

PUBLIC HEALTH ORDINANCE, CAP A22.

AN ORDINANCE TO MAKE PROVISION FOR THE MAINTENANCE OF PUBLIC HEALTH IN ASCENSION.

Amended by Ord 9/2010

Commencement

[11 September 1967]

Citation

1. This Ordinance may be cited as the Public Health Ordinance, Cap A22.

PART I - Preliminary

Interpretation

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

“**building**” and “**house**” include schools, factories and other buildings in which persons are employed and the curtilage of a building or house;

“**hospital**” means any premises or vessels for the reception of the sick, whether permanently or temporarily applied for that purpose;

“**isolation hospital**” means a hospital for the reception of persons suffering from infectious disease;

“**occupier**” means in the case of a building or part of a building the person in occupation or having the charge, management and control thereof, either on his own account or as the agent of another person, and in the case of a ship means the master or other person in charge thereof;

“**premises**” includes lands, buildings, vehicles, structures of any kind, streams, drains, ditches or places, open, covered or enclosed, whether built on or not, and whether natural or artificial, and any ship lying within the territorial waters of Ascension.

Governor may appoint medical officers of health and other officers

3. The Governor may from time to time appoint such medical officers of health and public health inspectors and other officers as may be necessary for the due execution of this Ordinance. Such medical officers of health, public health inspectors and other officers shall hold office during the Governor’s pleasure.

PART II - Nuisances

Definition of nuisances

4. For the purposes of this Ordinance—

(a) any premises in such a state as to be a nuisance or injurious to health;

(b) any pool, ditch, gutter, pavement, privy, urinal, cesspool or drain, so foul or in such a state as to be a nuisance or injurious to health;

(c) any animal so kept as to be a nuisance or injurious to health;

- (d) any accumulation or deposit which is a nuisance or injurious to health;
- (e) any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family;
- (f) any mosquito larvæ or any collection of water in any place or about any building used for human habitation which is likely to harbour mosquito larvæ; and
- (g) any other matter so declared by regulations made by the Governor,

shall be deemed to be nuisances liable to be dealt with summarily in the manner provided by this Ordinance.

Information of nuisances may be given to Administrator

5. Information of any nuisance under this Ordinance may be given to the Administrator by any person aggrieved thereby, or by a medical officer of health, or by a public health inspector, or by any police officer.

Administrator to serve notice requiring abatement of nuisance

6. On receipt of any information respecting the existence of a nuisance the Administrator shall, if satisfied of the existence of a nuisance, serve notice upon the person by whose act, default or sufferance the nuisance arises or continues, requiring him to abate the same within a time to be specified in the notice and to execute such works and to do such things as may be necessary for that purpose.

Enforcement of requisition of notice in event of non-compliance

7. (1) If the person upon whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance although abated since the service of the notice is, in the opinion of the Administrator, likely to recur on the same premises, the Administrator shall cause a complaint relating to such nuisance to be made before a court of summary jurisdiction and if it appears to the court having cognizance of the complaint that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the court may make an order in a summary way directing the person upon whom the notice to abate the nuisance has been served to comply with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order and to do any works necessary for that purpose; or an order prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence; or an order both requiring abatement and prohibiting the recurrence of the nuisance.

(2) Any person failing to comply with an order of the court made under the provisions of subsection (1) shall, unless he satisfies the court that he has used all due diligence to carry out such order, be guilty of an offence and on conviction shall be liable to a fine not exceeding £5, and in the case of a continuing offence to a further fine not exceeding £1 for each day during which the offence continues after conviction.

(3) When any person fails to comply with an order of the court made under the provisions of subsection (1) the Administrator may enter the premises to which the order relates and abate the nuisance and do whatever may be necessary in execution of such order and recover in a summary manner the expenses incurred from the person on whom the order is made.

PART III - Infectious Diseases

Definition of infectious disease

8. In this Part, “**infectious disease**” means any disease listed in the Schedule to this Ordinance, and includes any other infectious disease to which this Part has been applied under the provisions of section 9 of this Ordinance.

Governor may extend definition by order

9. (1) The Governor may by order declare that this Part shall apply to any infectious disease other than an infectious disease mentioned in the Schedule to this Ordinance.

(2) Any such order may be permanent or temporary and, if temporary, the period during which it is to continue in force shall be specified therein.

