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SCHEDULE I

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Public Health Order 1970

ORDER

To make provision for Public Health

[Date of Commencement: see sec. 1, to be fixed]

Made by the Council of Ministers

Short Title
and com-
mencement

1. This Order may be cited as the Public Health Order 1970, and shall come into operation on a date to be fixed by the Minister in the *Gazette*, provided that different dates may be fixed for the coming into operation of different sections.

Interpre-
tation

In this Order, unless the context otherwise indicates —

“adult” means a person of sixteen years of age or over;

“approved” means approved by the Minister;

“building” includes any structure whatsoever for whatever purpose used;

“burial” means the burial in earth, interment or any other form of sepulture or the cremation or any other approved mode of disposal of a dead body;

“child” means a person who is under or appears to be under sixteen years of age;

“cleansing” means the removal from surfaces, by scrubbing and washing, as with hot water, soap or suitable detergent, of infectious agents and of organic matter on which and in which infectious agents may find favourable conditions for prolonging the life and virulence of such infectious agents, or of killing infectious agents outside the body by chemical or physical means directly applied;

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

“dwelling” means any house, room, shed, hut, cave, tent, vehicle, boat or any other structure or place whatsoever, any portion whereof is used by any human being for sleeping or in which any human being dwells;

“food” means any animal product, fish, fruit, vegetables, condiments, confectionery, beverages and any other substance whatsoever (other than drugs or water) in any form, state or stage of preparation which is intended or ordinarily used for human consumption;

“health officer” means and includes any medical officer, any health inspector, and any public health nurse employed by or so designated by the Permanent Secretary for Health;

“infected” means suffering from, or in the incubation stage of, or contaminated with the infection of any communicable disease;

“isolated” means the segregation, and the separation from and interdiction of communication with others, of persons who are suspected of being infected, and “isolation” has a corresponding meaning;

“medical surveillance” means the keeping of a person under medical supervision. Persons under such surveillance may be required to remain within a specified area or to attend for medical examination at specified places and times;

“Minister” means the Minister for the time being responsible for the administration of this Order;

“Ministry” means the Ministry of Health;

“occupier” shall include any person in actual occupation of land or premises without regard to the title under which he occupies and in the case of premises subdivided and let to lodgers or various tenants the person receiving the rent payable by lodgers or tenants whether on his own account or as an agent for any person entitled thereto or interested therein;

“parent” includes the father and mother of a child, whether adopted or whether legitimate or not;

“premises” includes any building or tent together with the land on which the same is situated and adjoining land used in connexion therewith, and includes any vehicle, conveyance or boat;

“public building” means a building used or constructed or adapted to be used either ordinarily or occasionally as a place of public worship or as a hospital, college, school, theatre, public hall or as a place of assembly for persons admitted by ticket or otherwise, or used or adapted to be used for any other public purpose;

“regulation” means any regulation made and in force under this Order;

“school” means any public or private establishment for nursery, primary or secondary or higher education and includes a hostel or boarding-house kept for housing the pupils at any such establishment;

“this Order” includes any proclamations, orders, notices or regulations lawfully issued, and for the time being in force, thereunder;

“Veterinary officer” means and includes any veterinary surgeon or livestock officer employed by or so designated by the Permanent Secretary for Agriculture.

PART I—ADMINISTRATION

Functions of the Ministry of Health

3. The functions of the Ministry of Health shall, subject to the provisions of this Order, be to promote the personal health and environmental health within Lesotho; to prevent and guard against the introduction of disease from outside; to prevent or control communicable disease; to advise and assist district administrations and local authorities in regard to matters affecting public health; to promote or carry out researches and investigations in connexion with the prevention and treatment of human diseases; to prepare and publish reports and statistics or other information relative to the public health; to report on the work of the Ministry to the Minister who may submit such report to the Council of Ministers each year; to provide for the appointment of advisers, advisory bodies or councils to assist the Minister in all matters concerning public health; and generally to administer the provisions of this Order.

Appointment of Health Officers and others

4. (1) Subject to the provisions of the law governing the Public Service of Lesotho the Ministry shall have appointed as many health officers or other officers as may from time to time be necessary.

(2) Health Officers and other officers appointed to or designated by the Ministry of Health shall be suitably trained and qualified.

PART II—NOTIFIABLE DISEASES

Notification of diseases

5. (1) The provisions of this Order, unless otherwise expressed, shall, so far as they concern notifiable disease apply to—

(a) Communicable diseases:

Smallpox (including variola minor or alastrim), typhus fever and louse-borne relapsing fever, cholera, plague, yellow fever, sleeping sickness (human trypanosomiasis), scarlet fever, diphtheria, erysipelas, puerperal fever, typhoid (enteric) fever (including para-typhoid A, B, C), cerebro-spinal meningitis, poliomyelitis, leprosy, anthrax, glanders, rabies, brucellosis (Malta fever), tuberculosis (all forms), tick-borne relapsing fever, ophthalmia neonatorum, infective encephalitis, infective hepatitis, food-poisoning, trachoma, psittacosis, influenza pneumonia, malaria, pemphigus neonatorum, German measles (rubella), whooping-cough, schistosomiasis (bilharziasis), bacillary dysentery, venereal diseases, tetanus (all forms), measles and gastro-enteritis in children under the age of five years.

(b) Non-Communicable Diseases

Lead poisoning, industrial poisoning, pneumoconioses, pellagra, scurvy, rickets, kwashiorkor, beri-beri, insecticidal poisoning, pesticidal poisoning.

(2) The Minister may by notice in the Gazette—

- (a) declare that any disease other than those specified in subsection (1) of this section shall be notifiable diseases under this Order;
- (b) declare that only such provisions of this Order as are mentioned in such notice shall apply to any notifiable diseases;
- (c) restrict the provisions of this Order regarding the notification of any disease, to any district or area and for such period specified in such notice, or until the notice has been withdrawn.

(3) Notice of any notifiable diseases shall be furnished by the health officer concerned as soon as practicable to the Permanent Secretary for Health, Maseru, in the prescribed form.

6. A health officer may at any reasonable time enter and inspect any premises in which he has reason to believe that any person suffering or who has recently suffered from any communicable disease is or has recently been present, or any inmate of which has recently been exposed to the infection of any communicable disease, and may medically examine or cause to be medically examined any person in such premises for the purpose of ascertaining whether such person is suffering or has recently suffered from any such disease.

Prevention
and
control of
communicable
diseases

7. (1) Where any health officer is of opinion that the cleansing of any building or part thereof, and of any articles therein likely to retain infection would tend to prevent or check communicable disease, he may give notice in writing to the owner or occupier of such building or part thereof specifying the steps to be taken to cleanse such building or part thereof and articles within a specified time in such notice.

(2) If a person to whom such notice is given fails to comply therewith he shall be guilty of an offence.

(3) Where the owner or occupier of any such building or part thereof is from poverty or otherwise unable to comply with the provisions of this section a health officer or other duly authorized officer may, with or without his consent enter and cleanse such building or part thereof and articles therein.

8. A health officer may direct the destruction of any bedding, clothing or other articles which have been exposed to infection from any communicable disease, or which in the opinion of a health officer are infected and any such direction shall be sufficient authority for any person authorized thereto to destroy the same, and the Ministry of Health may award compensation for any bedding, clothing or other articles destroyed in pursuance of this section.

9. The Ministry of Health may provide a proper place for the cleansing of bedding, clothing or other articles which have become infected, and may cause any such articles brought for cleansing to be cleansed free of charge.

10. (1) Where in the opinion of a health officer any person certified to be suffering from a communicable disease, is not accommodated or is not being treated or nursed in such manner as adequately to guard against the spread of the disease, such person may, on the order of a registered medical practitioner, be detained in or removed to a hospital or any temporary place which in the opinion of the registered medical practitioner is suitable for the reception of such person and there detained until the health officer or any medical practitioner duly authorized thereto by the Permanent Secretary for Health is satisfied that he is free from infection or can be discharged without danger to the public health.

(2) Any person detained in accordance with an order of a health officer who escapes or attempts to escape shall be guilty of an offence.

