

CHAPTER 145.

PUBLIC HEALTH.

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CHAPTER 145.

PUBLIC HEALTH.

15 of 1934.
17 of 1938.
19 of 1944.
29 of 1947.
Order
49 of 1953.

An Ordinance to make provision for promoting the Public Health of the Colony.

[1ST NOVEMBER, 1934.]

Short title.

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

Interpre-
tation.

2. In this Ordinance unless the context otherwise requires—

“ animal ” includes bird;

“ building ” includes any house, kitchen, storeroom, garage or other out-house, or part thereof being part of any premises, whether permanent or temporary;

“ Board ” means the Central Board of Health constituted under this Ordinance;

“ burial ” means the burial in earth, interment or any other form of sepulture or the cremation or any other mode of disposal of a dead body, and “ buried ” has a corresponding meaning;

“ carrier ” when used with reference to infectious disease means a person having in his nose or throat or his excretions or discharges the germ of any infectious disease, though he may exhibit no other signs or symptom of that disease;

“ cattle-byre ” includes cattle-pen;

“ contact ” when used with reference to any disease means a person who has been exposed to the risk of infection from such disease within a period which does not exceed the prescribed period of incubation of that disease;

“ cow ” and “ cattle ” include goat and goats respectively where used in connection with the regulation of the sale of milk;

“ dairy ” includes any farm, farm-house, milk-store, milk-shop, milk-shed, or other place from which milk is supplied for sale or in which milk is kept for purposes of sale or distribution for sale or manufactured into butter, cheese, dried milk, or condensed milk for sale;

“ dairyman ” includes any purveyor or seller of milk, occupier or person in charge of a dairy, or any person whatsoever engaged in the handling of milk, and in cases where a dairy is owned by a corporation or company the person actually managing such dairy;

“ day ” means the period between six o’clock in the morning and six o’clock in the evening;

“ day nursery ” means a crèche and includes a place where infants and children under school age may be kept and cared for during the day, with the approval of the mother, or other person having the charge of such child during such period as she is absent at work;

“ disinfecting and cleansing ” respectively include disinfecting, disinfecting, fumigating, oiling, spraying, lime-washing and all other measures from time to time prescribed for the purpose of destroying noxious insects, germs, rats, mice, or other vermin;

“ district ” means the area which is under the jurisdiction of a local sanitary authority;

“ factory ” means any premises wherein, or within the close or curtilage of which mechanical power is used to move or work any machinery, and any premises, room, or place, wherein or within the close or curtilage of which, any manual labour is exercised by way of trade or for the purposes of gain, and to or over which premises, room, or place the employer of the persons working therein has the right of access or control;

“ fresh meat ” includes chilled and frozen meat, and fresh and frozen fish;

“ hospital ” includes nursing home, convalescent home, sanatorium, and asylum, whether public or private and any premises or vessel for the reception of patients whether permanently or temporarily applied for that purpose;

“ latrine ” includes privy, urinal, pit-privy, pit-latrine, earth-closet, pail-closet, cesspool, and any place other than a water-closet, for the reception of human excreta or urine, together with the structure comprising such latrine receptacle and the fittings and apparatus connected therewith;

“ local authority ” means a local authority constituted under the Local Government Ordinance;

Cap. 150.

“ lot ” means any portion of land laid out as a lot or part thereof and separately assessed for taxation, or which may be so assessed, by any local authority constituted under any Ordinance;

“ medical practitioner ” means a person registered as a medical practitioner according to the laws of the Colony;

“ mining district ” means and includes a district constituted under section 4 of the Mining Ordinance;

Cap. 196.

Order 49
of 1953.

“ Minister ” means the Minister charged by the Governor with the responsibility for the Medical Department;

“ nursing home ” includes a maternity home;

“ occupier ” means, in the case of a building or lot or part of a building or lot, the person in occupation of or having the charge, management or control of the building or lot or of part of the building or lot and in the case of a tenement includes the person receiving the rent payable by the tenants or lodgers, either on his own account or as the agent of another person, and in the case of a vessel, means the master or other person in charge thereof;

“ officer ” means an officer of the Board, or local sanitary authority, as the case may be;

“ owner ” includes any person in possession of or in the receipt either of the whole or of any part of the rents or profits of any premises whether on his own account or as trustee, agent, or personal representative, as husband or guardian of any other person or on behalf of any committee or corporation or who would so receive the same if such premises or part thereof were let, or the person in the occupation of such premises other than as a tenant from year to year or for any less term, or as a tenant at will;

“ premises ” includes lands, messuages and buildings or any part thereof, whether public or private, and whether maintained or not under statutory authority, and all ships, vessels, boats, hulks, barges, tents, vans, sheds, or similar structures;

“ rack-rent ” means rent which is not less than two-thirds of the rent at which the property might reasonably be expected to let;

“ regulations ” means any regulations made under the authority of this Ordinance;

“ school ” means any premises which are used for the instruction or education of ten or more children;

“ suffering from an infectious disease,” “ liable to retain infection,” “ expose to infection,” “ injurious to health,” “ dangerous to health,” and “ infected ” respectively mean so suffering, so liable to retain, so exposed, so injurious, so dangerous or so infected in the opinion of a medical officer of health;

“ surplus water ” includes all storm or waste water whatsoever;

“ tenement ” includes any building or collection of buildings divided into rooms occupied singly or in sets by persons of

the poorer class, housing accommodation provided at any estate or plantation, factory or other place for the lodging of persons thereat, whether or not there is a common yard or common water-closets or latrines or conveniences, and not being a separate dwelling-house occupied continuously by one family;

“trades and industries” includes any trade or industry specified in the third schedule to this Ordinance or which may from time to time be added to the schedule by resolution of the Board and published in the Gazette;

Third
schedule.