(3) Upon such order coming into operation and during the continuance thereof an infectious disease mentioned in such order shall be an infectious disease within the meaning of this Part.

Notification of infectious disease

10. (1) Where an inmate of any building used for human habitation is suffering from an infectious disease, the head of the family to which such inmate (hereinafter in this section referred to as “the patient”) belongs, and in his default the nearest relatives of the patient present in the building or being in attendance on the patient, and in default of such relatives every person in charge of or in attendance on the patient, and in default of any such person the occupier of the building, shall, as soon as he becomes aware that the patient is suffering from an infectious disease, send notice thereof to a medical officer of health.

(2) Every person required by subsection (1) to give notice who fails to give the same shall be guilty of an offence and on conviction shall be liable to a fine not exceeding £5:

Provided that if a person is not required to give notice in the first instance, but only in default of some other person, he shall not be liable to any fine if he satisfies the court that he had reasonable cause to suppose that notice had been duly given.

Cleansing and disinfection of infected premises

11. (1) Where a medical officer of health is of the opinion that the cleansing and disinfecting of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, he shall give notice in writing to the occupier of such house or part thereof, requiring him to cleanse and disinfect such house or part thereof and articles within a time specified in such notice.

(2) Any person to whom notice is given under subsection (1) who fails to comply with such notice shall be guilty of an offence and on conviction shall be liable to a fine not exceeding £5 for every day during which he fails to comply with such notice; and the Administrator shall cause such house or part thereof and articles to be cleansed and disinfected and may recover the expenses incurred from the occupier in a summary manner.

Disinfection of bedding, etc

12. (1) A medical officer of health may, by notice in writing, require the owner of any bedding, clothing or other articles which have been exposed to the infection of any infectious disease to cause the same to be delivered over to a public health inspector or other officer duly authorised in that

behalf by the Administrator for removal for the purpose of disinfection. The bedding, clothing and articles shall be disinfected by the medical officer of health and shall be brought back and delivered to the owner free of charge.

(2) Any person who fails to comply with the requirements of a notice given under the provisions of subsection (1) shall be guilty of an offence and on conviction shall be liable to a fine not exceeding £25.

Destruction of infected bedding, etc

13. A medical officer of health may direct the destruction of any bedding, clothing or other articles that have been exposed to infection from any infectious disease.

Removal to hospital of infected persons

14. (1) Any person suffering from an infectious disease who is in any house or premises where he cannot be effectually isolated so as to prevent the spread of the disease may be removed by direction of a medical officer of health to a hospital.

(2) A direction given in accordance with the provisions of subsection (1) may be addressed to such public health inspector or other officer duly authorised in that behalf by the Administrator as the medical officer of health may think expedient.

(3) Any person who wilfully disobeys or obstructs the execution of any direction given under the provisions of subsection (1) shall be guilty of an offence and on conviction shall be liable to a fine not exceeding £25.

Detention in hospital of infected persons without proper lodgings

15. (1) A medical officer of health on being satisfied that a person suffering from any infectious disease is in a hospital and would not on leaving the hospital be provided with lodging or accommodation in which proper precautions could be taken to prevent the spreading of the disease by such person, may direct such person to be detained in the hospital during the time limited by him and may enlarge the time as often as appears to him to be necessary for preventing the spread of the disease.

(2) A direction given in accordance with the provisions of subsection (1) may be carried into execution by any public health inspector or by any police officer or by any officer of the hospital.

Penalty for exposure of infected persons or things

16. Any person who—

- (a) while suffering from any infectious disease wilfully exposes himself without proper precautions against spreading the disease in any street, public place or shop; or
- (b) being in charge of any person so suffering, so exposes such sufferer; or
- (c) gives, lends, sells, transmits or exposes without previous disinfection any bedding, clothing, rags or any other articles of any description which have been exposed to infection from any such disease; or
- (d) exposes or conveys without proper precaution the body of any person who has died of any infectious disease,

shall be guilty of an offence and on conviction shall be liable to a fine not exceeding £25:

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags or other articles for the purpose of having the same disinfected.

Body of person dying of infectious disease in hospital, etc., to be removed only for burial

17. (1) If a person dies in a hospital or place of temporary accommodation of the sick from any infectious disease and a medical officer of health certifies that in his opinion it is desirable, in order to prevent the risk of communicating such disease or of spreading infection, that the body be not removed from such hospital or place except for the purpose of being forthwith buried, it shall not be lawful for any person to remove the body except for that purpose; and the body when taken out of such hospital or place shall be forthwith taken to a place of burial.

