

TURKS AND CAICOS ISLANDS

CHAPTER 8.04
PUBLIC AND ENVIRONMENTAL
HEALTH ORDINANCE
and Subsidiary Legislation

Revised Edition
showing the law as at 31 August 2009

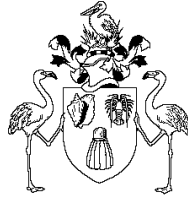
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This edition contains a consolidation of the following laws—

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CHAPTER 8.04

**PUBLIC AND ENVIRONMENTAL
HEALTH ORDINANCE**

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CHAPTER 8.04

PUBLIC AND ENVIRONMENTAL HEALTH ORDINANCE

(Ordinances 18 of 1992, 7 of 1993, 32 of 1994 and 3 of 1995)

AN ORDINANCE RELATING TO THE PROTECTION AND PROMOTION OF THE PUBLIC AND ENVIRONMENTAL HEALTH OF THE TURKS AND CAICOS ISLANDS AND MATTERS INCIDENTAL THERETO.

Commencement

[1 April 1993]

PART I

PRELIMINARY

Short title

1. This Ordinance may be cited as the Public and Environmental Health Ordinance.

Interpretation

2. (1) In this Ordinance—

“Board” means the Board of Public and Environmental Health established under section 4;

“Chief Environmental Health Officer” means the Chief Environmental Health Officer referred to in section 3(b);

“Chief Medical Officer” means the Chief Medical Officer referred to in section 3(a);

“court” means the Magistrate’s Court;

“destroy”, in relation to the carcass of an animal, means to burn, bury or otherwise dispose of the carcass;

“disease” means any communicable disease, whether infectious, notifiable, venereal or otherwise;

“eating house” means any premises on which food or drink is sold for human consumption or offered, prepared, exposed or deposited to be sold for human consumption;

“food handler” means any person employed at an eating house who by reason of his employment comes into contact with food, whether by way of preparation, transportation, presentation, storage, packing, wrapping, exposure for sale, service or delivery, or who is responsible for the cleaning or maintenance of articles or equipment which come into contact with food;

“Governor” means the Governor in Cabinet;

“health officer” means a public health officer or an environmental health officer referred to in section 3(c) and, unless the context otherwise requires, the Chief Medical Officer and the Chief Environmental Health Officer;

“health practitioner” means a person registered as a health practitioner under the Health Practitioners Ordinance;

“infectious” includes contagious and epidemic;

“infectious disease” means a disease specified in Schedule 1;

“member” means a member of the Board of Health;

“Minister” means the Minister responsible for health;

“notifiable disease” means a disease specified in Schedule 2;

“nuisance” means any condition, thing or act not authorized by law which is injurious or obnoxious to the community or any of its members, and which constitutes or might reasonably be held likely to become a hazard to the public health or environment, and includes the conditions, things or acts specified in section 20;

“owner”, in relation to any premises or property, includes the person managing or having charge of the premises or property on the owner’s behalf, or entitled to possess the premises or property;

“premises” includes any vehicle, aircraft or vessel;

“prescribed location” means the Island or Cay prescribed in Schedule 3;

“private premises” means premises used solely for private residential purposes, to which there is no public right of access, whether on payment or otherwise, and which are not used for the letting of accommodation, the taking of lodgers or any other commercial purpose;

“vehicle” includes an aircraft or vessel;

“venereal disease” means gonorrhoea, herpes, syphilis or any other disease transmitted exclusively or primarily through sexual contact, and includes the Acquired Immune Deficiency Syndrome (AIDS) or infection by the Human Immunodeficiency Virus (HIV).

(2) Subject to this Ordinance, the Minister may by notice published in the *Gazette* amend Schedules 1, 2 and 3.

Appointment and areas of competence of officers

3. (1) Subject to the law relating to the public service, there shall be—
- (a) a Chief Medical Officer;
 - (b) a Chief Environmental Health Officer; and
 - (c) such health officers, either generally or in relation to any prescribed location or area of competence, as are necessary for carrying into effect the provisions of this Ordinance,

whose offices shall be public offices.

- (2) Subject to any directions given to him by the Minister—
- (a) the Chief Medical Officer shall be responsible for enforcing Part III of this Ordinance;
 - (b) the Chief Environmental Health Officer shall be responsible for enforcing Parts IV, V, VI, VII, VIII and IX of this Ordinance.

PART II

BOARD OF PUBLIC AND ENVIRONMENTAL HEALTH

Establishment of Board

4. (1) There shall be established a Board, to be called the Board of Public and Environmental Health, whose function is to advise and make recommendations to the Governor on matters relating to the public and environmental health of the Islands and the exercise of the powers conferred by this Ordinance.

- (2) The members of the Board shall be—
- (a) the Chief Medical Officer and Chief Environmental Health Officer; and
 - (b) such other members, not fewer than three and not exceeding ten, as the Governor may appoint,

of whom the Governor shall appoint two members to act as Chairman and Deputy Chairman of the Board respectively.

(3) An appointed member of the Board shall hold office for such period, not exceeding three years, as the Governor shall specify at the time of his appointment, and shall be eligible for reappointment.

(4) An appointed member, other than a public officer appointed by reference to his office, may resign from the Board by notice in writing to the Chairman, and any appointment may at any time be terminated by the Governor.

(5) Appointed members may be paid such remuneration as the Governor may determine.

Meetings of Board

5. (1) The Board shall meet on such dates, not being less than once each quarter, as the Chairman may direct.

(2) The Chairman or, in his absence, the Deputy Chairman, shall preside at all meetings of the Board.

(3) At any meeting of the Board three members, including the Chairman or Deputy Chairman, shall constitute a quorum.

(4) At a meeting of the Board all questions shall be decided by a majority of votes of the members present and voting and, in the event of an equality of votes, the member presiding shall have a casting vote.

(5) The Board may, with the approval of the Governor, make rules regulating its procedure.

Secretary of Board

6. The Governor may appoint a secretary for the Board, but until such appointment is made, and at any time when the person appointed is absent or the office is vacant, the Chairman shall appoint one of the members to act as secretary.

Committees of Board

7. (1) The Board may appoint committees to examine or advise on any matter relating to—

- (a) the administration and enforcement of any Part of this Ordinance;
- (b) the public or environmental health of any part of the Islands specified by the Board.

(2) Any such committee shall consist of at least one member of the Board who shall be chairman of the committee, and of such other persons appointed by the Board, whether members of the Board or not, whose assistance or advice the Board may desire and who are willing to serve on such committee.

(3) The Board may reject any report of or advice given by any such committee or may adopt it wholly or in part with such modifications as the Board may think fit.

Function of Board

8. Without prejudice to section 4(1), it shall be the function of the Board to take into consideration all matters relating to the protection and promotion of the health of the people and environment of the Islands and, without derogation from the generality of its function, to consider measures for—

- (a) the prevention, treatment, limitation and suppression of disease;

- (b) the education of the public in aspects of the protection of personal and environmental health;
- (c) the abatement of nuisances and the correction of any condition that may be injurious to public or environmental health;
- (d) ensuring adequate standards of hygiene in all aspects of the handling, preparation and sale of food intended for human consumption; and
- (e) ensuring adequate standards of hygiene in hotels, boarding houses, restaurants, cafes, bars, eating houses, factories, shops and other public places,

and make recommendations to the Minister on any such matter.

PART III

CONTROL OF DISEASES

Control of infectious diseases

9. (1) It shall be the duty of the Board to report forthwith to the Governor when it becomes aware that any infectious disease prevails in any part of the Islands and to recommend any measures which the Board considers expedient to control or eliminate such disease.

(2) If the Governor is satisfied that there are not sufficient powers under this or any other Ordinance to permit the measures to be taken which he considers necessary to control or eliminate such disease, or whereby the cause of the danger to public health may be removed or guarded against, the Governor may by order adopt any such measures as the Board may recommend:

Provided that any such order, if not earlier revoked, shall expire at the end of six months from the date it was made unless extended by the Governor for a specified further period.

Cleansing and disinfecting houses

10. (1) When an infectious disease has existed on any premises and in the opinion of a health officer the premises ought to be cleansed or disinfected to prevent the spread of the disease, the health officer shall give notice to the owner or occupier of the premises requiring him within a specified time to cleanse or disinfect them, or any article in or upon them to the satisfaction of the health officer.

(2) If there is no compliance with a notice issued under subsection (1) within the time specified in it, the health officer or any other person acting on the written authority of the health officer may enter the premises and cleanse or

disinfect them or any article in or upon them in accordance with the requirements of the notice.

(3) No person shall permit another to occupy, whether as a tenant or otherwise, any premises or part of any premises in which any person has been suffering from an infectious disease without first having such premises, and everything in or upon them liable to retain infection, cleansed or disinfected to the satisfaction of a health officer.

(4) A person who contravenes subsection (3) commits an offence and is liable to a fine of \$100.

Wilful spreading of infectious diseases

11. A person who—

- (a) knowing that he suffers from an infectious disease, wilfully and without proper precautions against spreading it frequents any public place;
- (b) being in charge of a person suffering from an infectious disease, knowing that such person is so suffering, permits such person to frequent any public place; or
- (c) parts with or exposes without previous disinfection any bedding, clothes or other articles which have been exposed to infection from any disease,

commits an offence and is liable to a fine of \$500 or a term of imprisonment of three months or both.

Wilful spreading of venereal diseases

12. A person who, knowing that he suffers from a venereal disease, wilfully or by culpable negligence infects any other person with such disease, or with an organism that is capable of causing it, or does or permits or suffers any act likely to lead to the infection of any other person with such disease or organism, commits an offence and is liable—

- (a) in the case of infection by the Acquired Immune Deficiency Syndrome (AIDS) or the Human Immunodeficiency Virus (HIV), on conviction on indictment to a term of imprisonment of ten years; or
- (b) in any other case, to a fine of \$1,000 or a term of imprisonment of six months or both.

Report of notifiable disease or food poisoning

13. (1) If a health practitioner becomes aware or believes that a patient whom he is attending is suffering from a notifiable disease, or is carrying an organism that is capable of causing it, or is suffering from food poisoning, he shall, unless he believes on reasonable grounds that some other health practitioner has

complied with this subsection with respect to the patient, forthwith send to the Chief Medical Officer a letter stating—

- (a) the name, age and sex of the patient and the address of the premises where the patient is presently residing;
- (b) particulars of the disease or, as the case may be, the food poisoning from which the patient is, or is suspected to be, suffering, and the date or approximate date of its onset;
- (c) the premises at which it is believed the notifiable disease or the food poisoning was contracted; and
- (d) if the premises specified under paragraph (a) is a hospital, the day on which the patient was admitted and the address of the premises from which he came there.

(2) The Chief Medical Officer shall, within 48 hours of receiving the letter, inform in writing the secretary of the Board and any health officer within whose district is situated the premises specified in the letter.

(3) A health practitioner who fails to comply with subsection (1) commits an offence and is liable to a fine of \$1,000 or to term of imprisonment of six months or both.

