Public Health (Mosquito Control) regulations – Section 22

(Statutory Instruments 1/1935, 26/1960 and 18/2020**)**

Statutory Instrument 1/1935 .. in force 19 January 1935
Amended by S.I. 26/1960 .. in force 15 October 1960
Amended by S.I. 18/2020 .. in force 24 February 2020

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PUBLIC HEALTH (MOSQUITO CONTROL) REGULATIONS – SECTION 22

Commencement [24 January 1953]

1. Citation

These Regulations may be cited as the Public Health (Mosquito Control) Regulations.

2. Interpretation

In these Regulations—

"**Chief Officer**" means the officer appointed by the Governor General under regulation 3(1) to direct the service;

"**inspect premises**" means to inspect premises to ascertain the presence of mosquitoes and to examine any water in or upon any premises whether contained in a receptacle, or not for the purpose of ascertaining whether it contains any of the immature stages of the mosquito;

"**member of the service**" includes the Chief Officer, any medical officer, any supervisor, any field technician, any chief inspector, any supervising inspector, any section leader, any inspector, any operator and any other officer appointed under regulation 3(1);

"**operator**" means any person employed to spray premises by mechanical means;

"**Service**" means the Mosquito Control Service established in Saint Lucia;

"**spray premises**" means to treat all buildings, and any other structure, and their contents with Dichloro Diphenyl Trichlorethane or any other form of insecticide ordered by the Chief Officer;

"**unoccupied premises**" includes vacant premises and any premises the occupants of which are temporarily absent there from for a period of not less than 5 days.

3. Appointment by Governor General

(1) The Governor General may appoint a Chief Officer to direct and control the service and may also appoint such medical officers, supervisors, sanitary inspectors, field technicians, operators, section leaders, supervising inspectors and other officers as may be necessary to perform such duties as may be required in connection with the operation of the service.

(2) The duties of any officer (other than the Chief office) appointed in under subregulation (1) shall be defined by the Chief Officer.

4. Members of the service to spray or inspect all premises

It shall be the duty of members of the Service to spray all premises and their contents when ordered by the Chief Officer or any medical officer, and to inspect all premises and all articles likely to contain water found in or upon such premises between the hours of 7:00 a.m. and 6:00 p.m., or in the case of business premises, during such hours as the business is in progress.

5. Action as regards foodstuffs and lights before spraying

When notified that premises are to be sprayed, the occupiers shall before the time fixed for spraying, remove all foodstuffs, clothing, and other items which they have been warned may be damaged by spraying, but not including mosquito nets, mattresses, bedding and food safes which shall be sprayed, and shall put out all fires and naked flames until the process of spraying is complete.

6. Inspection and spraying of unoccupied premises

(1) Unoccupied premises which a member of the service is unable to enter because—

(a) the holder of the keys thereof is not known to him or her; or

(b) the holder of the keys thereof neglects, refuses, or unreasonably delays to unlock the said premises when required so to do by the said member,

shall be placed under seal.

(2) The Chief Officer, or a medical officer, or a supervisor, may, at his or her discretion, direct in writing any member of the Service to enter any unoccupied premises for the purpose of spraying or for inspection, and such member shall thereupon enter, inspect or spray the said premises in the presence of a police constable.

(3) Immediately after such inspection or spraying, the premises shall be placed under seal by the member authorised to make the entry.

(4) Except with the written approval of the Chief Officer or of a medical officer, or of a supervisor, a person shall not enter any premises placed under seal in accordance with the provisions of this regulation.

7. Where the occupier wilfully absents himself or herself from the premises for the purpose of preventing the spraying thereof

(1) If any occupied premises cannot be sprayed because the occupied is absent when the premises are visited by the spraying team, the person in charge of the spraying team shall affix to some conspicuous part of the premises a notice of his or her intention to spray the premises at some specified time not being earlier than 3 days from the date of the first visit.

(2) If the occupier is again absent at the time specified in the notice the person in charge of the spraying team shall apply to the Chief Officer for further directions.

(3) If after reasonable enquiry the Chief Officer has cause to believe that the occupier has wilfully been absenting himself or herself from the premises merely for the purpose of preventing the spraying of the premises, the Chief Officer may in writing authorise the spraying team to enter the premises, by force if necessary and to spray the premises, in the presence of a police constable, or of a rural constable.

(4) The spraying team shall leave all household articles in more or less the same position and in the same condition as they were when the premises were entered.

(5) The person in charge of the spraying team shall affix a notice signed by himself or herself and the police constable, or the rural constable, to some conspicuous part of the premises stating that the premises have been sprayed and the date on which the spraying was carried out.

(6) The person in charge of the spraying team shall repair any damage caused to the premises in making an entry by force.

(Inserted by S.I. 26/1960)

8. Vessels containing water for domestic use to be placed in accessible positions

(1) The owner or occupier of premises shall place all tanks, drums, vats, barrels, or other receptacles intended for the storage of water in such positions that they are reasonably accessible for inspection of their contents.

(2) All wall-tanks shall be placed not less than 6 inches from the nearest wall and not less than 15 inches from the nearest part of the ceiling or roof.

Provided that automatic flushing tanks may be affixed to or placed within 6 inches of a wall, if inspection of the contents thereof is reasonably convenient.

