

DOMINICA

ACT No. 15 OF 1968.

I assent



L. COOLS-LARTIGUE
Governor.

13th May, 1968.

AN ACT TO CONSOLIDATE AND AMEND THE
LAW RELATING TO PUBLIC HEALTH IN
DOMINICA, AND TO PROVIDE FOR MAT-
TERS INCIDENTAL THERETO.

(Gazetted 25th July, 1968.)

BE IT ENACTED by the Queen's Most Excellent
Majesty, by and with the advice and consent of the
House of Assembly of Dominica, and by the authority
of the same as follows:—

1. This Act may be cited as the
PUBLIC HEALTH ACT, 1968.

Short title.

2.—(1) In this Act,

Interpretation.

“building” includes public or private building,
a house or dwelling place and any struc-
ture of whatever material constructed;

“Division” means the division of the Ministry
charged with the subject of Health;

“disease” includes any disease that in the
Regulations respecting disease control is
listed, described or referred to as a com-
municable disease, a contagious or in-
fectious disease, a venereal disease or a
notifiable disease;

“drug” includes any substance or mixture of
substances manufactured, sold or re-
presented for use in:

- (i) the diagnosis, treatment, mitigation or prevention of a disease, or the symptoms thereof, in man or animal,
- (ii) restoring, correcting or modifying organic functions in man or animal, or
- (iii) disinfection in premises in which food is manufactured, prepared or kept, or for the control of vermin in such premises;

“food” includes any article manufactured, sold or represented for use as food or drink for man, chewing gum, and any ingredient that may be mixed with food for any purpose whatever;

“Medical Officer of Health” means a person duly appointed or authorized to act as a Medical Officer of Health under this Act and includes the Chief Medical Officer;

“Minister” means the member of the Cabinet for the time being charged with the subject of Health;

“Municipal Council” means the council having responsibility for a city, town or village;

“nuisance” includes a condition existing in any place which is or may become injurious or prejudicial to health or which prevents or hinders or may prevent or hinder the suppression of disease; and the matters or conditions more specifically referred to or described in the Regulations respecting nuisances;

“occupier” includes the person in occupation or having the charge, management or

control of any premises or building or part thereof, whether on his own account or on behalf of another person;

“offensive trade” includes any trade that in the Regulations respecting offensive trades is listed or described as an offensive trade;

“officer” includes the Chief Medical Officer, Medical Officers of Health, District Medical Officers, Public Health Nurses, Public Health Inspectors and any public officer appointed as a public health officer under this Act;

“premises” include lands, whether public or private, open or enclosed, built on or not, or mentioned under statutory authority; buildings, streets, docks, quays, streams, drains, privies, water closets, sewage systems, ditches, vehicles, aircraft, ships, vessels, boats, hulks or barges;

“Public Health Inspector” means a person duly appointed as such under this Act or the Regulations and includes a sanitary inspector, plumbing inspector, dairy inspector and food and drug inspector so appointed;

“Public Health Nurse” means a nurse duly appointed as such under this Act;

“Regulations” means Regulations made under this Act and unless otherwise specifically provided, a reference herein to the Act shall include the Regulations;

“Schedule” means schedule to this Act or the Regulations;

“street” includes any highway, bridge, road, lane, footway, yard, square, court, alley or passage, whether a thoroughfare or not.

(2) For the purpose of this Act, words and phrases herein defined or referred to shall have the same meaning in the Regulations and words or phrases defined or referred to in the Regulations shall have the same meaning in respect of this Act as though specifically set out herein.

Duties and functions of the Minister.

3. The duties, powers and functions of the Minister extend to and include all matters relating to the promotion or preservation of the health of the people of Dominica and without restricting the generality of the foregoing, extend to and include:

- (a) the prevention, treatment, limitation and suppression of disease, including the conduct of investigations and inquiries in respect thereof;
- (b) the publication of reports, information and advice concerning public health, including advice to the Government, and the education of the public in the preservation of health;
- (c) the abatement of nuisances and the removal or correction of any condition that may be injurious to the public health;
- (d) the importation of foods and drugs, the sale and conditions of sale of foods and drugs in the interest of public health, and the prevention of fraud or deception, the seizure and destruction of foods and drugs that do not comply with the provisions of this Act; and
- (e) the administration of this Act.