11. (1) Any person who—

- (a) while suffering from any communicable disease wilfully exposes himself without proper precautions against spreading the said disease in any street, public place, shop or public conveyance; or
- (b) being in charge of any person so suffering so exposes or conveys such sufferer; or
- (c) gives, lends, sells, transmits or exposes, without previous cleansing any bedding, clothing, rags or other articles which have been exposed to infection from any such disease;

shall be guilty of an offence:

Provided that proceedings under this section shall not be taken against persons conveying with proper precautions any bedding, clothing, rags or other articles for the purpose of having the same cleansed.

(2) For the purposes of this section, "public conveyance" includes any railway coach, omnibus, motor car or any vehicle whatsoever or any aircraft, if the conveyance plies for hire or is used by members of the public.

12. Every owner or driver of a conveyance shall immediately provide for the cleansing of such conveyance on the instruction in writing of a health officer.

13. Any person who knowingly lets for hire any dwelling or premises or part thereof in which any person has been suffering from a communicable disease without having the same and all articles therein likely to retain infection, efficiently cleansed to the satisfaction of a health officer as testified by certificate signed by him shall be guilty of an offence.

14. In every case of a death from a communicable disease it shall be the duty of the occupier of the premises in which the death has occurred immediately to arrange for a health officer to be notified thereof, and to make the best arrangements practicable, pending the removal of the body and the carrying out of thorough cleansing, for preventing the spread of such disease.

15. (1) When—

- (a) the body of a person who has died of a communicable disease is retained in a room in which any person lives, sleeps or works, or in which food is kept or prepared or eaten; or
- (b) any dead body is retained in any dwelling or place under circumstances which in the opinion of a health officer are likely to endanger health; or
- (c) any dead body is found and is unclaimed or where no competent person undertakes to bury it; any magistrate, Justice of the Peace or member of the Lesotho Mounted Police of or above the rank of sergeant, may on a certificate signed by a health officer, direct that the body be removed to a mortuary for post-mortem examination, or if the body is that of a person certified to have died of a communicable disease, may order that the body be buried immediately without removal to a mortuary:

Provided that if friends or relatives of the deceased undertake to, and do, bury the body within the time so specified, the work of doing so shall be defrayed by the Ministry of Health, and may be recovered by it by action in any court from any person legally liable to pay expenses of interment.

(2) Any person who hinders or obstructs the execution of any order or direction given under this section shall be guilty of an offence.

16. The Minister may make regulations applicable to all communicable diseases or only to such communicable diseases as may be specified therein regarding the following matters—

- (a) the imposition and enforcement of isolation or of medical observation and surveillance in respect of persons suffering from communicable disease who are not removed to a hospital or place of isolation, the premises in which such persons are accommodated, those in charge of or in attendance on such persons and other persons living in or visiting such premises or who otherwise may have been exposed to the infection of any such disease;
- (b) the duties, in respect of the prevention of communicable disease and in respect of persons suffering or suspected to be suffering therefrom, of occupiers of land on which persons reside and of employers of labour, and of chiefs and headmen and others;
- (c) the measures to be taken for preventing the spread of or eradicating smallpox, typhus fever, typhoid fever, cholera, yellow fever, plague, poliomyelitis, tuberculosis or any other communicable disease requiring to be dealt with in a special manner;
- (d) the conveyance of persons suffering from or the bodies of persons who have died of a communicable disease;

- (e) the prevention of the spread from any animal, or the carcase or produce of any animal to man, of anthrax, glanders, measles (tape worm), plague, rabies, tuberculosis or any other disease communicable by any animal, other carcase or product of any animal, to man;
 - (f) the prevention of the spread of disease by flies and other insects and the destruction of and the removal or improvement of conditions permitting or favouring the prevalence or multiplication of such flies or insects;
 - (g) the destruction of rodents and other vermin, the removal or improvement of conditions permitting or favouring the harbourage or multiplication thereof;
 - (h) the prevention of any disease in man caused by any animal or vegetable parasite;
 - (i) the prevention of the spread of any communicable disease by the carrying on of any business, trade or occupation;
 - (j) the prevention of the spread of any communicable disease by persons who, though not at the time suffering from such disease are "carriers" of and likely to disseminate the infection thereof, and the keeping under medical surveillance and the restriction of the movement of such persons,
 - (k) the regulation and restriction of any trade or occupation entailing special danger to the health of those engaged therein, whether from communicable disease or otherwise, and the institution of measures for preventing or limiting such danger;
 - (l) cleansing centres and the cleansing of dirty or verminous persons, the cleansing or fumigation of premises, clothing or other articles which have been exposed to or are believed to have been contaminated with the infection of any communicable disease; or which are dirty or verminous and prohibiting the carrying out of any fumigation which involves the use of poisonous gas except under licence;
 - (m) rag flock manufacture and the trade in rags and in bones and in second-hand clothing, bedding or any similar article, and requiring the cleansing of any such article before its importation, removal, sale or exposure for sale or use in any manufacturing process;
 - (n) the disposal of any refuse, waste matters, or other matter or thing which has been contaminated with or exposed to the infection of any communicable disease;
- and generally for the better carrying out of the provisions and attaining the objects and purposes of this Part.

**PART III—SPECIAL PROVISIONS REGARDING DISEASES
SUBJECT TO THE INTERNATIONAL HEALTH REGULATIONS**

17. (1) The provisions of this Order, unless otherwise expressed, in so far as they concern diseases subject to the International Health Regulations shall be deemed to apply to smallpox (including alastrim or variola minor), plague (all forms), cholera (including cholera due to the El Tor Vibrio) and yellow fever.

Diseases
subject to
International
Health
Regulations

(2) The International Health Regulations shall be published in the *Gazette* within thirty days after the coming into operation of this Order and any amendment thereto shall be published in the *Gazette* as soon as may be after the Government becomes a party to such amendment.

(3) Every amendment to the International Health Regulations to which Government becomes a party shall be laid before the Council of Ministers within thirty days after its publication in the *Gazette* under the provisions of subsection (1) or if the said Council is not then in session within thirty days of the commencement of its next session.

(4) (1) The Minister may by regulation—

- (a) make such provision as appears to him necessary or expedient for the carrying out of and giving effect to the International Health Regulations;
- (b) subject to the provisions of the International Health Regulations, impose fees and provide for the recovery of any expenditure incurred in giving effect to the International Health Regulations.

(2) Any regulations made under this section may prescribe penalties for any contravention thereof, but no such penalty shall exceed a fine of two hundred rands or in default of payment imprisonment for a period not exceeding six months.

18. Whenever Lesotho or part thereof appears to be threatened by any of the diseases mentioned in section 17, the Minister may make regulations for all or any of the following purposes—

Power of
Minister to
make
regulations

- (a) for the speedy interment of the dead;
- (b) house to house visitation;
- (c) the provision of medical aid and accommodation, for the promotion of ventilation and cleansing generally and for guarding against the spread of disease;
- (d) for preventing any person from leaving any infected area without undergoing all or any of the following: medical examination, cleansing, inoculation, vaccination or revaccination or passing a specified period in an observation camp or centre;

- (e) for the establishment of hospitals and observation camps or centres, and for accommodating therein persons suffering from or who have been in contact with persons suffering from communicable disease;
 - (f) for the destruction or cleansing of buildings, furniture, goods or other articles, which have been used by persons suffering from communicable disease, or which are likely to spread the infection;
 - (g) for the removal of persons who are suffering from a communicable disease and persons who have been in contact with such persons;
 - (h) for the removal of corpses;
 - (i) for the destruction of rats, and the better prevention of the danger of spreading infection by rats;
 - (j) for the regulation of hospitals used for the reception of persons suffering from a communicable disease and and of observation camps and centres;
 - (k) for the removal and cleansing of articles which have been exposed to infection;
 - (l) prohibiting any person living in any building or using any building for any other purpose whatsoever if in the opinion of the health officer any such use is likely to cause the spread of any communicable disease and any regulation made under this section may give a health officer power to prescribe the conditions on which such a building may be used;
 - (m) for any other purpose whether of the same kind or nature as the foregoing or not, having for its object the prevention or control of communicable diseases;
- and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of Lesotho.

