to comply with a notice under subsection (1) or to maintain in good order and condition any dustbin which under that subsection he has been required to provide, or to replace any such dustbin, when worn out, by a new dustbin of a material, size and construction approved by the Chief Environmental Health Officer, is guilty of an offence and liable on conviction to a fine of one hundred dollars and the Chief Environmental Health Officer may provide such dustbin, or such new dustbin, as may be required and may recover the expenses reasonably incurred by him in so doing from the person in default.

54. (1) The Senior Medical Officer of Health may provide and maintain-

Deposit and disposal of refuse

- (a) receptacles for refuse in streets and public places;
- (b) places for the deposit of refuse; and
- (c) plant or apparatus for treating or disposing of refuse.

(2) The Senior Medical Officer of Health may sell refuse removed from any premises or other place under this Part and shall forthwith pay the proceeds of all sales made by him under this section into the Treasury.

(3) Whoever, other than a person employed by the Government in connection with the removal and disposal of refuse and garbage, sorts out or disturbs-

- (a) the contents of any dustbin wherever deposited for the purpose of its contents being removed by Government employees; or
- (b) the material deposited in any place provided by the Government for the deposit of refuse,

is guilty of an offence and liable on conviction to a fine of one hundred dollars.

PART XI - Infectious Waste

55. The Governor may make regulations for-

Regulations re infectious waste

- (a) the collection, treatment and disposal of infectious waste and matters related thereto;
- (b) the establishment and conduct of a facility or facilities for the treatment of infectious waste;
- (c) imposing on the occupier of premises duties in connection with the disposal of infectious waste;
- (d) prescribing the charges to be paid by the occupier of premises for the collection and removal of infectious waste; and
- (e) generally, the manner of dealing with infectious waste.

PART XII - Cemeteries And Crematoria

Regulations re
cemeteries and
crematoria

56. The Governor may make regulations for-
- (a) the conduct of existing cemeteries;
 - (b) the granting or refusal to grant licenses for the establishment of new cemeteries;
 - (c) the revocation of licences granted under paragraph (b);
 - (d) prescribing fees for any service provided under this Part;
 - (e) the establishment and conduct of a crematorium;
 - (f) the burial of human bodies at sea;
 - (g) the exhumation of human bodies;
 - (h) the transport of human bodies by air or sea; and
 - (i) the burial of bodies in private ground.

PART XIII - --special Waste Handling Fees

Special waste handling
fees

57. (1) There shall be charged, collected and paid through customs-
- (a) a special waste handling fee of two hundred and fifty dollars in respect of any motor vehicle (other than a motor cycle) imported into the Islands;
 - (b) a special waste handling fee of seventy-five dollars in respect of any motor cycle imported into the Islands;
 - (c) a special waste handling fee of five dollars in respect of any lead-acid battery imported into the Islands; and
 - (d) a special waste handling fee of two dollars in respect of any motor vehicle tyre imported into the Islands.
- (2) In this section-

“Customs” means the Department of Customs established under section 3 of the Customs Law (1998 Revision) and includes any officer authorised to act on its behalf.

PART XIV - Emergency Powers

Emergency powers of
Chief Medical Officer

58. (1) In case of urgency the Chief Medical Officer may, by order in writing, require any person to adopt any measures which he considers necessary to prevent, or avert danger of, the spread of disease. Such an order shall specify the measures to be taken and shall be served personally by a Medical Officer of Health or an Environmental Health Officer who shall explain the matter to the persons concerned and superintend or assist in the carrying out of the measures specified.
- (2) Whoever makes default in complying with an order under subsection (1) or offers or threatens any resistance or obstruction to the carrying out of the

order is guilty of an offence and liable on conviction to a fine of five hundred dollars and to imprisonment for three months.