“trade premises” includes factory, work-shop and work-place;

“vermin” in its application to insects and parasites includes their eggs, larvæ and pupæ, and the expression “verminous” shall be construed accordingly;

“water-closet” includes “septic tank,” and the fittings and apparatus connected therewith.

PART I.—CENTRAL ADMINISTRATION.

3. (1) There shall be established a Board to be styled “The Central Board of Health.”

Constitution
of Central
Board of
Health.
Order 49
of 1953.

(2) The Board shall consist of the Director of Medical Services who shall be Chairman of the Board, the Mayor of Georgetown and the Mayor of New Amsterdam, and of members appointed by the Minister as under—

(a) two elected members of the House of Assembly;

(b) one member of the State Council;

(c) not more than six other persons of whom one shall be a member of the Georgetown Town Council and one a representative of the British Guiana Sugar Producers Association to be selected from names submitted by those bodies.

(3) Subject to the provisions of this section, every member shall hold office for two years from the date of his appointment and shall be eligible for re-appointment.

(4) The Chairman shall preside at all meetings of the Board; but in his absence the members present shall choose one of their number to act as Chairman of the meeting.

(5) The Chairman of a meeting shall have an original and casting vote.

(6) Five members shall form a quorum.

17 of 1938,
s. 2.

Order 49
of 1953.

(7) Any appointed member shall cease to be a member of the Board if he—

(i) fails without reasonable excuse (the sufficiency whereof shall be determined by the Minister) to attend four consecutive monthly meetings of the Board, or

(ii) is adjudicated a bankrupt or insolvent in the United Kingdom or in any part of Her Majesty's possessions, and in such case his place shall be filled by the Governor in accordance with the provisions of subsection (2) of this section.

(8) A member of the Board appointed under subsection (2) (a) and (b) of this section shall cease to be a member of the Board if he ceases to be a member of the Chamber of which he was a member at the date of his appointment.

(9) The names of all persons appointed to be members of the Board shall forthwith be published in the Gazette.

(10) The powers of the Board shall not be affected by a vacancy in the membership thereof.

Appoint-
ment of
secretary.

4. Subject to the approval of the Governor, the Board may appoint a secretary at such salary as may be voted by the Legislative Council.

Board to
be a body
corporate.

5. (1) The Board shall be a body corporate under the name and style of "The Central Board of Health," and may sue and be sued, and shall have perpetual succession, and shall have and use a common seal of which the courts shall take judicial notice.

(2) In any legal proceedings by or against the Board, any necessary authority to a solicitor may be signed by the secretary.

(3) The Board shall have an office in Georgetown.

(4) The Board shall meet once a month and the Chairman shall convene a meeting of the Board upon requisition made in writing by a majority of the members or at such other time as he may consider necessary.

Rules.

(5) The Board may make rules for the conduct of its business and the regulation of its proceedings.

Duties of
the Board.
Order 49
of 1953.

6. It shall be the duty of the Board—

(a) to advise the Minister when so required on all matters connected with the health of the Colony;

(b) generally to take all such measures as may be desirable to secure the preparation, effectual carrying out and co-ordination of measures conducive to public health;

(c) to have and exercise the general supervision and control of all local sanitary authorities;

(d) from time to time to cause to be made investigations respecting the causes of diseases, distribution of literature and practical information, and provision for the training and certification of persons for health services, as it may deem necessary or advisable in the interest of public health;

(e) to frame regulations and if necessary issue orders for the due and effectual enforcement of the duties imposed by this Ordinance, and for the general furtherance of sanitation, and generally for carrying the provisions of this Ordinance into effect, and, if deemed advisable, to prescribe, among other things which it may consider necessary, the times and manner in which any duties mentioned shall be performed.

7. If in the opinion of the Board any local sanitary authority has made default in the performance of any duty imposed on it under this Ordinance with respect to the prevention or abatement of any nuisance, the institution of any proceedings, or the enforcement of any regulations, the Board may institute any proceedings and do any act which the local sanitary authority might have instituted or done at the expense of the local sanitary authority.

Power of Board when local sanitary authority neglects duty.

8. (1) The Governor may appoint a Deputy Director of Medical Services, Health Officers, Sanitary Inspectors, Health Visitors and such other officers as he may deem necessary, who for the purposes of this Ordinance shall be deemed to be officers of the Board.

Appointment of officers of Board.

(2) The Governor may appoint any Government Medical Officer to be a Medical Officer of Health of a local sanitary authority, other than an urban sanitary authority, and in that capacity he shall be an officer of the Board.

(3) The Deputy Director of Medical Services shall be the Chief Executive Officer of the Board and, subject to the provisions of this Ordinance or to any orders or directions of the Board, he shall have the control of the other officers of the Board and the power to prescribe their duties and superintend their work.

(4) Officers of the Board shall have the powers and perform the duties prescribed in this Ordinance or in the regulations and in the performance of their duties shall be subject to the control and direction of the Board.

(5) Whilst any of the said officers shall be exercising any of the duties and powers of the local sanitary authority he shall be deemed to be an officer of the local sanitary authority.

Board may call upon any local sanitary authority to investigate special diseases. Order 49 of 1953.

Access to reports, books, plans, etc.

9. The Board may, with the approval of the Minister, require any local sanitary authority to investigate the cause of any special disease present in its district and to take such steps as may be required, or the Board may determine, to prevent the spread of such disease.