Exercise of the duties, powers and functions of the Minister.

4.—(1) In the exercise of the foregoing duties, powers and functions, the Minister shall have power—

- (a) to enter into or upon any premises, with or without the consent of the owner or

occupier, and make such inspection or examination thereof as he deems necessary for the purposes of this Act;

- (b) to enter and inspect public or private institutions utilized for the physical care or custody of any person accommodated therein whether by process of law or otherwise, and to insure that such institutions are maintained in a proper and sanitary condition as regards public health;
- (c) to authorise the taking and maintaining possession of lands, buildings and premises, whether occupied or not, for any of the purposes of this Act, either with or without the consent of the owner and subject to the provisions of any other Act or Ordinance to determine the amount of, and pay compensation therefor;
- (d) to make such orders and issue such directions as he deems advisable for the abatement of a nuisance or the removal of any condition which, in his opinion, is or may become injurious to the public health, including structural alterations or repairs to premises necessary therefor or in respect of any other matter that, in his opinion, is necessary for the purpose of this Act.

(2) The Minister may, in writing, delegate to a municipal council authority to exercise, carry out and perform within the geographical area of such council, such of his duties, powers and functions under this Act as he deems advisable and on such terms and conditions as he may prescribe.

Delegation of duties, powers and functions of the Minister.

5. The Minister may establish health or sanitation districts for Dominica, fix the boundaries thereof and assign duties and functions in relation thereto to such officers as he deems necessary.

Establishment of health and sanitation districts.

Establishment of boards and committees.

6.—(1) The Minister may establish boards and committees to assist and advise him on matters relating to his duties, powers or functions under this Act. Such boards and committees may be established for the whole of Dominica or for any specified area or areas thereof as he may from time to time deem necessary. He may delegate to such boards and committees such duties, powers and functions as he deems advisable.

(2) Any board or committee so established shall consist of such persons as in the opinion of the Minister are representative of some aspect of public health and, without limiting the foregoing, may include representatives of agriculture, labour, management, education, women's organizations, medical or para-medical professions and municipal councils.

(3) Members of such boards or committees shall be appointed by the Minister to hold office during pleasure for a period not exceeding three years but any person so appointed shall be eligible for re-appointment.

Appointment of Public Health Officers.

7. There shall be appointed in manner authorized by law for the purpose of this Act a Chief Medical Officer as well as such Medical Officers of Health, Public Health Nurses, Public Health Inspectors or other public health officers as may from time to time be required for the administration of this Act and the Regulations.

Powers and functions of the Minister may be carried out by the Chief Medical Officer and other officers of health.

8.—(1) Except as the Minister may otherwise direct, the Chief Medical Officer is authorized to carry out, exercise and perform the duties, powers and functions conferred on the Minister under this Act and every Medical Officer of Health, Public Health Nurse, Public Health Inspector or other public health officer shall carry out, exercise and perform duties, powers or functions under this Act as required by the Minister or the Chief Medical Officer and in so doing shall be deemed to act under the authority thereof.

(2) Subject to subsection (1) of this section such officers may take such steps as are necessary for the execution and administration of this Act, the Regulations and of any rules, orders or directives made or given by the Minister or the Chief Medical Officer and such officers may call upon any person to lend such assistance as may be required in the exercise thereof.

9. A municipal council to which duties, powers and functions have been delegated by the Minister under the provisions of this Act, shall, subject to such terms and conditions as are specified in such delegation, do all things necessary for the carrying out of those duties, powers and functions; and the provisions of section 8 shall *mutatis mutandis* extend to and include any officer in the employ of such municipal council who is authorized thereby to carry out a duty, power or function so delegated.

