

PUBLIC HEALTH ACT, 1969

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*Arrangement of Sections*

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*An Act to make provision as to public health and for incidental or connected matters.*

## PART I

## PRELIMINARY

*Short title.*

1. This Act may be cited as the public Health Act; 1969.

*Interpretation.*

2. In this Act, unless the context otherwise requires —

“adulteration” means the act of mixing or adding any substance deleterious to health, or done with the object of increasing the quantity of anything, or deteriorating or concealing the quality, or the removal of any elementary constituent from any commodity, whereby the quality is impaired;

“author of a nuisance” means the person by whose act, default, or sufferance the nuisance is caused, exists or is continued, whether he is the owner or occupier or both owner and occupier or any other person;

“building” has the same meaning as in the Building Act, No. 34 of 1968 and in addition includes a vehicle or vessel;

“chief medical officer” means the officer in the Ministry of Health who is appointed as such or his deputy;

“chief veterinary officer” means the officer in the Ministry of Agriculture who is appointed as such or his deputy;

“dairy product” has the same meaning as in the Dairy Act, No. 28 of 1968;

“dwelling” has the same meaning as in the Building Act No. 34 of 1968;

“factory” means premises where steam, water, electricity or other source of power is used for the purpose of trade or manufacture;

“food” means any substance, other than drugs and water, used as food or drink for human beings and includes ice, condiments or other things used for the flavouring or colouring of food;

“health inspector” means a health inspector in the service of the Government, or a local authority, deputed in writing by the chief medical officer to act as a health inspector for a specified area under this Act;

“local authority” means—

- (a) any organ of local government duly established under any law; or
- (b) in respect of any part of a district not falling under paragraph (2), the district commissioner;

“magistrate’s court” means a court established under the Magistrate’s Courts Act, No. 66 of 1938;

“meat inspector” means a meat inspector in the service of the Government or a local authority or person deputed in writing by the chief veterinary officer or the chief medical officer to act as a meat inspector for a specified area under this Act;

“medical officer” means a medical practitioner, in the service of the Government;

“medical officer of health” means —

- (a) the chief medical officer; or
- (b) a medical officer; or
- (c) a medical practitioner whom a local authority, with the approval of the chief medical officer, may in writing designate as a medical officer of health; or
- (d) a medical practitioner designated by the chief medical officer as a medical officer of health for a specified area;

“medical practitioner” means a person who is registered or licensed, under the law relating to medical practitioners, to practise as a medical practitioner;

“Minister” means the Minister for Health; and

“veterinary officer” means a veterinary officer in the service of the Government or a veterinary surgeon designated in writing by the Minister for Agriculture.

## PART II

### COMMUNICABLE DISEASES

#### *Notifiable diseases.*

3. (1) The following are notifiable diseases for the purposes of this Act —
  - (a) Group A (internationally quarantinable) —  
Cholera,

- Plague,
- Smallpox,
- Yellow fever; and
- (b) Group B (other) —
  - Acute food poisoning,
  - Acute Poliomyelitis,
  - Anthrax,
  - Diphtheria,
  - Enteric fever (typhoid and paratyphoid),
  - Leprosy,
  - Malaria,
  - Measles,
  - Meningococcal meningitis,
  - Rabies,
  - Relapsing fever (tick-borne),
  - Trachoma,
  - Tuberculosis (pulmonary),
  - Tuberculosis (other forms),
  - Whooping cough,
  - Acquired Immuno Deficiency Syndrome (AIDS).

[Sub-s. (1) amended L.N. 7/1972; L.N. 25/1987]

- (2) The Minister may, by notice in the Gazette, amend subsection (1)(a) and (b).

*Occupier's duty to notify disease.*

4. (1) If a case of notifiable disease occurs in or in the vicinity of a building in an urban area, the occupier thereof shall notify the local authority of the case in writing not later than twenty-four hours after the occurrence becomes known to him, giving —

- (a) the full name and the sex, age, and address of the affected person;
- (b) the name of the notifiable disease; and
- (c) the date of its occurrence.