10. The Board and any of its officers authorised in writing shall at all times have access to all reports, books, plans, accounts, maps, documents, machinery, materials and all other things whatsoever belonging to or in the custody of any local authority, or of any contractor with a local authority, and made, compiled, constructed and used in pursuance of any Ordinance hitherto or hereafter enacted relating to public health and may make copies or take extracts of such reports, books, plans, accounts, maps or documents.

Funds. Order 49 of 1953.

11. The Legislature may place at the disposal of the Board such funds as may from time to time be necessary for the effectual carrying out of the provisions of this Ordinance.

Regulations.

12. The Board may make regulations with respect to any of the following matters—

(a) the regulation of the instruction and examination of persons desiring to qualify as sanitary inspectors and health visitors and the issue of certificates to successful candidates at such examination;

(b) the sanitation of the ports of the Colony, and the care and health of all seamen and other persons belonging to any vessel in the ports, the rivers or creeks of the Colony or in the territorial waters thereof; and

(c) the importation and exportation of dead bodies and of human remains.

PART II.—LOCAL SANITARY DISTRICTS AND AUTHORITIES.

Local sanitary districts, and local sanitary authorities thereof. 20 of 1947, s. 2.

13. (1) For the purposes of this Ordinance the Colony shall be divided into local sanitary districts, and every local sanitary district shall be under and subject to the jurisdiction of a local sanitary authority.

(2) The local sanitary districts shall be—

29 of 1947,
s. 2.

- (a) urban sanitary districts;
- (b) village districts;
- (c) country districts; and
- (d) rural districts.

(3) The following shall be urban sanitary districts for the purposes of this Ordinance,—

29 of 1947,
s. 2.

(a) the City of Georgetown as defined in the Georgetown Town Council Ordinance or in any Ordinance for the time being in force amending or substituted for the same;

Cap. 152.

(b) the town of New Amsterdam as defined in the New Amsterdam Town Council Ordinance or in any Ordinance for the time being in force amending or substituted for the same,— and the local sanitary authority thereof shall be—

Cap. 161.

(i) in the case of the City of Georgetown, the Mayor and Town Council of Georgetown;

(ii) in the case of the town of New Amsterdam, the Mayor and Town Council of New Amsterdam.

(4) Every area of land which is for the time being a village district, or a country district, under the Local Government Ordinance or any Ordinance for the time being in force amending or substituted for the same, shall be a village district or a country district, as the case may be, and a local sanitary district, for the purposes of this Ordinance; and the local sanitary authority thereof shall be the village council of the village district or the country authority of the country district, as the case may be, under the Local Government Ordinance or other Ordinance as aforesaid.

29 of 1947,
s. 2.
Cap. 150.

(5) Every area of land which is for the time being a rural district under the Local Government Ordinance or any Ordinance for the time being in force amending or substituted for the same, shall be a rural district, and a local sanitary district, for the purposes of this Ordinance, and the local sanitary authority thereof shall be the Board.

29 of 1947,
s. 2.

14. Subject to the provisions of this Ordinance and of any regulations made thereunder local sanitary authorities shall have and may exercise within the boundaries of their respective districts all such powers, functions and duties relating to public health as may be conferred upon them by this or any other Ordinance.

Powers,
functions
and duties
of local
sanitary
authorities.

15. A Medical Officer of Health in respect of the district for which he is appointed by the Governor, shall perform all the duties imposed on the Deputy Director of Medical Services by

Duties of a
Medical
Officer of
Health.

any Ordinance, regulations, orders, or directions from time to time made or given by the Board and by any regulations of the local sanitary authority applicable to his office.

Local sanitary authorities to appoint officers. Board may assume control.

16. (1) The Board may require any local sanitary authority to appoint a Medical Officer of Health, who shall be a Medical Practitioner, or a Health Officer, or one or more Sanitary Inspectors, Health Visitors, or other officers as the Board may consider necessary for the purpose of the local sanitary authority, and in case of the failure of the local sanitary authority to comply with the requirements of the Board, it shall be lawful for the Board with the approval of the Governor in Council to appoint any or all of the officers for and on behalf of the local sanitary authority.

(2) Any Medical Officer of Health, Health Officer, Sanitary Inspector, Health Visitor or other officer appointed by the Board for and on behalf of the local sanitary authority shall be paid out of the funds of the local sanitary authority and the appointment shall be valid in all respects and shall have the same effect as if it had been made by the local sanitary authority.

Discontinuance of control by Board.

17. (1) The Board may, for any cause which may appear to it expedient in exclusion of a local sanitary authority, exercise and perform any or all of the powers, functions, and duties of the local sanitary authority either generally or for any particular purpose or for a limited or unlimited period.

(2) If under the provisions of this Ordinance the Board assumes the exercise and performance of the powers, functions, or duties of any local sanitary authority, the Governor in Council, if satisfied that it is no longer necessary or expedient that the Board shall continue to exercise or perform such powers, functions, or duties, may declare that the exercise or performance by the Board of the said powers, functions, or duties, shall cease, and thereupon the local sanitary authority shall resume the exercise and performance of its powers, functions and duties.

(3) Nothing herein shall prevent the Board from relinquishing at any time the exercise of any powers, functions, or duties of a local sanitary authority which it might have assumed under the provisions of this Ordinance.

Powers of urban sanitary authority to make regulations. First schedule.

18. The local sanitary authority of an urban sanitary district may with respect to its district make regulations to be approved by the Board for any of the purposes for which the Board may make regulations under this Ordinance, save and except those specified in the first schedule to this Ordinance.

PART III.—NOTIFIABLE INFECTIOUS, EPIDEMIC AND ENDEMIC DISEASES.

