Public Health (Nuisances) Regulations – Section 9

(Statutory Instruments 10/1978 and 17/2020)

S.I. 10/1978 .. in force 1 April 1978
Amended by S.I. 17/2020 .. in force 24 February 2020

ARRANGEMENT OF REGULATIONS

1. Citation
2. Interpretation
3. Nuisances
3A. Nuisance prohibited
4. Abatement
5. Expenses in connection with abatement
6. Liability
7. Penalties

PUBLIC HEALTH (NUISANCES) REGULATIONS – SECTION 9

Commencement [1 April 1978]

1. Citation

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

2. Interpretation

In these Regulations, in addition to the nuisances specifically enumerated in Regulation 3, any failure to comply with any other regulation made under the Public Health Act 1975, or any act not warranted by Law, or any omission to discharge a legal duty which act or omission affects or is liable to affect prejudicially the public health or safety, shall for the purpose of these Regulations be deemed to be a nuisance.

3. Nuisances

For the purpose of these Regulations, the following shall be nuisances—

(a) any place, matter or thing, or deposit, or accumulation of liquid or soiled matter that is so full, or in such a state, or so placed or made or left, as to be 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 bed bugs, cockroaches or other vermin,

(iii) the existence of mice, rats or other like rodents;

(c) the existence of any condition, matter or thing, which in the opinion of the medical officer of health or environmental health officer provides food for, or harbourage, or acts as a breeding place for insects or vermin rodents; *(Amended by S.I. 17/2020)*

(d) any yard or enclosure or other place not kept properly weeded, dry and clean;

(e) any gutter or ditch not kept free from bush, grass and weeds and collection of water;

(f) the presence on any premises or in any place of empty bottles (broken or otherwise) empty tins, coconut shells uncovered barrel boxes, or anything that will serve as a receptacle for water or as a breeding place for mosquitoes or other insects;

(g) any caves, gutter or drain pipe in which water has collected at a spot therein;

(h) any tree or other erection which interferes with the entrance of sunlight into or with free ventilation of any neighbouring premises or building which is dangerous to public health and safety;

(i) any part of a house or building where the number of occupants is greater than the square area of the building allowed for in accordance with any special order, regulation or law;

(j) any house not sufficiently supplied with water, having regard to number of occupants and the means of supply thereto;

(k) any water supply system which is not maintained in a sanitary manner;

(l) any water tap, pipe, or pump or other means of obtaining water which is needlessly allowed to run to waste or under water is allowed to accumulate or become stagnant;

(m) any sanitary conveniences not constructed and maintained in accordance with any regulation or law;

(n) 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;

(o) 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;

(p) any discharge save in accordance with a valid permit granted by the Public Health Board into any river, stream, water course, of any other industrial, other noxious matter, whether or not a prescriptive right has been acquired to any such pollution;

(q) any workplace—

(i) not ventilated so as to render harmless to the workers employed therein, all gases, vapours, dust or other impurities generated in the course of the work carried on therein, or

(ii) so overcrowded as to be injurious to the health of the persons employed therein;

(r) any chimney, incinerator or other fire sending forth smoke in such quantity as is calculated to be injurious to health or atmospheric pollution or including other gases, for the purposes of this paragraph smoke includes "grit and ashes"; *(Amended by S.I. 17/2020)*

(s) an accumulation or deposit of solid waste of human or animal excreta; *(Inserted by S.I. 17/2020)*

(t) an animal which is kept in such a manner as to become hazardous to health; *(Inserted by S.I. 17/2020)*

(u) the carcass of an animal which is not buried or destroyed within 24 hours of the animal's death. *(Inserted by S.I. 17/2020)*

3A. Nuisance prohibited

(1) A person shall not cause or permit a nuisance on premises owned or occupied by that person.

(2) A person shall not cause a nuisance on premises or aid or abet another person to cause or permit a nuisance on premises.

(Inserted by S.I. 17/2020)

4. Abatement

(1) The medical officer of health or environmental health officer on becoming aware of a nuisance shall serve on the person committing or permitting same, or upon the owner or occupier of the premises or in respect of which the nuisance exists or is liable to occur, a notice to abate or prevent the same within a specified time and, in addition, to do such things as may be necessary for that purpose. *(Amended by S.I. 17/2020)*

(2) If for any reason the notice referred to in subregulation (1) of this regulation be not complied with and in addition to any proceedings which may be instituted against the person liable to conviction, the medical officer of health or environmental health officer shall report the matter to the Public Health Board. The Board shall cause the nuisance or threatened nuisance to be abated or prevented and may for this purpose authorise any person to enter the premises and do such things as may be necessary. *(Amended by S.I. 17/2020)*

Provided that when the Public Health Board is not sitting and the nuisance or threatened nuisance in the opinion of the medical officer of health should be immediately abated or prevented, the Public Health Board, on application of the medical officer of health exercise the powers conferred by the Public Health Board. *(Amended by S.I. 17/2020)*

5. Expenses in connection with abatement

All expenses incurred by the medical officer of health in abating or preventing a nuisance may be recovered by the Board from the person by whose act the nuisance was caused or from the owner or occupier of the premises in which the nuisance existed. *(Amended by S.I. 17/2020)*

6. Liability

The following persons are liable to conviction for an offence against these Regulations—

(a) any person who aids another person to a nuisance;

(b) any person who commits a nuisance;

(c) any person who procures another person to commit a nuisance;

(d) the owner or occupier of the premises who knowingly permits a nuisance to continue thereon.

7. Penalties

Any person who commits an offence against these Regulations is liable on summary conviction to a fine not exceeding $5,000 or in default to imprisonment with hard labour for a term not exceeding 6 months. *(Amended by S.I. 17/2020)*

Public Health Regulations Offensive and Hazardous Trades – Section 9

(Statutory Instruments 80/2020 and 115/2020)

S.I. 11/1978 .. (Revoked by S.I. 80/2020)
S.I. 80/2020 .. in force 2 June 2020
Amended by S.I. 115/2020 .. in force 20 July 2020

ARRANGEMENT OF REGULATIONS

1. Citation
2. Interpretation
3. Restriction on carrying on of offensive or hazardous trade
4. Application for licence
5. Approval of plan
6. Inspection of premises
7. Grant or refusal of application
8. Issue or renewal of licence
9. Duration of licence
10. Non-transferability
11. Display of licence
12. Duplicate licence
13. Cancellation or suspension of the licence
14. Daily cleaning
15 Repair
16. Use of premises for sleeping purposes
17. Restrictions as to certain persons
18. Power to grant exemption
19. Fees
20. Offence and penalty
21. Revocation

Schedule