(2) The occupier shall furnish such additional particulars relating to the case as the local authority may require.

(3) Upon receiving a notification in accordance with this section, the local authority shall forthwith inform the nearest medical officer of health of the case.

(4) A person who, without reasonable excuse, contravenes subsection (1) or (2) shall be guilty of an offence and liable, on conviction, to a fine of fifty emalangenis or, in default of payment, one month's imprisonment.

*Notification by medical practitioner.*

5. (1) If a medical practitioner attends, or is called upon to attend, a person suffering from a notifiable disease, the medical practitioner shall not later than twenty-four hours after

becoming aware of the nature of the disease, forward a certificate in the prescribed form specifying the kind of notifiable disease which he considers such person to have to the nearest medical officer of health.

(2) A medical practitioner who, without reasonable excuse contravenes subsection (1) shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred emalangeni or, in default of payment thereof, three months' imprisonment.

*Regulations relating to communicable diseases.*

6. The Minister may make regulations applicable to all communicable diseases or only to such communicable diseases as may be specified therein, and in particular, but without prejudice to the generality of the foregoing such regulations may provide for the following matters—

- (a) controlling or prohibiting —
  - (i) entry into, or departure from, Eswatini of a person or a specified class of person;
  - (ii) the introduction into Eswatini, or the transport from one part of Eswatini to another of a specified animal or thing;
- (b) the compulsory medical examination (including the taking of samples of any substance from the body), detention, quarantine, disinfection, vaccination, inoculation, treatment, isolation or surveillance as may be appropriate, of such animal or thing or person or class of person as is in, or enters or leaves, Eswatini;
- (c) the declaration and establishment of points of entry for the purpose of any regulation made under paragraph (a) or (b) and the closing all or any of the borders of Eswatini for such periods as the Minister or a prescribed officer may deem necessary or desirable; and
- (d) the closing of any school or any place of public entertainment, where deemed necessary for the purpose of preventing the spread of any communicable disease, and the regulation and restriction of school attendance.

*Power to administer treatment, etc.*

7. (1) If, under any regulation the Minister has given power to a prescribed officer to administer any vaccination A inoculation, or treatment to, or to take any sample from, any person, such officer shall before administering such vaccination, inoculation or treatment or taking such sample, request such person to consent to such vaccination, inoculation or treatment or taking, and if such person does not so consent he may report the matter to a magistrate.

(2) Upon receipt of such report the magistrate shall after enquiry make such order as he may deem necessary for the proper enforcement of the provisions and for the attainment of the objects of this Part.

(3) Notwithstanding subsection (2) where the Minister has, by notice in the Gazette declared that in his opinion a formidable epidemic exists or is apprehended such vaccination, inoculation or treatment or sample may be obtained upon the order of a medical officer without recourse to a magistrate.

(4) Any person who falls to comply with an order made under subsection (2) or (3) shall be guilty of an offence.

PART III  
NUISANCES

*Nuisance prohibited.*

8. No person shall cause a nuisance, or shall suffer any nuisance, or other condition liable to be injurious or dangerous to health to exist on any land or premises owned or occupied by him or of which he is in charge.

*Duties of local authorities to maintain cleanliness and prevent nuisances.*

9. Every local authority shall take all lawful, necessary and reasonably practicable measures for —

- (a) maintaining its area at all times in a clean and sanitary condition, and preventing the occurrence therein of, or remedying or causing to be remedied, any nuisance or condition liable to be injurious or dangerous to health; and
- (b) preventing any pollution dangerous to health of any supply of Water which the public within its area has a right to use and does use for drinking or domestic purposes, whether such supply is derived from sources within or beyond its area, and purifying any such supply which has become so polluted,

and to take measures, including, if necessary, proceedings at law against any person causing or responsible for the continuance of any such nuisance or condition or any person polluting any supply of water so as to be a nuisance or danger to health.

