



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 9.21

## PUBLIC HEALTH ACT and Subsidiary Legislation

### Revised Edition

showing the law as at 31 December 2020

This is a revised edition of the law, prepared by the Law Commission under the authority of the Law Commission Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

	Page
<b>PUBLIC HEALTH ACT</b>	3
<b>Act 22 of 1969</b> ... in force 1st December 1970	
Amended by: Act 7 of 1976	
Act 9 of 1986	
Act 5 of 2001	
Act 15 of 2020	
<b>PUBLIC HEALTH (ESTABLISHMENT OF A BOARD OF         HEALTH) ORDER – Section 6(1)</b>	20
S.R.O. 4/1973	
<b>PUBLIC HEALTH (NUISANCES) REGULATIONS – Section 11</b>	21
S.R.O. 19/1974	
<b>PUBLIC HEALTH (KEEPING OF ANIMALS) REGULATIONS – Section 11</b>	25
S.R.O. 20/1974	
Amended by: S.R.O. 30/1985	
S.R.O. 23/1986	
<b>PUBLIC HEALTH (OFFENSIVE TRADES) REGULATIONS – Section 11</b>	27
S.R.O. 21/1974	

<b>PUBLIC HEALTH (COLLECTION AND DISPOSAL OF REFUSE)</b>	
<b>REGULATIONS – Section 11</b>	30
S.R.O. 39/1978	
<b>BAKEHOUSES REGULATIONS – Section 11</b>	35
S.R.O. 15/1953	
<b>FOOD REGULATIONS – Section 11</b>	37
S.R.O. 12/1953	
<b>HEALTH (SWINE) REGULATIONS – Section 11</b>	41
S.R.O. 12/1929	
<b>ICE AND AERATED WATER MANUFACTURING (NEVIS)</b>	
<b>REGULATIONS – Section 11</b>	41
S.R.O. 15/1939	
<b>ICE AND AERATED WATER MANUFACTURING</b>	
<b>(SAINT CHRISTOPHER) REGULATIONS – Section 11</b>	44
S.R.O. 6/1936	
<b>INFECTIOUS DISEASES (SHIPS) REGULATIONS – Section 11</b>	46
S.R.O. 23/1943	
<b>INFECTIOUS DISEASES (SURVEILLANCE) REGULATIONS – Section 11</b>	46
S.R.O. 22/1926	
<b>LOCAL AUTHORITIES (POWERS AND DUTIES)</b>	
<b>REGULATIONS – Section 11</b>	47
S.R.O. 19/1952	
<b>MILK REGULATIONS – Section 11</b>	50
S.R.O. 14/1953	
<b>MOSQUITO CONTROL REGULATIONS – Section 11</b>	53
S.R.O. 6/1954	
<b>NIGHT SOIL (SAINT CHRISTOPHER) REGULATIONS – Section 11</b>	57
L.I. 1923	
<b>PUBLIC HEALTH (NEVIS) REGULATIONS – Section 11</b>	57
L.I. 1923	
<b>PUBLIC HEALTH (NO. 1) (SAINT CHRISTOPHER)</b>	
<b>REGULATIONS – Section 11</b>	59
S.R.O. 17/1952	
<b>PUBLIC HEALTH (NO. 2) (SAINT CHRISTOPHER)</b>	
<b>REGULATIONS – Section 11</b>	61
S.R.O. 13/1953	
<b>ENVIRONMENTAL HEALTH OFFICERS (DUTIES)</b>	
<b>REGULATIONS – Section 11</b>	63
S.R.O. 6/1952	
<b>PUBLIC HEALTH (QUARANTINE) REGULATIONS – Section 11</b>	66
S.R.O. 2/2020	
Amended by: S.R.O. 8/2020	

**CHAPTER 9.21****PUBLIC HEALTH ACT**

## ARRANGEMENT OF SECTIONS

1. Short title
  2. Interpretation
  3. Duties and functions of the Minister
  4. Exercise of the duties, powers and functions of the Minister
  5. Establishment of health and sanitation districts
  6. Establishment of boards and committees
  7. Appointment of Public Health Officers
  8. Delegation of Minister's authority to officers
  9. Health Emergency Operating Centre
  10. Delegated powers of Local Councils, etc.
  11. Regulations
  12. Scope of Regulations
  13. Publication of Regulations
  14. Existing subsidiary legislation
  15. Power of Local Councils to make By-Laws
  16. Offences and penalties generally
  17. Limitation of proceedings
  18. Who may lay information
  19. Venue of trial
  20. Liability of employer
  21. References to owner or occupier of premises
  22. Service of notices and documents
  23. Action may be taken at expense of owner or occupier
  24. Remedies by persons aggrieved by notices, etc.
  25. Document or writing signed by Minister or officer to be admissible in evidence
  26. Onus of proof
  27. Exemption from liability of officers acting *bona fide*
  28. Powers under Act, etc., to be additional
- FIRST SCHEDULE: Public Health (Establishment Of A Board Of Health) Order
- SECOND SCHEDULE: Public Health (Nuisances) Regulations
- THIRD SCHEDULE: Public Health (Keeping of Animals) Regulations
- FOURTH SCHEDULE: Public Health (Offensive Trades) Regulations
- FIFTH SCHEDULE: Public Health (Collection and Disposal of Refuse) Regulations
- SIXTH SCHEDULE: Bakehouses Regulations
- SEVENTH SCHEDULE: Food Regulations
- EIGHTH SCHEDULE: Health (Swine) Regulations
- NINTH SCHEDULE: Ice and Aerated Water Manufacturing (Nevis) Regulations
- TENTH SCHEDULE: Ice and Aerated Water Manufacturing (Saint Christopher) Regulations