19. (1) In this Part of this Ordinance the expression “infectious disease” means small-pox, alastrim, yellow fever, plague, typhus, cholera, typhoid fever, paratyphoid fevers, diphtheria, erysipelas, the disease known as scarlatina or scarlet fever, chicken-pox, pulmonary tuberculosis and all other forms of tuberculosis, anthrax, puerperal fever, puerperal septicæmia, infantile paralysis, cerebro-spinal fever, ophthalmia neonatorum, trachoma,* malaria,† and includes any other disease which the Board may declare to be an infectious disease under this Part of this Ordinance.

Definition of infectious disease.

(2) The Board may by resolution passed at a meeting thereof declare any disease in addition to the diseases mentioned in subsection (1) of this section, to be an “infectious disease,” within the meaning of this Part of this Ordinance and may rescind such resolution.

(3) In this Part of this Ordinance “infected area” means any area declared to be such by order of the Board published in the Gazette.

Definition of infected area.
19 of 1944,
s. 2.

20. The Governor may—

(1) cause to be provided in such part of the Colony as he may deem fit one or more hospitals or camps for the reception, isolation and treatment of any person or persons suffering from any infectious disease.

Hospitals for treatment of infectious disease.

(2) in case of emergency expend from the public funds of the Colony such sums of money as may be necessary for the effectual carrying out of any or all of the provisions of this Part of this Ordinance or of any regulations made thereunder; and

(3) do all such other matters and things for carrying out the provisions of this section as he may deem necessary.

21. (1) The Board shall have the direction of all measures dealing with yellow fever, small-pox, alastrim, cholera, plague and typhus, and may make regulations with regard to the control of any such disease for any of the following purposes—

Regulations governing quarantinable diseases.

(a) the restraint, segregation and isolation of persons suffering from any such disease, or likely from exposure to infection to suffer from any such disease;

* Added by notice No. 498 in the Gazette of the 5th October, 1935.

† Added by notice No. 1,719 in the Gazette of the 4th October, 1952.

(b) the removal to hospital and curative treatment of persons suffering from any such disease;

(c) the removal, disinfection and destruction of personal effects, goods, buildings, and any other article, material or thing exposed to infection from any such disease;

(d) the speedy burial of the dead, or cremation of the dead and the provision of crematoria;

(e) house to house visitation and inspection;

(f) the provision of medical aid and accommodation;

(g) the promotion of cleanliness, ventilation and disinfection;

(h) the prevention of the spread of such diseases on the seas and rivers and waters of the Colony, and on the high seas within three miles of the coast thereof, as on land; and

(i) the doing of any such matter or thing as may appear advisable for diagnosing, preventing or checking such diseases, including the prohibition or restriction of movement of persons and public and private conveyances of any kind whatsoever within and to and from an infected area:

Provided always, that with respect to any hospital or any institution for the relief of the sick and destitute poor under the control of Government, or to any patient therein, the powers given by this section shall be exercised by the Director of Medical Services:

Provided also that, in the event of immediate action becoming, in the opinion of the Governor, necessary to deal with any such disease under the provisions of this section and of its not being practicable, in the opinion of the Governor, to have a meeting of the Board forthwith, the Governor may take all such measures, do all such things and exercise all such powers as might be taken, done or exercised by the Board, and all such measures and things and the exercise of such powers shall be as effectual, valid, binding and protected in all respects as if they had been taken, done, or exercised by or under authority of the Board.

(2) There may be attached to any breach of any regulation made under this section a penalty not exceeding two hundred and fifty dollars or a term of imprisonment, with or without hard labour, not exceeding six months.

Notification
of infectious
disease.

22. (1) Where an inmate of any building used for human habitation is suffering from an infectious disease the following provisions shall have effect, that is to say—

(a) the head of the family to which such inmate, referred to in this Part of this Ordinance 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 the Medical Officer of Health of that district; and

By head of family or relative or occupier.

(b) every medical practitioner attending on or called in to visit the patient shall forthwith on his having reason to suspect that the patient is suffering from an infectious disease send to the Medical Officer of Health of that district a certificate stating the name of the patient, the situation of the building and the infectious disease from which, in the opinion of such medical practitioner, the patient is suffering.

By certificate of medical practitioner.

(2) Every person required by this section to send a notice or certificate who fails to do so shall be guilty of an offence and shall on summary conviction be liable to a penalty not exceeding ten dollars:

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

23. (1) The Board may from time to time prescribe forms of certificates under this Part of this Ordinance, and any forms so prescribed shall be used in all cases to which they apply.

Forms of certificates and fees of medical practitioner.

(2) The Board shall gratuitously supply forms of certificate to any medical practitioner who applies for the same, and shall pay to every medical practitioner who is not in receipt of pay from the Colony for each certificate duly sent by him in accordance with this Part of this Ordinance a fee of fifty cents.

24. (1) A Medical Officer of Health or any medical practitioner authorised by a local sanitary authority or by the Director of Medical Services may at any time enter and inspect any premises in which he has reason to believe that any infectious disease exists, or has recently existed, and may also examine any dead body found on such premises.

Powers of entry and inspection

(2) A Medical Officer of Health or any medical practitioner authorised by a local sanitary authority or the Director of

Medical Services may at any time enter any building in which he has reason to believe that any infectious disease exists, or has recently existed, and examine any person found therein or who has recently been an inmate thereof with a view to ascertaining whether he is suffering, or has recently suffered, from such disease.

(3) Such Medical Officer of Health or medical practitioner may, for the purpose of examination, order the removal of the body of any person suspected to have died of any infectious disease.