Powers of municipal council to which functions have been delegated.

10. The Minister, with the approval of the Cabinet, may make Regulations for the proper execution and carrying out of the purposes and provisions of this Act generally and in particular with respect to the following matters —

Regulations.

- (1) defining specific words and phrases for the purpose of this Act and the Regulations;
- (2) prescribing forms;
- (3) respecting the duties and functions of officers and prescribing qualifications therefor;
- (4) for the making and amending of Schedules to this Act or to any Regulation dealing with Public Health;
- (5) for the prevention, treatment, mitigation and suppression of disease, and, without limiting the generality of the foregoing —

- (a) establishing a schedule or schedules of diseases including communicable diseases, notifiable diseases or other diseases dangerous to the public health;
- (b) the reporting of cases or suspected cases of communicable or notifiable disease;
- (c) the supplying of medical aid, accommodation and medicine and such other articles or things as may be necessary for preventing, mitigating, controlling or suppressing an epidemic or any communicable or other disease;
- (d)
 - (i) the removal, keeping in charge or under surveillance of persons living in localities which are declared by the Minister to be infected localities;
 - (ii) preventing persons or conveyances passing from such a locality to any other locality; and
 - (iii) detaining for inspection or disinfection persons or conveyances that have been exposed to infection;
- (e) the cleansing, purification and disinfection of places and things used by persons suffering from a communicable disease;
- (f) the establishment of quarantine or isolation hospitals and the placing therein of persons having a communicable disease or any disease dangerous to the public health;

- (g) the treatment of persons who are infected with communicable disease or disease dangerous to the public health, including the observation of persons suspected to be so infected and the removal of persons from unhealthy houses or who are living in congested, or under unhealthy circumstances;
- (h) regulating the entry or departure by aircraft, boat or ship to or from places in Dominica and the landing and disinfection of passengers or cargoes thereon;
- (i) inspections and house to house visitations by officers as may be necessary for the control, prevention, mitigation or suppression of disease;
- (j) the compulsory vaccination or inoculation of persons residing in or entering Dominica not already vaccinated or inoculated or not sufficiently protected by previous vaccination or inoculation and the supply and quality of vaccine matter and serum;
- (k) the compulsory examination by clinical and bacteriological or other methods and by specified tests of persons and, if necessary, the compulsory treatment and detention of persons infected or suspected of being infected with any communicable or notifiable disease or disease dangerous to the public health;
- (l) the closing of schools, churches and places of public assembly or entertainment for the purpose of preventing or controlling the spread of disease;

- (m) the location, construction, inspection, control, licensing, operation and maintenance of nursing homes, maternity homes, convalescent homes, private hospitals, homes for children, for the aged or infirm, and homes for physically or mentally handicapped persons;
 - (n) 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;
 - (o) quarantine or other measures to be taken by and in respect of persons suffering or suspected to be suffering from any communicable or notifiable disease;
- (6) for preventing the overcrowding of premises used for human habitation, or business purposes the amount of floor and air space for each occupant thereof and the lighting and ventilation of such premises;
 - (7) respecting the site, construction, plumbing, sewage disposal and sanitary conditions of buildings used for human habitation or for business purposes and for the periodical inspection thereof;
 - (8) respecting the location and construction of water closets, cesspools, privies, drains, sewage systems, sewers and their cleansing;
 - (9) for the inspection, cleansing, purifying, ventilating and disinfecting of premises by the owners, occupiers and persons having care and charge thereof;

- (10) for the protection of water from infection and pollution and, without limiting the generality of the forgoing, for
 - (a) the inspection and approval of sources of supply and the conditions, if any, on which such approval is granted;
 - (b) the testing and analysis of water;
 - (c) the construction, alteration, maintenance and the purification of water supplies and water distributing systems;
 - (d) the supervision and control of any river, stream, spring or part thereof contributing to a public water supply;
 - (e) the regulation and prohibition of persons bathing, washing clothes, cleaning vehicles, utensils or animals at or in any river or stream or spring or part thereof contributing to a public water supply;
 - (f) prescribing or limiting the purpose for which water may be used and prescribing or defining the manner in which it shall be used and distributed;
 - (g) the disposal of waste water and effluents;
- (11) respecting matters or conditions which shall be deemed to constitute a nuisance, the prevention, abatement or removal of nuisances and unsanitary conditions on public or private property which are or may become injurious to the public health;