9. Owner or occupier of premises to render receptacles mosquito-proof

When a member of the service has completed his or her inspection of the contents of any tank, drum, vat, barrel, or other receptacle, the owner or occupier of the premises shall render such receptacle mosquito-proof.

10. Inspection of covered drains and sewers

(1) Each covered drain shall be provided with an inspection chamber which shall be placed in a position which is easily accessible for the purposes of inspection.

(2) All sewer-traps shall be placed in positions which are easily accessible for the purpose of inspection.

11. Receptacles used for holding drinking water for animals

All receptacles used to provide drinking water for animals or poultry shall be such as can be quickly and completely emptied at any time.

12. Provisions as regards wells

All wells shall be rendered and kept mosquito-proof or permanently stocked with larvivorous fish of a species to be approved by the Chief Officer.

13. Powers of members of the Service

If any member of the Service finds any mosquito in its aquatic stages in any water or in any receptacle containing water, he or she shall, according to his or her judgment and the circumstances of the case—

(a) apply the larvicide used by the Service; or

(b) require the occupier of the premises to stock the water with larvivorous fish of a species approved by the Chief Officer; or

(c) render the receptacle, if it be of little or no commercial value, incapable of holding water.

14. Inspection cards may be affixed to tanks or vats

Any member of the Service may affix a card or other document to any tank or vat, or in any inconspicuous position on the premises for the purpose of recording notes of any inspection of a tank or other receptacle containing water, and any person who removes or defaces any such card or document commits an offence under these Regulations.

15. Inspection of roof-gutters

(1) Roof-gutters shall have a sufficient capacity and fall to ensure that the rain water will not be retained at any point.

(2) If any member of the Service finds mosquitoes in their aquatic stages in water collected in a roof-gutter he or she shall give notice thereof in writing to the owner or occupier of the premises or other person responsible for the maintenance of the roof-gutter, and such notice shall require the person on whom it is served to take action within the time specified in the said notice to prevent mosquito larvae from being in the roof-gutter.

(3) If action be not taken within the time specified in the said notice to prevent mosquitoes in their aquatic stages being in the roof-gutter, and if mosquito larvae are again found in the roof-gutter, any member of the Service shall have power to take such action as may be required to prevent mosquito larvae from being in the roof-gutter.

(4) Owners or occupiers of premises shall keep trimmed and free from mosquito larvae all trees, shrubs, hedges, and plants, and prevent all trees and shrubs from overhanging roof-gutters on his or her or any other person's premises.

(5) If in the opinion of a member of the Service the owner or occupier of premises is keeping the same in a condition which is not in accordance with the provisions of the preceding paragraph, he or she shall serve a notice upon the said owner or occupier requiring him or her within the time specified therein to carry out the terms of the said notice, and on failure of the said owner or occupier to comply with the terms of the said notice, he or she commits a breach of these Regulations, and any member of the Service may take such steps as may be required to trim trees or render the said premises free from mosquito larvae or otherwise secure compliance with the provisions of the said paragraph.

16. Declaration as to adequate supply of potable water in any area

(1) The sanitary authority may for the purpose of these Regulations, declare by resolution published in the Gazette and 2 local newspapers that an adequate supply of potable water exists in any area of Saint Lucia described in the resolution, and may, by a like resolution, cancel or vary any such declaration.

(2) Where a declaration under subregulation 15(1) is in force in respect of any area—

(a) no water shall, in any part of such area, be stored in barrels, tubs, tins or similar vessels;

(b) where a member of the Service finds, in water so stored, mosquitoes in their aquatic stages, he or she may cause the barrel, tub, tin or similar vessel in which the water is stored, to be made incapable of holding water.

(3) Where no declaration under subregulation 15(1) is in force in respect of any area, the following provisions shall apply to such area—

(a) water may be stored in barrels, large vessels, or other similar water containers;

(b) such barrels, large vessels, or other similar containers shall conform to models approved from time to time by the Service for the purpose of such storage;

(c) such barrels, large vessels, or other similar water containers, where used for storing water, shall be mosquito-proofed or kept constantly stocked with larvivorous fish provided and maintained by the occupier of the premises, such fish being of a species approved by the Service;

(d) artificial ponds, lakes, and basins which contain water shall be stocked with larvivorous fish provided and maintained by the occupier of the premises, such fish being of a species approved by the Service.

17. Retention of water on buildings

(1) No part of any building shall be so constructed as to be capable of retaining water.

(2) The owner of any building upon being notified in writing that any part of the building is capable of retaining water, shall forthwith cause that part of the building to be rendered incapable of retaining water.

18. Cemeteries

(1) Flower vases, jars, jardinieres and other ornamental articles in cemeteries shall not be allowed to contain water.

(2) Any such receptacle shall be permanently filled with sand.

(3) Mausoleums, vaults, and burial urns shall be maintained in such a condition as to render them incapable of collecting water.

(4) The owner or person in charge of a cemetery shall be responsible for ensuring that water does not collect in excavations or tombs therein.

19. Offences

Any person who hinders or obstructs a member of the Service while acting in the execution of his or her duty commits an offence against these Regulations.

20. Penalty

A person who breaches these Regulations is liable to a penalty not exceeding $5,000 and in the case of a continuing breach to a penalty not exceeding $250 for each day during which such breach continues. *(Amended by S.I. 18/2020)*