Execution of regulations

19. A health officer or other authorised officers in any area within which or part of which regulations so issued by the Minister are declared to be in force shall do and provide all such acts, matters and things as may be necessary for mitigating any such disease, or aiding in execution of such regulations or for executing the same, as the case may require, and a health officer may from time to time cause to be instituted any prosecution or legal proceedings for or in respect of the wilful contravention of any such regulations.

Power of entry

20. A health officer and other duly authorized officers shall have power of entry on any premises for the purpose of executing or superintending the execution of any regulations so issued by the Minister as aforesaid.

Notification of sickness or mortality in animals

21. (1) Every person who becomes aware of any unusual sickness or mortality among rats, mice, cats, dogs or other animals susceptible to plague, rabies or other diseases subject to the International Health Regulations, not due to poison or other obvious cause, shall immediately report the fact to his Chief who

in turn shall report to the nearest [District Administrator] or to a health or veterinary officer.

(2) Any such person who fails so to report shall be guilty of an offence.

22. Every health officer shall immediately report to the Permanent Secretary for Health, Maseru, by radio, telegraph or other expeditious means, particulars of every notification received of a case of any disease subject to the International Health Regulations, or of any unusual sickness or mortality in animals made under the last preceding section.

Notification of diseases subject to the International Health Regulations

23. (1) Where an outbreak of any diseases subject to the International Health Regulations exists or is threatened it shall be lawful for the Permanent Secretary for Health to require any person owning or having charge of any land or any buildings or dwellings not occupied, or any person owning or having charge of transport, bedding, hospital equipment, drugs, food or other appliances, materials or articles urgently required in connexion with the outbreak, to hand over the use of any such land or building or to supply or make available any such article, subject to the payment of a reasonable amount as hire or purchase price.

Requisition of buildings, equipment, etc.

(2) Any person who without reasonable cause, fails or refuses to comply with any such requirement shall be guilty of an offence.

PART IV—PREVENTION OF THE SPREAD OF SMALLPOX

24. For the purposes of this Part —

Interpretation

“public vaccinator” shall include a public vaccinator appointed by the Permanent Secretary for Health and any person appointed by the Permanent Secretary for Health to assist or act for a public vaccinator, and includes any health officers;

“unprotected person” includes a child and means a person who has not been protected from smallpox by having had the disease, either naturally or by inoculation or by having been successfully vaccinated, and who has not been certified under the provisions of this Order to be insusceptible to vaccination.

25. The parent or guardian of every child in Lesotho shall, unless such child is insusceptible or unfit or has suffered from smallpox, cause such child to be vaccinated by a public vaccinator, or other approved medical practitioner and the parent or guardian of every such child shall procure one of the following certificates on the form prescribed signed by a public vaccinator or other approved medical practitioner;

Vaccination of children

- (a) Certificate of successful vaccination;
- (b) Certificate of insusceptibility to vaccination;
- (c) Certificate of unfitness for vaccination;
- (d) Certificate that such child has suffered from smallpox.

Vaccination
of persons
entering
Lesotho

26. (1) Every unvaccinated adult person, or the parent or guardian of every unvaccinated child, in Lesotho shall cause himself or such child to be vaccinated immediately upon entering Lesotho.

(2) The conditions and exceptions described in section 25 shall *mutatis mutandis* apply to any adult person or child described in this section.

(3) A person shall be deemed to be unvaccinated if he has not been or fails to prove that he has been successfully vaccinated.

(4) Every person entering Lesotho for whatever purpose shall be in possession of a valid International Certificate of vaccination against smallpox.

Emergency
vaccination

27. In the event of the occurrence or threatened outbreak of smallpox in any area —

(a) a health officer may require any person who has or is suspected to have been in any way recently exposed to smallpox infection to be vaccinated or revaccinated forthwith and may require the parent or guardian of any child who has or is suspected to have been so exposed to have such child vaccinated or revaccinated forthwith. Any person failing to comply with such requirement shall be guilty of an offence.

(b) a health officer may, or when instructed by the Permanent Secretary for Health to do so shall, require all persons within a defined area to attend at specified centres to undergo examination, vaccination, or revaccination as circumstances may require. Notices in this regard shall be published in the Press, or posted up in public places, or otherwise as may be deemed sufficient by the health officer. Non-attendance shall be deemed to be an offence.

(c) any public vaccinator or medical practitioner duly authorized by the Permanent Secretary for Health may require any person in such area to furnish satisfactory proof that he has been successfully vaccinated within three years immediately preceding the date of such requirement. Any person who fails to furnish such proof in regard to himself or any child of which he is the parent or guardian, and refuses to allow himself or such child to be vaccinated, shall be guilty of an offence.

Persons
unfit for
vaccination

28. If a public vaccinator or medical practitioner is of opinion that any adult or child is not in a fit state to be vaccinated, he shall issue to the adult or to the parent or guardian of the child a certificate under his hand in the form set out in Schedule I to this Order, or to the like effect, that the adult or child is in an unfit state for vaccination and such certificate shall remain in force for six months but shall be renewable for successive periods of six months until the public vaccinator or medical practitioner deems the adult or child to be fit for vaccination when the adult or child shall with all reasonable despatch be vaccinated.

29. (1) If a public vaccinator or medical practitioner finds any adult or child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination or that the adult or child coming to him for vaccination has already been successfully inoculated or had smallpox, he shall deliver to the adult or to the parent or guardian of the child a certificate under his hand in the form set out in Schedule II to this Order.

Certificate of insusceptibility to be given

(2) A certificate of insusceptibility to vaccination shall be given by a public vaccinator or medical practitioner only after three unsuccessful attempts at vaccination at intervals of not less than one month have been made by him.

30. A public vaccinator or medical practitioner who vaccinated any adult or child, and is satisfied that the vaccination has been successful, shall deliver to such adult or to the parent or guardian of such child a certificate in the form set out in Schedule III to this Order certifying that the said adult or child has been successfully vaccinated.

Certificate of successful vaccination

31. No fee other than a fee authorized by the Minister shall be charged by any public vaccinator or medical practitioner for any certificate granted under this Order, or for any vaccination done by him in pursuance of this Order.

No unauthorized fee to be charged

32. A public vaccinator or medical practitioner giving any certificate under this Order shall enter thereon a description of the person in respect of whom the certificate is granted sufficient for the purpose of identification.

Description of person to be entered on certificate

33. Every superintendent or person in charge of a leper hospital or mental hospital, prison, reformatory, or other similar institution, shall cause to be vaccinated within fourteen days following his admission to such institution every inmate thereof who, being in a fit state of health to undergo vaccination, has not been successfully vaccinated within three years immediately preceding; if such person is at the time unfit to undergo vaccination he shall be vaccinated as soon as he is so fit.

Vaccination of inmates of institutions

34. (1) Any child admitted to any school without having been previously successfully vaccinated within three years immediately preceding shall be so vaccinated within the first year of such admission.

School attendance

(2) For the purpose of ascertaining whether the provisions of subsection (1) of this section are being observed, every health officer is hereby authorised and required whenever instructed by the Permanent Secretary for Health to visit any school, and make therein such inspection of the children attending thereat as will enable him to furnish prescribed particulars to the Permanent Secretary for Health as to the children who are unvaccinated.

35. Any candidate for appointment in the public service or the Lesotho Mounted Police may be required as a condition of such employment —

Vaccination of candidates for the public service

(a) to produce proof that he has already suffered from smallpox or has within the immediately preceding three

years been successfully vaccinated or found to be insusceptible to vaccination and where he has been found to be insusceptible to vaccination, that a certificate of insusceptibility has been issued by a medical practitioner; or

- (b) to undertake to submit himself to vaccination and to produce proof of successful vaccination within one month after the date of his appointment.

Inoculation
from arm
to arm, etc.,
forbidden

36. Any person who inoculates himself or any other person with material taken from a person suffering from smallpox or from a vaccine vesicle on another person or by any method not prescribed in regulations shall be guilty of an offence.

