
Mosquito Control Act 1980

NIUE LAWS LEGISLATION AS AT DECEMBER 2006

MOSQUITO CONTROL ACT 1980

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- 1 Short title
- 2 Interpretation
- 3 Duty to keep land and premises clear of responsibilities mosquitoes
- 4 Littering and dumping prohibited
- 5 Duties and powers of Health Inspectors
- 6 Non-compliance with a Mosquito Control Order
- 7 Continuing non-compliance
- 8 Absent persons with mosquito control
- 9 Offences
- 10 [Spent]

To provide for the enforcement of mosquito control measures for the protection of the public health from diseases transmitted by mosquitoes

1 Short title

This is the Mosquito Control Act 1980.

2 Interpretation

In this Act –

"building" means any construction whatsoever and includes any shop, school, hospital, hall, church, house, outside kitchen or out-house, but does not include a shed constructed in the bush for storage purposes;

"dwelling" means any building used for the purpose of human habitation;

"Health Inspector" means any Inspector of Health appointed under section 7 of the Public Health Act 1965;

"mosquito control order" means an order made by a Health Inspector under section 5.

3 Duty to keep land and premises clear of mosquitoes

Every person who uses the land belonging to any dwelling or building or who is responsible for the care and management of such dwelling or building, is under a duty to ensure that –

(a) All land around any building or dwelling shall be kept clear of mosquito breeding and nesting places as hereinafter provided;

(b) No water shall be stored (except in appropriate quantities for domestic use) in any receptacle capable of holding water, unless adequately protected against mosquitoes;

(c) Any such land shall be kept clear of bush, scrub and any mass of rotting vegetation likely to harbour mosquitoes within a radius of 60 metres from any dwelling or building;

(d) Any such land shall be kept clear of any bottle (whole or broken), tin, coconut shell, or any other article whatsoever likely to retain water and so become a breeding place for mosquitoes.

4 Littering and dumping prohibited

Every person who litters or dumps on any land whatsoever (not being land designated for that purpose by Cabinet), any bottle (whole or broken), tin, coconut shell, shell or any other article whatsoever likely to retain water commits an offence.

5 Duties and powers of Health Inspectors

(1) Any duly appointed Health Inspector may enter on and inspect any land or premises at any reasonable time for the purpose of ensuring compliance with section 3.

(2) Whenever a Health Inspector ascertains –

(a) The presence of mosquitoes or mosquito larvae;

(b) The location of breeding or resting places of mosquitoes; he shall make an order prescribing necessary and practical measures for the eradication of those mosquitoes and mosquito larvae.

(3) Whenever a Health Inspector makes an order under subsection (2) and that order is not complied with within 7 days he shall begin prosecution under this Act.

6 Non-compliance with a Mosquito Control Order

Every person who fails to perform his or her mosquito control duty as defined under section 3 and who fails to abide by an order of a Health Inspector within 7 days of such order commits an offence.

7 Continuing non-compliance

Every person who has been convicted of an offence against section 6 and who fails to comply with the Health Inspector's order within 7 days after such conviction commits a further offence.

8 Absent persons with mosquito control responsibilities

In any case where –

- (a) Any person having responsibilities under section 3 has departed from Niue without appointing an agent to act in his stead in performing those responsibilities; and
- (b) A Health Inspector has made an order in respect of land for which that person is responsible;

the court, on application by the Director of Health may make an order for the Director of Works to enter on the land and at the expense of the responsible person carry out the work as specified in the Court order, and all such expenses shall be recoverable from that person as a debt to the Crown.

9 Offences

Every person who commits an offence against this Act shall on conviction be liable to a fine not exceeding 2 penalty units and save in exceptional circumstances not less than 0.5 penalty units.

10 [Spent]