*Duty of local authorities to prevent or remedy danger to health arising from unsuitable dwellings.*

10. Every local authority shall take all lawful, necessary and reasonably practicable measures for preventing or causing to be prevented or remedied all conditions liable to be injurious or dangerous to health arising from the erection or occupation of unhealthy dwellings or premises, or the erection of dwellings or premises on unhealthy sites or on sites of insufficient extent, or from over-crowding, or from the construction, condition or manner of use of any factory or trade premises and to take proceedings under the law or regulations in force in its area against any person causing or responsible for the continuance of any such condition:

Provided that except with the consent of the chief inspector appointed under the Factories Act, No. 15 of 1965, no action shall be taken by any local authority under this Part in respect of any factory premises if such action is likely to interfere with the condition or manner of use of any machinery or plant.

*What constitutes a nuisance.*

11. The following shall be deemed, to be nuisances liable to be dealt with under this Part any —

- (a) vehicle in such a state or condition as to be injurious or dangerous to health;
- (b) dwelling or premises or part thereof which is of such construction or in such a state or so situated or so dirty or so verminous or so damp as to be or likely to be injurious or dangerous to health or which is liable to favour the spread of any communicable disease;
- (c) street, road or part thereof, stream, pool, lagoon, ditch, gutter, watercourse, sink, watertank, cistern, water-closet, earth-closet, privy, urinal, cesspool, soakaway

pit, septic tank, cesspit, soil-pipe, waste-pipe, drain, sewer, garbage receptacle, dust-bin, dung-pit, refuse-pit, slop-tank, ash-pit or manure heap, so foul or in such a state or so situated or constructed as to be offensive or to be or likely to be injurious or dangerous to health;

- (d) growth of weeds, long grass, trees, undergrowth, hedge, bush or vegetation of any kind which is or is likely to be injurious or dangerous to health, and any vegetable that of itself is or is likely to be dangerous to children or others either by its effluvia or through its leaves, seeds, fruits or any part of it being eaten;
- (e) well or other source of water supply or any cistern or other receptacle for water, whether public or private, the water from which is used or is likely to be used, by man for drinking or domestic purposes or in connection with any dairy or milkshop, or in connection with the manufacture or preparation of any article of food intended for human consumption, which is polluted or otherwise liable to render any such water injurious or dangerous to health;
- (f) noxious matter, or waste water, flowing or discharged from any premises, wherever situated, into any public street, or into the gutter or side channel of any street, or into any gulley, swamp, or watercourse, irrigation channel or bed thereof not approved by the local authority for the reception of such discharge;
- (g) collection of water, sewage, rubbish, refuse, ordure, or other fluid or solid substances which permit or facilitate the breeding or multiplication of animal or vegetable parasites of men or domestic animals, or of insects or of other agents, which are known to carry such parasites or which may otherwise cause or facilitate the infection of men or domestic animals by such parasites;
- (h) collection of water in any well, pool, gutter, channel, depression, excavation, barrel, tub, bucket, or any other article, and found to contain any of the immature stages of the mosquito;
- (i) cesspit, latrine, urinal, dung-pit, or ash-pit found to contain any of the immature stages of the mosquito;
- (j) stable, kraal, cow-shed or other building or premises used for the keeping of animals or birds which is so constructed, situated, used or kept as to be or likely to be offensive or injurious or dangerous to health;
- (k) animal so kept as to be or likely to be offensive or injurious to health;
- (l) accumulation or deposit of refuse, offal, manure, or other matter whatsoever which is or is likely to be offensive or injurious or dangerous to health;
- (m) accumulation of stones, timber or other material of any nature whatever if such accumulation harbours or is likely to harbour rats or other vermin;
- (n) premises in such a state or condition and any building so constructed as to harbour or be likely to harbour rats;
- (o) dwelling or premises which is so overcrowded as to be or likely to be injurious or dangerous to the health of the inmates or is dilapidated or defective in lighting or ventilation, or is not provided with or is so situated that it cannot