Regulations

37. The Minister may make regulations —

- (a) prescribing forms of certificate, notices, returns, and books of record to be used in connexion with public vaccination, and defining the information to be furnished therein, and requiring the furnishing and prescribing the manner of use thereof by Registrars of Births, public vaccinators, medical practitioners, parents or guardians of children, employers of labour and others;
- (b) conferring powers and imposing duties, in connexion with the carrying out or enforcement of vaccination, on magistrates, [District Administrators,] Justices of the Peace, members of the Police Force, or other Government Officers, persons in charge of schools, employers of labour, Chiefs, headmen and others;
- (c) prescribing the conditions under which vaccine lymph may be supplied free of charge to medical practitioners and others;
- (d) providing for the vaccination or revaccination of persons and assigning where deemed desirable the responsibility for carrying out of such vaccination or revaccination to specified bodies or employers of labour;
- (e) as to the application and enforcement of the provisions of this Part to persons entering Lesotho and for requiring, where deemed necessary, the vaccination or revaccination of any person before so entering.

GN 119/1970

PART V—PREVENTION OF INTRODUCTION OF DISEASES

Introduc-
tion of
diseases

38. (1) The Minister may by notice in the Gazette prohibit, restrict or regulate the immigration or importation into Lesotho of any person, animal, article or thing likely in his opinion, to introduce any communicable disease, or impose restrictions or conditions as regards the examination, detention, cleansing, or otherwise of any such person, animal article or thing.

(2) Any person who contravenes or fails to comply with any such notice shall be guilty of an offence, and shall be liable to fine not exceeding two hundred rands or to imprisonment, for

a period not exceeding six months or to both such fine and imprisonment.

39. (1) Where any person arriving in Lesotho by train or other conveyance is found to be suffering from any communicable disease, and in the opinion of a health officer cannot be accommodated or cannot be nursed and treated so as to guard against the spread of the disease or to promote recovery, a health officer may order the removal of such person to a hospital or place of isolation for such period as may be necessary in the interests of the patient or to prevent spread of infection.

Removal of
infected
persons

(2) All expenses necessarily incurred in dealing with a patient under this section shall be a charge against the said patient and may be recovered from him in the manner prescribed by law;

Provided that in the case of a person who is unable to pay any or all of such expenses necessarily incurred on his behalf, such expenditure or balance thereof shall be a charge on the Ministry of Health.

40. (1) Where any person arriving by train or other conveyance within Lesotho is believed to have been recently exposed to the infection, or may be in the incubation stage of any communicable disease, a health officer may require such person to be removed to some hospital or place of isolation until considered free from infection, or alternatively may allow such person to proceed to his place of destination and there report himself to a health officer for medical surveillance by such health officer until considered free from infection.

Surveillance
or isolation

(2) A health officer shall in each case notify the medical officer of the district where such person's destination is of the fact that such person is believed to have been recently exposed to infection and has been allowed to proceed to his destination.

41. (1) Any health officer may at any time board any train or other conveyance arriving within Lesotho and may inspect any portion thereof or anything therein and may medically examine or cause to be medically examined any person travelling by such train or other conveyance and require such person to answer any question for the purpose of ascertaining if such person is infected by or has recently been exposed to the infection of any communicable disease.

Powers

(2) Any person who refuses to allow such officer to board any train or other conveyance or to make any inspection or medical examination as aforesaid or otherwise obstructs or hinders any such officer in the execution of his duty, or who fails or refuses to give any information which he may lawfully be required to give, or who gives false or misleading information to any such officer, knowing it to be false or misleading, shall be guilty of an offence.

42. The Permanent Secretary for Health may, when he may consider it necessary for the prevention of the spread of any communicable disease, designate any health officer to inspect trains or other conveyance and any article or thing therein, and to

Health
officers to
inspect
railway
trains, etc.

examine any persons travelling by train or other conveyance, whether entering or leaving or travelling within Lesotho.

Powers to enforce precautions

43. (1) When it is considered necessary for the purpose of preventing the introduction of communicable disease into Lesotho, the Minister may by notice in the Gazette —

- (a) regulate, restrict or prohibit the entry into Lesotho at its borders or any specified part thereof of any person;
- (b) regulate, restrict or prohibit the introduction into Lesotho at its borders or any specified part thereof of any animal, article or thing;
- (c) impose requirements or conditions as regards the medical examination, detention, quarantine, cleansing, vaccination, isolation or medical surveillance or otherwise of persons entering Lesotho, or the examination, detention or cleansing or otherwise of any article or thing introduced into Lesotho at its borders or any part thereof;
- (d) apply with or without notifications any particular provisions of this Part to persons, animals, articles or things entering or introduced into, departing or removed from Lesotho by means of aircraft.

(2) Any person who contravenes or fails to comply with any such notice shall be guilty of an offence.

Agreements with other governments

44. The Minister may enter into agreements with any foreign country, providing for the reciprocal notification of outbreaks of any disease subject to International Health Regulations or other disease or any other matter affecting the public health relations of Lesotho with other countries.

Government not liable

45. Wherever under this Part powers are exercised by the Minister or other officer in accordance therewith and with the regulations and by reason of the exercise of such powers —

- (a) any person, conveyance, article or thing is delayed or removed or detained; or
- (b) any article or thing is damaged or destroyed; or
- (c) any person is deprived of the use of any article or thing; the Government shall not be liable to pay compensation, provided due care and reasonable precautions have been taken to avoid unnecessary delay or damage or destruction.

PART VI—VENEREAL DISEASES

Venereal diseases

46. The provisions of this Order unless otherwise expressed, in so far as they concern venereal disease shall be deemed to apply to syphilis, gonorrhoea Gonococcal ophthalmia, soft chancre, venereal warts and venereal granuloma.

Infected employees

47. (1) Every person, who, while suffering from any venereal disease in a communicable form, accepts or continues in employment in domestic service or in or about any factory, shop,

hotel, restaurant, house, or other place in any capacity entailing the care of children or the handling of food utensils or food intended for consumption or use by any other person shall be guilty of an offence, unless he proves that he did not know or suspect, and had no reasonable means of knowing or suspecting that he was so suffering, and shall be liable to a fine not exceeding fifty rands or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

(2) Every person shall be guilty of an offence who employs or continues to employ any person in domestic service suffering from any venereal disease in a communicable form, or if, by reason of any employment, such person is required or is permitted to have the care of children or to handle any food utensils or food intended for consumption or use by any person other than the person employed, unless the employer proves that he did not know or suspect, and had no reasonable means of knowing or suspecting that the person so employed by him was suffering from such disease.

48. Every person who wilfully or by culpable negligence infects any other person with venereal disease or does or permits or suffers any act likely to lead to the infection of any other person with any such disease, shall be guilty of an offence, and shall be liable to a fine not exceeding two hundred rands or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

49. (1) Where any person sentenced to imprisonment under this Order or any other law is suffering from venereal disease in a communicable form, he may, by order of a magistrate be removed to a special hospital or place of accommodation, and be detained under treatment therein until the expiry of his sentence, and the magistrate, on the representation of the medical practitioner treating such person, and if satisfied that the public health cannot otherwise adequately be safeguarded and that such person when released is unlikely to undergo treatment by a medical practitioner for such disease, may order that he be detained in such hospital or place either for a specified period after the expiry of his sentence or until he is cured or free from disease in a communicable form.

(2) Any person so detained in a hospital or other place of accommodation who escapes or attempts to escape therefrom shall be guilty of an offence.

50. Any person who feels he is being wrongfully detained in hospital under this Part shall be entitled to arrange, at his own expense, for his examination by any medical practitioner, and a report of such examination shall be furnished to the Permanent Secretary for Health, who may thereupon cause to be made any further examination of such person which he deems necessary. No person shall be detained in hospital under this Part who is not, or is no longer, suffering from a venereal disease in a communicable form.

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51. (1) No person shall publish any advertisement or statement intended to promote the sale of any medicine, appliance or article for the alleviation or cure of any venereal disease or disease affecting the generative organs or functions or of sexual impotence, or of any complaint or infirmity arising from or relating to sexual intercourse.

