

MOSQUITO CONTROL REGULATIONS

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MOSQUITO CONTROL REGULATIONS

(S.R.O.s 5/1957, 24/1957 and 13/1961)

Short title

1. These Regulations may be cited as the Mosquito Control Regulations.

Interpretation

2. In these Regulations—

“**occupier**” means, in the case of land not occupied by any tenant or other person, the owner of the land;

“**officer of the Board**” includes any member of the Board, any medical officer of Montserrat and any servant or agent of the Board;

“**owner**” includes any person receiving rent or profits from any tenant or occupier thereof or who would receive such rent and profits if the premises were let whether on his own account or as agent for any other person;

“**premises**” includes messuages, buildings, lands, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority and any ship, air-ship, vessel, boat, hulk, barge, tent, van, shed, or similar structure.

Spraying

Spraying of premises

3. (1) It shall be lawful for any member of the Department to spray premises when ordered by the Chief Medical Officer or any other Medical Officer so to do.

- (2) No premises shall be sprayed unless at least 24 hours notice in writing of such spraying shall have been given to the occupier of such premises.

- (3) Where the occupier of any premises cannot be found after reasonable enquiry, or when it is not reasonably practicable to give notice otherwise, notice may be given by posting the same up in some conspicuous place on the premises.

Inspection of premises

4. When ordered by the Chief Medical Officer or any other Medical Officer so to do it shall be lawful for any member of the Department, between the hours of seven in the morning and six in the afternoon of any day, to inspect premises and to examine all articles likely to contain water found in or upon such premises:

Provided that in the case of business premises the said inspection shall take place during any period of time in which the business may be in progress.

Obstruction by occupier and forcible entry

5. (1) If the occupier of any premises refuses or fails to admit upon his premises any person duly authorised under regulation 3 or 4 to enter such premises such occupier shall be guilty of an offence against these Regulations.

(2) If any occupier commits an offence against paragraph (1) it shall be lawful for an officer of the Department for the purpose of spraying or inspecting as aforesaid to enter upon the premises of such occupier by force if need be and with such assistance as may be required on condition that—

- (a) the officer has served on the occupier, a notice of his intention at least 24 hours in advance;
- (b) the officer has a written authority from the Board and shows such authority to the occupier if requested by him to do so.

Duties of occupiers

6. (1) When notified that premises are to be sprayed, the occupiers thereof shall, before the time fixed for spraying, remove all foodstuffs, clothing and any other article which they have been warned may be damaged by spraying: Provided that they shall not remove mosquito nets and bedding which shall be sprayed.

(2) The occupiers of premises which are being sprayed shall extinguish all fires and naked flames on the premises during the process of spraying.

(3) If the occupier of any premises after receiving due notice fails to comply with the requirements of this regulation, he shall be guilty of an offence against these Regulations.

Limitations on spraying

7. (1) Mattresses shall not be sprayed if objection thereto is taken by the owners thereof.

- (2) Only the outside of the backs of food-safes shall be sprayed.

General

Receptacles for storage of water

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

(2) All wall-tanks shall be placed not less than six inches from the nearest wall and not less than fifteen inches from the nearest part of the ceiling or roof: Provided that automatic flushing tanks may be affixed to, or placed within six inches of a wall, if inspection of the contents thereof is convenient.

(3) When a member of the Department has completed his inspection of the contents of any tank, drum, vat, barrel, or other receptacle intended for the storage of

water the owner or occupier of the premises shall forthwith render such receptacle mosquito-proof.

(4) If the occupier after receiving reasonable notice in writing from the Board directing him to do so fails to comply with the requirements of this regulation, he shall be guilty of an offence against these Regulations.

Covered drains and sewer-traps

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

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

Drinking water for animals

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

(2) If any person after receiving reasonable notice in writing from the Board requiring him to do so fails to comply with the requirements of this regulation he shall be guilty of an offence against these Regulations.

Wells

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

Finding of mosquitoes in aquatic stages

12. (1) If any member of the Department finds any mosquito in its aquatic stages in any water or in any receptacle containing water, he shall, according to his judgment and the circumstances of the case—

- (a) apply the larvicide used by the Department; or
- (b) require the occupier of the premises to stock the water with larvivorous fish of a species approved by the Chief Medical Officer; or
- (c) render the receptacle, if it be of little or no commercial value, incapable of holding water; or
- (d) report the matter to the Chief Medical Officer or any other Medical Officer.

(2) If the occupier of any premises on being required in writing to stock any water with larvivorous fish under paragraph (1)(b) fails to comply with such requirement he shall be guilty of an offence against these Regulations.