ELEVENTH SCHEDULE:	Infectious Diseases (Ships) Regulations
TWELFTH SCHEDULE:	Infectious Diseases (Surveillance) Regulations
THIRTEENTH SCHEDULE:	Local Authorities (Powers and Duties) Regulations
FOURTEENTH SCHEDULE:	Milk Regulations
FIFTEENTH SCHEDULE:	Mosquito Control Regulations
SIXTEENTH SCHEDULE:	Night Soil (Saint Christopher) Regulations
SEVENTEENTH SCHEDULE:	Public Health (Nevis) Regulations
EIGHTEENTH SCHEDULE:	Public Health (No. 1) (Saint Christopher) Regulations
NINETEENTH SCHEDULE:	Public Health (No. 2) (Saint Christopher) Regulations
TWENTIETH SCHEDULE:	Environmental Health Officers (Duties) Regulations
TWENTY-FIRST SCHEDULE:	Public Health (Quarantine) Regulations

## CHAPTER 9.21

### PUBLIC HEALTH ACT

AN ACT TO MAKE PROVISION FOR THE LAW RELATING TO PUBLIC HEALTH, AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

#### Short title.

1. This Act may be cited as the Public Health Act.

#### \*Interpretation.

2. In this Act—

“building” includes any public or private building, any house or dwelling place and any structure of whatever material constructed, but shall not include a temporary structure of poles and leaves or branches;

“Community Health Nurse” means a nurse appointed as such under this Act for the performance of duties prescribed by this Act or Regulations made under this Act;

*(Inserted by Act 5 of 2001)*

“Department” means the Ministry of Health;

“disease” includes any disease which, in any Regulations made under this Act respecting disease control, is listed, described or referred to as an infectious disease which is notifiable;

“drug” includes any substance or mixture of substances, whether intended for internal or external use, which is manufactured, sold or offered for sale for use in—

- (a) the diagnosis, treatment, mitigation or prevention of a disease, or the symptoms thereof, in man or animal;
- (b) restoring, correcting or modifying organic functions in man or animal;  
or
- (c) disinfection in premises in which food is manufactured, prepared or kept, or for the control of vermin in such premises;

“Environmental Health Officer” means any person appointed as such under this Act to perform any of the functions prescribed under this Act or any Regulations made under this Act and includes the Chief Environmental Health Officer;

*(Inserted by Act 5 of 2001)*

“food” includes ice and any article manufactured, sold or offered for sale as food or drink for man, as well as chewing gum and any ingredient that may be mixed with food or drink for any purpose, but shall not include drugs or water;

“HEOC” means the Health Emergency Operating Centre referred to in section 9;

*(Inserted by Act 15 of 2020)*

“Local Council” means a Local Council established and constituted under the provisions of the Local Government Act, Cap. 2:03;

“Medical Officer of Health” means a person duly appointed or authorised to act as a Medical Officer of Health under this Act, and includes the Chief Medical Officer;

---

\* “Public Health Inspector” and “Public Health Nurse” deleted by Act 5 of 2001.

“Minister” means the member of the Cabinet for the time being charged with the subject of Health;

“National Health Emergency Response Mechanism” refers to the National Health Emergency Response Mechanism that is set out in the National Health Disaster Management Plan;

*(Inserted by Act 15 of 2020)*

“nuisance” includes any act not warranted by law, or any omission to discharge a legal duty, which act or omission causes inconvenience or interferes with personal comfort, or is likely to be prejudicial to the public health or public safety;

“occupier” includes the person in occupation or having the charge, management or control of any premises or building or part thereof, whether on his or her own account or on behalf of another person;

“offensive trade” includes any trade, business or manufacture from time to time listed or described as such in any Regulations made under this Act dealing with offensive trades and their suppression or control;

“officer” means the Chief Medical Officer, Medical Officers of Health, District Medical Officers, Community Health Nurses or Environmental Health Officers;

*(Substituted by Act 5 of 2001)*

“premises” includes lands, whether public or private, open or enclosed, built on or not, and all buildings, streets, docks, quays, wharves, streams, drains, privies, water closets, baths, sewage systems, ditches, vehicles, aircraft, ships, vessels, boats, hulks and barges;

“Regulations” means Regulations made under this Act, and unless otherwise specifically provided, a reference herein to this Act shall include reference to the Regulations;

“State” means the Federation of Saint Christopher and Nevis;

*(Substituted by Act 5 of 2001)*

“street” includes any highway, bridge, road, lane, footway, footpath, yard, square, court, alley, or passage, whether a thoroughfare or not.