(2) Any person who publishes any such advertisement or statement by printing it in any newspaper or exhibiting it to public view in any place or delivering or offering or exhibiting it to any person in any street or public place or in any public conveyance or who sells, offers or shows it or sends it by post to any person, shall be guilty of an offence. For the purposes of this section "advertisement" or "statement" includes any paper, document, or book containing any such advertisement or statement.

(3) This section shall not apply to publication by the Ministry of Health, or other public body in the discharge of its lawful duties or by any society or person acting with the authority of the Permanent Secretary of Health, or to any books, documents or papers published in good faith for the advancement of medical science.

(4) No prosecution under this section shall be instituted except on information laid by the Permanent Secretary for Health.

52. (1) The Minister may make regulations —

- (a) prescribing forms of certificates, notices, orders or returns and books of record to be used in connexion with venereal disease, and defining the information to be furnished therein and requiring the furnishing and prescribing the manner of use thereof by health officers, district administrative secretaries and other officers;
- (b) conferring powers and imposing duties in connexion with venereal disease on health officers, [District Administrators] and other officers, employers of labour, occupiers of land on which reside persons and Chiefs or headmen;
- (c) providing for the effective enforcement of this Part as regards persons or classes of persons and assigning, where deemed desirable, responsibility in connexion therewith to health officers or employers of labour;
- (d) as to the management, maintenance and inspection of hospitals or other institutions for the purposes of this Part and the appointment of and duties of persons employed therein or otherwise in connexion with the carrying out or enforcement of this Part;
- (e) as to the classification, treatment, control and discipline of persons treated or detained in such hospitals or institutions;
- (f) prescribing the procedure of and precautions to be taken

by persons suffering from, or attending on or having the care or charge of persons suffering from venereal disease;
and generally for better carrying out the provisions and attaining the objects and purposes of this Part.

(2) Any person who contravenes or fails to comply with regulation made under this section shall be guilty of an offence.

PART VII—SANITATION AND HOUSING

53. No person shall cause a nuisance or allow a nuisance to continue on any land or premises owned or occupied by him or of which he is in charge which is likely to be injurious or dangerous to health.

Nuisances prohibited

54. (1) It shall be the duty of every health officer to take all lawful, necessary and reasonably practicable measures for maintaining his area at all times in a clean and sanitary condition, or requiring to be remedied, any nuisance or condition liable to be injurious or dangerous to health and to take proceedings at law against any person causing or responsible for the occurrence or continuance of any such nuisance or condition.

Duties of Health Officers regarding nuisances

(2) If it appears to a health officer that a nuisance exists on any premises occupied as offices of the public service of Lesotho, he shall report the circumstances to the head of the appropriate government department and the latter shall forthwith cause such steps to be taken as may be necessary to abate the nuisance and to prevent a recurrence thereof.

55. It shall be the duty of every health officer to take all lawful, necessary and reasonably practicable measures for preventing or causing to be prevented or remedied all conditions likely to be injurious or dangerous to health arising from the erection or occupation of unhealthy dwellings or premises, or the erection of dwellings or premises on unhealthy sites or on sites of insufficient extent, or from overcrowding, or from the construction, condition or manner of use of any factory or trade premises, and to take proceedings under the law or regulation in force against any person causing or responsible for the continuance of any such condition.

Unsuitable dwellings

56. (1) The following shall be deemed to be nuisances liable to be dealt with in the manner provided in this Part:

What constitutes a nuisance

- (a) any railway carriage or other conveyance in such a state or condition as to be injurious or dangerous to health;
- (b) any dwelling or premises or part thereof which is or are of such construction or in such a state or so situated or so dirty or so verminous as to be in the opinion of the health officer injurious or dangerous to health, or which is or are likely to promote the spread of any disease;
- (c) any street, road or part thereof, any stream, pool, ditch, gutter, water-course, sink, water tank, cistern, water closet, privy, urinal, cesspool, soak-away pit, septic tank,

cesspit, soilpipe, wastepipe, drain, sewer, garbage receptacle, dustbin, dung-pit, refuse-pit, slop-tank, ash-pit, manure heap so foul or in such state or so situated or constructed as in the opinion of a health officer to be offensive or to be injurious or dangerous to health;

- (d) any well or other source of water supply or any cistern or other receptacle for water, whether public or private, the water from which is used or is likely to be used by man for drinking or domestic purposes or in connexion with any dairy or milkshop, or in connexion with the manufacture or preparation of any article of food intended for human consumption, which is in the opinion of a health officer polluted or otherwise liable to render any such water injurious or dangerous to health;
- (e) any noxious matter, or waste water flowing or discharged from any premises wherever situated, into any public street, or into the gutter or side channel of any street or into any water-course, irrigation channel or bed thereof not approved for the reception of such discharge;
- (f) any stable, cow-shed or other building or structure used for keeping of animals or birds which is so constructed, situated, used or kept as to be offensive or which is injurious or dangerous to health;
- (g) any animal so kept as to be a nuisance, or injurious to health;
- (h) any accumulation or deposit of refuse, offal, manure or any other matter whatsoever which is offensive or which is injurious or dangerous to health;
- (i) any accumulation of stones, timber or other building material if such is in the opinion of a health officer likely to harbour rats or other vermin.
- (j) any premises in such a state or condition and any building so constructed as to be likely to harbour rats or other rodents;
- (k) any dwelling or premises which is so overcrowded as to be injurious or dangerous to the health of the inmates or is dilapidated or defective in lighting or ventilation or is not provided with or is so situated that it cannot be provided with sanitary accommodation to the satisfaction of a health officer;
- (l) any public or other building which is so situated, constructed, used or kept as to be unsafe, or injurious or dangerous to health;
- (m) any occupied dwelling for which such a proper, sufficient and wholesome water supply is not available within a reasonable distance as under the circumstances it is possible to obtain;
- (n) any factory or trade premises not kept in a clean state and free from offensive smell arising from any drain,

privy, water closet, earth closet, or urinal or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated, or so overcrowded or so badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein;

- (o) any factory or trade premises causing or giving rise to smells or effluents which are offensive or which are injurious or dangerous to health;
- (p) any area of land kept or permitted to remain in such a state as to be offensive, or liable to cause any communicable or preventable disease or injury or danger to health;
- (q) any chimney sending forth smoke in such quantity or in such a manner as to be offensive or injurious or dangerous to health;
- (r) any act, omission, or thing which is or may be offensive, dangerous to life, or injurious to health.

(2) The author of a nuisance means any person by whose act, default or sufferance nuisance is caused, exists or is continued whether he be the owner or occupier or both owner and occupier or any other person.

57. If a health officer is satisfied of the existence of a nuisance he shall have a notice served on the author of the nuisance, or if he cannot be found, then on the occupier or owner of the dwelling or premises on which the nuisance exists or continues, requiring him to remove it within the time specified in the notice, and to execute such work and do such things as may be necessary for that purpose and if the health officer deems it necessary specifying any work to be executed to prevent a recurrence of the said nuisance:

Notice to
remove
nuisance

Provided that—

- (a) where the nuisance arises from any want or defect of a structure or character, or where the dwelling or premises are unoccupied the notice shall be served on the owner;
- (b) where the author of the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act or default or sufferance of the occupier or owner of the dwelling or premises, the health officer shall have the same removed and may do what is necessary to prevent a recurrence thereof.

58. (1) If the person on whom a notice to remove a nuisance has been served as aforesaid fails to comply with any of the requirements thereof within the time specified, the health officer shall cause a complaint relating to such nuisance to be made before a magistrate and such magistrate shall thereupon issue a summons requiring the person on whom the notice was served to appear before his court.

Procedure
where
owner fails
to comply
with
notice

(2) If the court is satisfied that the alleged nuisance exists, the court shall make an order on the author thereof, or the occupier or owner of the dwelling or premises, as the case may be, requiring him to comply with all or any of the requirements of the notice or otherwise to remove the nuisance within a time specified in the order and to do any works necessary for that purpose.

(3) The court may by such order impose a fine not exceeding twenty-five rands on the person on whom the order is made and may also give directions as to the payment of all costs incurred up to the time of the hearing or making of the order for the removal of the nuisance.