Court's power to order examination

14. (1) If, on the application of a health officer acting pursuant to a letter referred to in section 13(1), the court is satisfied that—

- (a) there is reason to believe that some person in the Islands—
 - (i) is or has been suffering from a notifiable disease; or
 - (ii) though not suffering from such a disease, is carrying an organism that is capable of causing it;
- (b) it is in that person's own interest, or in the interest of his family, or in the public interest, that he should be medically examined; and
- (c) that person is not under the treatment of a health practitioner or that the health practitioner who is treating him either consents to the making of an order under this section or has failed to show good cause why such an order should not be made,

the court may order him to be medically examined by such health practitioner as the court may by name designate.

(2) In this section, references to a person being medically examined shall be construed as including references to his being submitted to bacteriological and radiological tests and similar investigations.

Court's power to order commitment to hospital

15. (1) If on the application of a health officer the court is satisfied that a person is suffering from a notifiable disease and that—

- (a) that person's circumstances are such that proper precautions to prevent the spread of infection cannot be taken, or that such precautions are not being taken;
- (b) a serious risk of infection is thereby caused to other persons; and
- (c) accommodation for that person is available in a suitable hospital,

the court may order him to be removed to that hospital.

(2) An order under this section shall be addressed to the health officer applying for it, and that health officer and any officer of the hospital may do all things necessary for giving effect to the order.

Court's power to order detention in hospital

16. (1) If on the application of a health officer the court is satisfied that an inmate of a hospital who is suffering from a notifiable disease would not on leaving the hospital be provided with lodging or accommodation in which proper precautions could be taken to prevent the spread of the disease by him, the court may order him to be detained in the hospital.

(2) An order made under subsection (1) may direct detention for a period specified in the order, but the court may extend a period so specified as often as it appears to it necessary so to do.

(3) Any person who leaves a hospital contrary to an order made under this section for his detention there, commits an offence and is liable to a fine of \$250, and the court may order him to be taken back to the hospital.

(4) An order under this section shall be addressed—

- (a) to the officer of the hospital concerned; and
- (b) to the health officer applying for it,

and that health officer and any officer of the hospital may do all acts necessary for giving effect to the order.

Power to order burial

17. (1) If—

- (a) a person dies in hospital while suffering from a notifiable disease; and
- (b) a health officer certifies that in his opinion it is desirable, in order to prevent the spread of infection, that the body should not be removed from the hospital except for the purpose of being taken direct to a mortuary or for being forthwith buried or cremated,

it shall not be lawful for any person to remove the body from the hospital except for such a purpose.

(2) In any such case, when the body is removed for the purpose of burial or cremation from the hospital or any mortuary to which it has been taken, it shall forthwith be taken direct to some place of burial or cremation and there buried or cremated.

(3) A person who contravenes any provision of this section commits an offence and is liable to a fine of \$250.

Prevention of contact with corpse

18. Every person having the charge or control of premises in which is lying the body of a person who has died while suffering from a notifiable disease shall take such steps as may be reasonably practicable to prevent persons coming unnecessarily into contact with, or proximity to, the body, and if he fails to do so he commits an offence and is liable to a fine of \$250.

Confidentiality

19. (1) No person shall be present during the hearing and determination by the court of any proceedings under sections 14, 15, or 16 except—

- (a) officers of the court;
- (b) parties to the case before the court, their attorney, witnesses and other persons directly concerned in the case, and other persons whom either party desires to be present;
- (c) any other person whom the court may permit to be present, so, however, that permission shall not be withheld from a person who appears to the court to have adequate grounds for attendance.

(2) When hearing proceedings referred to in subsection (1) the court may direct that any persons, not being officers of the court or parties to the case, the parties' attorneys, or other persons directly concerned in the case, be excluded during the taking of evidence.

(3) A person who discloses any information obtained by him in the exercise of his duties under sections 13 to 16 or this section to any person not entitled under those provisions to receive such information, commits an offence and is liable to a fine of \$1,000 or a term of imprisonment of six months or both.

(4) It shall not be an offence under subsection (3) if the information is disclosed—

- (a) to a health practitioner, or a person employed under the direction of a health practitioner, in connection with the treatment of persons suffering from a notifiable disease to which that information relates, or the prevention of the spread of such notifiable disease; and
- (b) for the purpose of such treatment or prevention.

PART IV

ABATEMENT OF NUISANCES

What are to be dealt with as nuisances

20. For the purposes of this Ordinance the following shall be nuisances—

- (a) any premises which are allowed to be in such a state as to be a nuisance or injurious to health;
- (b) any animal kept within the limits of any area prescribed under section 24;
- (c) any animal kept or maintained in such a manner as to be a nuisance or injurious to the health of persons;
- (d) any pool, gutter, ashpit, cesspool, drain, privy, septic tank or sanitary convenience so foul or in such a state as to be a nuisance or injurious to health;
- (e) any accumulation or deposit upon premises which is a nuisance or injurious to health;
- (f) any accumulation of water, whether waste or otherwise, likely to contain larvae or pupae of mosquitoes;
- (g) any excessive growth of prickly pear, bush or weeds, or any underbrush other than ornamental or useful plants upon premises;
- (h) any accumulation or deposit upon any land of any abandoned or derelict machinery, equipment, containers or other material whatsoever, and whether or not of a kind similar to any of the foregoing, without the consent in writing of a health officer;
- (i) any emission of smoke or fumes from a premises that is a hazard to the health or safety of any member of the public;
- (j) any well or cistern or other source or means of storing water, whether public or private, the water from which is used for drinking or domestic purposes, which is in a condition liable to render such water prejudicial to health or a nuisance.

(Amended by Ord. 7 of 1993)

Abatement of nuisances

21. (1) If a health officer is satisfied that a nuisance exists upon any premises, he shall give notice to the person by whose act, default or sufferance the nuisance arises or continues, or, if that person cannot be found without unreasonable delay, the occupier or owner, or, in the absence of the owner, the person having charge of the premises, to abate such nuisance within a time and in a manner specified in the notice. *(Amended by Ord. 7 of 1993)*

(2) A person who fails to comply with a notice issued to him under subsection (1) within the specified time commits an offence and is liable—

- (a) to a fine of \$500 or a term of imprisonment of six months or both; and
- (b) to a further fine of \$10 for every day or part of a day on which the offence has continued.

(3) If there is no compliance with a notice issued under subsection (1) within the time specified by it, the health officer, or any other person acting on the written authority of the health officer, may enter the premises to abate the nuisance or prevent its recurrence.

Part IV not to affect legal rights

22. Nothing in this Part shall abridge or in any way affect any remedy otherwise available at law or in equity.

PART V

CONTROL OF ANIMALS

Interpretation in Part V

23. In this Part—

“animal” means any horse, mule, ass, bovine creature, sheep, goat, swine, dog or cat;

“dispose” for the purpose of section 24, includes “destroy”;

“identify”, in relation to an animal, means to brand it with a hot iron, freeze brand it, or tag it, so as to identify its owner;

“impound”, in relation to an animal, means to confine the animal within a pound;

“pound” means a pound established under section 25(1);

“poundkeeper” means a person appointed under section 25(1);

“prescribed area” means an area prescribed under section 24(1).

Prohibition of animals or unidentified animals in prescribed areas

24. (1) The Minister may, from time to time, by notice published in the *Gazette*—

- (a) prescribe any area within which any specified animal—
 - (i) shall not be kept; or
 - (ii) shall not be kept unless identified;

(b) amend or revoke a notice made under paragraph (a).

(2) A notice made under subsection (1)(a) may require all owners of the animals concerned—

(a) in the case of a notice referred to in subsection (1)(a)(i)—

(i) to dispose of the animals or remove them from a prescribed area within a specified period; and

(ii) if disposal or removal is not effected within the specified period, to take the animals within a further specified period to the nearest pound or, where no pound is established in any Island, to the place specified in the notice, where they shall be held until disposed of; or

(b) in the case of a notice referred to in subsection (1)(a)(ii)—

(i) to take the animals within a specified period to the nearest pound or, where no pound is established in any Island, to the place specified in the notice for the purpose of identifying them; and

(ii) to pay such fee as the notice may prescribe in consideration for the animal being identified.

(3) If an owner of an animal fails to comply with a notice made under subsection (1) within the period or further period specified by it for compliance, or where any animal has no apparent owner, the Chief Environmental Health Officer or any health officer or other person acting on the written authority of the Chief Environmental Health Officer may take such steps as may be necessary to remove the animal to the nearest pound or other place specified in the notice or, in the case of an animal with no apparent owner, may dispose of the animal. (Amended by Ord. 7 of 1993)

Establishment of pounds and appointment and remuneration of poundkeepers

25. (1) The Minister may, from time to time, authorize the establishment of such public pound or pounds in such place or places as he thinks necessary and appoint a fit person to be the keeper of any pound so established.

(2) In appointing a poundkeeper the Minister may require from the poundkeeper security in such sum as the Minister shall prescribe for the due discharge by the poundkeeper of his duties.

(3) A poundkeeper shall be entitled to receive from the person by whom any animal is impounded or from the owner, when the animal is returned to the owner, such fees as shall be prescribed in respect of the impoundment and sustenance of the animal.

Impoundment of straying animals

26. (1) If any animal strays onto any land, the occupier of the land or any person by his direction may seize the animal and cause it to be impounded in the nearest pound.

(2) If the owner of an animal referred to in subsection (1) is known or becomes known under section 27(1), the occupier shall immediately give written notice—

- (a) to the poundkeeper; and
- (b) to the owner of the animal,

of the particulars of any claim for compensation under subsection (3), which particulars the poundkeeper shall enter in a book kept for this purpose.

(3) For the purpose of subsection (1), the owner of an animal referred to in subsection (1) shall be liable to pay to the occupier—

- (a) the prescribed compensation for each animal and each occasion on which it strays as described in subsection (1); or
- (b) compensation for actual damage caused by the animal concerned.

(4) If compensation is claimed under subsection (3)(b)—

- (a) the poundkeeper shall immediately issue to the claimant a notice in the prescribed form fixing the time when the poundkeeper intends to repair to the place to which the claim relates to assess the amount of damages sustained; and
- (b) the claimant shall serve the notice referred to in paragraph (a) to the owner of the animal at least two hours before the time fixed by the poundkeeper in the notice, failing the service of which within the due time the claimant shall forfeit all right to compensation under this Part.

(5) At the time fixed in the notice referred to in subsection (4)(a) the poundkeeper shall—

- (a) go to the place concerned and assess the amount of damages actually sustained; and
- (b) make out a certificate of his assessment in the prescribed form.

(6) In making an assessment under subsection (5) the poundkeeper shall be entitled to recover from the person against whom the claim is made or, if the claim fails, from the claimant—

- (a) a prescribed fee for his work of assessment;
- (b) mileage at the prescribed rate when more than one mile from the pound for which he is responsible; and
- (c) the fees referred to in section 25(3).