### **Duties and functions of the Minister.**

**3.** The duties, powers and functions of the Minister shall extend to and include all matters relating to the promotion or preservation of the health of the people of the State, and without restricting the generality of the foregoing, shall extend to and include—

- (a) the prevention, treatment, limitation and suppression of disease, including the conduct of investigations and inquiries in respect thereof;
- (b) the publication of reports, information and advice concerning public health, including advice to the Government, and the education of the public in the promotion and preservation of health;
- (c) the abatement of nuisances and the removal or correction of any condition that may be injurious to the public health;
- (d) (subject to the provisions of any law dealing with the distribution and price of goods), the importation of foods and drugs, the sale and

conditions of sale of foods and drugs in the interest of public health and the prevention of fraud or deception, and the seizure and destruction of foods and drugs which do not comply with the provisions of this Act or the Regulations or of any other law of the State; and

(e) the administration of this Act.

#### **Exercise of the duties, powers and functions of the Minister.**

4. (1) In the exercise of his or her duties, powers and functions under section 3 of this Act, the Minister shall have power—

(a) exercisable through Environmental Health Officers and other officers, to enter into or upon any premises, with or without the consent of the owner or occupier, and make such inspection or examination thereof as may be deemed necessary for the purposes of this Act;

*(Amended by Act 5 of 2001)*

(b) to enter and inspect public or private institutions utilized for the physical care or custody of any person accommodated therein whether by process of law or otherwise, and to ensure that such institutions are maintained in a proper and sanitary condition as regards public health;

(c) to make such orders and issue such directions as he or she deems advisable for the abatement of a nuisance or the removal of any condition which, in his or her opinion, is or may become injurious to the public health, including structural alterations or repairs to premises necessary therefor or in respect of any other matter that, in his or her opinion, is necessary for the purpose of this Act.

(2) The Minister may, in writing, delegate to a Local Council or other local authority power to exercise, carry out and perform within the geographical area of such Local Council or such other local authority as aforesaid, such of his or her duties, powers and functions under this Act as he or she deems advisable and on such terms and conditions as he or she may prescribe.

#### **Establishment of health and sanitation districts.**

5. The Minister may establish health or sanitation districts for the State, fix the boundaries thereof, and assign duties and functions in relation thereto to such officers as he or she may deem necessary:

Provided however that the health and sanitation districts in existence immediately before the coming into force of this Act shall be deemed to be established under this Act and shall remain in existence with their existing boundaries until further action is taken by the Minister under this section.

#### **Establishment of boards and committees.**

6. (1) The Minister may establish boards and committees to assist and advise him or her on matters relating to his or her duties, powers or functions under this Act.

(2) Such boards and committees may be established for the whole of the State or for any specified area or areas thereof as he or she may from time to time deem necessary, and he or she may delegate to such boards and committees such duties, powers and functions as he or she deems advisable.

(3) Any board or committee so established shall consist of such persons as in the opinion of the Cabinet are representative of some aspect of public health and,

without limiting the generality of the foregoing, may include representatives of agriculture, labour, management, education, women's organisations, medical or para-medical professions and Local Councils and other local authorities.

(4) Members of such boards or committees shall be appointed by the Cabinet to hold office during pleasure for a period not exceeding three years, but any person so appointed shall be eligible for re-appointment.

#### **Appointment of Public Health Officers.**

7. There shall be appointed in a manner authorised by law for the purposes of this Act a Chief Medical Officer for the State as well as such Medical Officers of Health, Community Health Nurses, Environmental Health Officers and other public health officers as may from time to time be required for the administration of this Act and the Regulations.

*(Amended by Act 5 of 2001)*

#### **Delegation of Minister's authority to officers.**

8. (1) Except as the Minister may otherwise direct, the Chief Medical Officer is authorised to carry out, exercise and perform the duties, powers and functions conferred on the Minister under this Act, and every Medical Officer of Health, Community Health Nurse, Environmental Health Officer or other public health officer shall carry out, exercise and perform the duties, powers and functions under this Act as may be required by the Minister or the Chief Medical Officer and in so doing shall be deemed to act under the authority thereof.