- (12) for the sanitary disposal of garbage and other waste matter, including —
- (a) the fixing of times for collection and removal;
 - (b) the method of removal and disposal;
 - (c) the place of disposal;
 - (d) the duties of owners and occupiers of premises in relation to the disposal of garbage and waste matter;
- (13) respecting the licensing of a person, place or institution for the carrying on of any business, occupation or undertaking that is or is made subject to the regulations, in respect of the matters to which it is so subject, the fixing of the licence fee therefor, the period thereof, and for the cancellation, revocation or suspension of any such licence;
- (14) respecting the licensing of persons to practice any branch of the healing art not otherwise specifically provided for under any other law;
- (15) respecting the method of the carrying on of a trade, business or manufacture that may become offensive or that by the regulations is declared to be offensive or that may affect the public health;
- (16) respecting the keeping of domestic animals, including dogs and poultry, and the places where such animals may or may not be kept and the control or supervision to be exercised by the owner;
- (17) respecting the slaughtering or killing of animals and poultry for use as food for

- human consumption, the manner of slaughter, the construction, conduct, control, cleanliness, maintenance, licensing and inspection of places used therefor, including the enclosures thereto or in connection therewith;
- (18) for the examination of animals and poultry before or after slaughter and of meat thereof and the actions to be taken resulting from such examination;
- (19) for the medical examination and registration of persons engaged in the slaughter of animals or poultry;
- (20) for the disposal of dead animals, including the imposing on any authority or person the duty of disposing thereof;
- (21) for the control and destruction of rodents, mosquitoes and other insects, termites and other vermin, and for the licensing and control of persons engaged in the business of their destruction;
- (22) respecting dairies and any premises where any business in relation to the production, sale, delivery or distribution of milk is carried on, including the construction, equipping, maintenance, licensing and inspection of such places;
- (23) respecting the pasteurization of milk;
- (24) for the inspection and testing of cattle and goats, the milk of which is intended for sale for human consumption;
- (25) prescribing measures to be taken for the protection of the public health with respect to the production, preparation,

manufacture, storage, distribution and sale of food intended for human consumption, and without limiting the generality of the foregoing

- (a) for the licensing and inspection of shops, restaurants and other eating establishments, including hotels and all other buildings or premises where any food, cooked or uncooked, is sold or prepared for sale, whether to be consumed on such premises or to be taken therefrom for the purpose of human consumption;
- (b) for the location, construction, furnishing and equipment, cleanliness and maintenance of any building or premises or other place in which any article of food is manufactured, prepared, handled, stored or sold and, without limiting the generality thereof:
 - (i) bakeries, bakeshops and bread shops;
 - (ii) meat and butcher shops;
 - (iii) dairies and milk shops;
 - (iv) grocery and provision shops;
 - (v) markets;
 - (vi) street vending of foods;
 - (vii) aerated water factories or plants;
 - (viii) ice factories and other places where ice is manufactured;
 - (ix) confectionery and ice cream shops, including places where ice cream is manufactured;

- (c) for the licensing and inspection of premises where any article of food is manufactured, prepared, packed, handled, stored or sold;
- (d) regulating and prohibiting the sleeping in shops or places where food is manufactured, prepared, kept, stored or sold for human consumption;
- (e) for the medical examination and registration of persons engaged in the handling of foods;
- (f) regulating the supply and treatment of water used in any aerated water factory or ice factory or other place or places in which food is manufactured, processed, prepared, packed, stored or sold;