(7) Upon payment being made of the amount legally due for—

- (a) the fees referred to in section 25(3); and
- (b) the compensation due under subsection (3)(a) or (b) and any expenses due under subsection (6),

the poundkeeper shall release the impounded animal to the owner concerned.

Procedure where owner of impounded animal unknown or defaults on claim, or where stray animal not caught

27. (1) When the owner of any animal taken to the pound is not known the poundkeeper shall immediately post up at the nearest Police Station or in some other conspicuous place at or near the pound a notice describing such animal and stating the locality where such animal was seized and keep the same posted for 14 days thereafter unless the animal is earlier claimed.

(2) If the owner of any animal impounded cannot be discovered within the time referred to in subsection (1) or is unable or neglects to pay on demand the amount legally demanded by the poundkeeper under this Part the poundkeeper may, subject to any regulations made under section 70, sell or otherwise dispose of the impounded animal.

(3) If the occupier of any land is unable to secure any animal that may be straying as described in section 26(1), the occupier shall nevertheless be entitled to the same compensation as if such animal had been seized and impounded, provided that notice of such straying and of the compensation claimed shall forthwith be given to the owner of such animal and to the poundkeeper who shall thereupon act in the manner provided in section 26 as if such animal had been impounded.

Importation of animals susceptible to rabies or other diseases

28. (1) No person shall import into the Islands any animal which is susceptible to rabies or any communicable disease or any bird which is susceptible to a communicable disease unless that person produces to a customs officer or health officer a certificate issued by a veterinary practitioner certifying that—

- (a) not more than 30 days prior to the arrival of the animal or bird in the Islands, the animal or bird was examined by a veterinary practitioner and found to be free of rabies or any communicable disease; and
- (b) the animal is not susceptible to rabies or, if so susceptible, that not more than 12 months prior to its arrival in the Islands the animal was vaccinated against rabies.

(Amended by Ord. 7 of 1993)

(2) A customs officer or health officer shall require a person who fails to produce a certificate as required under subsection (1) or whose certificate is

unsatisfactory in any particular to remove the animal or bird forthwith from the Islands at that person's own expense.

(3) In this section—

“communicable disease” means a disease communicable to humans or animals through infection or contagion;

“customs officer” means a customs officer appointed under the Customs Ordinance;

“veterinary practitioner” means a veterinary practitioner admitted to practise as such in the country from which an animal is imported.

Offences relating to animals and pounds, and destruction of animals in certain cases

29. (1) A person who—

- (a) keeps or imports into the Islands an animal that he knows or suspects on reasonable grounds to be infected with a disease without notifying the Chief Environmental Health Officer immediately upon his knowledge or suspicion of this circumstance;
- (b) being the owner of an animal, leaves or causes the carcass of the animal to be left on, in or near any street, road, public place or prescribed area;
- (c) being the owner of an animal that he knows or suspects to be infected with a disease, permits the animal to roam at large;
- (d) being the owner of an animal, other than a cat or dog, knowingly permits that animal to stray or roam at large;
- (e) sells or offers or exposes for sale or barter an animal which is infected with a disease or which he suspects on reasonable grounds to be infected with a disease;
- (f) releases or attempts to release any animal which is impounded or is lawfully seized for the purpose of impoundment;
- (g) pulls down, damages or destroys any pound or any part thereof or any lock or bolt belonging thereto;
- (h) impounds any animal which he knows or suspects on reasonable grounds to be infected with a disease,

commits an offence and is liable to a fine of \$2,000 or a term of imprisonment of one year or both.

(2) A poundkeeper who—

- (a) neglects to keep the pound for which he is responsible clean and well supplied with wholesome water or in such a secure state as to ensure the safety of the animal impounded;

- (b) demands or receives any sum for the keeping or sustenance of any animal greater than the sums prescribed;
- (c) neglects to feed any impounded animal;
- (d) fails to comply with section 27;
- (e) wrongfully releases or permits to be released an impounded animal;
- (f) neglects or refuses to deliver up any impounded animal to the owner upon such owner paying to him the due amounts referred to in section 26(6);
- (g) neglects to pay over to the person entitled to receive the same the amount of any compensation referred to in section 26(3);
- (h) accepts for impoundment an animal which he knows or suspects on reasonable grounds to be infected with a disease,

commits an offence and is liable to a fine of \$500 or a term of imprisonment of six months or both.

(3) A health officer may, without compensation to the owner of the animal, destroy or order to be destroyed any animal which he finds to be infected with a disease.

(4) If the carcass of an animal referred to in subsection (1)(b) is fit for human consumption, the Chief Environmental Health Officer may deliver the carcass to the owner or sell the carcass and apply the proceeds towards the payment of fees and other expenses incurred.

Part V not to affect legal rights

30. Nothing in this Part shall abridge or in any way affect the common law right of any person to bring an action for any trespass that may be committed by an animal, nor apply to cases in which the question of title to the land trespassed is involved.

PART VI

RESIDENTIAL ENVIRONMENT STANDARDS

Interpretation in Part VI

31. In this Part—

“latrine” includes a water closet, urinal and dry latrine, and all other sanitary equipment and installations designed, intended or used for the reception and disposal of excretal matter;

“sewerage facilities” means any facility for the collection, treatment and disposal of sewage, effluent, sludge or waste matter, including drainage pipes,

septic tanks, tile drainage fields, soakways, cesspools or any combination of these.

Streets to be kept clean by occupier of contiguous property

32. (1) The occupier of any property or premises in a prescribed location shall clear and keep free from all underbrush, high grass, stones, broken bottles, refuse and all offensive matter and encumbrances both sides of the street or road bounding such property or premises together with any gutters abutting such street or road:

Provided that where there are two properties or two premises contiguous to a street or road and facing each other, the occupier of each property or premises shall be responsible for so keeping clean only the half of the street or road and the gutter nearest to his property or premises.

(2) For the purpose of this section, in the case of any property whereupon there are no premises or where the premises thereupon are unoccupied, the owner of the property or premises, shall be deemed to be the occupier.

(3) A person who fails to comply with this section commits an offence and is liable to a fine of \$25 for each day that he fails so to comply 21 days after a health officer has notified him in writing of that fact.

Outside fences and walls to be kept in repair

33. (1) The owner or, if the owner is unknown or cannot be traced, the occupier of a property in a prescribed location shall maintain in good repair, to the satisfaction of a health officer, every wall or fence built for such lot and contiguous to a street or road.

(2) If such owner or occupier fails to commence repairing such wall or fence within 21 days after being required in writing by a health officer to do so and does not complete the work with as little delay as its nature admits, he commits an offence and is liable to a fine of \$250 and to a further fine of \$5 for each day during which the default continues.

(3) If there is no compliance with a requirement referred to in subsection (2), the health officer or any other person acting on the written authority of the health officer may build or repair the wall or fence concerned.

Dangerous and ruinous buildings

34. (1) The owner or, if the owner is unknown or cannot be traced, the occupier of a property in a prescribed location shall, when notified in writing by a health officer to do so, repair or pull down and remove all ruinous and dangerous walls or buildings upon such property.

(2) If such owner or occupier fails to commence repairing or pulling down and removing such walls or buildings within 21 days after being so required by a health officer, and does not complete the work with as little delay as its nature admits, he commits an offence and is liable to a fine of \$250 and to a further fine of \$5 for each day during which the default continues.

(3) If there is no compliance with a notice made under subsection (1) within the period referred to in subsection (2), the health officer or any other person acting on the written authority of the health officer may repair or pull down and remove such walls or buildings or any part of them.

Amount expended by occupier may be deducted from rent

35. Where an occupier of a property in a prescribed location performs any work required to be done under sections 33 or 34, he shall be entitled to deduct the amount, certified by the Chief Environmental Health Officer to have been properly expended by him in executing such work, from the rent due to the owner, and such payment shall be a valid discharge of the rent to the extent of the amount so certified.

Residential hazards where owner or occupier absent

36. If within a prescribed location there exists upon an unoccupied property, any wall, fence or building—

- (a) the owner of which is unknown or cannot be traced; and
- (b) which is considered by a health officer to be in a ruinous condition and dangerous to passers-by or neighbouring buildings,

the health officer—

- (i) shall immediately take sufficient measures, by fencing or otherwise, for the protection of passers-by; and
- (ii) may apply to the court for an order permitting him to take down all or part of such building or wall and, additionally or alternatively, to repair or rebuild it.

Regulations as to latrine accommodation and sewerage facilities

37. In respect of any prescribed location the Minister may, after consultation with the Chief Environmental Health Officer, make regulations prescribing—

- (a) the provision and maintenance of suitable and sufficient latrine accommodation and sewerage facilities in connection with any premises, whether such premises were constructed before or after the commencement of this Ordinance;
- (b) the supply of water closets and urinals with sufficient water for their effective action;
- (c) the maintenance in proper working order, repair and clean condition of latrines and sewerage facilities and the provision of proper accessories therefor;
- (d) the hygienic construction of rooms or compartments in which latrines may be installed.

Obligation to provide latrines or sewerage facilities

38. (1) Subject to subsection (2), if it appears to a health officer that any premises, or any part of any premises, whether constructed before or after the commencement of this Ordinance or the Physical Planning Ordinance, are without, or without sufficient latrine accommodation or sewerage facilities, or that the latrine accommodation or sewerage facilities provided are ineffective or unsuitable having regard to the circumstances of the case, the health officer may serve written notice upon the owner, or if the owner is unknown or cannot be traced, upon the occupier of the premises, requiring him, within such time as shall be specified in the notice, to provide such number of latrines, or latrines or sewerage facilities of such type, or to do such other thing to provide effective and sufficient latrine accommodation or sewerage facilities, as may be specified in the notice.

(2) Where any requirement imposed by a notice served under subsection (1) involves “development” within the meaning of the Physical Planning Ordinance, no such notice shall be issued except with the consent in writing of the Director of Physical Planning:

Provided that if, in the opinion of a health officer, there exists an imminent threat to public health that requires the notice to be served immediately, he may serve the notice without such consent, and the person so served shall thereupon apply for development permission under the Physical Planning Ordinance.

(3) If the person upon whom a notice is served under subsection (1) fails to comply with any of its requirements—

(a) such person commits an offence and is liable to a fine of \$500 or a term of imprisonment of six months or both:

Provided that it shall be a defence to a charge brought under this paragraph to prove that development permission for the work required by the notice is pending under the Physical Planning Ordinance, or that such permission has been refused absolutely; and

(b) a health officer may cause to be executed such work as may be necessary to satisfy the requirements of such notice.

Offences against the public amenity

39. A person who in any prescribed location—

(a) without the permission of a health officer, displaces, takes up or injures the whole or any part of a wall, fence, post or tree in any street or road;

(b) damages any booth, bench, public sanitary convenience or other structure provided for the use of the public; or

(c) commits any nuisance in any public place or in any vacant lot or in any place adjoining a dwelling house,

commits an offence and is liable to a fine of \$1,000 or a term of imprisonment of six months or both.