(2) Any person who removes a dead body contrary to the provisions of subsection (1) shall be guilty of an offence and on conviction shall be liable to a fine not exceeding £25.

(3) Nothing in this section shall prevent the removal of a dead body from a hospital to a mortuary and such mortuary shall, for the purposes of this section, be deemed part of such hospital.

Prohibition of retention of corpse

18. (1) No person, without the sanction in writing of a medical officer of health, shall retain unburied elsewhere than in a mortuary or in a room not used at the time as a dwelling place, sleeping place or work room, for more than 12 hours, the body of a person who has died from any infectious disease.

(2) Any person who retains a dead body contrary to the provisions of subsection (1) shall be guilty of an offence and on conviction shall be liable to a fine not exceeding £25.

PART IV - General

Unsound food

19. A medical officer of health or a public health inspector may inspect any animal, meat, poultry, game, flesh, fish, butter, milk, meal, flour, rice, biscuit or other food, fresh, preserved or canned, or any spirituous or fermented liquor, which he has reason to believe is intended for sale as human food or to be used as such, and if any food as aforesaid appear to him to be unwholesome or unfit for human food, he may seize the same and cause such food to be destroyed or otherwise disposed of as may seem to him expedient.

Importation of things likely to introduce disease

20. (1) The Governor may by order prohibit the landing or importation into Ascension of any thing the importation of which he may have reason to believe would be likely to introduce disease into Ascension.

(2) Any person contravening the provisions of any order made under the provisions of subsection (1) shall be guilty of an offence and on conviction shall be liable to a fine not exceeding £50.

Regulations

21. (1) The Governor may make regulations—

- (a) for regulating the inspection and securing the cleanliness of bakehouses and slaughterhouses;
- (b) for regulating the inspection and securing the cleanliness of aerated-water factories and ice factories and prescribing the precautions to be taken for protecting soda-water and other aerated drinks and ice against infection or contamination;
- (c) for regulating the inspection and securing the cleanliness of dairies and prescribing the precautions to be taken for protecting milk and milk products against infection and contamination;
- (d) prescribing precautions to be taken for protecting any article, whether solid or liquid, intended for the food of man against infection or contamination;
- (e) with respect to the construction of pig-styes, the places in which they may be erected, and the mode of cleansing them at proper intervals so as to prevent them becoming a nuisance or dangerous to public health;
- (f) defining any part of Ascension as an area within which horses, donkeys, mules, cattle, sheep, goats, swine or poultry may not be kept;
- (g) declaring matters which shall be deemed to be nuisances for the purposes of Part II of this Ordinance;
- (h) for the treatment of persons affected by any epidemic, endemic or infectious disease and for the prevention of such diseases;
- (i) prescribing penalties not exceeding a fine of £10,000 or imprisonment for a period of 6 months for a breach of such regulations or of any regulations made under the provisions of subsection (2); *Ord 9/2010*
- (j) generally, for carrying the provisions of this Ordinance into effect.

(2) Whenever any part of Ascension appears to be threatened with any epidemic, endemic or infectious disease, the Governor may make regulations for any such matters or things as may appear advisable for the prevention or mitigation of such disease.

General power of entry for inspection of premises

22. For the purpose of carrying out any of the objects of this Ordinance or any regulations made thereunder, it shall be lawful for a medical officer of health or a public health inspector to enter in the day time after one hour's notice previously given into any dwelling house, and to enter at all reasonable hours, including all hours during which business in any premises is in progress or is usually carried on, any warehouse, store, shop, bakehouse, slaughterhouse, yard, lands or other premises whatsoever.

Penalty for obstruction

23. Any person who wilfully obstructs any person acting under the authority or in execution of this Ordinance or of any regulations made thereunder shall be guilty of an offence and on conviction shall be liable to a fine not exceeding £25, and if the offence is a continuing one to a further fine not exceeding £1 for each day during which the offence continues.

Application of Ordinance to vessels, etc

24. The provisions of this Ordinance shall apply to every ship, vessel, boat, tent, van, shed or similar structure used for human habitation in like manner as nearly as may be as if it were a building.

Prosecution of offences

25. All offenders against the provisions of this Ordinance or any regulations made thereunder may be prosecuted by a medical officer of health or by a public health inspector or by the officer in charge of police before a court of summary jurisdiction.