(4) In the event of admission, inspection, examination or removal under the provisions of this section being refused, the magistrate of the district may grant a warrant authorising such entry, inspection, examination or removal and, on such warrant being exhibited, any person who wilfully disobeys or obstructs the execution of such warrant shall be guilty of an offence.

Duty of local sanitary authority to cause premises to be cleansed and disinfected.

25. (1) Where on the certificate of any medical practitioner, the cleansing and disinfecting of any premises and of any articles therein likely to retain infection, would tend to prevent or check any infectious disease, it shall be the duty of the local sanitary authority to give notice in writing to the owner or occupier of the premises requiring him to cleanse and disinfect the premises and any articles therein within a time specified in such notice.

(2) If the person to whom notice is so given fails to comply therewith, he shall be guilty of an offence, and the local sanitary authority shall cause the premises and any articles therein to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier.

(3) Where the owner or occupier of any such premises is from poverty or otherwise unable, in the opinion of the local sanitary authority, effectually to carry out the requirements of this section the local sanitary authority may, without enforcing such requirements, with the consent of the owner or occupier cleanse and disinfect such premises and any articles therein, and defray the expenses thereof.

Disinfection of bedding, etc.

26. (1) The local sanitary authority or the Medical Officer of Health may, by notice in writing, require the owner of any bedding, clothing or any other articles which have been exposed to the infection of any infectious disease to cause the same to be delivered to an officer of the Board or of the local sanitary authority for removal for the purpose of disinfection; and any person who fails to comply with such requirement shall be guilty of an offence.

(2) The bedding, clothing, and articles shall be disinfected by the local sanitary authority and shall be redelivered to the owner free of charge, and if any unnecessary damage is caused to the bedding, clothing or articles the local sanitary authority shall compensate the owner for the same and in case of dispute the amount of compensation claimed may be recovered by the owner.

27. The local sanitary authority may direct the destruction of any bedding, clothing, or other articles which have been exposed to infection from any infectious disease, and may give compensation for the same.

Destruction
of infected
bedding, etc.

28. (1) Any person who is suffering from an infectious disease in an infectious state and is without proper lodging or accommodation, or is lodged in a room occupied by more than one family or in any house, tenement or premises where he cannot be effectively isolated so as to prevent the spread of the disease, may, with the consent of the superintending body of any hospital or place and on a certificate signed by a medical practitioner, be removed by order of any justice of the peace to such hospital or place at the cost of the local sanitary authority and may there be detained until such time as the superintending body aforesaid certifies that he is no longer in an infectious state:

Removal of
infected
persons
without
proper
lodging to
hospital by
order of
justice of
the peace.
19 of 1944,
s. 4.

Provided that a magistrate may at any time on the application of the local sanitary authority or any medical practitioner order the discharge of any person from such hospital or place if he is satisfied that the conditions of the place where the patient is to reside are such that he can and will be effectively isolated so as to prevent the spread of the disease.

(2) An order under this section may be addressed to such constable, sanitary inspector or health visitor as the justice of the peace may deem expedient and that constable, inspector or visitor and any officer of the hospital or place aforesaid may do all acts necessary for giving effect to the order; and any person who wilfully disobeys or obstructs the execution of such order shall be guilty of an offence.

19 of 1944,
s. 4.

(3) The superintending body aforesaid shall send a report to the Director of Medical Services as soon as any person removed under the provisions of this section to that hospital or place has there been detained for a period of six months.

(4) On receipt of such report the Director of Medical Services or any person authorised in writing by him shall make further

inquiry as he deems necessary, and the Director of Medical Services may at any time thereafter order the discharge of that person from that hospital or place.

19 of 1944,
s. 4.

(5) Any person who leaves any hospital or place contrary to an order made under subsection (1) of this section for his detention therein shall be liable to a penalty not exceeding twenty-five dollars and the magistrate, or, if no proceedings are taken against that person either on account of the urgent nature of the case or otherwise, any justice of the peace may order him to be taken back to the hospital or place aforesaid.

19 of 1944,
s. 4.

(6) An application to a magistrate under the proviso to subsection (1) of this section may be heard by him in any convenient place and in the absence of the person under detention and any order so made by him shall have the same effect as an order of the court.

(7) Nothing in this section shall prevent the discharge at any time of any person from any hospital or place by the superintending body.

Temporary
shelter, etc.

29. (1) A local sanitary authority may provide, free of charge, temporary shelter or accommodation with any necessary attendants for the members of any family in whom any infectious disease has appeared and who have been compelled to leave their dwelling for the purpose of enabling their dwelling to be disinfected by the local sanitary authority.

(2) The Board may make regulations generally for the management, control and sanitation of such temporary shelter or accommodation.

Exposure
of infected
persons.

30. Any person who—

(1) while suffering from any infectious disease wilfully exposes himself without proper and necessary precautions against spreading any such infectious disease in any street, public place, shop, hotel or boarding house, or public conveyance, or enters any public conveyance without previously notifying to the owner, conductor, or driver thereof that he is so suffering; or

(2) being in charge of any person so suffering, so exposes such sufferer;
shall be guilty of an offence.

31. Any person who—

(1) 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 infectious disease; or

Infected things. Contact with body of person dying of infectious disease.

(2) exposes or conveys without proper precaution the body of any person who has died of any infectious disease; or

(3) holds, or permits to be held, a wake or wakes in any house, room or place, over which he has control, over the body of any person who has died of any infectious disease; or

(4) having the charge or control of premises in which is lying the body of a person who has died from any infectious disease and does not take such steps as may be reasonably practicable to prevent persons coming into contact with the body unnecessarily;

shall be guilty of an offence:

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

32. The owner or driver of a public vehicle within the district of the local sanitary authority used for the carrying of passengers at separate fares shall not knowingly convey, and any other person shall not knowingly place, in any such public vehicle a person suffering from any infectious disease, and a person suffering from any such disease shall not enter any such vehicle, and every person who shall offend against this section shall be guilty of an offence.