PART VII

SLAUGHTER HOUSES AND MEAT AND FOOD STANDARDS

Establishment of slaughter houses

40. (1) The Chief Environmental Health Officer may in any prescribed location appoint a place not being private property to be a slaughter house and may also appoint in the vicinity of such slaughter house a place in which animals intended for slaughter shall be tied for the purposes of this Part.

(2) After the appointment in any prescribed location of a slaughter house any person within such location who, without the consent in writing of a health officer, slaughters any animal intended for human consumption, except at the slaughter house, commits an offence and is liable to a fine of \$250.

Persons intending to slaughter to give notice

41. (1) A person intending to slaughter any animal intended for human consumption shall give notice of his intention to slaughter it to a health officer, specifying the colour and distinguishing marks of the animal and the name of its owner.

(2) A health officer shall, when so notified, inspect the animal, examine its colour and marks, and record these and any other particulars with reference to the animal in a book kept for the purpose at the offices of the Chief Environmental Health Officer, which book shall be open to inspection by the public during the hours of business.

(3) A person who fails to comply with subsection (1) commits an offence and is liable to a fine of \$250.

Duties of health officer in regard to diseased animals

42. (1) A health officer shall inspect every animal after it has been slaughtered and if he finds that such animal is apparently diseased and unfit for human consumption he shall order that such animal be destroyed.

(2) If a health officer is for any reason unable to inspect or report on the condition of a slaughtered animal, the Chief Environmental Health Officer shall appoint a fit and proper person to perform those duties.

(3) A person who, without the written permission of a health officer, sells, exchanges, gives away, or uses as food any part of an animal which, in the opinion of the health officer or of any person appointed under subsection (2) is apparently diseased and unfit for human consumption, commits an offence and is liable to a fine of \$2,500 or a term of imprisonment of six months or both.

Slaughter houses may be discontinued

43. The Chief Environmental Health Officer may order the discontinuance of the use of any place as a slaughter house or as a place at which animals intended for slaughter shall be tied up.

Inspection and condemnation of meat exposed for sale

44. (1) A health officer may at all reasonable hours examine any animal, meat, poultry, fish, vegetables or other article whether canned or packaged or otherwise exposed for sale, or deposited in any place for sale, or being prepared or processed for sale, for human consumption (the proof that it was not so exposed or deposited resting with the party charged), and if any animal or article so examined appears to be diseased, or unsound, or unwholesome, or unfit for human consumption, the health officer shall seize the same and cause it to be destroyed or otherwise disposed of in the presence of the owner so as to prevent its consumption by any person.

(2) Whenever the health officer conducts an examination under subsection (1), he shall report the details of his action to the Chief Environmental Health Officer.

(3) A person possessing any animal or article condemned under subsection (1) knowing it to be unfit for human consumption commits an offence and is liable to a fine of \$500.

Warrant to search for unhealthy food

45. On complaint on oath by a health officer or police officer that there is reason to believe that there is kept or concealed in any house or place any animal, carcass, meat, poultry, fish, fruit, vegetables or other article, whether liquid or solid, which is intended for sale for human consumption, and is diseased or unsound or unfit for that purpose, the court may grant a warrant to enter any such house or place and to search for, seize and destroy any such animal, carcass, meat, poultry, fish, fruit, vegetables or other article.

General provisions for cleanliness of premises used for food or drink

46. (1) A person offering any food or drink for sale shall ensure that the premises in which such food or drink is stored, prepared or sold are at all times maintained in a clean and wholesome condition and free from flies, vermin or other pests, and that all utensils used in connection with the storing, measuring, cooking, serving or selling of such food or drink are clean and wholesome.

(2) A person who fails to comply with subsection (1) commits an offence and is liable to a fine of \$500 and a further fine of \$50 for each day during which the offence continues.

PART VIII

WASTE DISPOSAL AND HAZARDOUS SUBSTANCES OR ARTICLES

Interpretation of Part VIII

47. In this Part—

“article” means any apparatus, equipment, machine, device or other thing;

“Clean-up Fund” means the fund referred to in section 51(1);

“commercial premises” means any premises from which any trade, business, profession, vocation, or any manufacturing process is carried on and includes any warehouse or store or land used in connection with any trade, business, profession, vocation or manufacturing process and any college or university or medical establishment, but excludes “residential premises”;

“electronic radiation” means—

(a) any ionizing or non-ionizing electromagnetic or particulate radiation; or

(b) any sonic, infrasonic or ultrasonic wave,

which is caused or produced by any article as the result of the operation of an electric circuit;

“Government premises” means all land and premises owned or occupied from time to time by Government which are not used as “residential premises”;

“hazardous substance or article” means a substance or article, other than a “controlled drug” as defined in the Control of Drugs Ordinance, that is declared to be a hazardous substance or article under section 52(1);

“prescribed item” means an item prescribed for the purpose of section 51;

“radioactive substance” means any substance which produces ionizing radiation as a consequence of any spontaneous nuclear process;

“residential premises” means premises used or intended for use solely for occupation for private residential purposes and to which there is no public right of access;

“waste” means any dust, ashes, cinder, breeze, rubbish or filth whether organic or inorganic in nature and any substance or thing which constitutes scrap material, or an effluent or other unwanted surplus substance arising from the application of any process or the carrying on of any trade, business, profession, vocation or manufacturing process, and any thing or substance which is discarded as being broken, worn-out, contaminated or otherwise damaged or spoiled, but does not include organic marine waste discarded into the sea.

Waste collection service

48. (1) The Board may make arrangements for a waste collection service for the collection of waste from any premises.

(2) The owner or occupier of any premises, other than Government premises, from which waste is collected by virtue of a waste collection service shall be liable to pay the prescribed fee for such service.

Provision of receptacles for waste

49. (1) A health officer may serve notice in writing upon the owner or occupier of premises from which waste is collected by virtue of a waste collection service requiring him to provide at his own expense such number and type of receptacles for waste as are specified in the notice and, where the premises are commercial premises, to provide a suitable site within the curtilage of those premises for the location of bulk waste bins of the type and number specified in the notice, together with adequate access to allow any such waste bins to be collected and returned.

(2) A person who fails to comply with a notice served upon him under subsection (1), commits an offence and is liable—

(a) to a fine of \$100 where the premises concerned are residential premises; or

(b) to a fine of \$500 where the premises concerned are commercial premises:

Provided that it shall be a defence to a charge brought under this subsection to prove that the receptacles were not available on the Islands at the date of the offence.

Waste disposal sites and penalties for improper disposal of waste

50. (1) The Governor on the advice of the Board may from time to time by notice published in the *Gazette* designate areas of Crown Land as—

(a) waste disposal sites; and

(b) sites which, for the purpose of section 51, are to be used exclusively for the collection of prescribed items of a recyclable nature.

(2) A person who deposits or leaves or causes or permits the deposit or leaving of waste on any land other than in a waste receptacle intended for collection or on a waste disposal site designated as such under subsection (1)(a) commits an offence and is liable to a fine of \$500 and to a term of imprisonment of six months.

(3) A person who sorts over or disturbs any waste deposited on a waste disposal site commits an offence and is liable to a fine of \$100.

(4) A person who, without the prior written consent of the Board, disposes of waste by dumping at sea commits an offence and is liable to a fine of

\$2,000 or a term of imprisonment of one year or both, and a person who assists in such disposal commits an offence and is liable to the like penalty.

(5) It shall be an aggravation of an offence under subsection (2) or (4) where—

- (a) the waste in question is a hazardous substance or article; and
- (b) its presence on land or in the sea is likely to give rise to an environmental hazard,

and if the court determines that the offence was committed in these circumstances it may impose a fine of \$10,000 or a term of imprisonment of two years or both.

Clean-up Fund and environmental levy

51. (1) On a date to be fixed by the Minister by notice published in the *Gazette*, there shall be established a fund, to be known as the “Clean-up Fund”, which shall be administered by the Board and to which shall be appropriated the proceeds of the levy referred to in subsection (2)(c).

(2) The Minister may, with the consent of the Permanent Secretary, Finance, and after consultation with the Board, by regulation—

- (a) prescribe a list of items of a recyclable or polluting nature;
- (b) provide for the administration of the Clean-up Fund, including the defrayment from the fund of expenditure incurred under paragraph (d) and other expenditure to meet the administrative expenses of the fund;
- (c) impose in respect of the importation into the Islands of every prescribed item an environmental levy, to be levied as a surcharge on the duty payable on such item under the Customs Ordinance;
- (d) provide for the terms under which the Board shall, from the proceeds of the Clean-up Fund, compensate any contractor for—
 - (i) collecting the prescribed items concerned in the sites referred to in section 50(1)(b); and
 - (ii) paying an agreed sum per unit, weight or value of the prescribed item to any person, whether a retailer or consumer of the item or otherwise, presenting such item to the contractor.

Declaration of hazardous substances or articles

52. (1) The Minister may from time to time on the recommendation of the Board, by notice published in the *Gazette*, declare—

- (a) any substance or mixture of substances, or any class thereof, which may endanger the health of human beings of domestic or wild animals, birds or fish by reason of its toxic, corrosive,

irritant, sensitizing or inflammable nature, to be a hazardous substance;

- (b) any radioactive substance or class thereof to be a hazardous substance;
- (c) any article which, or any component part or accessory intended for use or in connection with an article which, when operated, causes or produces any electronic radiation, to be a hazardous article.

(2) No person shall import, manufacture, sell, possess, store, convey or use a hazardous substance or article otherwise than in accordance with the conditions of a license provided for in regulations made under section 53.

(3) The Chief Medical Officer shall be the licensing officer for the purposes of subsection (2).

Regulations concerning hazardous substances or articles

53. The Minister may by regulation provide for—

- (a) the control or restriction of the manufacture, sale, possession, storage, conveyance, importation or use of any hazardous substance or article, including the prohibition of—
 - (i) the manufacture, sale, conveyance or importation of hazardous substances by or to particular classes of persons;
 - (ii) the sale by retail of such hazardous substances or articles in particular classes of premises;
- (b) the forms and conditions of licences for the importation, manufacture, sale, possession, storage, conveyance or use of any hazardous substance or article, the fees for the issue of such licences and the procedure for obtaining, renewing and cancelling such licences;
- (c) the labelling of containers of hazardous substances or articles or of vehicles, vessels or aircraft carrying such substances or articles with prescribed particulars, warnings and instructions;
- (d) the control and restriction of the purposes for which hazardous substances or articles may be used;
- (e) the protection of personnel engaged in the manufacture or use of hazardous substances or articles.

PART IX

WATER

Interpretation of Part IX

54. In this Part—

“potable water” means drinking water conforming to the standards referred to in section 57(1);

“water resources” means surface water and ground water;

“water storage cistern” means a cistern for storing rainwater from a roof catchment or other suitable catchment;

“water undertaker” has the same meaning as in the Water and Sewerage Ordinance;

“water works” means any well, borehole, cistern, water tank, reservoir, reverse osmosis plant, desalination plant, water treatment plant, artificial catchment area, irrigation works or other works for the storage, treatment or supply of water for domestic, commercial, agricultural or industrial use and includes water tankers used for the conveyance of water for domestic, commercial, agricultural or industrial use.