PART XV - Legal Proceedings

59. All offences under this Law shall be tried summarily by the Court. Procedure
60. Where provision is made for the imposition of a daily penalty in respect of a continuing offence, the Court by which a person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the Court, and where a Court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before the expiration thereof. Continuing offences and penalties
61. Proceedings in respect of an offence shall not, without the written consent of the Attorney-General, be taken by any person other than a party aggrieved, the Chief Medical Officer, a Medical Officer of Health or the Chief Environmental Health Officer. Restriction on right to prosecute
62. (1) Where a party who has been successful in proceedings under Part III was represented in the Court by an attorney-at-law the Court may, in its discretion, order the unsuccessful party or parties to pay, or contribute to, the costs of the successful party or parties. Costs
- (2) The amount of a contribution shall be fixed by the Court and specified in the order.
- (3) Where such costs are to be taxed the order shall so provide and the costs shall be taxed by the Magistrate or by the Registrar of the Grand Court in the same manner as the costs of civil proceedings in the court in question. For this purpose the value of the claim or subject matter shall ordinarily be deemed to be the lowest for which a fee is provided and in assessing fees for matters for which fees are not provided the taxing officer shall use his discretion, having regard to the fees provided for comparable matters.
- (4) In lieu of taxation either court may, in its discretion, fix a sum to compromise all the costs allowed.
- (5) Costs of proceedings under this Law in the Grand Court shall be allowed and, if necessary, taxed in accordance with the law and practice applied in comparable matters therein.

Recovery of expenses 63. Any sum which the Governor is entitled to recover under this Law may be recovered as a civil debt or as a simple contract debt in any court of competent jurisdiction.

PART XVI - General Provisions

Power of entry 64. The Chief Medical Officer, or anyone authorised in writing by him, or a Medical Officer of Health or an Environmental Health Officer may, on producing, if so required, some duly authenticated document showing his authority, enter into or upon any premises or vessel with or without assistants to ascertain whether there is, or has been, on or in connection with the premises any contravention of this Law or regulations made thereunder, being provisions which it is the duty of that person to enforce:

Provided that-

- (a) unless specially authorised by a Medical Officer of Health in relation to those particular premises or vessel no such entry shall be made between sunset and sunrise; and
- (b) where the premises are a dwelling-house not less than six hours' notice of intention to enter shall be given to the occupier, unless it is certified in writing by a Medical Officer of Health that to give such notice would defeat the object of the entry.

Power of Magistrate, etc., to grant warrant 65. (1) If a Magistrate or a Justice of the Peace on sworn information in writing is satisfied that -

- (a) there is reasonable ground for entry into any premises or vessel for any purpose mentioned in section 64; and
- (b) admission to the premises or vessel has been refused or that refusal is apprehended or that an application for admission would defeat the purpose of the entry, or that the case is one of urgency or that the premises are unoccupied or that the occupier is temporarily absent,

the Magistrate or Justice of the Peace may, by warrant under his hand, authorise a Medical Officer of Health or an Environmental Health Officer to enter the premises, if need be by force.

(2) Where a Medical Officer of Health or an Environmental Health Officer enters any premises or vessel under subsection (1) or a warrant issued hereunder, he may take with him such other persons as may be necessary, and, on leaving any unoccupied premises which he has entered by virtue of such warrant, shall leave them as effectively secured against trespassers as he found them

(3) Every warrant granted under this section shall continue in force for a period of one month.

(4) Whoever refuses entry to, obstructs or hinders a Medical Officer of Health or an Environmental Health Officer or any other person empowered to enter premises by virtue of this section, or who fails or refuses to give information he may lawfully be required to give to such officer or person, for the purpose of complying with any requirement under this Law, is guilty of an offence:

Provided, however, that nothing herein shall make it an offence for the owner or occupier of any dwelling-house to refuse entry thereto to any person on whom a right to make such entry is conferred by this Law if such person is not either authorised in that behalf by a warrant issued under subsection (1) or, pursuant to subsection (2), accompanying a person so authorised.

66. (1) All notices, orders, consents, demands or other documents authorised or required by or under this Law shall be in writing.

Notices to be in writing; form of notices, etc.

(2) All notices, orders, consents, demands or other documents authorised or required by or under this Law may be signed by the Chief Medical Officer or any officer authorised in writing by the Chief Medical Officer:

Provided that a Medical Officer of Health and an Environmental Health Officer shall be deemed to be authorised under this section as respects documents relating to matters falling within their respective provinces.

(3) The Governor may, by regulations, prescribe the form of any notice, certificate or other document to be used for any of the purposes of this Law, and if forms are so prescribed, those forms or forms to the like effect may be used in all cases to which those forms are applicable.

67. Where in any proceedings under this Law, whether written or otherwise, it shall become necessary to mention or refer to the owner of any premises, it shall be sufficient to designate him as the owner of such premises without name or further description.