Prohibiting conveyance of infected persons in public vehicles.

33. (1) If any person suffering from any infectious disease is conveyed in any public vehicle within the district of the local sanitary authority, the owner or driver thereof as soon as it comes to his knowledge shall give notice to the Medical Officer of Health or a sanitary inspector and shall cause such vehicle to be disinfected, and, if he fails so to do, shall be guilty of an offence, and shall be entitled to recover from the person so conveyed, or from the person causing that person to be so conveyed, a sufficient sum to cover any loss and expense incurred by him in connection with such disinfection.

Driver, etc., of infected person to give notice.

(2) It shall be the duty of the local sanitary authority when so requested by the owner or driver of such public vehicle to provide for the disinfection of the same free of charge, except in

cases where the owner or driver conveyed a person knowing that he was suffering from infectious disease.

Infected person not to carry on occupation. 19 of 1944, s. 5.

34 (1) If any person knows or has reasonable cause to believe that he is suffering from an infectious disease, he shall not engage in any occupation or carry on any trade or business unless he can do so without risk or spreading the infectious disease.

19 of 1944, s. 5.

(2) No person shall knowingly employ any other person in any trade or business connected with the handling, preparation, storage, sale or distribution of articles of food, or drink, intended for human consumption whilst such person is suffering from an infectious disease in an infectious state.

(3) If any person acts in contravention of this section he shall be guilty of an offence.

Penalty on letting building in which infected persons have been lodging.

35. (1) Any person who knowingly lets for hire or permits to be used any building in which any person has been suffering from any infectious disease without having such building or part of a building and any or all of the articles therein liable to retain infection, disinfected to the satisfaction of a Medical Officer of Health as testified by a certificate signed by him, shall be guilty of an offence.

(2) For the purposes of this section the keeper of an hotel shall be deemed to let for hire part of a building to any person admitted as guest into such hotel.

Persons ceasing to occupy houses without previous disinfection, etc.

36. (1) Any person who shall cease to occupy any building or part of a building in which any person has previously been suffering from an infectious disease without having such building or part of a building and any or all of such articles therein liable to retain infection disinfected to the satisfaction of a Medical Officer of Health as testified by a certificate signed by him, or without first giving to the owner of such building notice of the previous existence of such infectious disease, shall be guilty of an offence.

(2) Any person letting for hire or showing for the purpose of letting for hire any building who on being questioned by any person negotiating for the hire of such building as to the fact of there being or within six weeks previously having been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be guilty of an offence.

(3) The local sanitary authority shall cause notice of the provisions of this section to be given to the occupier of any

building in which such authority is aware that there is a person suffering from an infectious disease.

37. (1) No person, being the parent or having the care or charge of a child who is or has been suffering from infectious disease or has been exposed to infection shall, after a notice from a Medical Officer of Health to that effect permit such child to attend school without having procured from such medical officer a certificate (which shall be granted free of charge upon application) that in his opinion the child may attend without undue risk of communicating the disease to others.

Infection
in schools

(2) Any person who offends against this section shall be guilty of an offence.

38. (1) If any person shall die from any infectious disease in any hospital or place of temporary accommodation for the sick, and a Medical Officer of Health or any other medical practitioner certifies that in his opinion it is desirable, in order to prevent the risk of communicating any infectious disease or of spreading infection, that the body shall not be 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 from that hospital or place except for the aforesaid purpose; and when the body is taken for that purpose it shall be forthwith carried or taken direct to some cemetery or place of burial, and shall be forthwith there buried.

Bodies
of persons
dying of
infectious
diseases in
hospital,
etc., to be
removed
only for
burial.

(2) If any person wilfully offends against this section he shall be guilty of an offence.

(3) Nothing in this section shall prevent the removal of any dead body from any hospital or temporary place of accommodation for the sick to any mortuary, and such mortuary shall, for the purposes of this section, be deemed part of such hospital or place as aforesaid.

39. No person, without the sanction 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 eighteen hours the body of any person who has died from any infectious disease.

Prohibition
of retention
of corpse.

40. (1) Where the body of any person who has died from any infectious disease remains 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 eighteen hours after death without the sanction of a Medical Officer of Health or where the

Justices of
the peace
may in
certain cases
order dead
bodies to be
buried.

dead body of any person is retained in any building so as to endanger the health of the inmates of such building, or of any adjoining or neighbouring building, any justice of the peace may, on the application of the Medical Officer of Health, order the body to be removed at the cost of the local sanitary authority to any available mortuary, and direct the same to be buried within a time to be specified in the order; and any justice of the peace may, in the case of the body of any person who has died of any infectious disease, or in any case in which he shall consider immediate burial necessary, direct the body to be so buried.

(2) Unless the friends or relatives of the deceased undertake to bury and do bury the body within the time specified in such order it shall be the duty of the local sanitary authority of the district from which the body has been removed to the mortuary or in which the body shall be, if it has not been so removed, to bury such body, and any expense so incurred may be charged by the local sanitary authority in its accounts, and may be recovered from any person legally liable to pay the expenses of such burial.

Disinfection
of public
conveyances.

41. Any person who hires or uses a public conveyance for the conveyance of the body of a person who has died from any infectious disease, without previously notifying to the owner or driver of such public conveyance that the person whose body is or is intended to be conveyed has died from an infectious disease, and, after any such notification as aforesaid, any owner or driver of a public conveyance which has been used for conveying the body of a person who has died from an infectious disease, who shall not immediately afterwards provide for the disinfection of such conveyance, shall be guilty of an offence.