(Amended by Ord. 32 of 1994)

Chief Environmental Health Officer to advise Minister on water resources

55. The Chief Environmental Health Officer shall periodically or at the request of the Minister advise the Minister in writing on the following matters—

- (a) the development and training of personnel to test and monitor water;
- (b) the collection and dissemination of information on contamination likely to impair the integrity of water resources; and
- (c) the detection and early reporting of any serious pollution of water resources.

(Substituted by Ord. 32 of 1994)

Obligation to connect to public supply of water or to construct water storage cisterns

56. (1) If it appears to a health officer that any premises, whether constructed before or after the commencement of this Ordinance or the Physical Planning Ordinance, are without a sufficient supply of potable water, or that the water supply is not potable, and that a serious risk to the health of the public or any section of the public is thereby occasioned, the health officer may serve written notice upon the owner, or if the owner is unknown or cannot be traced, upon the occupier of the premises, requiring him, within such time as shall be specified in

the notice, to connect to a public supply of water if it is being provided in his area by a water undertaker and where no such supply is available for the area, to construct a water storage cistern in conformity with such standards as are required by the Physical Planning Ordinance, and thereafter to treat the water stored in the cistern in such manner as may be specified in the notice.

(2) If the person upon whom a notice is served under subsection (1) fails to comply with any of its requirements—

(a) such person commits an offence and is liable on summary conviction to a fine of \$500 or to a term of imprisonment of six months or to both; and

(b) the Chief Environmental Health Officer may cause to be executed such work as may be necessary to satisfy the requirements of such notice.

(Substituted by Ord. 32 of 1994)

Potable water standards and inspection of water works

57. (1) Potable water in the Islands shall conform to the minimum standards for potability recommended by the International Guidelines for Drinking Water Quality 1983, as published by the World Health Organization and amended or replaced from time to time.

(2) A health officer may at all reasonable times enter any property or premises on which any water works are located to inspect such works and take such sample of water as he considers fit.

(3) The officer referred to in subsection (2) may serve written notice upon the owner or occupier of the premises on which the water works are located, or upon the operator of such works, to treat the water in the manner specified in the notice, and subsections (1) and (2) of section 56 shall, *mutatis mutandis*, apply in relation to the notice.

Damage or pollution of water works

58. A person who wilfully or negligently damages or pollutes any water work intended for the supply of water to the public or any section of the public commits an offence and is liable to a fine of \$10,000 or to a term of imprisonment of two years or both.

PART X

GENERAL

Enforcement of Ordinance

59. (1) Every health officer shall be responsible to the Chief Medical Officer or Chief Environmental Health Officer, as the case may be, for the enforcement

of this Ordinance, and for that purpose may initiate and conduct prosecutions in the court in respect of any alleged offence under this Ordinance.

(2) This section shall be without prejudice to the duties of members of the Police Force under section 7 of the Police Force Ordinance, and any police officer may take any action necessary for the enforcement of any of the provisions of this Ordinance and for the initiation of proceedings against persons charged with offences.

(3) Every offence committed against this Ordinance, other than section 12(a), shall be tried summarily.

(4) An application to the court under sections 14, 15 or 16 may be made *ex parte*.

References to owner or occupier of premises

60. Whenever in any notice made or proceedings commenced under this Ordinance it becomes necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the “owner” or “occupier” of the premises (naming them) without further name or description.

Service of documents

61. Any notice made or given under this Ordinance may be served by delivering the same or a true copy thereof either to the person to whom it is addressed or to his usual or last known place of abode or business, or, when addressed to the owner or occupier, to some adult person on the premises concerned, or, if there is no such person, by affixing a copy of the notice to some conspicuous part of the premises, and in case of emergency any such notice, if given orally to the person required to be served or notified, shall be deemed to be sufficiently given.

Proof of service of notices, etc

62. In any prosecution of an offence under sections 10, 21, 34, 38, 40(2), 42, 49, 50(4), 56 or 63, the production before the court of a copy of the notice, permission or consent mentioned in the section concerned shall constitute *prima facie* evidence that the notice, permission or consent, as the case may be, was served upon or given to the person named therein. (*Substituted by Ord. 7 of 1993*)

Recovery of expenses

63. (1) Where any health officer or other person authorized pursuant to this Ordinance carries out work to effect compliance with a notice served under sections 10, 21, 33, 34, 38, 49, 56, or 57, such work shall be done at the expense of the owner or occupier upon or in respect of whom the notice was served.

(2) Any expenses incurred under subsection (1) may be recovered 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, either from him or from that other person or in part from him and as to the remainder from that other person:

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

- (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 of the notice has not had, in his hands on behalf of that other person sufficient money to discharge the whole amount of the expenses claimed by the Board,

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

(3) In any proceedings for the recovery of expenses under this section, the time within which the proceedings may be commenced shall be 12 months from the date of the first demand therefor, or, if any appeal is made against that demand, from the date of the determination of such appeal.

(4) The amount of any expenses, and any interest thereon, awarded by the court under subsection (2) shall, if not immediately recovered, under any of the foregoing provisions of this section, be deemed to constitute a charge on the premises within the meaning of the Registered Land Ordinance and may also be registered under that Ordinance.

(5) Nothing in this section shall prejudice or affect any other powers or remedies available to a health officer or any remedy available to a tenant against his landlord or agent against his principal.

Powers of entry

64. (1) A health officer may at any time enter upon any premises with the consent of the owner or the occupier and make any inspection or examination which he considers necessary for the purposes of this Ordinance.

(2) A health officer may, without the consent of the owner or occupier, enter—

- (a) any private premises between the hours of eight in the forenoon and six in the afternoon—
 - (i) without notice, to examine into the existence or continuance of any nuisance or danger to public environmental health and take any action authorized by law to abate the same or to prevent its recurrence;
 - (ii) without notice, for the purposes of exercising any power expressly conferred by this Ordinance;
 - (iii) upon reasonable notice, which notice shall specify the purpose for which entry is required, to make any inspection

which he considers necessary for the purposes of this Ordinance.

- (b) any other premises, without notice, between the hours of eight in the forenoon and six in the afternoon or at any other time when they are open to or in use by members of the public or when any business, manufacturing process or other commercial activity is being carried on therein.

(3) If admission to any premises is refused or cannot be obtained under subsection (1) or (2), the court upon a complaint on oath by the health officer may make an order in writing *ex parte* requiring the person having the control or custody of the premises to admit the health officer, and any person acting under his authority, for such purpose and during such hours as the court may direct, and requiring any police officer to give such assistance as may be necessary for the enforcement of the order as an order of the court.

Appeals

65. (1) Any person aggrieved by—

- (a) a notice served under sections 10, 21, 33, 34, 38, 49, 56 or 57;
(b) a demand for the recovery of expenses claimed under section 63;
(c) any other action taken, under section 63, to recover such expenses or to register the amount thereof as a charge under the Registered Land Ordinance; or
(d) the withholding of approval of any action taken in purported compliance with any notice referred to in paragraph (a),

may, within 21 days from the date of the service of the notice, demand, action taken or refusal, as the case may be, appeal therefrom to the court, and, except in an emergency in which the public health is threatened by an epidemic or outbreak of infectious disease, no proceedings shall be taken to enforce any such notice or demand in relation to which the appeal is brought until the appeal is finally determined:

Provided that on an appeal under paragraph (b) or (c), no issue shall be raised which might have been raised on an appeal against the original notice or order requiring action to be taken.

(2) On an appeal under this section the court may make such order whether confirming or quashing or varying the notice, demand or decision as it thinks fit and may, if it thinks fit, on an appeal against a notice requiring the demolition of or the execution of any work to a building, include in its judgment a finding whether the building can or cannot be rendered fit for human habitation or other desired purpose at a reasonable cost.

(3) If an appeal under this section is abandoned, the notice, demand or decision appealed against shall be deemed to have been confirmed.

Protection of officers acting *bona fide*

66. No action, claim, suit or other proceedings shall lie against any health officer or other person authorized pursuant to this Ordinance in respect of anything done or any refusal to take any action or any decision given, in good faith, in exercise or purported exercise of any powers conferred by this Ordinance.

Prohibition of obstruction

67. Any person who hinders, obstructs or resists a health officer or other person executing his functions under this Ordinance commits an offence and is liable to a fine of \$500 or to a term of imprisonment of three months or both.

Limitation of proceedings

68. A prosecution for an offence under this Ordinance may only be instituted within six calendar months from the time the subject matter of the prosecution arose or the offence was committed, whichever is the later.

Liability of employer

69. Where an offence is committed against this Ordinance or any regulation made under this Ordinance by any person acting as the agent or employee of another person, or being otherwise subject to the supervision or instructions of another person for the purposes of any employment in the course of which the offence was committed, that other person shall, without prejudice to the liability of the first-mentioned person, be liable under this Ordinance in the same manner and to the same extent as if he had personally committed the offence if it is proved that the act which constituted the offence was committed with his consent or connivance or that it was attributable to any neglect on his part.

Regulations

70. (1) The Governor may make regulations for carrying into effect the purposes and provisions of this Ordinance and for giving effect to any recommendations made by the Board, and without derogation from the generality of the power hereby conferred, such regulations may provide for—

- (a) the imposition of restrictions on public gatherings, including the use of schools, churches and places of entertainment or refreshment, and on the movements of persons or vehicles in areas in which any epidemic or infectious disease is prevalent;
- (b) 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;
- (c) the welfare of physically or mentally handicapped persons, including persons handicapped by age, and of persons who are destitute;
- (d) the protection of water from contamination and pollution;

- (e) the prevention and control of nuisances;
- (f) the sanitary disposal of all refuse and waste matter and the keeping clean of streets and drains in towns or settlements;
- (g) the eradication or control of rodents, mosquitoes and other harmful insects and vermin;
- (h) the regulation of the keeping of any livestock or other creatures within a prescribed location;
- (i) prescribing measures for the protection of the public health in the manufacture, preparation, storage, distribution and sale of any food intended for human consumption, and for providing for the periodic inspection of all premises or vehicles used for those purposes and the condemnation, forfeiture and destruction of any such food, or substance intended to be used in or for the packing of any such food, which is found to be unfit or contaminated;
- (j) the periodic medical examination of persons engaged in the handling, at any stage and in any capacity, of any food intended for human consumption;
- (k) the maintenance of adequate standards of hygiene and sanitation in restaurants, cafes, bars, lodging houses, hotels, places of public resort or entertainment and all places where food is offered for sale or served to members of public;
- (l) the licensing and control of places used for the slaughtering of animals;
- (m) the licensing and control of street vendors;
- (n) prescribing standards of hygiene to be maintained and conditions to be fulfilled for the use of premises for any commercial purpose which involves or might involve any risk or injury to public health;
- (o) controlling the sale of any drugs, cosmetics or other articles or substances which contain ingredients the use or improper use of which might be harmful to health;
- (p) the establishment and control of markets;
- (q) the disposal or interment of dead bodies and the conditions to be fulfilled for their transportation through or entry into the Islands;
- (r) the establishment and management of cemeteries and the control of mortuaries and similar establishments;
- (s) the health clearance of persons entering or leaving the Islands, and the vaccination of persons not in possession of current international certificates of vaccination.