- be provided with sanitary accommodation to the satisfaction of a medical officer of health;
- (p) building which is so situated, constructed, used or kept as to be or likely to be unsafe or injurious or dangerous to health;
  - (q) occupied dwelling for which such proper, sufficient and wholesome water supply is not available within such reasonable distance as under the circumstances it is possible to obtain;
  - (r) factory or trade premises not kept in a cleanly state and free from offensive smell arising from any drain, privy, water-closet, earth-closet, or urinal, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated, or so overcrowded or so badly lighted or ventilated as to be or likely to be injurious or dangerous to the health of those employed therein;
  - (s) factory or trade premises causing or giving rise to smells or effluvia which are or are likely to be offensive or injurious or dangerous to health;
  - (t) area of land kept or permitted to remain in such a state as to be offensive, or liable to cause any infection, communicable or preventable disease or injury or danger to health;
  - (u) chimney sending forth smoke in such quantity or in such manner as to be or likely to be offensive or injurious or dangerous to health;
  - (v) cemetery, burial place, crematorium or other place of sepulture so situated or so crowded or otherwise so conducted as to be or likely to be offensive or injurious or dangerous to health;
  - (w) gutter, drain, chute, stack pipe, down spout water-tank or cistern which by reason of its insufficiency or its defective condition causes or is likely to cause damp in any dwelling;
  - (x) deposit of material in or on any building or lane which causes or is likely to cause damp in any building so as to be or likely to be dangerous or injurious to health;
  - (y) dwelling, public building, trade premises, workshop or factory not provided with sufficient and sanitary latrines; or
  - (z) other condition whatever which is or is likely to be offensive, injurious or dangerous to health.

*Notice to remove nuisance.*

12. A local authority or a medical officer of health, if satisfied of the existence of a nuisance, may serve a notice on the author of the nuisance, or, if he cannot be found, then on the occupier or owner of the dwelling or premises on which the nuisance arises or continues requiring him to remove it 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 local authority or medical officer of health thinks it desirable, but not otherwise, specifying any works to be executed to prevent a recurrence of the said nuisance:

Provided that if the —

- (a) nuisance arises from any want or defect of a structural character, or the dwelling or premises is unoccupied, the notice shall be served on the owner;



- (b) author of the nuisance cannot be found or it is clear that the nuisance does not arise or continue by the act or default or sufferance of the occupier or owner of the dwelling or premises, the local authority shall remove the nuisance, and may do what is necessary to prevent the recurrence thereof.

*Procedure in case owner fails to comply with notice.*

13. (1) If the person on whom a notice to remove a nuisance has been served under section 12 fails to comply with any of the requirements thereof within the time specified, or if the nuisance although removed since the service of such notice is, in the opinion of the local authority, likely to recur on the same premises, the local authority may cause a complaint relating to such nuisance to be made before a magistrate and he shall thereupon issue a summons requiring the person on whom the notice was served to appear before a magistrate's court.

(2) If such court is satisfied that the alleged nuisance exists, or that although removed it is likely to recur on the same premises, the court shall make an order —

- (a) on the author thereof, or the occupier or owner of the dwelling or premises, as the case may be, requiring him to comply with all or any of the requirements of the notice or otherwise to remove the nuisance within a time specified in the order and to do any works necessary for that purpose; or
- (b) prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence; or
- (c) both requiring removal and prohibiting the recurrence of the nuisance.

(3) The court may by such order impose a fine not exceeding one hundred emalangeni on the person on whom the order is made and may also give directions as to the payment of all costs incurred up to the time of the hearing or making of the order for the removal or prohibition of the nuisance.

(4) Before making any order, such court may, if it thinks fit, adjourn the hearing or further hearing of the summons until an inspection, investigation or analysis in respect of the nuisance alleged has been made by some competent person.

(5) If the nuisance proved to exist is in the judgment of such court such as to render a dwelling unfit for human habitation, the court may issue a closing order prohibiting the use thereof as a dwelling until in its judgment the dwelling is fit for that purpose.

(6) Such court may further order that no rent shall be due or payable by or on behalf of the occupier of such dwelling in respect of the period in which the closing order exists.