Recovery
of costs of
mainten-
ance in
hospital
of patients.

42. Any expenses incurred by the local sanitary authority in conveying to or in maintaining in hospital, or in a temporary place for the reception of the sick, a patient who is not a pauper shall be deemed to be a debt due from such patient to the local sanitary authority, and may be recovered from him or from his estate in the event of his dying in such hospital or place.

Inspection
of dairies
and power
to prohibit
supply of
milk.

43. (1) If a Medical Officer of Health has evidence that any person is suffering from an infectious disease attributable to milk supplied within a district from any dairy situate within that district, or that the milk from any dairy is likely to be the cause of any infectious disease to any person residing in that

district, he shall visit that dairy, and may examine the same and every person engaged in the service thereof or resident upon the premises or who may be resident in any premises where any person employed in such dairy may reside, and shall examine the animals therein, and shall forthwith report the results of his examination to the Board or, in case of emergency, the Director of Medical Services.

(2) If a Medical Officer of Health has evidence that any person within a district is suffering from any infectious disease attributable to milk from any dairy without that district, or that the milk from any dairy is likely to be the cause of any infectious disease to any person residing in the district, he shall forthwith intimate the fact to the Board or, in case of emergency the Director of Medical Services and the Board or the Director of Medical Services as the case may be may direct the Medical Officer of Health of that other district to enter and inspect the dairy and the persons engaged or resident as aforesaid and the animals therein, and shall forthwith report the results of his examination to the Board or to the Director of Medical Services.

(3) If the Board or the Director of Medical Services as the case may be shall upon that inspection or examination be of opinion that infectious disease is caused by milk supplied from any dairy the Board or the Director of Medical Services shall give notice to the dairyman to appear before the magistrate of the district in which the dairy is situated within such time, not less than twenty-four hours, as may be specified in the notice to show cause why an order should not be made prohibiting him from supplying any milk from that dairy until that order has been withdrawn by the magistrate; and if in the opinion of the magistrate the dairyman fails to show cause, then the magistrate may on the application of the Board make an order as aforesaid.

(4) An order made by a magistrate in pursuance of this section shall forthwith be withdrawn upon the certificate of the Board that the milk supply has been changed or that the cause of infection has been removed.

(5) Any person who refuses to permit a Medical Officer of Health to enter and inspect his dairy or examine the persons aforesaid or the animals kept by him, or who, after an order prohibiting the supply of milk as aforesaid has been made, sells or supplies any milk in contravention of that order for human consumption, shall be guilty of an offence:

Provided always that proceedings in respect of such offence shall be taken before the magistrate of the district where the aforesaid dairy is situate:

Provided also that no dairyman shall be liable to an action for breach of contract if the breach be due to any order made under this section.

Prohibiting
the removal
of milk from
any place.

44. (1) When, in the opinion of the Board or in case of emergency the Director of Medical Services, the preservation of the public health requires it, the Board or the Director of Medical Services may by order direct that no milk shall be taken out of or removed from any part of the Colony specified in the order.

(2) Every such order shall specify the limits of the area to which it applies and shall remain in force until it is revoked.

(3) Every such order and the revocation thereof shall be published in the Gazette.

(4) Every person who removes any milk from any such area or who knowingly sells any milk which has been removed from such area shall be guilty of an offence.

Power to
require
dairyman to
furnish list
of sources of
supply.

45. (1) If a Medical Officer of Health certifies to the Board that any person within a district is suffering from any infectious disease which he has reason to suspect is attributable to milk supplied within that district, the Board may require the dairyman supplying the milk to furnish forthwith a complete list of all the farms, dairies, or places from which his supply of milk is derived, or has been derived during the last six weeks, and if the supply or any part of it is obtained through any other dairyman, may make a similar requisition upon that dairyman.

(2) Every dairyman shall comply with the requisition of the Board under this section, and if he fails to do so he shall be guilty of an offence.

Dairyman
to notify
infectious
disease
existing
among his
servants.

46. (1) Every dairyman supplying milk within a district from premises whether within or without that district shall notify to the Medical Officer of Health all cases of infectious disease among persons engaged in or in connection with his dairy, as soon as he becomes aware or has reason to suspect that such infectious disease exists.

(2) Any dairyman who fails to comply with this section shall be guilty of an offence.

Infected
person not
to carry on
occupation.

47. A person who knows himself to be suffering from an infectious disease, or who is nursing or attending a case of infectious disease, shall not milk any animal or engage in any occupation connected with the collection, storage and distribution of milk and if he does so milk any animal or engage

himself in any occupation as aforesaid he shall be guilty of an offence.

48. (1) With respect to any epidemic, endemic or other disease the Board may make regulations for any of the following purposes:—for the isolation and detention of persons suffering from any such disease; the provision of medical aid and hospital accommodation; generally for the examination and treatment of persons likely to be suffering from any such disease; house to house visitation; the promotion of cleanliness, ventilation and disinfection; the requiring of contacts to report themselves at such times and places and during such periods as may be provided for by the regulations, for the purpose of observation or examination; ascertaining the existence of carriers, and for their observation and examination; and generally for the prevention of such diseases.

Power to make regulations in relation to epidemic or endemic disease.

(2) There may be attached to the breach of any regulation made under this section a penalty not exceeding two hundred and fifty dollars.

PART IV.—VENEREAL DISEASES.

49. For the purposes of this Ordinance, “venereal disease” means syphilis, gonorrhœa, gonorrhœal ophthalmia, soft chancre, and venereal granuloma.

Venereal diseases.