(2) Any regulations made under this section may provide for fees to be paid for the performance of any act or service or for the issue of any certificate, licence or permit.

(3) Any regulations made under this section may provide for the imposition upon persons convicted of offences under such regulations of penalties not exceeding a fine of \$2,000 or a term of imprisonment of six months or both.

SCHEDULE 1*(Section 2(1))***INFECTIOUS DISEASES**

1. Acquired Immune Deficiency Syndrome.
2. Cholera.
3. Diphtheria.
4. Yellow Fever.
5. Rabies.
6. Influenza.
7. Pneumonia.
8. Typhoid and Salmonella infections.
9. Smallpox.
10. Scarlet Fever.
11. Trachoma.
12. Poliomyelitis.
13. Tuberculosis.
14. Puerperal Fever.
15. Scarletina.
16. German Measles.
17. Measles.
18. Mumps.
19. Whooping Cough.
20. Meningitis.
21. Leprosy.
22. Rubella.
23. Viral Hepatitis
24. Plague.
25. Dengue Fever.
26. Lassa Fever.
27. Leptospirosis.
28. Tetanus.
29. Any severe diarrhoeal disease
30. Any venereal disease.

SCHEDULE 2

(Section 2(1))

NOTIFIABLE DISEASES

1. Acquired Immune Deficiency Syndrome (AIDS) or infection by the Human Immunodeficiency Virus (HIV).
2. Typhoid.
3. Cholera.
4. Yellow Fever.
5. Hepatitis.
6. Tuberculosis.
7. Meningitis.
8. Leprosy.
9. Plague.
10. Acute Poliomyelitis.
11. Malaria.
12. Encephalitis.
13. Filariasis and Elephantiasis.
14. Tetanus.
15. Any severe diarrhoeal disease.
16. Any venereal disease.

SCHEDULE 3

(Section 2(1))

PRESCRIBED LOCATIONS

1. Grand Turk.
 2. Providenciales.
 3. North Caicos.
 4. Middle Caicos.
 5. South Caicos.
 6. Salt Cay.
 7. Parrot Cay.
 8. Pine Cay.
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**PUBLIC AND ENVIRONMENTAL HEALTH
(FOOD HYGIENE) (GENERAL) REGULATIONS**

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**PUBLIC AND ENVIRONMENTAL HEALTH
(FOOD HYGIENE) (GENERAL) REGULATIONS – SECTION 70**

(Legal Notice 43/1993)

Commencement

[12 November 1993]

PART I

PRELIMINARY

Short title

1. These Regulations may be cited as the Public and Environmental Health (Food Hygiene) (General) Regulations.

Interpretation

2. (1) In these Regulations—

“animal feed” means feed for sale for consumption by animals, fish or birds, but does not include food fit for and commonly used for human consumption;

“business” includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit, or not;

“catering business” means a food business consisting wholly or partly of the supply of food intended by the supplier for immediate consumption;

“certificate of exemption” in relation to food premises, means a certificate for the time being in force in relation to the premises for the purposes of regulation 25;

“container” includes any basket, pail, tray, box, package or receptacle of any kind, whether open or closed;

“equipment” includes apparatus, furnishings and utensils;

“fish” includes whalemeat;

“food” means food intended for sale or sold for human consumption and includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include—

(a) water, live animals or birds; or

(b) articles or substances used only as drugs;

“food business” means any trade or business for the purposes of which any person engages in the handling of food;

“food premises” means any premises in or from which there is carried on any food business;

“food room” means any room (being, or being part of, any food premises), in which any person engages in the handling of food for the purposes of a food business, but does not include—

- (a) a room used as a sleeping place if the only handling of food which occurs in a room is in the course of serving food there to, or at the request of, any person occupying it as a sleeping place;
- (b) a room communicating with a room used as a sleeping place if the only handling of food which occurs in the room is in the course of serving food there to, or at the request of, any person (not being a person carrying on a food business at the premises which include the room or a person employed by him) by whom the room is occupied as a sleeping place; or
- (c) a day room in a hospital or in a home for the reception of aged or disabled persons;

“meat” means the flesh (including edible offal and fat) of animals and birds which is sold or intended for sale for human consumption;

“open food” means food which is not in a container of such materials and so closed as to exclude the risk of contamination, but does not include any food mentioned in column (1) of the Schedule which has been wrapped in the manner described opposite thereto in column (2);

“premises” means a building or a building and any forecourt, yard or place of storage used in connection with a building or part of a building;

“preparation” in relation to food includes manufacture and any form of treatment; and “prepared” shall be construed accordingly;

“sanitary convenience” means a water closet, urinal, chemical closet or similar convenience.

(2) In these Regulations the handling of food means the carrying out or assisting in the carrying out for the purposes of a food business of any process or operation in the sale of food or in the preparation, transport, storage, packaging, wrapping, exposure for sale, service or delivery of food, and includes the cleaning of articles or equipment with which food comes into contact.

(3) For the purposes of these Regulations, the supply of food otherwise than by sale at, in or from any place where food is supplied in the course of a business, shall be deemed to be a sale of that food, and references to purchasing and purchasers shall be construed accordingly; and where in connection with any business in the course of which food is supplied the place where the food is served to the customers is different from the place where the food is consumed, both those places shall be deemed to be places in which food is sold.

(4) In determining for the purposes of these Regulations whether any matter involves a risk of contamination to any food, regard shall be had to the extent to which such contamination is immaterial because of—

- (a) the nature of the food;
- (b) the manner in which the food is packed; or
- (c) any process to which food of that nature is normally so subjected.

PART II

GENERAL REQUIREMENTS

Food business not to be carried on at insanitary premises or place

3. No food business shall be carried on at any insanitary premises or place or at any premises or place the condition, situation or construction of which is such that food is exposed to the risk of contamination.

Cleanliness of articles or equipment

4. (1) Articles or equipment with which food comes into contact, or is liable to come into contact, in the course of a food business shall be kept clean, and with the exception of non-returnable containers, shall be so constructed, be of such materials and be kept in such good order, repair and condition as to—

- (a) enable them to be thoroughly cleaned;
- (b) prevent, so far as is reasonably practicable, any matter being absorbed by them; and
- (c) prevent, so far as is reasonably practicable, any risk of contamination of the food.

(2) Without prejudice to subregulation (1), all containers intended for containing food in the course of a food business, whether or not they come into contact, or are liable to come into contact, with food, shall so far as is reasonably practicable, be protected and kept free from contamination.

(3) In determining for the purposes of this regulation whether any article or equipment is clean, regard shall be had to the nature and packing of the food for which the article or equipment is required and to the use which is made of the article or equipment.

Restriction on preparation and packing of food on domestic premises

5. A person carrying on a food business shall not for the purposes of that business give out any food or permit any food to be given out for preparation or packing by another person at any domestic premises.

PART III

REQUIREMENTS RELATING TO FOOD HANDLERS AND
THE HANDLING OF FOOD

Food to be protected from risk of contamination

6. (1) A person who engages in the handling of food shall, while so engaged, take all such steps as may be reasonably necessary to protect the food from risk of contamination, and in particular (without prejudice to the generality of the foregoing)—

- (a) shall not so place the food as to involve any risk of contamination;
- (b) subject to subregulation (2), shall, before offering any food for sale, ensure that any food which is unfit for human consumption is kept apart from any other food;
- (c) shall not in or about any forecourt or yard, place any food lower than 18 inches from the ground unless it is adequately protected from risk of contamination;
- (d) shall ensure where reasonably necessary that open food while exposed for sale or during sale or delivery is kept covered or is otherwise effectively screened from possible sources of contamination;
- (e) shall not keep in any food room any animal feed unless it is in a container of such material and so closed as to prevent the risk of contaminating the food in the room.

(2) Subregulation (1)(b) shall not apply where food is intended to be sold by wholesale either by sample or description.

Personal cleanliness

7. A person who engages in the handling of food, shall while so engaged—

- (a) keep as clean as may be reasonably practicable all parts of his person which are liable to come into contact with the food;
- (b) keep as clean as may be reasonably practicable all parts of his clothing or overclothing which are liable to come into contact with the food;
- (c) keep any open cut or abrasion on any exposed part of his person covered with a suitable waterproof dressing;
- (d) refrain from spitting;
- (e) refrain from the use of tobacco or any other smoking mixture or snuff while he is handling any open food or is in any food room in which there is open food.

Persons handling open food to wear overclothing, etc

8. (1) Subject to subsection (2), a person who engages in the handling of open food, other than raw vegetables, intoxicating liquor or soft drinks, shall while so

engaged wear sufficient clean and washable overclothing, and every person who carries meat which is open food and which is liable to come into contact with his neck or head shall, while so engaged, also wear a clean and washable neck and head covering.

(2) This regulation shall not apply—

- (a) to waiters in catering businesses; and
- (b) to transport of food in the course of the business of carrier in which the vehicle used for the transport of food is not ordinarily so used:

Provided that the person carrying the food takes all such other precautions as are reasonable and practicable to prevent the food from coming into contact with any exposed part of his person or with any clothing other than overclothing.

Carriage and wrapping of food

9. A person who engages in the handling of food shall not while so engaged—

- (a) carry any food in a container together with any article from which there is a risk of contamination of the food, or with any live animal or live poultry, without taking all such precautions as are reasonably practicable to avoid risk of contamination, and in particular (without prejudice to the generality of the foregoing), shall not allow any live animal or poultry to come into contact with any food;
- (b) use for wrapping or containing any open food, any paper or other wrapping material or container which is not clean or which is liable to contaminate the food, and shall not allow any printed material, other than printed material designed exclusively for wrapping or containing food, to come into contact with any food other than uncooked vegetables.

Persons suffering from infectious or notifiable diseases

10. (1) Subject to subsection (2), immediately a person engaged in the handling of food becomes aware that he is suffering from an infectious or notifiable disease, he shall inform the person carrying on the food business and that person shall immediately notify a health officer.

(2) Where the person required to give such information is himself the person carrying on the food business, he shall give the information immediately to a health officer.

(3) At least once in every calendar year a person carrying on a food business shall at his own expense cause any person engaged in the handling of food as described in this section to be medically examined, and shall as soon as practicable after such examination notify the Chief Environmental Health Officer that this subsection has been complied with.

PART IV

REQUIREMENTS RELATING TO FOOD PREMISES

Soil drainage systems

11. (1) No fresh air intake of any ventilation pipe included in the soil drainage system of food premises shall be situated in a food room.

(2) Every inlet into any such system situated in any such room shall be trapped.