*(Amended by Act 5 of 2001)*

(2) Subject to the provisions of subsection (1) of this section, such officers may take such steps as may be necessary for the execution and administration of this Act, the Regulations, and any rules, orders or directives made or given by the Minister or the Chief Medical Officer, and such officers may call upon any person to lend such assistance as may be necessary in the exercise thereof.

#### **Health Emergency Operating Centre.**

\*9. (1) The Minister may, on the advice of the Chief Medical Officer, authorise the activation of the Health Emergency Operating Centre in the event of a national health emergency or disaster as the case may be, whether such emergency or disaster is imminent or has occurred.

(2) The Health Emergency Operating Centre is a part of the National Health Emergency Response Mechanism.

(3) Subject to subsection (1), the Health Emergency Operating Centre shall be manned by an Executive Committee comprised of the following persons—

- (a) Chief Medical Officer as Incident Commander;
- (b) Medical Officer of Health for Nevis;
- (c) Medical Chief of Staff;
- (d) the Health Planner;
- (e) Director of Institutional Nursing Services;
- (f) Deputy Director of Institutional Nursing Services;

---

\* Inserted as Section 8A by Act 15 of 2020, renumbered as section 9 and the following sections renumbered accordingly.

- (g) Coordinator of Community Nursing Services;
- (h) Chief Epidemiologist;
- (i) Operations Manager Hospital Services;
- (j) Medical Statistician.

(4) Where the Executive Committee is mobilised pursuant to subsection (1), its functions shall be as follows—

- (a) to provide strategic direction and advice in relation to a national health emergency or disaster;
- (b) to mobilise key health personnel to provide support and intervention where necessary;
- (c) to collect data and statistics and provide medical analysis in respect of the national health emergency;
- (d) to provide assistance to the National Emergency Management Agency as part of the National Disaster Management Plan;
- (e) to coordinate with the National Emergency Operations Centre.

*(Inserted by Act 15 of 2020)*

#### **Delegated powers of Local Councils, etc.**

**10.** A Local Council or other local authority to which duties, powers and functions have been delegated by the Minister under the provisions of this Act shall, subject to such terms and conditions as may be specified in such delegation, do all things necessary for the carrying out of those duties, powers and functions; and the provisions of section 8 of this Act shall *mutatis mutandis* extend to and include any officer in the employ of such Local Council or other local authority who is authorised thereby to carry out a duty, power or function so delegated.

#### **Regulations.**

**11.** The Minister may, with the approval of the Cabinet, make Regulations for the proper execution and carrying out of the purposes and provisions of this Act generally, and in particular, with respect to the following matters—

- (a) prescribing forms;
- (b) respecting the duties and functions of officers and prescribing qualifications therefor;
- (c) the prevention, treatment, mitigation and suppression of disease, and, without limiting the generality of the foregoing—
  - (i) the listing or scheduling of diseases, including infectious diseases, notifiable diseases, or other diseases dangerous to the public health;
  - (ii) the reporting of cases or suspected cases of infectious or notifiable diseases;
  - (iii) the supplying of medical aid, accommodation and medicine and such other articles or things as may be necessary for preventing, mitigating, controlling or suppressing an epidemic or any infectious or other disease;

- (iv) the removal, isolation or keeping under surveillance of persons living in localities which are declared by the Minister to be infected localities;
- (v) preventing persons or conveyances from passing from such a locality to any other locality;
- (vi) detaining for inspection or disinfection persons or conveyances that have been exposed to infection;
- (vii) the cleansing, purification and disinfection of places and things used by persons suffering from an infectious disease;
- (viii) the establishment of quarantine or isolation hospitals and the placing therein of persons having an infectious disease or any disease dangerous to the public health;
- (ix) the treatment of persons who are infected with infectious diseases or diseases dangerous to the public health, including the observation of persons suspected to be so infected and the removal of persons from unhealthy houses or who are living in congested or under unhealthy circumstances;
- (x) regulating the entry or departure by aircraft, ships, vessels or boats to or from any place in the State, and the landing and disinfection of passengers or cargoes thereon;
- (xi) the inspections and house to house visitations by officers as may be necessary for the control, prevention, mitigation or suppression of disease;
- (xii) the compulsory vaccination or inoculation of persons residing in or entering the State not already vaccinated or inoculated or not sufficiently protected by previous vaccination or inoculation, and the supply and quality of vaccine matter and serum;
- (xiii) the compulsory examination by clinical and bacteriological or other methods and by specified tests of persons and, if necessary, the compulsory detention and treatment of persons infected or suspected of being infected with any infectious or notifiable disease or disease dangerous to the public health;
- (xiv) the closing of schools, churches and places of public assembly or entertainment for the purpose of preventing or controlling the spread of disease;
- (xv) the location, construction, inspection, control, licensing, operation and maintenance of nursing homes, maternity homes, convalescent homes, private hospitals, homes for children, for the aged or infirm, and homes for physically or mentally handicapped persons, including the compulsory removal of aged, helpless and uncared-for persons to public institutions;
- (xvi) the protection of the health of persons exposed to conditions, substances or processes which occur in any industry or occupation and which may be injurious to health;
- (xvii) quarantine or other measures to be taken by and in respect of persons suffering from any infectious or notifiable disease;