(4) If the nuisance although removed since the service of the notice in the opinion of the health officer is likely to recur on the same premises, the health officer shall cause a complaint relating to such nuisance to be made before a magistrate and the magistrate shall thereupon issue a summons requiring the person on whom the notice was served to appear before him.

(5) If the court is satisfied that the alleged nuisance although removed is likely to recur on the same premises, the court shall make an order on the author thereof or the occupier or owner of the dwelling or premises, as the case may be, requiring him to do any specified work necessary to prevent the recurrence of the nuisance and prohibiting its recurrence.

(6) In the event of the person on whom such order as is specified in subsections (4) and (5) of this section not complying with the order within a reasonable time the health officer shall again cause a complaint to be made to a magistrate, who shall thereupon issue a summons requiring such person to appear before him and on proof that the order has not been complied with may impose a fine not exceeding one hundred rands and may also give directions as to the payment of all costs up to the time of the hearing.

(7) Before making any order, the court may, if it thinks fit, adjourn the hearing or further hearing of the summons until an inspection, investigation or analysis in respect of the nuisance alleged has been made by some competent person.

(8) Where the nuisance proved to exist is such as to render a dwelling unfit, in the opinion of the court, for human habitation, the court may issue a closing order prohibiting the use thereof as a dwelling until in its opinion the dwelling is fit for that purpose; and may further order that no rent shall be due or payable by or on behalf of the occupier of that dwelling in respect of the period in which the closing order exists; and on the court being satisfied that it has been rendered fit for use as a dwelling the court may terminate the closing order and by a further order declare the dwelling habitable, and from the date thereof such dwelling may be let or inhabited.

Notwithstanding any such last mentioned order further proceedings may be taken in accordance with this section in respect of the same building in the event of any nuisance occurring or of the dwelling being again found to be unfit for human habitation.

59. (1) Any person who fails to obey an order to comply with the requirements of the health officer or otherwise to remove the nuisance, shall, unless he satisfies the court that he has used all diligence to carry out such order, be liable to a fine not exceeding five rands for every day during which the default continues; any person wilfully acting in contravention of a closing order issued under the last preceding section shall be liable to a fine not exceeding five rands for every day during which the contravention continues.

Penalties in relation to nuisances

(2) A health officer may in such a case enter the premises to which any such order relates, and remove the nuisance and do whatever may be necessary in the execution of such order, and recover in any competent court the expenses incurred from the person on whom the order is made.

60. Whenever it appears to the satisfaction of the court that the person by whose act or default the nuisance arises, or that the owner or occupier of the premises is not known or cannot be found, the court may order the health officer forthwith to execute the works thereby directed and the cost of executing the same shall be a charge on the property on which the said nuisance exists.

Court may order examination

61. A health officer may enter any building or premises for the purpose of ascertaining as to the existence of any nuisance therein at all reasonable times and the health officer or any authorized officers may if necessary dig up the ground on such premises and cause the drains to be tested or such other work to be done as may be necessary for the effectual examination of the said premises:

Provided that if no nuisance is found to exist the Ministry of Health shall restore the premises at its own expense.

62. (1) Where under section 56 a nuisance is proved to exist with respect to a dwelling and the court is satisfied that such dwelling is so dilapidated or so defectively constructed or so situated that repairs to or alterations of the same are not likely to remove the nuisance and make such dwelling fit for human habitation, the court may order the owner thereof to commence to demolish the dwelling and other structures on the premises on or before a specified day, being at least one month from the date of issuing the order and to complete the demolition and to remove or before a specified day, being at least one month from the date the materials which comprised the same from the site before another specified day.

Demolition of dwellings

(2) The court shall give notice to the occupier of a dwelling in respect of which such an order has been issued requiring him to move therefrom within a time to be specified in such notice, and if any person fails to comply with such notice or enter the dwelling or premises after the date fixed except for the purpose of demolition he shall be guilty of an offence.

(3) If any person fails to comply with such an order for demolition he shall be guilty of an offence and be liable to pay the daily fine provided in section 59 and the health officer may

cause the dwelling and any other structures on the premises to be demolished and may recover from the owner the expense incurred in doing so after deducting the net proceeds of the sale of the materials, which the health officer may sell by auction.

(4) No compensation shall be paid by the Ministry of Health to the owner or occupier of any dwelling or other structure in respect of the demolition thereof as aforesaid, and from the date of the demolition order no rent shall be due or payable by or on behalf of the occupier in respect of such dwelling or structure.

Prohibitions

63. (1) Within any area to which the Minister may, by notice in the Gazette apply the provisions of this section, it shall not be lawful for any person after the commencement of this Order —

- (a) to erect any dwelling constructed on the back-to-back system; or
- (b) to erect any room intended to be used as a sleeping or living or work room which is not sufficiently lighted by a window or windows of a total area of not less than one-tenth of the floor area, and sufficiently ventilated by two or more ventilation openings or by windows capable of being wholly or partly open, such windows or openings being so placed as to secure through or cross ventilation; or
- (c) to erect any dwelling on made ground containing street sweepings, refuse, rubbish or other matter liable to decomposition until the approval of the health officer has been obtained and until also such measures for safeguarding health have been taken as the health officer may require.

(2) Any person who contravenes any provision of this section shall be liable on conviction to a fine not exceeding fifty rands or to imprisonment not exceeding three months and to a further fine not exceeding five rands for every day during which such contravention continues after the date fixed in any written notice in respect thereof from the health officer.

Regulations

64. The Minister may make regulations and may confer powers and impose duties in connexion with the carrying out and enforcement thereof on health officers, [District Administrators,] owners and others as to —

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- (a) the inspection of land, dwellings, buildings, factories and trade premises, and for securing the keeping of the same clean and free from nuisance and so as not to endanger the health of the inmates or the public health;
- (b) the periodical cleansing and white-washing or other treatment of dwellings and the cleansing of land attached thereto and the removal of rubbish or refuse therefrom;
- (c) the drainage of land, streets or premises, the disposal of offensive liquids and the removal and disposal of rubbish, refuse, manure and waste matters;

- (d) the standards of purity of any liquid which, after treatment in any purification works may be discharged therefrom as effluent;
- (e) the establishment and carrying on of factories or trade premises which are likely to cause offensive smells or effluents or to discharge liquid or other material liable to cause such smells or effluents, or to pollute streams, or are otherwise liable to be a nuisance or injurious or dangerous to health, and for prohibiting the establishment or carrying on of such factories or trade premises in unsuitable localities or so as to be a nuisance or injurious or dangerous to health;
- (f) the inspection of the district of any health officer by that health officer with a view to ascertaining whether the lands and buildings thereon are in a state to be injurious or dangerous to health and the preparation, keeping and publication of such records as may be required;
- (g) sanitary and hygienic conditions on premises or sites used for the purpose of public conveniences, or for amusement, or for recreational activities, or temporarily for groups of persons, such as day schools, creches, cinemas, churches, stadiums, open-air stalls, camps and mining encampments.

PART VIII PROTECTION OF FOODSTUFFS

65. (1) All warehouses or buildings of whatever nature used for the storage of foodstuffs shall be constructed of such manner as shall render such warehouse or building rat-proof.

Buildings used for storage of foodstuffs

(2) Where any warehouse or building intended for the storage of foodstuffs aforesaid has fallen into a state of disrepair, or does not afford sufficient protection against rat invasion by reason of the materials used in the construction of the same being defective, the health officer may by written notice require the owner to effect such repairs and alterations as the notice shall prescribe within a time to be specified in the said notice, and if such requirement is not complied with the health officer may enter upon the premises and effect such repairs and alterations, and may recover all costs and expenses incurred from the owner.

(3) Where any foodstuffs within a warehouse or building are insufficiently protected the owner thereof shall observe all written instructions and directions of the health officer within a time to be specified in the notice for the better protection of the same:

Provided that in the case of any prosecution under this section the court may in its discretion acquit the accused if it is satisfied that all reasonable steps have been taken to exclude rats having regard to all the circumstances of the case.