(7) If such court is satisfied that such dwelling has been rendered fit for use as such it may terminate the closing order and by a further order declare the dwelling habitable, and from the date thereof such dwelling may be let or inhabited.

(8) Notwithstanding any order mentioned in subsection (7), further proceedings may be taken in accordance with this section in respect of the same dwelling in the event of any nuisance occurring or of the dwelling being again found to be unfit for human habitation.

*Penalties in relation to nuisances.*

14. (1) Any person who fails to comply with an order made under section 13 shall, unless he satisfies the court that he has used all diligence to comply with such order, be guilty of an offence and liable on conviction to a fine not exceeding one hundred emalangeni, and to a further fine not exceeding eight emalangeni for every day during which such failure continues.

(2) The local authority may in such case enter the premises to which any such order relates and remove the nuisance and do whatever may be necessary in the execution of such order and may recover the expenses incurred by it in any competent court from the person on whom the order is made.

*Court may order local authority to execute works in certain cases.*

15. If it appears to the satisfaction of the court that the person by whose act or default the nuisance arises, or the owner or occupier of the premises, is not known or cannot be found, the court may at once order the local authority to execute the works thereby directed and the cost of executing the same shall be a charge on the property on which the said nuisance exists.

*Power of sale.*

16. Any matter on thing taken away by a local authority in removing any nuisance under this Part may be sold by public auction; and the money arising from the sale may be retained by the local authority, and applied in payment of the expenses incurred by it in respect of such nuisance, and the surplus, if any, shall be paid, on demand, to the owner of such matter or thing if he establishes his claim thereto within two years from the date of such sale, failing which such surplus shall become part of the Consolidated Fund.

*Persons jointly responsible for nuisances may be proceeded against.*

17. (1) If any nuisance liable to be dealt with under this Part appears to be wholly or partly caused by the acts or defaults of two or more persons, a local authority may institute proceedings against any one of such persons or may include all or any two or more of them in one proceeding, and any one or more of such persons may be ordered to remove the nuisance, so far as it appears to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which contribute to the nuisance, or may be fined or otherwise dealt with notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance; and the costs may be distributed as may appear to the court to be fair and reasonable.

(2) Proceedings under subsection (1) against several persons included in one complaint shall not abate by reason of the death of any of the persons so included, but all such proceedings may be carried on as if such deceased person had not been originally so included.

(3) If only some of the persons by whose act or default any nuisance has been caused or partly caused have been proceeded against under this Part, they shall, without prejudice to any other remedy, be entitled to recover from any other persons who were not so proceeded against and by whose act or default the said nuisance was caused or partly caused a proportionate part of the costs of and incidental to such proceedings, abating such nuisance, any fine and costs ordered to be paid in such proceedings.

*Examination of premises.*

18. The local authority or any of its officers or a medical officer of health or a health inspector may at all reasonable times enter any building or premises for the purpose of examining it to ascertain whether any nuisance exists therein, and any of its officers may, if necessary, open up the ground of such premises and cause the sewers to be tested or such other work to be done as may be necessary for the effectual examination of the said premises:

Provided that if no nuisance is found to exist, the local authority shall restore the premises at its own expense.

*Demolition of unfit buildings.*

19. (1) If a nuisance is proved to exist, with respect to a building and the court is satisfied that such building is so delapidated, or so defectively constructed, or so situated, that repairs to or alterations of it are not likely to remove the nuisance and make such dwelling fit for human habitation, the court may order the owner thereof to commence to demolish the building on or before a specified day, being at least one month from the date of issuing the order, and to complete the demolition and to remove the materials which comprised the same from the site before another specified day.

(2) If any person fails to comply with an order for demolition made under subsection (1) he shall be guilty of an offence and be liable to pay the daily fine provided in section 14, and the local authority may cause the building to be demolished and may recover from the owner the expense incurred in doing so after deducting the nett proceeds of the sale of the materials, which the local authority may sell by auction.