- (d) for preventing the overcrowding of premises used for human habitation or business purposes, the amount of floor and air space for each occupant thereof; and the lighting and ventilation of such premises;
- (e) respecting the site, construction, plumbing, sewage disposal and sanitary conditions of buildings used for human habitation or for business purposes, and for the periodical inspection thereof;
- (f) respecting the location and construction of water closets, cesspools, cesspits, privies, drains, sewage systems and sewers, and their cleansing;
- (g) for the inspection, cleansing, purifying, ventilating and disinfecting of premises by the owners, occupiers and persons having the care and charge thereof;
- (h) for the protection of water from contamination and pollution and, without limiting the generality of the foregoing, for—
  - (i) the inspection and approval of sources of supply, and the conditions, if any, on which such approval is granted;
  - (ii) the testing and analysis of water;
  - (iii) the construction, alteration, maintenance and purification of water supplies and water distribution systems;
  - (iv) the supervision and control of any river, stream, spring or part thereof contributing to a public water supply;
  - (v) the regulation and prohibition of persons bathing, washing clothes, cleansing vehicles, utensils or animals at or in any river, stream, or spring or part thereof contributing to a public water supply, or at any part of a domestic water system;
  - (vi) prescribing or limiting the purpose for which water may be used and prescribing or defining the manner in which it shall be used and distributed;
  - (vii) the disposal of waste water and effluents;
- (i) respecting matters or conditions which shall be deemed to constitute a nuisance, the prevention, abatement or removal of nuisances and unsanitary conditions on public or private property which are or may become injurious to the public health;
- (j) the sanitary disposal of garbage and other waste matter including—
  - (i) the fixing of times for collection and removal;
  - (ii) the method of removal and disposal;
  - (iii) the place of disposal;
  - (iv) the duties of owners and occupiers of premises in relation to the disposal of garbage and waste matter;
- (k) respecting the method of the carrying on of a trade, business or manufacture that may become offensive or that by Regulations is declared to be offensive or that may affect the public health;
- (l) respecting the keeping of domestic animals including dogs, poultry, swine, goats, sheep, horses, mules, donkeys and cattle, and the places

where such animals or poultry may or may not be kept and the control or supervision to be exercised by the owner;

- (m) respecting the slaughtering or killing of animals and poultry for use as food for human consumption, the place and manner of slaughter, the construction, conduct, control, cleanliness, maintenance, licensing and inspection of places therefor, including the enclosures thereto or in connection therewith;
- (n) for the examination of animals and poultry before and after slaughter and of meat thereof and the actions to be taken resulting from such examination;
- (o) for the medical examination and the registration and licensing of persons engaged in the slaughter of animals and poultry;
- (p) for the disposal of dead animals, including the imposing on any authority or person the duty of disposing thereof;
- (q) for the control and destruction of rodents, mosquitoes and other insects, termites, snails, bats and other vermin, and for the licensing and control of persons engaged in the business of their destruction;
- (r) regulating dairies and any premises where any business in relation to the production, reconstitution, sale, delivery or distribution of milk is carried on, including the construction, equipping, maintenance, licensing and inspection of such places, the medical examination and licensing of persons engaged therein, and the pasteurization and labelling of milk;
- (s) the inspection and testing of cattle and goats, the milk of which is intended for sale for human consumption;
- (t) prescribing measures to be taken for the protection of the public health with respect to the production, preparation, manufacture, storage, distribution and sale of food intended for human consumption, and without limiting the generality of the foregoing, for the licensing and inspection of shops, restaurants and other eating establishments, including hotels and all other buildings or premises where any food, cooked or uncooked, is sold or prepared for sale, whether to be consumed on such premises or to be taken therefrom for the purpose of human consumption;
- (u) prescribing measures to be taken for the protection of the public health with respect to the production, preparation, manufacture, storage, distribution and sale of food intended for human consumption, and without limiting the generality of the foregoing, for the location, construction, furnishing and equipment, cleanliness and maintenance of any building or premises or other place in which any article of food is manufactured, prepared, handled, stored or sold and in particular, without limiting the generality of the foregoing—
  - (i) bakeries, bakeshops and bread shops;
  - (ii) meat and butcher shops;
  - (iii) dairies and milk shops;
  - (iv) grocery and provision shops;
  - (v) markets;

