



BERMUDA

PUBLIC HEALTH AMENDMENT ACT 2016

2016 : 12

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	Amendment of Fines

WHEREAS it is expedient to amend the Public Health Act 1949;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Public Health Act 1949 (the "principal Act"), may be cited as the Public Health Amendment Act 2016.

Amends section 2

2 The principal Act is amended in section 2(1)—

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- (a) by inserting in the appropriate alphabetical order the following definition—

“Director” means the Director of the Department of Health;”;

- (b) in the definition of “Public Health Officer”—

(i) by deleting the words “Chief Health Inspector” and substituting the words “Chief Environmental Health Officer”; and

(ii) by deleting the words “Health Inspector” and substituting the words “Environmental Health Officer”.

Amends specified sections to substitute Director for CMO or to include Director

3 The principal Act is amended—

(a) in sections 12(1), 77(5), 87, 89(3a), 115, 124 and 127 by deleting the words “Chief Medical Officer”, wherever they appear, and substituting the word “Director”;

(b) in section 178(1)(a), by deleting the words “or Chief Health Inspector” and substituting the words “, Chief Environmental Health Officer or Director”.

Amends section 66

4 The principal Act is amended in section 66 by deleting the definition of communicable disease of the first category” and substituting the following—

“communicable disease of the first category” means any of the following diseases—

actinomycosis, anthrax, cholera, conjunctivitis (acute of the newborn), diphtheria, dysentery (amoebic or bacillary), encephalitis (infectious), glanders, hepatitis (infectious), jaundice (haemorrhagic), leprosy, measles, meningococcal disease, plague, pneumonic plague, poliomyelitis, psittacosis, rabies, rift valley fever, severe acute respiratory syndrome (SARS), smallpox, streptococcal infections (respiratory, puerperal and others), trachoma, tuberculosis, typhoid or paratyphoid fevers, typhus and other rickettsial diseases, undulant fever, viral haemorrhagic fevers (ebola, lassa, marburg), west nile fever, whooping cough and zika virus;”.

Repeals and replaces section 67

5 The principal Act is amended by repealing section 67 and substituting the following—

“Application of Part V to further diseases

67 (1) Where it appears to the Minister that, for the protection of the public health, this Part should apply in relation to a disease other than a disease included in the definition of a communicable disease (of the first or second category) or of a

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venereal disease, the Minister may, by order published in the Gazette, amend the provisions of section 66 so as to provide for such a disease as a communicable disease (of the first or second category) or a venereal disease, as the case may be.

(2) The order referred to in subsection (1) is subject to the negative resolution procedure.”.

Amends section 69

6 The principal Act is amended in section 69(1)—

- (a) in paragraph (a), by deleting the word “or”;
- (b) in paragraph (b), by deleting the comma and substituting “; or”; and
- (c) by inserting after paragraph (b) the following new paragraph—

“(c) has been in contact with a person suffering from a communicable disease,”.

Repeals and replaces section 71

7 The principal Act is amended by repealing section 71 and substituting the following—

“Person suffering from communicable disease not to carry on occupation

71 (1) Any person who, knowing or having reasonable cause to believe that he has been exposed to, or is suffering from, a communicable disease, engages in or carries on any trade, business or occupation which he cannot engage in or carry on without risk of spreading the disease commits an offence against this Act.

(2) The person referred to under subsection (1) as exposed to, or suffering from, a communicable disease shall not resume work in the trade, business or occupation which he engages in or carries on until he has received a certificate from a medical practitioner confirming that—

- (a) he has not been infected with the communicable disease, although he was exposed to the disease;
- (b) he has been cured of the communicable disease he was infected with; or
- (c) although he has not been cured of the communicable disease he was infected with, he has become a non-infectious carrier of the communicable disease.”.

Amends section 115

8 The principal Act is amended in section 115(2)(b) by the deletion of the words “, to whom a fee of twenty-four cents shall be payable”.

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Repeals sections 68(4), 98, 117(2) and 159(3)

9 The principal Act is amended by repealing sections 68(4), 98, 117(2) and 159(3).

Amends sections providing fines

10 The principal Act is amended in sections 18, 19, 39, 41, 55, 56, 63, 73, 76, 77, 78, 81, 82, 91, 105, 114, 126, 138, 143, 145, 159, 171, 180, 181 and 186 to increase the fines imposed under the stated provisions, set out in column 1 of the Schedule, to the new amounts set out in column 4 of the Schedule.

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SCHEDULE

(Section 10)

AMENDMENT OF FINES

Section	Section Heading	Fine Deleted	Fine Substituted
18(2)	Care of closets	\$84	\$500
19(a)	Care of closet used in common	\$84	\$500
19(b)		\$84 \$16.80	\$500 \$100
39(2)	Prohibition of interference with refuse	\$84	\$500
41(1)	Removal of trade refuse	\$1.20	\$75
55(3)(a)	Complaint to court of summary jurisdiction	\$420	\$2,500
56(1)	Punishment where order not complied with	\$336	\$2,000
56(3)		\$84	\$500
63(1)	Restriction on establishment of offensive trade	\$1,680	\$10,000
63(2)		\$168	\$1,000
63(3)		\$168	\$1,000
73(2)	Duty of person in charge of school to provide list of school children	\$168	\$1,000
76(2)	Restriction on sale of articles by person collecting rags	\$168	\$1,000
77(4)	Use of library books by persons suffering from certain communicable diseases	\$168	\$1,000
78(2)	Infectious matter not be placed in dustbins	\$168	\$1,000
81(3)	Use of public conveyances by persons suffering from communicable disease	\$336	\$2,000
82(4)	Duty of owner of public conveyance in regard to cases of communicable disease	\$336	\$2,000
91(2)	Avoidance of contact with body of person who suffered from a communicable disease	\$168	\$1,000
105(1)	Venereal disease; punishment for false information	\$1,680	\$10,000
114(2)	Duty of Government Medical Officer to vaccinate any person	\$84	\$500

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Section	Section Heading	Fine Deleted	Fine Substituted
126(2)	Disposal of human remains in crematorium	\$1,680	\$10,000
138(2)	Offences	\$168 \$33.60	\$1,000 \$200
143(2)	Duty of landlord to inform Minister of overcrowding	\$84	\$500
145(2)	Power of Minister to require statement as to number of persons sleeping in dwelling-house	\$168	\$1,000
159(2)	Notification of food poisoning	\$336	\$2,000
171(1)(c)	General provisions relating to regulations	\$3,000 \$5,000 \$500	\$6,000 \$10,000 \$1,000
180(5)	Appeals against, and the enforcement of, orders requiring execution of works	\$336 \$84	\$2,000 \$500
181(2)	Punishment for obstructing execution of Act	\$336 \$168	\$2,000 \$1,000
186	Punishment where no special punishment provided	\$84	\$500

[Assent Date: 28 March 2016]

[Operative Date: 28 March 2016]