(3) The court shall give notice to the occupier of a building in respect of which such order has been issued requiring him to move therefrom within a time to be specified in such notice.

(4) If any person fails to comply with such notice given under subsection (3) or enters the building or premises after the date fixed by the court for the commencement of the demolition thereof, except for the purpose of demolition, he shall be guilty of an offence.

(5) No compensation shall be payable by the local authority to the owner or occupier of any building in respect of such demolition, and from the date of such demolition order no rent shall be due or payable by or on behalf of the occupier in respect of such building.

(6) Demolition of a building under this section shall be carried out in accordance with the Building Act, No. 34 of 1968, and the order of the court shall be deemed to be a permit to demolish under that Act.

*Saving as to other legislation relating to nuisances.*

20. Nothing in this Part shall prevent a local authority from taking steps in terms of any other law relating to nuisances in force within its area or rendering such law invalid in so far as it provides for nuisances.

*Cost of execution of provisions relating to nuisances.*

21. (1) All reasonable costs and expenses incurred in serving a notice, making a complaint or obtaining a nuisance under sections 12 and 13, or in carrying the order into effect, shall be deemed to be money paid for the use and at the request of the person on whom the order is made, or, if no order is made but the nuisance is proved to have existed when the notice was served or the complaint made, then of the author of the nuisance.

(2) Such costs and expenses incurred in relation to any such nuisance may be recovered as a civil debt, and the court shall have power to divide such costs and expenses between the authors of the nuisance as to it may seem just.

(3) If, in accordance with this Act, a local authority has itself abated or removed a nuisance or done what is necessary to prevent a recurrence thereof, and if no owner or occupier of the premises can be found, or appears or pays the expenses thereby incurred within six months after the completion of the removal or abatement of such nuisance, the court may order the premises upon which the work has been done, or any part thereof, or any movable property found thereon, to be sold by public auction, and the amount realised by such sale

shall be applied in defraying the said costs and expenses, and the balance, if any, paid over to the owner or occupier if he establishes his claim thereto within two years after the date of such sale, failing which such balance shall become part of the Consolidated Fund.

#### PART IV

##### GENERAL PROVISIONS

###### *Buildings used for storage of food.*

22. (1) A building which is regularly used for the storage of food for the purposes of trade shall be of such material and so constructed as to render it rat-proof and vermin-proof.

(2) If, a building intended, or being used, for the storage of food for the purposes of trade is either in a state of disrepair or, by reason of its design or construction or defective materials, does not afford sufficient protection against rats or vermin invasion, the local authority may, by written notice, require the owner to effect specified repairs and alterations within a stipulated time, and, if the notice is not complied with, the local authority may enter the premises of the warehouse or other building and effect the repairs and alterations and recover the cost of effecting the repairs and alterations from the owner.

(3) If a medical officer of health considers that food stored for the purposes of trade is insufficiently protected against rats, vermin or pollution, he may, by written notice, give the occupier of the building instructions for the better protection of the food, and shall in such notice state a time within which the instructions are to be complied with.

(4) Any person who fails to comply with a notice given under this section shall be guilty of an offence and liable, on conviction, in the case of an offence under —

- (a) subsection (2) to a fine of two hundred emalangeni or six months' imprisonment or both; and
- (b) subsection (3) to a fine of one hundred emalangeni or three months' imprisonment or both.

###### *Rooms used for storage of food.*

23. (1) No person shall sleep or reside in a kitchen or any other room in which food intended for sale is prepared or stored.

(2) If a medical officer of health considers that subsection (1) has been contravened, or that premises adjoining the kitchen or room referred to in subsection (1) is being used for the purposes of sleeping and that food in the said kitchen or room is thereby likely to become contaminated or otherwise made unwholesome; he may serve upon the owner or occupier of those premises, or both, a notice calling upon them to take such measures within the time specified in the notice, as in his opinion will prevent the continuance of a contravention of subsection (1) or the use of such premises for such purposes.