- (vi) street vending of foods;
- (vii) aerated water factories or plants;
- (viii) ice factories and other places where ice is manufactured;
- (ix) confectionery and ice cream shops, including places where ice cream is manufactured;
- (v) prescribing measures to be taken for the protection of the public health with respect to the production, preparation, manufacture, storage, distribution and sale of food intended for human consumption, and without limiting the generality of the foregoing—
  - (i) for the licensing and inspection of premises where any article of food is manufactured, prepared, packed, handled stored or sold;
  - (ii) regulating and prohibiting the sleeping in bakeries, shops, or places where food is manufactured, prepared, kept, stored or sold for human consumption;
  - (iii) for the medical examination, registration and licensing of persons engaged in the handling of foods;
  - (iv) regulating the supply and treatment of water used in any aerated water factory or ice factory or other place or places in which food is manufactured, processed, prepared, packed, stored or sold;
- (w) respecting—
  - (i) the labelling and packaging and the offering, exposing and advertising for sale of foods, drugs, cosmetics and devices;
  - (ii) the sale or condition of sale of any food, drug, cosmetic or device, and the use of any substance as an ingredient in any food, drug, cosmetic or device;
  - (iii) the seizure, forfeiture and destruction of any food, drug, cosmetic or device, the sale of which would not be in accordance with, or would be in violation of, the Regulations;
- (x) prescribing standards of identity, composition, strength, potency, purity, quality or other property of any article of food, drug, cosmetic or device;
- (y) respecting the conditions under which foods, drugs, cosmetics and devices may be imported into the State, subject to any law relating to customs, excise or revenue;
- (z) exempting any food, drug, cosmetic or device from any or all of the provisions of this Act or of the Regulations, and prescribing the conditions of such exemptions;
- (aa) requiring persons who sell foods, drugs, cosmetics or devices to maintain such books and records as the Minister may consider necessary for the proper enforcement and administration of this Act and of the Regulations;
- (bb) respecting the powers and duties of Environmental Health Officers and analysts and the taking of samples and the seizure, detention, forfeiture and disposition of articles;

*(Amended by Act 5 of 2001)*

- (cc) establishing schedules of drugs, the sale of which is subject to special conditions in the interest of the public health;
- (dd) for the purposes only of the preservation of the public health, respecting the inspection, control, licensing, operation and maintenance of hotels, apartment buildings, motels, boarding houses, lodging houses and other places where accommodation is provided for cash or other consideration;
- (ee) for the forcible entry into premises to which this Act or the Regulations apply, where the owner or occupier does not give permission for the inspection and examination thereof, or where the owner or occupier cannot be located;
- (ff) respecting the cleanliness, inspection and licensing of barbers, beauticians, barber shops, hairdressing and beauty shops;
- (gg) for the inspection and control of bathing beaches and swimming pools, including the sanitation, accommodation, sanitary conveniences and water supply;
- (hh) for the medical and dental inspection and treatment of school children, the removal of children from school, and the closing of schools in the interest of the public health;
- (ii) for the interment or other disposal of the dead, the preparation and transportation of dead bodies, the entry of dead bodies from outside the State, the regulation and inspection of undertaking establishments, morgues, crematoria and other places used in connection therewith, the licensing thereof, and the management and maintenance of cemeteries and the conditions under which new cemeteries may be established;
- (jj) respecting the performance of post-mortem examinations;
- (kk) prescribing fees for licences granted under this Act or the Regulations;
- (ll) prescribing penalties not exceeding the sum of eight thousand dollars on summary conviction for the infringement of any Regulations.

*(Substituted by Act 5 of 2001)*

### **Scope of Regulations.**

**12.** Regulations made under this Act may be made to have effect throughout the State or be limited to such parts or areas thereof as may be specified and shall, when published in the *Gazette*, have the force of law.

### **Publication of Regulations.**

**13.** (1) Notwithstanding section 12 of this Act, where, in the opinion of the Minister, the time required for the publication of a regulation in the *Gazette* will be prejudicial to the public health by reason of any epidemic outbreak of disease or any other emergency, he or she may, by Order, dispense with such publication and such regulation shall be effective immediately but shall be published in the *Gazette* as soon as practicable thereafter, and if it is not so published within thirty days after it is made, such regulation shall then cease to have any force or effect, but without prejudice however to the power of the Minister to make new regulations concerning the same subject matter.

(2) Where the Minister finds it necessary to dispense with publication in the *Gazette* as in subsection (1) of this section provided, he or she shall nevertheless cause such regulation to be published by radio announcements or newspaper publications, or by affixing the same to the doors or walls of public buildings in the parts or areas of the State affected by such regulation.

**Existing subsidiary legislation.**

**14.** (1) Any Statutory Rules, Orders, Regulations or Proclamations made under the Public Health Act, or preserved thereby, which may be in force at the time of coming into operation of this Act, shall be deemed to have been made under this Act and shall continue in force until specifically altered, varied, amended, revoked or replaced under this Act.

(2) Where any such Statutory Rules, Orders, Regulations or Proclamations conflict in any way with this Act or with Regulations made thereunder, they shall cease to have force and effect in so far as they so conflict, but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Act or with Regulations made under this Act.