Cisterns for supplying water to food room

12. No cistern for the supply of water to a food room shall supply a sanitary convenience otherwise than through an efficient flushing cistern or some other flushing apparatus equally efficient and suitable for preventing contamination of water supplies.

Sanitary conveniences

13. (1) Every sanitary convenience situated in, or regularly used in connection with, any food premises—

(a) shall be kept clean and in efficient order;

(b) shall be so placed that no offensive odours therefrom can penetrate into any food room.

(2) Any room or other place which contains a sanitary convenience shall be suitably and sufficiently lighted and ventilated and shall be kept clean.

(3) No room which contains a sanitary convenience shall be used as a food room.

(4) No food room which communicates directly with a room or other place which contains a sanitary convenience shall be used for the handling of open food.

(5) There shall be fixed and maintained in a prominent and suitable position near every sanitary convenience provided or made regularly available for use by persons employed in the handling of food in or about food premises, a clearly legible notice requesting users to wash their hands after using the convenience.

Water supply to be provided

14. (1) Subject to the provisions of any certificate of exemption, a supply of water sufficient in quantity to enable these regulations to be complied with shall be provided at all food premises.

(2) Any such supply of water shall—

(a) conform to the standards of potability referred to in section 57(1) of the Ordinance;

(b) be constant, if the provision of a constant supply is reasonably practicable and is in accordance with good practice at premises used for businesses of a similar class.

Wash-hand basins to be provided

15. (1) There shall be provided in all food premises suitable and sufficient wash-hand basins for the use of all persons engaged in the handling of food in or about those premises and such basins shall be placed in a position conveniently accessible to such persons.

(2) There shall be provided for every such wash-hand basin an adequate supply of hot and cold water or of hot water at a suitably controlled temperature, or in the case of food premises where no open food is handled, of cold water.

(3) There shall be provided for use at every such wash-hand basin an adequate supply of soap detergent, clean nail-brushes and clean towels or other suitable drying facilities.

(4) Every such wash-hand basin shall be kept clean and in good working condition.

(5) The washing facilities provided under this regulation shall not be used for any purpose other than for securing the personal cleanliness of the user.

First-aid materials to be provided

16. There shall be provided at all food premises a sufficient supply of suitable bandages, dressings (including waterproof dressings) and antiseptic for first-aid treatment of persons engaged in the handling of food in or about those premises and such supply shall be kept in a place readily accessible to those persons.

Accommodation for clothing, etc

17. Subject to the provisions of any certificate of exemption, there shall be provided in all food premises where open food is handled, suitable and sufficient accommodation for outdoor or other clothing and footwear not being worn during working hours by persons engaged in the handling of food in or about those premises; and such clothing and footwear shall not be kept in any place on or about the premises other than in the accommodation so provided.

Facilities for washing food and equipment

18. (1) There shall be provided in all food premises where open food is handled, sinks or other washing facilities suitable and sufficient for any necessary washing of food and equipment used in the food business; and in this regulation reference to a sink shall include a reference to any other suitable washing facility.

(2) There shall be provided for every such sink an adequate supply of hot and cold water or of hot water at a suitable controlled temperature, or cold water only where the sink is used—

- (a) only for washing fish, fruit or vegetables; or
- (b) for washing with a suitable bactericidal agent only drinking vessels, or only ice cream formers or servers.

(3) Every such sink shall be kept clean and in good working condition.

Lighting of food rooms

19. Suitable and sufficient means of lighting shall be provided in every food room and every such room shall be suitably and sufficiently lighted.

Ventilation of food rooms

20. Except in the case of a room in which the humidity or temperature is controlled, suitable and sufficient means of ventilation shall be provided in every food room and suitable and sufficient ventilation shall be maintained there.

Food room not to be or communicate with sleeping place

21. (1) No food room shall be used as a sleeping place.

(2) Subject to the provisions of any certificate of exemption, no food room which communicates directly with a sleeping place shall be used for the handling of open food.

Cleanliness and repair of food rooms

22. (1) The walls, floors, doors, windows, ceiling, woodwork and all other parts of the structure of every food room shall be kept clean and shall be kept in such good order, repair and condition as to—

- (a) enable them to be effectively cleaned; and
- (b) prevent, so far as is reasonably practicable, any risk of infestation by dogs, cats, rats, mice or insects.

(2) No animal shall be permitted at any time to be within a food room.

Accumulation of refuse, etc

23. (1) The layout of food premises shall be such as to—

- (a) provide adequate space, suitably sited, for the purpose of the requirements of regulation 6(1)(b) and the storage of any such waste and unfit food prior to disposal;
- (b) prevent, so far as is reasonably practicable, any risk of infestation of such waste and unfit food by dogs, cats, rats, mice or insects.

(2) No refuse or filth, whether solid or liquid, shall be deposited or allowed to accumulate in a food room except so far as may be unavoidable for the proper carrying on of the trade or business.

Temperature at which certain foods are to be kept

24. (1) This regulation shall apply to all food consisting of meat, fish, gravy or imitation cream, or prepared from or containing any of those substances or any egg or milk, but shall not apply to—

- (a) bread, biscuits, cake or pastry by reason only of the use of egg or milk as an ingredient thereof introduced prior to baking;

- (b) chocolate or sugar confectionery;
- (c) food canned, bottled or otherwise preserved in an effectively closed container of metal, glass or other impermeable material, so long as the container remains effectively closed:

Provided that where the container has been opened and is subsequently resealed, this regulation shall apply to the food referred to in this paragraph if the nature of the food, as indicated by any instruction on the container or otherwise, requires that the food be refrigerated immediately upon the opening of the container.

(2) In subregulation (1) “egg” includes whole egg, yolk or albumen, whether or not the egg, yolk or albumen is dried, frozen or otherwise preserved, and “milk” includes separated or skimmed milk, dried milk, condensed milk and cream.

(3) Subject to this regulation, when food to which this regulation applies is brought into any food premises, on or from which is carried on a catering business, it shall, if it is not already at a temperature of 145° F (62.7° C) or above on the one hand or below 40° F (5° C) on the other hand, be brought to one or other of those temperatures without any avoidable delay after arrival.

(4) Subject to this regulation, food which has been cooked or partly cooked at any such food premises and food such as is mentioned in subregulation (3) shall either be kept at a temperature of not less than 145° F (62.7° C) until it is required for serving for immediate consumption, or if the temperature is brought or allowed to fall below 145° F (62.7° C) be cooled to a temperature below 40° F (5° C) under hygienic conditions as quickly as is reasonably practicable, and thereafter kept below 40° F (5° C) until it is required for serving or is further cooked or is reheated for service.

(5) This regulation shall not apply in relation to—

- (a) any food the temperature of which is below 145° F (62.7° C) or at 40° F (5° C) or above, so long as—
 - (i) that temperature is reached only during the carrying out of some step in preparation or in movement from one part of the food premises to another; and
 - (ii) on completion of that process it is restored as quickly as is reasonably practicable to a temperature of not less than 145° F (62.7° C) or below 40° F (5° C) as the case may be;
- (b) any food which is exposed for sale or which, if the food is brought to any such premises as are mentioned in subregulation (3) within four hours before they are open for business, will be exposed for sale upon their being open for that purpose; or
- (c) any food which is kept available for the replenishment as it is sold of food which is exposed for sale or will be exposed for sale as aforesaid if the keeping available of such a supply is in accordance with good practice in such premises as aforesaid and the quantity so kept available is not greater than is reasonably necessary.

PART V

EXEMPTIONS, OFFENCES AND PENALTIES

Exemption of premises from certain requirements

25. (1) While there is in force in relation to any food premises a certificate of the Board to the effect that compliance with any provisions specified in subregulation (5) cannot reasonably be required with respect to those premises or any activities carried on therein, those premises shall be exempt from the provisions mentioned in the certificate.

(2) A certificate of exemption shall not be granted by the Board with respect to any food premises unless the Board is satisfied that by reason of restricted accommodation or other special circumstances affecting the premises it is reasonable that such a certificate should be in force.

(3) A certificate of exemption shall be withdrawn by the Board if at any time the special circumstances referred to in subregulation (2) no longer apply.

(4) If the person carrying on a food business is aggrieved by the refusal or withdrawal of a certificate of exemption he may appeal to the Magistrate, and the Magistrate may make such order concerning the certificate as appears to him, having regard to the matters with respect to which the Board are required to be satisfied, to be just and equitable.

(5) The provisions referred to in subregulation (1) are regulations 14, 17 and 21(2).

Offences and penalties

26. (1) A person engaged in the handling of food commits an offence if he fails to comply with any obligation imposed by these regulations upon a person so engaged.

(2) A person carrying on a food business commits an offence if—

(a) as respects that food business, any provision of these regulations (other than the requirements imposed by regulations 7 and 10 on persons engaged in the handling of food) is contravened; or

(b) he fails to take all reasonable steps to secure the compliance by any person employed by him or under his control with the provisions of regulations 9 and 10.

(3) Any person for the time being having the control or management of persons engaged in the handling of food, not being himself a person carrying on a food business, shall be guilty of an offence against these regulations if he fails to take all reasonable steps to secure the compliance by any person under his control or management with any provision of these regulations which imposes obligations on a person engaged in the handling of food.

(4) A person who commits an offence under subregulation (1) or (2) is liable to a fine of \$2,000 or a term of imprisonment of six months, or both.

(5) The court convicting a person of an offence under subregulation (1) or (2) shall, if the person is the holder of any licence permitting him to operate a food business, cause the licensing authority concerned to be informed of the conviction.

SCHEDULE

(Regulation 2(1))

FOOD NOT TO BE REGARDED AS OPEN FOOD

<i>(1)</i> Food	<i>(2)</i> Mode of Wrapping enclosure
Butter, margarine and cooking fat	Any total enclosure of greaseproof paper or foil.
Meat, except meat which has been cooked or otherwise prepared for sale by any similar process	Any total wrapping of mutton cloth, hessian, jute, paper or film.
Fish	Any total enclosure of greaseproof paper or film.
Vegetables	Any box, bag, sack, string container or pliable film pack.
Flour, confectionery and bakery goods	Any total enclosure of plastic, glass or cloth, or of wood if the wood is free from infestation.
Ice cream	Any total greaseproof enclosure of paper, foil, film, cardboard, carton, cup or similar wrapping.
Ice lollies	Any total greaseproof enclosure of paper, foil, film or similar wrapping, or any bag made of such materials to contain the ice lolly and which may or may not be sealed at the end from which the stick or holder protrudes.

**PUBLIC AND ENVIRONMENTAL HEALTH
(POUND FEES AND FORMS) REGULATIONS – SECTION 70**

(Legal Notice 44/1993)

Commencement

[12 November 1993]

Short title

1. These Regulations may be cited as the Public and Environmental Health (Pound Fees and Forms) Regulations.

Fees for impoundment and sustenance of animals

2. The fees to which a poundkeeper shall be entitled for the purpose of section 25(3) of the Ordinance shall be as follows—

- (a) for the impoundment of every horse, mare, gelding, mule, ass, bull, cow, steer, heifer, calf, sheep, lamb, goat, kid, hog or pig, \$25, and, in addition, for each day or part of a day during which any such animal remains in the pound after the first day, \$5;
- (b) for the sustenance of—
 - (i) every horse, mare, gelding, mule, bull, cow, steer or heifer, \$10 per day;
 - (ii) every ass, calf, sheep, lamb, goat, kid, hog or pig, \$5 per day.