###### *Powers of entry and inspection, etc.*

24. For the purpose of making an inspection or doing the work or other thing necessary for, or incidental to, the carrying out of his functions under this Act a medical officer of health or an officer or person to whom he has delegated his powers under this Act in writing, a health inspector, an administrative officer, or a local authority or an officer or a person to whom it has

delegated its powers under this Act in writing, may, at any reasonable time when the inspection, work or other thing may be properly carried out, enter any land or premises by force if necessary.

*Special powers of medical officer of health.*

25. (1) If a medical officer of health reasonably considers it necessary for the protection of public health, he may —

- (a) require the medical examination of any person who is in any premises where milk or any other dairy product or other article of food intended for sale is prepared, collected, kept or sold, or is, or has been, or will be engaged in the preparation, collection, keeping, conveyance or distribution of such milk, product or article; and
- (b) prohibit any person who keeps cows, or a dairyman or a purveyor of milk, or any other person, to employ, in connexion with the preparation, collection, keeping, conveyance or distribution of milk or other dairy product or other article of food, a person found to be suffering from a communicable disease and for so long as he is so suffering.

(2) Any person who, without reasonable excuse fails to submit to a medical examination required of him under subsection (1)(a), or contravenes or permits any other person to contravene subsection (1)(b), shall be guilty of an offence and liable, on conviction, to a fine of one hundred emalangeni or, in default of payment thereof, three months' imprisonment.

*Regulations.*

26. (1) The Minister may, by notice published in the Gazette, make such regulations as may be necessary or expedient for the prevention of disease and the preservation or promotion of public health.

(2) Without prejudice to the generality of the foregoing, the regulations may provide for the following matters —

- (a) the inspection, by prescribed officers, of factories, stores, shops and other places where food is manufactured, prepared or kept;
- (b) the taking and examination of samples of food;
- (c) the removal or detention of animals, the meat of animals or other food suspected of being diseased or unsound or otherwise unfit for human consumption for the purpose of examination or inquiry —
  - (i) in the case of animals or their meat, by a meat inspector or a veterinary officer, or;
  - (ii) in the case of other food, by a medical officer of health or a health inspector;
- (d) the detention, seizure, destruction, treatment or disposal of food found unfit for human consumption;
- (e) the inspection of food intended for sale or export and the control, inspection and supervision of the manufacture, preparation, keeping, handling, exposure or conveying of food intended for sale or export and the marking of food

- passed as fit for human consumption and prohibiting the manufacture, preparation, keeping, handling, conveyance, sale or export of food which —
- (i) is unfit for human consumption; or
  - (ii) has been exposed to any infection or contamination;
- (f) the requirements of cleanliness, lighting, ventilation, water supply, drainage or sanitary conveniences of premises where food is manufactured, prepared, kept, handled or exposed for sale and prohibiting the use, for those purposes, of premises which are unsuitable, on grounds of public health, for such purposes;
- (g) prohibiting the import of food which is not clean, sound and free from any disease, infestation or other infection or contamination;
- (h) controlling the import manufacture or preparation and storage and sale of, or trade in, food packed in airtight containers or otherwise preserved or appearing to be so packed or preserved;
- (i) prohibiting the import, sale or possession of a container, intended to hold food, which is rusty or defectively soldered, or made of material containing, in a part likely to come into contact with the contents, lead or other poisonous or injurious substance in such proportion as to be likely to cause injury or to be dangerous to health; and the maximum proportions of the substances which may be used in such container;
- (j) controlling the preparation and sale of food by a hawker and the requirements of any conveyance used by him for the sale of food;
- (k) the licensing of —
- (i) hotels, restaurants, cafes, eating-houses and the like places open to the public for the consumption of food on the premises;
  - (ii) aerated-water factories and premises for the manufacture of ice or icecream products;
  - (iii) premises where the meat of animals or fish is sold;
  - (iv) the premises of a barber or hairdresser;
  - (v) bakehouses or bakeries;
  - (vi) laundries, wash-houses or the like; and
  - (vii) lodging-houses, boarding-houses, apartment-houses and the like,
- and the inspection and control, including management, conduct, cleanliness, cleansing, lighting, ventilation and general sanitation of such places;
- (l) controlling or prohibiting, in a place where the public is served with food or other refreshments, the use of cracked, chipped, damaged or broken crockery;
- (m) the destruction, and the prevention of the breeding, of insects and other animals believed to harbour or convey infection, or to cause a disease dangerous to man;
- (n) the fixing, by a prescribed authority, of fees or other charges, to be paid to the Government or, as the case may be, to a local authority in respect of any matter specified in this subsection;