**Power of Local Councils to make By-Laws.**

**15.** (1) A Local Council or other local authority if otherwise empowered by any law to make By-Laws respecting matters relating to public health within the geographical area of such Local Council or other local authority as the case may be, or whenever so authorised by the Minister, may make such By-Laws not inconsistent with this Act or the Regulations as may be necessary for matters relating to public health within its geographical area.

(2) Such By-Law shall become effective only when approved by the Cabinet and published in the *Gazette*.

**Offences and penalties generally.**

**16.** Any person who—

- (a) refuses to answer or knowingly gives an untrue answer to any inquiry made or addressed to him or her by an officer acting under the authority of this Act or of the Regulations, or intentionally with-holds any information from or knowingly furnishes any false information to such officer;
- (b) refuses or omits to do any act which he or she is required to do by this Act or the Regulations, or to carry out any order, instruction or condition lawfully made, given or imposed by any officer or other person acting under the authority of this Act or the Regulations;
- (c) assaults, resists, wilfully obstructs, intimidates, uses abusive language to or interferes with any officer or other person acting under the authority of this Act or the Regulations;
- (d) offers or gives any bribe to an officer or other person acting under the authority of this Act or the Regulations in connection with his or her duties or powers thereunder, or being such officer or other person as aforesaid, demands, solicits or accepts such a bribe;
- (e) obstructs in any manner an officer in the proper execution or administration of this Act or the Regulations; or

- (f) fails or neglects to carry out or infringes any provision of this Act or of the Regulations,

commits an offence and is liable, upon summary conviction, where no other penalty is specifically imposed therefor, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

*(Amended by Act 5 of 2001)*

#### **Limitation of proceedings.**

17. A prosecution under section 16 of this Act or under any Regulations made thereunder, may be instituted at any time within twelve months from the time the subject matter of the prosecution arose or the offence was committed, whichever is later.

#### **Who may lay information.**

18. Any information may be laid or prosecution instituted by the Director of Public Prosecutions or by or on behalf of the Chief Medical Officer or with the consent of the latter, by any other officer, or by an officer authorised in that behalf by a Local Council or other local authority in respect of any matter which is within the lawful functions of such Local Council or other local authority or which is the subject of delegation to such Local Council or other local authority as provided by this Act.

#### **Venue of trial.**

19. A prosecution for an offence under this Act or the Regulations may be instituted, heard, tried or determined by the Magistrate in whose district the offence was committed or where the subject matter of the prosecution arose, or in any place in which the accused is apprehended or happens to be.

#### **Liability of employer.**

20. In a prosecution under this Act or the Regulations, it shall be sufficient proof of the offence to establish that it was committed by an employee or agent of the accused or by a person ostensibly in his or her employment whether or not he or she is identified or has been prosecuted for the offence, and the employer or principal may be prosecuted and convicted together with or instead of such employee or agent unless he or she proves that the offence was committed without his or her knowledge and consent and that he or she exercised all due diligence to prevent the commission of the offence.

#### **References to owner or occupier of premises.**

21. Whenever in any notice or any proceedings under the provisions of this Act or the Regulations it becomes necessary to mention or refer to the owner or occupier of any lands or premises, it shall be sufficient to designate him or her as the "owner" or "occupier" of the premises (naming them) without further name or description.

#### **Service of notices and documents.**

22. Any notice, order or other document made or given under this Act or the Regulations may be served by delivering the same or a true copy thereof either to the person to whom it is addressed or to his or her usual or last known place of abode or business or, when addressed to the owner or occupier, then to some adult person on the premises, or if there is no such person, then by affixing one copy of the notice or

other document to some conspicuous part of the premises, and in case of emergency, any such notice if verbally given to the person whom this Act or the Regulations require to be served or notified, shall be sufficiently given.

**Action may be taken at expense of owner or occupier.**

**23.** (1) If a notice or order requires action to be taken within a time specified therein either as regards the structural alteration, demolition or closure of premises, or the removal or abatement of a nuisance or other thing required of the owner or occupier under this Act or the Regulations and it is not done within the time so provided, then, after the expiration of the time specified in the notice, or, if an appeal has been made against the notice or order and upon appeal the notice or order has been confirmed with or without variation, after the expiration of fourteen days from the final determination of the appeal, or of such longer period as the Court in determining the appeal may fix, a Medical Officer of Health or an Environmental Health Officer may proceed to have the same done at the expense of the owner or occupier, as the case may be.