(26) respecting

- (a) the labelling and packaging and the offering, exposing and advertising for sale of foods, drugs, cosmetics and devices;
- (b) the sale or condition for sale of any food, drug, cosmetic or device, and the use of any substance as an ingredient in any food, drug, cosmetic or device;
- (c) the seizure, forfeiture and destruction of any food, drug, cosmetic or device, the sale of which would not be in accordance with, or would be in violation of, the Regulations;

(27) prescribing standards of identity, composition, strength, potency, purity, quality or other property of any article of food, drug, cosmetic or device;

- (28) respecting the conditions under which foods, drugs, cosmetics and devices may be imported into Dominica, subject to any law relating to customs, excise or revenue;
- (29) exempting any food, drug, cosmetic or device from any or all of the provisions of the Act and prescribing the conditions of such exemptions;
- (30) requiring persons who sell foods, drugs, cosmetics or devices to maintain such books and records as the Minister considers necessary for the proper enforcement and administration of the Act and the Regulations;
- (31) respecting the powers and duties of inspectors and analysts and the taking of samples and the seizure, detention, forfeiture and disposition of articles;
- (32) establishing schedules of drugs, the sale of which is subject to special conditions in the interest of the public health;
- (33) for the inspection, control, licensing, operation and maintenance of hotels, apartment buildings, boarding houses, lodging houses and other places where accommodation is provided for cash or other consideration;
- (34) for the forcible entry into premises to which this Act or the Regulations applies where the owner or occupier does not give permission for the inspection and examination thereof or where the owner or occupier cannot be located;
- (35) respecting the cleanliness, inspection and licensing of barbers, beauticians, barber shops, hairdressing and beauty shops;

- (36) for the inspection and control of bathing beaches and swimming pools, including the sanitation, accommodation, sanitary conveniences and water supply;
- (37) for the medical and dental inspection of school children, the removal of children from school and closing of schools in the interest of the public health;
- (38) for the interment of the dead, the preparation and transportation of dead bodies, the entry of dead bodies from outside Dominica, the regulation and inspection of undertaking establishments, morgues, crematoria and other places used in connection therewith, the licensing thereof, and the management and maintenance of cemeteries and the conditions upon which new cemeteries may be established;
- (39) respecting the performance of post-mortems.

11.—(1) Regulations may have effect throughout Dominica or be limited to such parts thereof as may be specified and shall, when published in the *Gazette*, have the force of law.

Regulations to be published in the *Gazette*.

(2) Notwithstanding subsection (1) of this section where, in the opinion of the Minister, the time required for the publication in the *Gazette* of a Regulation will be prejudicial to public health by reason of any epidemic outbreak of disease or emergency, he may by order dispense with such publication and such Regulation shall be effective immediately but shall be published in the *Gazette* as soon as practicable thereafter and if it is not published within two months after it is made, such Regulation shall then cease to have any force or effect.

Existing subsidiary legislation.

12.—(1) Any Statutory Rules, Orders, Regulations or By-Laws which may be in force at the time of coming into operation of this Act, whether made under a law that has been repealed by this Act or otherwise repealed, shall be deemed to have been made under this Act and shall continue in effect until specifically altered, varied or revoked under this Act. Where any such Statutory Rules, Orders, Regulations or By-Laws conflict in any way with the Regulations made under this Act, they shall cease to have force and effect.

(2) A municipal council if otherwise empowered by any law to make By-Laws respecting matters relating to public health within the geographical area of such municipality, or whenever so authorised by the Minister, may make such By-Laws, not inconsistent with this Act or the Regulations as may be necessary for matters relating to public health in its municipality. Such By-Laws shall become effective only when approved by the Cabinet and published in the *Official Gazette*.

Offences.