Owner of premises need not be otherwise designated

68. It shall be sufficient in all cases where any notices, orders or other documents are required to be given to, served on or delivered to the owner or occupier of any premises, to address the same to such owner or occupier, as the case may be, of the premises, naming them, in respect of which such notices, orders or other documents are to be given, served or delivered, without further name or description, and if so required or authorised to be given, served, or delivered under this Law, such notices, orders or other documents may be given, served or delivered by delivering the same to or at the residence of the person to whom they are respectively addressed or where addressed to the "owner" or

Service of notice, etc.

“occupier” thereof, to some person on the premises or vessel, or if there is no person on the premises or vessel who can be served, by fixing the same on some conspicuous part of the premises or vessel; and they may also be served by sending the same through the post by registered letter, and such registered letter shall be deemed to have been received in the ordinary course of post as if there had been delivery thereof.

Inaccuracies in documents

69. No misnomer or inaccurate description of any person, premises, building, street or place, named or described in any document prepared, issued or served under, by virtue of or for the purposes of this Law or any regulations shall in any way affect the operations of this Law or any regulations as respects that person or place if that person or place is so designated in the document as to be identifiable, and no proceedings taken under or by virtue of this Law or any regulations shall be invalid for want of form.

Protection of public servants acting in good faith

70. A public officer shall not be personally liable in respect of any act done by him in the execution or purported execution of this Law and within the scope of his employment if he did that act in the honest belief that his duty under this Law required or entitled him to do it.

Penalties

71. (1) Whoever wilfully obstructs any person acting in the execution of this Law or regulations made thereunder, is guilty of an offence and liable on conviction to a fine of five hundred dollars and to a further fine of fifty dollars for each day on which the offence continues after conviction thereof.

(2) Whoever commits an offence in respect of which no specific penalty is provided for under this Law is liable on conviction to a fine of one thousand dollars and to imprisonment for six months, and in the case of a continuing offence to a further fine of fifty dollars for every day on which the offence continues after conviction.

(3) Any regulations may provide for a penalty on conviction for a breach thereof not exceeding the maximum provided in subsection (2).

(4) The Chief Medical Officer may cause to be published in any newspaper-

- (a) the name of any person convicted of an offence under this Law or any regulation made hereunder;
- (b) the nature of the offence; and
- (c) the penalty imposed.

Fees for miscellaneous services

72. Without prejudice to any other provision of this Law, the Governor may make regulations prescribing fees, tariffs or charges for any service provided under this Law.

SCHEDULE

(Section 2 and Part VI)

Notifiable Diseases

1.

- | | |
|--|----------------------|
| (1) Acquired Immune Deficiency Syndrome (AIDS) | (17) Malaria |
| (2) Chicken Pox | (18) Measles |
| (3) Cholera | (19) Meningitis |
| (4) Dengue Fever | (20) Mumps |
| (5) Diarrhoeal disease | (21) Plague |
| (6) Diphtheria | (22) Poliomyelitis |
| (7) Encephalitis | (23) Rabies |
| (8) Filariasis | (24) Rubella |
| (9) Food-borne illness | (25) Syphilis |
| (10) Gastro-enteritis | (26) Tetanus |
| (11) Gonorrhoea | (27) Tuberculosis |
| (12) Herpes | (28) Typhoid |
| (13) HIV infection (HIV antibody positive) | (29) Viral hepatitis |
| (14) Influenza | (30) Whooping Cough |
| (15) Lassa Fever | (31) Yellow Fever. |
| (16) Leprosy | |

2. The Governor may by Notice amend this Schedule.

Publication in consolidated and revised form authorised by the Governor in Council this 30th. day of April, 2002.

Carmena Watler

Clerk of Executive Council

Note (not forming part of the Law): Although the Public Health Law, 1981 was not brought into force until the 20th December 1985, the Public Health (Validation) Law 1985, (Law 43 of 1985) provided that anything which had been done between the 24th April, 1981 and the 20th December, 1985 in purported exercise of any power conferred by the Public Health Law, 1981 which would have been lawfully done if that Law had come into operation on the 24th April,

1981, shall for all purposes whatsoever be deemed to have been lawfully done and shall have effect and be deemed to have had effect accordingly