*(Amended by Act 5 of 2001)*

(2) Any expenses incurred by the Medical Officer of Health or Public Health Inspector under this section may, subject as hereinafter provided, be recovered by him or her by action or summarily as a civil debt, from the person having control of the premises, or if such person receives the rent of the premises as agent or trustee for some other person, then either from him or her or from that other person or in part from him or her and as to the remainder from that other person:

Provided that, if the person having control of the premises proves that he or she—

- (a) is paying rent to such other person or is receiving rent merely as agent or trustee for such other person; and
- (b) has not, and since the date of the service on him or her of the notice or order as aforesaid has not had, in his or her hands on behalf of that other person sufficient money to discharge the whole demand of the Medical Officer of Health or Environmental Health Officer,

his or her liability shall be limited to the total amount of the money which he or she has or has had in his or her hands as aforesaid.

*(Amended by Act 5 of 2001)*

(3) In all proceedings by a Medical Officer of Health or Environmental Health Officer for the recovery of any such expenses, the time within which the proceedings may be taken shall be reckoned from the date of the demand therefor or, if an appeal is made against that demand, from the date on which the demand becomes operative.

*(Amended by Act 5 of 2001)*

(4) The amount of any expenses and interest thereon due to a Medical Officer of Health or Environmental Health Officer under this section shall form a lien or charge on the premises in respect of which the expenses were incurred and shall be recoverable under the provisions of the Property Tax Act, Cap. 20:32 in the same manner as though it had been a tax imposed by that Act.

*(Amended by Act 5 of 2001)*

(5) No action taken under this section shall prejudice or affect any other powers of a Medical Officer of Health or an Environmental Health Officer or any remedy available to a tenant against his or her landlord or an agent against his or her principal, either at common law or otherwise.

*(Amended by Act 5 of 2001)*

**Remedies by persons aggrieved by notices, etc.****24.** (1) Any person aggrieved by—

- (a) a notice or order under this Act or the Regulations requiring action to be taken thereon;
- (b) a demand for the recovery of expenses incurred by a Medical Officer of Health or an Environmental Health Officer in carrying out the action or executing the works specified in such notice or order;
- (c) an order made by a Medical Officer of Health or an Environmental Health Officer with respect to any such expenses;
- (d) a demolition order under this Act or the Regulations;
- (e) a closing order under this Act or the Regulations or a refusal to determine such a closing order; or
- (f) a withholding of approval in relation to the use for any purpose of premises in respect of which a closing order is in force,

may, within twenty-one days after the date of the service of the notice, demand or order, or after the refusal, as the case may be, appeal therefrom to a Judge of the High Court, and, save in an emergency in which the public health is threatened by an epidemic of communicable or other disease, no proceedings shall be taken by a Medical Officer of Health or an Environmental Health Officer to enforce any notice, demand or order in relation to which an appeal is brought, before the appeal is finally determined:

Provided that on an appeal under paragraph (b) or paragraph (c) hereof, no questions shall be raised which might have been raised on an appeal against the original notice or order requiring action to be taken by the owner or occupier as aforesaid.

*(Amended by Act 5 of 2001)*

(2) On an appeal under this section the Judge may make such order either confirming or quashing or varying the notice, demand or order as he or she thinks fit, and he or she may, if he or she thinks fit, on an appeal against a notice requiring the execution of works to a house, include in his or her judgement a finding whether the house can or cannot be rendered fit for human habitation at a reasonable expense.

(3) For the purposes of this and the immediately preceding section of this Act, the withdrawal of an appeal shall be deemed to be a final determination thereof, having the like effect as a decision confirming the notice, demand or order or decision appealed against.

**Document or writing signed by Minister or officer to be admissible in evidence.**

**25.** In any proceedings under this Act or the Regulations, any notice, order or other document or writing purporting to be signed by the Minister or by an officer acting under this Act or the Regulations shall be admissible in evidence in a prosecution for a violation of this Act or the Regulations and shall be *prima facie* proof of the statements contained therein; but no such document or writing shall be receivable in evidence unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced, reasonable notice of such intention, together, with a copy of the document or writing and the party against whom it is produced may require the attendance of the person signing the same for the purpose of cross-examination.

**Onus of proof.**

26. Where any act or thing is by this Act or the Regulations prohibited or prescribed, the duty of seeing that such prohibition or prescription is complied with rests upon the person to whom the prohibition or prescription relates, whether owner, occupier, operator or other person, and in any prosecution under this Act or the Regulations, the burden of proving that such prohibition or prescription was complied with shall rest upon such person.

**Exemption from liability of officers acting *bona fide*.**

27. No action, suit, proceeding or claim shall lie against any officer for anything *bona fide* done, directed or authorised by him or her under this Act or the Regulations.

**Powers under Act, etc., to be additional.**

28. All powers given by this Act or the Regulations shall be in addition to and not in derogation of any other powers conferred by any other Act, or subsidiary legislation, and such other powers may be exercised in the same manner as if this Act had not been passed; and nothing in this Act or the Regulations shall exempt any person from any penalty to which he or she would have been subject if this Act had not been passed, but so that no person shall be punished twice for the same offence.

---