Protection of officers from personal liability

26. No matter or thing done by the Administrator, a medical officer of health, a public health inspector or by any person whomsoever acting under the direction of the Administrator, a medical officer of health or a public health inspector shall, if the matter or thing done were bona fide for the purpose of executing this Ordinance or any regulations made thereunder, subject them or any of them personally to any action, liability, claim or demand whatsoever.

St. Helena law to cease to apply

27. The Public Health Ordinance of St. Helena shall cease to extend to Ascension.

SCHEDULE

(Section 8)

Acute Poliomyelitis

Brucellosis (including Undulant Fever)

Chickenpox

Cholera

Diphtheria

Dysentery

Enteric Fevers

Food Poisoning

Infective Hepatitis

Measles

Relapsing Fever

Smallpox

Tuberculosis

Typhus

Venereal diseases

Yellow Fever

Legal Notice No. 8 of 2010

ASCENSION



Public Health Ordinance, Cap. A22 Public Health (Food Safety) Regulations, 2010

In exercise of the powers conferred by section 21(1)(d) and (i) of the Public Health Ordinance, Cap A22, the Governor makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Public Health (Food Safety) Regulations, 2010, and shall come into force on 1 April 2011.

Interpretation

2. In these Regulations, unless the context otherwise indicates—
- “food”** means anything intended for sale, or sold, for human consumption and includes any live or dead animal or fish or part thereof and any other article used for food or drink by humans, or any other article which ordinarily enters into or is used in the composition or preparation of human food or flavouring matters and condiments, other than drugs or water;
- “food business”** means any trade or business for the purposes of which any person engages in the handling of food, and includes the undertaking of a café, restaurant, catering business, the storage of food and ingredients, canteen, club, school, hospital or institution, whether carried out for profit or not;
- “food premises”** means any premises, vehicle, stall, tent or place in, on or from which there is carried on any food business and where food is prepared in a different place from where it is served, both places are deemed to be food premises. Where food is served in a different place from where it is consumed, both places are deemed to be food premises;
- “high risk foods”** include meat, cooked meat products such as gravy and stock, milk, cream, custard, egg, dairy products, poultry, fish, cooked rice and all foods which support the multiplication of disease producing organisms;
- “shelf life”** means the length of time food may be stored without becoming unsuitable for consumption.

Food safety controls

3. The proprietor of a food business shall—

- (a) maintain his food premises, including the structure of such premises and all equipment used therein, in a clean, hygienic and pest free condition;
- (b) protect all food from the risk of contamination at all stages including storage, transportation, packaging, preparation, cooking and sale;
- (c) control the temperature of any high risk foods with chilled temperatures at or below 8°C, frozen food at or above -18°C and hot food at or above 63°C;
- (d) maintain the cold chain from the point of importation until sale;
- (e) ensure that all persons handling food in his food business and those responsible for supervision are trained with respect to personal hygiene, safe and hygienic food handling, pest control, protection of food from contamination and procedures regarding health and food poisoning;
- (f) report any illnesses, including symptoms of food poisoning, suffered by any person handling food to a medical officer of health.

Labelling

- 4.** A proprietor of a food business shall—
- (a) ensure that all food contains adequate labelling information including storage temperature, “use by” date for high risk foods and “best before” date for ambient foods at all times throughout any process of packaging and re-packaging and transportation including following any processes;
 - (b) ensure that all food imported contains labelling information referred to in paragraph (a);
 - (c) ensure that all food has sufficient shelf life remaining from when it is placed on sale until sale;
 - (d) not sell food after expiration of its “use by” date.

Powers

5. (1) A public health inspector shall have responsibility for the enforcement of food safety controls, including port controls where reasonably practicable, and for this purpose may—

- (a) enter any food business premises at a reasonable time to carry out an inspection, take food samples and take any other steps necessary to comply with the food safety requirements;
- (b) seize any food which is unfit for human consumption or if the “use by” date on any food has expired;
- (c) investigate, in co-operation with the medical officer of health, any allegation of food poisoning.

Offences and penalties

- 6.** A person who—
- (a) fails to comply with any requirement of regulation 3 or 4; or
 - (b) obstructs a public health inspector acting in the execution of his duty,
- is guilty of an offence and liable on summary conviction to a fine not exceeding £10,000 or imprisonment for a term not exceeding 6 months or both.