Buildings
in which
foodstuffs
are stored
or prepared
for sale

66. (1) No person shall reside or sleep in any kitchen or room in which foodstuffs are prepared or stored for sale.

(2) If it appears that any such kitchen or room is being so used contrary to the provisions of this section, or that any part of the premises adjoining the room in which foodstuffs are stored or exposed for sale is being used as a sleeping apartment under such circumstances that the foodstuffs are likely to be contaminated or made unwholesome, the health officer may serve upon the offender or upon the owner of the house, or upon both, a notice calling for such measures to be taken as shall prevent the improper use of such kitchen and premises within a time to be specified in the notice, and if such notice be not complied with the party upon whom it was served shall be guilty of an offence.

PART IX—WATER AND FOOD SUPPLIES

Duty of
health
officers

67. It shall be the duty of every health officer to take all lawful, necessary and reasonably practicable measures to ensure the purity of any supply of water which the public has a right to use and does use for drinking or domestic purposes, and to take all necessary measures against any person so polluting any such supply or polluting any streams so as to be a nuisance or danger to health.

Sale of
tainted food

68. (1) No person shall sell or expose for sale or bring into Lesotho or into any market or have in his possession without reasonable excuse any food for human consumption in a tainted, adulterated, diseased or unwholesome state, or which is unfit for human consumption, or any food for any animal which is in an unwholesome state or unfit for its use and any health officer, veterinary officer, or police officer of or above the rank of sergeant may seize any such food, and any [District Administrator,] magistrate or a health officer or approved veterinary officer may order it to be destroyed, or to be so disposed of as to prevent it from being used as food for humans or animals as the case may be.

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(2) No person shall collect, prepare, manufacture, keep, transmit or expose for sale any foodstuffs without taking adequate measures to guard against or prevent any infection or contamination thereof.

Seizure

69. Any health officer or other person duly authorized by him in writing, may at any time between the hours of 6 a.m. and 6 p.m., enter any shop or premises used for the sale or preparation for sale, or for the storage of food, to inspect and examine any food found therein which he has reason to believe is intended for human consumption, and should such food appear to such officer to be unfit for such use, he may seize the same, and any magistrate or [District Administrator] may order it to be disposed of as in the foregoing section. The onus of proof that such food was not exposed for sale or intended for human consumption shall be on the person charged.

70. Any person in whose possession there shall be found any food liable to seizure under sections 68 and 69 shall in addition be liable to a penalty not exceeding two hundred rands or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

71. The Minister may make regulations in regard to all or any of the following matters —

- (a) the inspection of dairies, markets, stock-sheds or yards, milk-shops, milk-vessels and slaughter-houses, and of factories, stores, shops and other places where any article of food is manufactured, prepared, kept or sold;
- (b) the taking and examination of samples of milk, dairy produce, meat or other articles of food and the removal or detention, pending examination or enquiry of animals or articles which are suspected of being diseased, unsound, unwholesome or unfit for human consumption, and the seizure and destruction or treatment or disposal so as not to endanger health, of any such article which is found to be unwholesome, unsound, diseased or infected or contaminated, and of diseased animals sold or intended or offered or exposed for sale for human consumption; and regulations may empower a health officer, or (in the case of meat) a Veterinary Officer, to detain, seize or destroy any diseased, unsound or unwholesome article of food, but shall not confer on any other person any power beyond that of detention of such article for the purpose of examination;
- (c) fixing standards of milk contents and cleanliness of milk and prescribing the warning to be given to any cow-keeper, dairyman or purveyor of milk that any milk sold or kept or transmitted or exposed for sale by him has been found to be below any such standard, and the issue of orders prohibiting the sale or keeping or exposure for sale of milk from any particular animal or animals or requiring the closing of any dairy, stock-shed or yard or milk shop, the milk from which is found after analysis and official warning to be below any such standard;
- (d) the conveyance and distribution of milk and the labelling or marking of receptacles used for the conveyance of milk;
- (e) the veterinary inspection of dairy stock, the sampling and bacteriological examination of milk and dairy produce and the prevention of the sale, or the keeping, transmission or exposure for sale of milk from a diseased or infected animal;
- (f) the duties of cow-keepers, dairymen and purveyors of milk in connexion with the occurrence of communicable disease amongst persons residing or employed in or about their premises and the furnishing by them of the names and addresses of their customers, and of cow-keepers, in connexion with reporting the occurrence, in animals on the premises or any dairy cattle of diseases

which are communicable to man and of any diseases of the udder;

- (g) the inspection and examination of, and the regulation, inspection and supervision of the manufacture, preparation, storage, keeping and transmission of any article of food intended for sale or for export from Lesotho and the prohibition of the manufacture, preparation, storage, keeping, transmission, sale or export from Lesotho of any such article which is, or contains an ingredient which is diseased or unsound or unfit for human consumption, or which has been exposed to any infection or contamination;
- (h) the medical supervision and hygiene of food-handlers, including the provision of requisite hand-washing and sanitary facilities for such food-handlers;
- (i) prohibiting the importation into Lesotho of any article of food which is not clean, wholesome, sound and free from any disease or infection or contamination, and the seizure and disposal by destruction or otherwise of any such article so imported;
- (j) the preparation, manufacture or importation and the storage and sale of or trade in articles of food which are packed in airtight receptacles or are otherwise preserved, and the marking of any such article or receptacle with the date of manufacture or preparation;
- (k) prohibiting the importation, sale, possession or use of vessels which are intended to contain milk or any liquid or semi-solid article of food and which are rusty or defectively soldered or are made of material containing in any part likely to come in contact with the contents, lead or other poisonous or injurious substance in such proportion as to be likely to cause injury or danger to health, and fixing the maximum proportions of such substances which may be used in such vessels;
- (l) requiring the marking or stamping in any manner prescribed by such rules of any article of food for the purposes of showing clearly the nature, quality, weight, contents, place of manufacture or origin of any such article, and any other particulars whether of the same kind or not prescribed in such rules in regard to any such article;
- (m) requiring the medical examination of any person in any premises in which any milk or dairy produce or other article of food intended for sale is collected, kept sold, or exposed for sale, or of any person who has been engaged in the collection, preparation, keeping, conveyance or distribution of any such milk or produce or article;
- (n) prohibiting the employment by any cow-keeper, dairyman or purveyor of milk or other person in connexion with the collection, preparation, storage, distribution or

sale of milk, or dairy produce or any article of food of any person who has been proved to be a carrier of the infection of typhoid or enteric fever or other communicable disease, while so infected;

- (o) requiring the closing of any stock-shed or yard, dairy or milk-shop, or the exclusion from any stock-shed or dairy premises of any animal the milk from which is believed to have conveyed or to be liable to convey any communicable disease;
- (p) prohibiting the sale or exposure for sale of milk by any cow-keeper, dairyman or purveyor of milk who has been three times convicted of offences under any laws or rules regarding the milk trade.

PART X—CEMETERIES

72. (1) It shall be lawful for the Minister to select and declare within Lesotho and to notify in the *Gazette* proper places to be the sites of and to be used as cemeteries; and save as in subsection (2) of this section provided it shall be obligatory where such cemeteries exist to bury the dead in such cemeteries.

Sites

(2) It shall not be lawful for any person to remove any corpse from Lesotho or to cremate any corpse within Lesotho without express permission in writing and subject to such conditions as the Minister may by regulation prescribe.

73. All cemeteries existing at the time this Order comes into operation and such other cemeteries as may be authorized by the Minister, notice whereof shall be published in the *Gazette*, shall be deemed authorized cemeteries.

Authorized
cemeteries

74. (1) Subject to the provisions of section 75 it shall not be lawful to exhume any body or the remains of any body which may have been interred in any authorized cemetery or in any other cemetery, burial ground or other place without a permit granted in manner hereinafter provided.

Permit to
exhume

(2) Such permit shall be granted only to the legal personal representative or next of kin of the person buried, or to his or their duly authorised agent.