Inspection cards

13. Any member of the Department may affix a card or other document to any tank or vat, or in any inconspicuous position on any premises for the purpose of

recording notes or any inspection of a tank or other receptacle containing water, and no person may remove or deface any such card or document.

Roof-gutters

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

(2) Wherever there are roof-gutters the owner thereof shall arrange that the roof-gutters shall be accessible for inspection.

(3) If the owner of any premises after receiving reasonable notice in writing fails to comply with the requirements of paragraphs (1) and (2), he shall be guilty of an offence against these Regulations.

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

(5) The occupier of any premises shall take all necessary steps to prevent water from collecting in roof-gutters, to prevent mosquitoes from breeding therein and to destroy all mosquitoes in their aquatic stages found therein.

(6) If any owner or occupier after receiving notice fails to comply with the requirements of paragraphs (4) and (5); he shall be guilty of an offence against these Regulations.

Storing of water

15. (1) Unless otherwise provided—

- (a)* water may be stored in barrels, large vessels, or other similar water containers;
- (b)* such barrels, large vessels, or other similar containers, shall conform to models approved from time to time by the Department for the purpose of such storage;
- (c)* such barrels, large vessels, or other similar water containers, where used for storing water, shall be mosquito-proofed or kept constantly stocked with larvivorous fish provided and maintained by the occupier of the premises, such fish being of a species approved by the Department;
- (d)* artificial ponds, lakes, and basins which contain water shall be stocked with larvivorous fish provided and maintained by the occupier of the premises, such fish being of a species approved by the Department.

(2) If the occupier of any premises after receiving notice fails to comply with the requirements of paragraphs (1)(b), (1)(c) and (1)(d), he shall be guilty of an offence against these Regulations.

Drainage of water from buildings and premises

16. (1) No part of any building or premises or of any wall or other structure surrounding such building or premises shall be so constructed as to be capable of retaining water unless provision is made whereby such water may easily be drained therefrom.

(2) Upon notice in writing being given by the Department to the owner of any building or premises or any wall or other structure as aforesaid that any part thereof is capable of retaining water and that no provision is made whereby such water may easily be drained therefrom such owner shall forthwith cause the said part to be constructed in accordance with the provisions of paragraph (1), and if he fails to do so he shall be guilty of an offence against these Regulations.

Cemeteries

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

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

(3) Mausoleums, vaults and burial urns shall be maintained in such a condition as not to collect water.

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

(5) If the occupier of any cemetery after receiving due notice fails to comply with the requirements of this regulation, he shall be guilty of an offence against these Regulations.

Stagnant water

18.(1) No person shall expose any empty bottle (broken or otherwise), empty tin, coconut shell, uncovered barrel, box or any other articles in such manner as to cause the same to be a receptacle for stagnant water or a breeding place for mosquitoes.

(2) The presence of mosquito larvae in any collection of water shall be proof that such water is stagnant.

(3) If any person after receiving due notice fails to comply with the requirements of paragraph (1) he shall be guilty of an offence against these Regulations.

Hindrance or obstruction prohibited

19. Any person who hinders or obstructs any officer of the Board in the execution of any duty imposed upon him by these Regulations shall be guilty of an offence against these Regulations.

Offence by owner or occupier

20. Where an obligation is imposed by any of these Regulations upon an owner or occupier, both the owner and the occupier of such premises or either of them may be proceeded against and convicted of an offence against such regulations:

Provided that the Magistrate may dismiss the charge against either notwithstanding his default if the Magistrate is satisfied that under the terms of any contract between them it was the duty of the other to perform the obligation in respect of which the offence was committed, and that in the circumstances it would be in the interest of justice to so dismiss the charge.

Power of forcible entry

21. (1) When any person is guilty of an offence against these Regulations for having failed to comply with the requirements of any of these Regulations it shall be lawful for an officer of the Board to fulfill the requirement in respect of which the offence has been committed at the expense of the person in default and for the purpose of doing so to enter the premises of such person by force if need be with such assistance as may be required on condition that—

- (a) the officer has served on the person in default a notice of his intention at least 24 hours in advance;
- (b) the officer has a written authority from the Board for the purpose and shows such authority to the person in default if requested by him to do so.

(2) Any expense incurred by the Board under this regulation in fulfilling any requirement in respect of which an offence has been committed as aforesaid shall constitute an ordinary civil debt owed by the person in default to the Board and shall be recoverable summarily under the provisions of the Magistrate's Court Act.

Offences and penalties

22. Any person who commits an offence against any of these Regulations shall be liable on summary conviction for every such offence to a fine not exceeding \$96 or to imprisonment for a term not exceeding three months, and in addition shall be liable, in the case of a continuing offence, to a fine not exceeding \$10 for each day during which the offence continues.