- (o) the forms to be used with regard to any matter under this Act, including whether such forms are to be those approved by the Minister or other prescribed authority or as set forth in the regulations;
- (p) the definition of offences against the regulations;
- (q) requiring local authorities to furnish reports and returns relating to any matter affecting public health;
- (r) prohibiting adulteration of food and drink;
- (s) prohibiting the sale, offering for sale, exchange, trade in or possession of adulterated or tainted food or drink;
- (t) designating persons to be prescribed officers for the purposes of performing functions under this Act and defining and regulating those functions;
- (u) such other matters as are incidental to, or connected with, the foregoing.

(3) The requirements of any regulation relating to the grant of a licence, permit or other form of authorization shall be in addition to any requirement of a licence, permit or other form of approval or fee or other charge under any other law.

(4) Notwithstanding anything in any other law, it shall be deemed to be a condition of the grant of a licence, permit or other form of authorization under such law that the grantee complies with all relevant requirements of this Act.

*Penalties.*

27. (1) Any person who wilfully obstructs or resists the lawful exercise of any function under this Act shall be guilty of an offence.

(2) Any person who commits an offence specified in this Act shall be liable, on conviction, unless a lesser penalty is prescribed therefor, to a fine of two hundred emalangeni or, in default of payment thereof, six months' imprisonment and, if the offence is a continuing offence, an additional fine not exceeding four emalangeni for each day on which such offence is continued after a date fixed by the court for the rectification of the contravention in question.

*Burden of proof as to knowledge of infection.*

28. In any legal proceedings, criminal or civil, under this Act relating to a communicable disease, or to any article or thing alleged to have been exposed to or contaminated with the infection thereof, whenever it is an issue in the proceedings that the accused or the defendant knew that he or any other person was infected with such disease or that such article or thing had been so exposed or was so contaminated, he shall be deemed to have had such knowledge until he satisfies the court to the contrary.

*Defect inform not to invalidate.*

29. No defect in the form of any notice given or order made under this Act shall invalidate or render unlawful the administrative action, or be a ground for exception to any legal proceedings which may be taken in the matter to which such notice or order relates, provided the requirements thereof are substantially and intelligibly set forth.

*Service of notices, etc..*

30. (1) If under this Act any notice, or other document is required to be given to any person, it shall be deemed to be sufficiently served if sent by registered post addressed to him at

his last known place of abode or left thereat with him personally or with some adult inmate thereof; and in the case of a notice, order or other document required to be given to an owner or occupier of land or premises whose abode, after enquiry, is unknown, it shall be deemed to be sufficiently served if posted up in some conspicuous place on such land or premises.

(2) It shall not be necessary in any notice, order or other document given to an owner or occupier of land or premises to name him but the notice, order or document shall describe him as the owner or occupier of the land or premises.

*Protection of officers.*

31. No report made or action taken or thing done by the Minister or by a medical officer or medical officer of health or health inspector or any generally or specifically authorized officer of the Government or of a local authority or a prescribed officer in exercise of any power conferred or the performance of and duty imposed by this Act shall subject him in his personal capacity to any legal proceedings, whatsoever, provided such report was made or action was taken or thing done in good faith and without negligence.

*Provisions in this Act in relation to other laws.*

32. Save as specially provided in this Act, this Act shall be in addition to and not in substitution for any other law which is not in conflict or inconsistent with this Act, and where any other law is in conflict or inconsistent with this Act, this Act shall prevail.