13. Any person who —

- (a) refuses to answer or knowingly gives an untrue answer to any inquiry made or addressed to him by an officer acting under the authority of this Act or intentionally withholds any information from or knowingly furnishes any false information to such officer;
- (b) refuses or omits to do any act which he is required to do by this Act or the Regulations or to carry out any order, instruction or condition made, given or imposed by any officer or other person acting under the authority of this Act or the Regulations;
- (c) assaults, resists, wilfully obstructs, intimidates, uses abusive language or interferes with any officer or other person

acting under the authority of this Act or the Regulations;

- (d) offers or gives a bribe to an officer or other person acting under the authority of this Act or the Regulations in connection with his duties or powers hereunder, or being such officer or person, demands, solicits or accepts a bribe;
- (e) obstructs in any manner whatsoever an officer in the proper execution or administration of this Act or the Regulations; or
- (f) fails to carry out or infringes any provision or requirement of this Act or of the Regulations.

is guilty of an offence and liable upon summary conviction by a district magistrate to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

14. A prosecution under Section 13 may be instituted at any time within twelve months from the time the subject matter of the prosecution arose or the offence was committed, whichever is later.

Limitation
twelve months.

15. An information may be laid or prosecution instituted by or on behalf of the Chief Medical Officer or with his consent by any other officer or by an officer of a municipal council in respect of any matter which is the subject of delegation to such council as provided in this Act.

By whom
information
may be laid.

16. A prosecution for an offence under this Act or the Regulations may be instituted, heard, tried or determined by the Magistrate in whose district the offence was committed or in any place in which the accused is apprehended or happens to be.

Prosecution
of offences

Liability of employer

17 In a prosecution under this Act or the Regulations, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused or by a person ostensibly in his employment whether or not he is identified or has been prosecuted for the offence.

References to the owner or occupier of premises.

18. Whenever in any notice or any proceedings under the provisions of this Act or the Regulations, it becomes necessary to mention or refer to the owner or occupier of any lands or 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 notice and documents.

19. Any notice, order or other document made or given under this Act 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, then to some adult on the premises, or if there is no such person, then by affixing one copy of the notice to some conspicuous part of the premises and in case of emergency, any such notice if verbally given to the person whom the Act or the Regulations require to be served or notified, shall be sufficiently given

Action may be taken at expense of owner.

20. If a notice or order requires action to be taken within a time specified therein either as regards the structural alteration of premises or the removal or abatement of a nuisance or other thing required of the owner or occupier under this Act or the Regulations and it is not done within the time so provided, then a Medical Officer of Health or Public Health Inspector may proceed to have the same done at the expense of the owner or occupier, as the case may be, and the cost thereof, until paid by such owner or occupier, shall form a lien or charge against the lands or premises and shall be recoverable as a tax under the Collection of Taxes Ordinance.

21. In any proceedings under this Act or the Regulations, any document or writing purporting to be signed by the Minister or by an officer acting under this Act is admissible in evidence in a prosecution for a violation of the Act or the Regulations and is *prima facie* proof of the statements contained therein; but no such document or writing is receivable in evidence unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced, reasonable notice of such intention, together with a copy of the certificate or writing and the party against whom it is produced may require the attendance of the person signing the same for the purpose of cross-examination.

Document or writing signed by Minister or officer to be admissible in evidence

22. Where any act or thing is by the Act or the Regulations prohibited or prescribed, the duty of seeing that such prohibition or prescription is complied with rests upon the person to whom the prohibition or prescription relates, whether owner, occupier, operator or other person, and in any prosecution under this Act or the Regulations the burden of proving that such prohibition or prescription was complied with rests upon such person.

Onus of proof on owner, occupier, operator etc.

23. No action, suit, proceeding or claim lies against any officer for anything *bona fide* done, directed or authorised by him under this Act.

Exemption from liability of officers acting *bona fide*.

24. The Medical and Sanitary Services Ordinance (Cap. 150, Laws of Dominica, 1961) is hereby repealed.

Repeal of Cap. 150, L. of Dom., 1961.

Passed this 24th day of April, 1968.

BARNET EDMUND DEFOE
Acting Clerk of the House of Assembly.

M.P. L. & S.S. 3/27II.