Compensation for straying of animals

3. The compensation to which the occupier of any land shall be entitled for the purpose of section 26(3)(a) of the Ordinance shall be as follows—

- (a) for the first occasion on which the straying occurs, for every horse, mare, gelding, mule, ass, bull, cow, steer, heifer, calf, hog, pig, sheep, lamb, goat, or kid, \$100;
- (b) for the second or subsequent occasion on which the straying occurs, \$200 for each animal referred to in paragraph (a).

Form of notice and certificate of assessment

4. The form and certificate referred to in section 26(4)(a) of the Ordinance are prescribed in the Schedule.

Fees and mileage for poundkeeper's work

5. The fees and mileage to which a poundkeeper shall be entitled for the purpose of section 26(6) are as follows—

- (a) for his work of assessment, \$25; and

(b) mileage at the rate of \$5 per mile when more than one mile from the pound for which he is responsible.

SCHEDULE

(Section 4)

NOTICE OF CLAIM FOR COMPENSATION

Whereas A. B. of has applied to me in accordance with the Public and Environmental Health Ordinance to survey certain crops (*or cultivated land as the case may be*) in his possession at alleged to have been injured by the straying of (*here describe the straying charged whether by one or more animals and of what kind and whether owned by or in charge of the person notified*) I therefore hereby give you notice that I shall at the hour of or within one hour thereafter (*enter date*) proceed to make the assessment applied for at the place above named, at which survey you or any person acting on your behalf may attend if you think proper.

Dated the day of 20.....

Signed

Poundkeeper

To C. D. of

CERTIFICATE OF ASSESSMENT

I certify that on the application of A. B. of I assessed damage to certain crops (*or cultivated land as the case may be*) in possession of the said A. B. situate at and alleged have been strayed upon by (*here state what kind of animal*) of C. D. of to whom notice was issued and who attended at such assessment (*or who failed to attend at such survey as the case may be*) and I assess the damages sustained by the said A. B. as the sum of:

Cost of Survey and assessment \$
\$

Total \$

Dated the day of 20.....

Signed

Poundkeeper

**PUBLIC AND ENVIRONMENTAL HEALTH
(MOSQUITO CONTROL) REGULATIONS – SECTION 70**

(Legal Notice 6/2005)

Commencement

[1 April 2005]

Short title

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

Premises to be maintained free of mosquitoes

2. (1) Every person who is the owner, occupier or person in control of any premises shall take, or cause to be taken, all reasonable steps to ensure that the premises are maintained in such a manner as to prevent the breeding of mosquitoes.

(2) Without prejudice to the generality of paragraph (1), the owner, occupier or person in control of any premises shall take all reasonable steps to ensure that no water is allowed to accumulate in such a way that mosquitoes are liable to breed therein; and for that purpose the owner, occupier or person in control—

- (a) shall screen any accumulation of water otherwise liable to be a breeding place for mosquitoes with fine wire gauge having not less than 18 meshes to the inch or with such other screening as may be approved by the Chief Environmental Health Officer or a health officer, and in such case shall maintain any such wire gauge or other screening in good order and repair, and shall ensure that any door, traps or other openings giving access to water screened as above are kept closed when not required to be opened for any necessary purpose;
- (b) shall effectively empty not less often than once in every five days any container in which water accumulates in such a manner as to be liable to become a breeding place for mosquitoes;
- (c) shall treat any accumulation of water otherwise liable to be a breeding place for mosquitoes with oil at such intervals as to ensure an unbroken film of oil on the surface of the water;
- (d) shall treat any accumulation of water otherwise liable to be a breeding place for mosquitoes with a larvicide of such a description, in such quantities and at such intervals, as may be approved by the Chief Environmental Health Officer or a health officer; or
- (e) shall introduce into and maintain in any accumulation of water otherwise liable to be a breeding place for mosquitoes sufficient fish of the species which ordinarily eat mosquito larvae to keep the water free from mosquito larvae; and

- (f) shall ensure that the construction, elevation or fitting of any rainwater pipe, gutter or other structure is such as to allow complete drainage therefrom, and shall take all reasonable steps to ensure that any such drainage is not obstructed by debris, leaves or rubbish; and
- (g) shall ensure that any receptacle, container or other article liable to hold water is kept in such a manner as not to be likely to accumulate water liable to be a breeding place for mosquitoes.

Empty tins etc to be removed from the premises

3. The owner, occupier or person in control of any premises shall not permit or suffer to remain on such premises any old tyres, empty tins, jars, broken crockery or any other such things which form receptacles for water. Such old tyres, empty tins, jars, broken crockery or other things must either be buried at a sufficient depth where this is practicable or be removed from the premises to a disposal site designated for that purpose by the Chief Environmental Health Officer.

Offence

4. Any person who contravenes these Regulations is guilty of an offence and liable on summary convictions—

- (a) to a fine of \$500 or to a term of imprisonment of six months; and
- (b) to a further fine of \$50 for every day or part of the day on which the offence continues after conviction thereof.

Mosquito larvae

5. (1) Where in connection with proceedings taken in respect of an offence against these Regulations, it is proved that live mosquito larvae were found on the premises, such proof shall be *prima facie* evidence that the owner, occupier or person in control of the premises has not taken, or has not caused to be taken, all reasonable steps to ensure that the premises were maintained free of mosquitoes.

(2) A health officer in exercise of his powers under section 64 of the Ordinance may turnover or cause to be turned over or emptied of water at the expense of the owner, occupier or person having control of any premises any receptacle of any kind whatsoever in which mosquito larvae is present or may treat the water in the receptacle in such manner as may be determined by the Chief Environmental Health Officer.

**PUBLIC AND ENVIRONMENTAL HEALTH
(RODENT CONTROL) REGULATIONS – SECTION 70**

(Legal Notice 7/2005)

Commencement

[1 April 2005]

Short title

1. These Regulations may be cited as the Public and Environmental Health (Rodent Control) Regulations.

Interpretation

2. In these Regulations—

“containers” includes sacks, casks, cases and other articles and materials used or intended to be used for containing or packing food or forage;

“forage” includes all feeding stuffs (whether natural, artificial, dried or undried) for animals, including birds;

“infested with rats” means habitually visited in substantial numbers by rats or used by rats as a breeding place.

Premises to be kept free from rats

3. (1) Every person who is the owner or occupier of any premises shall take, or cause to be taken, all reasonable steps to ensure that the premises are maintained free of rats.

(2) Without prejudice to the generality of paragraph (1), the owner or occupier of any premises —

(a) shall ensure that the premises are—

(i) except as authorised by a health officer, kept free of accumulations of trash, garbage (otherwise than garbage in covered containers) and other decaying matter;

(ii) kept free of accumulations of debris (including waste, timber, rubbish and rubber) likely to harbour rats;

(b) shall ensure that all reasonable steps are taken to make buildings on the premises inaccessible to rats;

(c) shall ensure that all reasonable steps are taken to ensure that any stocks of foodstuff on the premises (whether such foodstuffs are for human or animal consumption) are stored in such a manner as not to be accessible to rats;

- (d) shall ensure that all reasonable steps are taken by way of trapping, poisoning or otherwise, to exterminate rats on the premises and to maintain the premises free of rats.

Infestation to be reported

4. Where a person who operates a business involving the storage of food or forage in any premises has reasonable cause to believe that—

- (a) any food or forage;
(b) any commodity stored together with food or forage; or
(c) any container or vehicle in which food or forage is stored; or
(d) the premises on which food or forage is stored,

is infested with rats, he shall forthwith inform a health officer in writing of the infestation, and shall, while he continues to store food or forage in those premises, inform a health officer in writing at intervals not exceeding ninety days, of the state of infestation of the articles or premises mentioned in subparagraphs (a) to (d) inclusive, unless a health officer authorises him in writing to discontinue such information.

Rats on vessels

5. (1) The Chief Environmental Health Officer may, by notice in the form set out in the Schedule, request the Master, owner or agent of a vessel to take and maintain such measures or precautions as may be required or necessary to prevent rats from any vessel from landing on the Islands.

- (2) In this regulation “Master” means the person in charge of the vessel.

Offences and punishment

6. (1) Any Master, owner or agent of any vessel who fails to comply with any request contained in a notice under regulation 5(1) shall be guilty of an offence and liable on summary conviction to a fine of \$5,000 or to a term of imprisonment of 6 months, and in the case of a second or subsequent conviction to a fine of \$7,000 or to a term of imprisonment of nine months.

(2) Any person who contravenes any of the provisions of regulations 3 or 4 shall be guilty of an offence and liable on summary conviction to a fine of \$1,500 or to a term of imprisonment of two months, and in the case of a second or subsequent conviction to a fine of \$1,800 or to a term of imprisonment of four months.

(3) Where any such offence as aforesaid is a continuing offence, the person guilty of the offence shall, in addition to any punishment provided in this section, be liable to a further fine of \$500 for each day on which the offence continues after conviction thereof.

SCHEDULE

(Regulation 5(1))

NOTICE

To Master/owner/agent of
(Name of person)

Vessel
(Name of vessel)

Take Notice that you are requested to take and maintain the following measures or precautions to prevent rats from the above named vessel landing on

.....

(State the Island)

Measures or Precautions

Dated this **day of** **20**..... .

Signature
CHIEF ENVIRONMENTAL HEALTH OFFICER

CONTROL OF ANIMALS NOTICES

(Legal Notices 2/1994 and 74/1994)

The following notices have been made under section 24 of the Ordinance—

Providenciales dog restriction

1. No dog shall be kept on the Island of Providenciales unless it is identified or is in the custody of a person exercising control over it. *(L.N. 2/1994)*

Grand Turk and South Caicos – horses and donkeys restrictions

2. (1) No horse, mule, ass or bovine creature shall be kept on the Islands of Grand Turk or South Caicos unless it is identified.

(2) Every owner of a horse, mule, ass or bovine creature in—

(a) Grand Turk, shall take the animal to the pound located in that portion of parcel number 10101 indicated by the environmental health officer;

(b) South Caicos, shall take the animal to a site on plot number 20215/3 indicated by the environmental health officer or such other site as he may indicate to the owner,

for the purpose of having the animal identified.

(3) A fee of \$2 shall be payable by the owner for each horse, mule, ass or bovine creature that is identified as belonging to him.

(4) The Chief Environmental Health Officer or any person authorised by him in that behalf may impound any unidentified horse, mule, ass or bovine creature found in a prescribed area, or otherwise dispose of the animal or remove it from the prescribed area.

(L.N. 74/1994)
