

SECOND SCHEDULE

(Section 11)

PUBLIC HEALTH (NUISANCES) REGULATIONS

PART I

PRELIMINARY

Short title.

1. These Regulations may be cited as the Public Health (Nuisances) Regulations.

Interpretation.

2. (1) In these Regulations—

“the Act” means the Public Health Act, Cap. 9:21;

“Dunder” means the lees or dregs of cane juice;

“Owner” shall apply to every person in possession of or in receipt either of the whole or of any part of the rents or profits of any land or tenement whether in his or her own right or as trustee or personal representative, committee or guardian of any other person, or in the occupation of such land or tenement, other than as a tenant from year to year, or any less term, or as a tenant at will.

(2) The expressions “Chief Medical Officer”, “Environment Health Officer”, “Medical Officer of Health”, “Minister”, “Occupier”, “Premises”, “Public Health Inspector” and “State” have the meanings assigned respectively to those expressions in the Act.

PART II

NUISANCES

Enumeration of Nuisances.

3. (1) In addition to the nuisances hereinafter specifically enumerated in the following sub-paragraphs and in addition to the failing to comply with any regulations mentioned in the Act, any act or omission which constitutes a nuisance within the meaning of the Act shall for the purposes of these Regulations be deemed to be a nuisance.

(2) For the purposes of these Regulations, the following shall be nuisances—

- (a) any place, matter or thing, or deposit, or accumulation of liquid or solid matter that is so foul, or in such a state, or so placed or made or left, as to be left insanitary or injurious or dangerous to health, or likely to become so;
- (b) (i) the existence of flies or mosquitoes, or other insects capable of transmitting or causing disease;
(ii) the existence of rodents or other verminous animals;

- (c) the existence of any condition, matter or thing, which in the opinion of the Minister provides or may provide food for, or harbourage for, or act as a breeding place for insects, rodents or other vermin;
- (d) any yard or enclosure or other place which by reason of the growth of vegetable matter and by reason of its not being kept properly bushed, dry and cleaned is insanitary or a nuisance or dangerous to health or likely to become so;
- (e) any gutter or ditch not kept free from bush, grass and weeds, and collections of water;
- (f) the presence on any premises or in any place, of empty bottles (broken or otherwise), empty tins, coconut shells, uncovered barrels, boxes or anything that will serve as a receptacle for water, or as a breeding place for mosquitoes or other insects;
- (g) any eaves, gutter, drain or down pipe so constructed that the water cannot drain freely and quickly away or which allows the collection of water at any spot;
- (h) any tree, or bush, or any erection built after the coming into operation of these Regulations, which interferes with the free ventilation of any neighbouring premises or buildings or is in such a position as to be hazardous to health or safety;
- (i) any water supply system which is not maintained in a sanitary manner;
- (j) any water tap, pipe or pump, or other means of obtaining water, which is needlessly allowed to run to waste, or under which water is allowed to accumulate or become stagnant;
- (k) any water supply system in such a state or condition, that the water passing through therein, when used for domestic purposes, could be injurious to health;
- (l) any sanitary convenience not constructed and maintained in accordance with any regulation or law or in accordance with any directions lawfully issued;
- (m) any sanitary convenience so located with regard to any neighbouring house, or for any other reason as to be insanitary, or injurious, or dangerous to health or likely to become so;
- (n) the discharge of any slop or sullage water, or any rain water from roofs, or any waste water whatsoever, on to any public place, alley or lane, which inconveniences the normal passage of pedestrians;
- (o) any pollution, save in accordance with a valid permit granted by the Minister, of any stream, water course, or any dunder, industrial waste, or other noxious matters, whether or not a prescriptive right has been acquired to any such pollution;
- (p) the production of smoke from any combustion or refuse, or any emission from any chimney of a bakery or other place of business, or factory which is excessive or noisome;
- (q) any dust or ashes noticeably airborne, resulting from any process of combustion;

- (r) any failure to comply with an order made or direction issued by the Minister under the Act for the abatement of a nuisance:

Provided that any accumulation or deposit necessary for the effectual carrying on of any business or manufacture shall not be punishable as a nuisance under these Regulations, if it is proved to the satisfaction of the Court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury to health thereby.

Persons liable to conviction for an Offence under these Regulations.

4. The following persons shall be liable to conviction for an offence against these Regulations—

- (a) any person who commits a nuisance within the meaning of these Regulations;
- (b) any person who aids another person in committing a nuisance;
- (c) any person who procures another person to commit a nuisance;
- (d) the owner or occupier of any premises who knowingly permits a nuisance to continue thereon which it is within his or her power to prevent or abate.

Provisions in these Regulations to be in addition to provisions under any Other Law.

5. The provisions of these Regulations shall be deemed to be in addition to, and not to abridge or affect any right, remedy or proceeding under the Act or under any other enactment.

PART III

INFORMATION TO MINISTER, NOTICES AND PENALTIES

Notice requiring Abatement of Nuisance.

6. (1) On becoming aware of a nuisance liable to be dealt with under these Regulations any Medical Officer of Health or any Environmental Health Officer shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the occupier or owner of the premises on which the nuisance arises, or is liable to arise requiring him or her to abate the same within the time specified in the notice, and to execute such works and do such things as may be necessary for that purpose, and if the Minister thinks it desirable (but not otherwise), specifying any works to be executed.

(Amended by Act 5 of 2001)

(2) A Medical Officer of Health or an Environmental Health Officer may also, by the same or another notice served on such occupier, owner or person, require him or her to do what is necessary for preventing the recurrence of the nuisance, and, if the Minister thinks it desirable, specify any works, to be executed for that purpose, and may serve that notice notwithstanding that the nuisance may for the time being have been abated, if the Minister considers that it is likely to recur on the same premises.

(Amended by Act 5 of 2001)

(3) Provided that—

- (a) where the nuisance arises from any want or defect of a structural character, or where the premises are unoccupied, or consist of a tenement yard, the notice shall be served on the owner;
- (b) where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise from the act, default, or sufferance of the occupier or owner of the premises, any Medical Officer of Health or any Environmental Health Officer may abate the same and may do what is necessary to prevent the recurrence thereof.

(4) Provided also that in the event of immediate action becoming, in the opinion of the Minister, necessary to deal with a nuisance the abatement of which is certified by the Chief Medical Officer to be urgent, the Minister may direct a Medical Officer of Health or any Environmental Health Officer forthwith to take all such steps and to do all such things as may be necessary for the purpose of abating such nuisance.

Service of Notices.

7. (1) Notices authorised to be served under these Regulations may be served by delivering the same to or at the residence of the person to whom they are addressed, or where addressed to the owner or occupier of premises, by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises who can be so served, by affixing the same on some conspicuous part of the premises; they may also be served by being sent by registered post and if so served by post shall be deemed to have been served not later than the seventh day succeeding the day when posted, and in proving such service it shall be sufficient to prove that the notice was properly addressed and put into the post.

(2) Any notice by these Regulations authorised to be given to the owner or occupier of any premises may be addressed by the description of the “owner” or “occupier” of the premises (naming them) in respect of which the notice is given without further name or description.

Penalty for Person Guilty of an Offence under these Regulations.

8. Any person found guilty of any offence against these Regulations shall be liable, on summary conviction before a Magistrate, to a fine not exceeding one thousand five hundred dollars.

(Amended by Act 9 of 1986)