(3) Such permit may be granted by the Permanent Secretary for Health in respect of any body or the remains of any body interred in any cemetery or burial ground or any other place and the Permanent Secretary for Health may prescribe such precautions and conditions as he may deem fit, and any person who exhumes any body or the remains of any body contrary to this Order, or who neglect to observe the precautions and conditions prescribed in the permit shall be guilty of an offence:

Provided always that nothing herein contained shall be deemed to affect the right of a magistrate to order the exhumation of a body or the remains of any body for the purpose of holding an enquiry into the cause of death of any person.

Essential
exhumation

75. (1) It shall be lawful for the Minister whenever he deems it expedient for the execution of any public work or any public, mining or industrial purpose, to remove any body or the remains of any body from any grave whether in an authorized cemetery or elsewhere, and by order under his hand to direct such removal to be made in such manner as he shall direct.

(2) No such order shall be made in respect of any grave situated in an authorized cemetery until six month's notice of the intention to make it shall have been given by notification in the Gazette.

Reinterment

76. The Ministry of Health shall make proper and fitting arrangements for the reinterment in an authorized cemetery of any body or remains of any body removed under this section, and for the removal and re-erection of any monument, all charges in connexion therewith being defrayed out of the consolidated fund.

Record of
exhumations

77. The Permanent Secretary for Health shall keep a record of every permit granted and of every order made under the provisions of the last two sections. Such record shall contain particulars, so far as the same can be ascertained, of the race, nationality, name, sex and age of the persons buried, date of burial and of the place of original burial and of reburial or removal. Such record shall be open during office hours to inspection by any person.

Closing of
cemeteries

78. It shall be lawful for the Minister to notify in the Gazette that any cemetery or burial ground shall, from a time in such notification to be specified be closed, and the same shall be closed accordingly, and any person who after the said specified time buries any body or the remains of any body in the said cemetery or burial ground, shall be guilty of an offence.

PART XI—GENERAL

Basements

79. (1) It shall not be lawful to live in, occupy or use or to let or sublet, or to suffer or permit to be used any basement for human habitation.

(2) It shall not be lawful, without the written permission of a health officer, to use such basement as a shop, workshop, or factory, or for the preparation or storage of food, and no basement shall be used unless it is well lit and well ventilated and is free from damp and is rendered rodent proof to the satisfaction of a health officer.

Lodging-
houses

80. The Minister may make regulations for the conduct and inspection of lodging-houses, boarding-houses or any dwelling or part thereof which is let or sub-let as lodgings.

Nursing
homes

81. (1) No person shall open or keep open a nursing home, maternity home, convalescent home, private hospital, clinic, or any institution where invalids or convalescents are treated or received upon payment of fees or charges unless such premises are registered and the keeper or manager thereof is licensed annually by the Permanent Secretary for Health.

(2) The Permanent Secretary for Health may authorise a health officer to visit any such premises as in this section mentioned to report to him upon any matter or this connected with the premises or the use thereof.

(3) Any person who knowingly obstructs an authorized health officer in any such inspection shall be guilty of an offence.

82. The Permanent Secretary for Health may by public notice prohibit the washing of clothes by washermen in the exercise of their calling except at public wash-houses or at such other places as he may appoint for the purpose. **Public washermen**

83. The Minister may make regulations for ensuring that the health of the inhabitants of any area may be safeguarded in respect of — **Regulations**

- (a) the prevention of pools of standing water;
- (b) the drainage and control of such pools when they exist;
- (c) the inspection, repair and cleansing of open channels, canals and drains.

84. (1) The Permanent Secretary for Health may provide for the inspection, sampling and examination by officers of the Ministry, of vaccines, vaccine lymph, sera, toxins, anti-toxins, antigens, insulin, salvarsen, and any other therapeutic substance as defined by regulation, imported into or manufactured in Lesotho and intended or used for the prevention or treatment of human or animal diseases, and shall regulate their sale or supply, and may prohibit their sale or supply, and may prohibit the importation, manufacture, sale or use of any such substance which is considered to be unsafe or to be liable to be harmful or dangerous to health. **Supervision of vaccines, etc.**

(2) The Minister may make such regulations as he may consider necessary for carrying out the provisions of this section.

PART XII—MISCELLANEOUS PROVISIONS

85. Notices, orders and other documents required or authorized to be served under this Order may be served 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 occupier of premises by delivering the same, or a true copy thereof, to some responsible person on the premises, or can be served by fixing the same on some conspicuous part of the premises, or may be served by the headman of the area and they may also be served by post by a prepaid letter and if served by post shall **prima facie** be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice, order or other document was properly addressed and put in the post. **Service of notices**

86. No defect in the form of any notice or order made under this Order shall invalidate or render unlawful the administrative action, or be ground for exception to any legal proceedings which **Defect in form**

may be taken in the matter to which such notice or order relates, provided the requirements thereof are substantially and intelligibly set forth.

Powers of
entry and
inspection

87. (1) Any health officer, veterinary officer or any police officer of or above the rank of sergeant or any other person generally or specially authorized in writing by the Permanent Secretary for Health, may, at any hour reasonable for the proper performance of the duty, enter any land or premises to make any inspection or to perform any work or to do anything which is required or authorized by this Order or any other law to be done, if such inspection, work or thing is necessary for or incidental to the performance of his duties or the exercise of his powers.

(2) Any person who fails to give or refuses access to any health officer, veterinary officer, sergeant or person authorized under subsection (1) of this section if he requests entrance on any land or premises, or obstructs or hinders him in the execution of his duties under this Order, or who fails or refuses to give information that he may lawfully be required to give to such health officer, veterinary officer, sergeant or person, or who gives to such health officer, veterinary officer, sergeant or person false or misleading information knowing it to be false or misleading, or who prevents the owner or any of his servants or workmen from entering any land or dwelling or premises for the purpose of complying with any requirement under this Order shall be guilty of an offence.

Penalties
not
expressly
provided for

88. Any person guilty of an offence against or contravention of, or default in complying with, any provision of this Order shall, if no penalty is expressly provided for such offence, contravention or default, be liable on conviction to a fine not exceeding two hundred rands or to imprisonment not exceeding six months and if the offence, contravention or default is of a continuing nature, to a further fine not exceeding five rands for each day during which he shall make default provided that where the offence is in respect of any building or premises for which a licence is required under any law for the time being in force the court before which any such conviction is obtained may in addition to or in substitution for any of the aforesaid penalties revoke or suspend such licence.

Power to
make
regulations

89. The Minister shall have power to make regulations generally for the carrying out of the purposes of this Order, provided that prior to publishing regulations or notices under any of the Parts of this Order relating to animals or poultry or animal or poultry diseases the Minister shall be required to consult with the Minister responsible for Agriculture.

Repeal

90. The Public Health Proclamation No. 18 of 1921 is hereby repealed.

SCHEDULE I

(See Section 28)

I, the undersigned, hereby certify that in my opinion
..... is not now in a fit and proper state to be
vaccinated, and I do hereby recommend that the vaccination be
postponed for the period of six months from this date.

Dated this day of 19.....

.....
(Signature of Medical Practitioner
or Public Vaccinator).

SCHEDULE II

(See Section 29)

I, the undersigned, hereby certify that I have three times
unsuccessfully vaccinated (or that
..... has already had smallpox as the case
may be) and I am of opinion that the said is
unsusceptible of successful vaccination.

Dated this day of 19.....

.....
(Signature of Medical Practitioner
or Public Vaccinator).

INTERNATIONAL CERTIFICATE OF VACCINATION OR REVACCINATION AGAINST SMALLPOX.

SCHEDULE III

This is to certify that date of birth sex

whose signature follows

has on the date indicated been vaccinated against smallpox.

Date	Show by 'x' whether	Signature and Professional status of vaccinator	Approved stamp	
1a	Primary vaccination performed		1a	1b
1b	Read as successful			
	Unsuccessful			
2	Revaccination		2	3
3	Revaccination			
4	Revaccination		4	5
5	Revaccination			
6	Revaccination		6	7
7	Revaccination			

The validity of this certificate shall extend for a period of three years beginning eight days after the date of a successful primary vaccination or in the event of a revaccination, on the date of that revaccination.

The approved stamp mentioned above must be in a form prescribed by the Health Administration of the territory in which the vaccination is performed.