50. (1) Every parent or guardian of a child who knows or has reason to believe that the child is suffering from any venereal disease shall cause the child to be treated for that disease by a medical practitioner until the child is cured or free from that disease in a communicable form.

Parent or guardian to cause child to be treated.

(2) Every parent or guardian of any child who fails or neglects to have that child treated as aforesaid shall be guilty of an offence.

(3) For the purposes of this section “child” shall mean a person under the age of fourteen years.

51. Every person who, whilst suffering from any venereal disease in a communicable form, accepts or continues in employment in domestic service or in or about any factory, shop, hotel, restaurant, house or other place in any capacity entailing the care of children or the handling of food utensils or food intended for consumption or use by any other person shall be guilty of an offence, unless he proves that he did not know or suspect, and had no reasonable means of knowing or suspecting, that he was so suffering.

Persons suffering while in employment entailing care of children or handling food, utensils, etc.

Venereal diseases to be treated by medical practitioner.

52. (1) No person shall, unless he is a medical practitioner, treat any person for venereal disease or prescribe any remedy therefor, or give any advice in connection with the treatment thereof, whether the advice is given to the person to be treated or to any other person:

Provided that the Director of Medical Services may authorise any dispenser to examine and treat in manner and subject to the conditions prescribed by the Director of Medical Services any person or persons suffering or suspected to be suffering from that disease.

(2) Every person who contravenes any of the provisions of this section shall be guilty of an offence.

Advertisement of treatment for venereal disease.

53. (1) A person shall not by any advertisement or any public notice or announcement treat or offer to treat any person for venereal disease, or prescribe or offer to prescribe any remedy therefor, or offer to give or give advice in connection with the treatment thereof.

(2) Any person who publishes any such advertisement or statement by printing it in any newspaper or exhibiting it to public view in any place or delivering or offering or exhibiting it to any person in any street or public place or in any public conveyance or shows it or sends it by post to any person shall be guilty of an offence.

(3) This section shall not apply to publication by the Board, public hospital, or other public body in the discharge of its lawful duties or by any society or person authorised by the Director of Medical Services.

(4) For the purposes of this section "advertisement" or "statement" includes any paper, document or book containing any such advertisement or statement.

Institution of prosecution.

54. No prosecution under this Part of this Ordinance shall be instituted except on information laid by direction of the Director of Medical Services.

Regulations.

55. The Board may make regulations for the prevention and control of venereal disease in respect of any of the provisions of this Part of this Ordinance.

PART V.—MATERNITY AND CHILD WELFARE AND
SCHOOL HYGIENE

Nursing Homes.

56. No nursing home shall be established without the approval of the Board and any nursing home when established, and all existing nursing homes, shall be subject to the control of the Board.

Control of
nursing
homes.

57. (1) For the purpose of controlling nursing homes the Board may make regulations for any of the following matters—

Regulations

(a) the registration of nursing homes and cancellation of registration; and the registration or cancellation shall be governed by—

(i) the fitness of the applicant or applicants for registration;

(ii) the fitness of the home with respect to the situation, construction, accommodation, staffing, equipment and general sanitation; and

(iii) generally the conduct and management of the staff and patients;

(b) the prescribing of forms and keeping of records;

(c) the notification of deaths and the causes thereof;

(d) generally for the effectual control, management, and well ordering of the staff and equipment, and the sanitation of the premises; and

(e) the right of entry of officers authorised by the Director of Medical Services.

(2) Any person contravening any of the provisions of this section or of any regulations made thereunder shall be guilty of an offence.

(3) Where a company is guilty of an offence against any of the regulations, the chairman and every director and officer shall be guilty of an offence unless he proves that the act complained of took place without his knowledge or consent:

Provided that this section shall not be made to apply to any government or estate hospital or institution.

Day Nurseries.

58. The Board may, and the local sanitary authority of an urban sanitary district may, make provision for the care and welfare of infants and children under school age and for this

Provision
for day
nurseries.
Regulations.

purpose may establish day nurseries, and the Board may make regulations generally for the control and management of such nurseries.

Notification of Births.

Notification.

59. (1) In the case of every child born it shall be the duty of the father of the child, if he is actually residing in the house where the birth takes place at the time of its occurrence, and of any person in attendance upon the mother at the time of, or within six hours after the birth, to give notice in writing of the birth to the Board or the Medical Officer of Health of the district in which the child is born, in manner provided by this section.

(2) Notice under this section shall be given within forty-eight hours after birth by posting a letter or postcard addressed to the Board or the Medical Officer of Health at his office or residence, giving the necessary information of the birth, or by delivering a written notice of the birth to the Board or at the office or residence of the Medical Officer of Health; and the local sanitary authority shall supply without charge addressed and stamped postcards containing the form of notice to any medical practitioner or midwife residing or practising in their areas, who applies for the same:

Provided that the Governor in Council may by order exempt any district therein specified from the operation of this section.

(3) Any person who fails to give notice of a birth in accordance with this section shall be guilty of an offence:

Provided that a person shall not be liable to a penalty under this provision if he satisfies the court that he had reasonable grounds to believe that notice had been duly given by some other person.

Access to
notices by
registrar.

(4) The notification required to be made under this Part of this Ordinance shall be in addition to and not in substitution for the requirements of any Ordinance relating to the registration of births; and any registrar of births and deaths shall at all reasonable times have access to notices of births received by the Board or the Medical Officer of Health under this Part of this Ordinance, or to any book in which those notices may be recorded, for the purpose of obtaining information concerning births which may have occurred in his registration district.

(5) This section shall apply to any child which has issued forth from its mother after the expiration of the twenty-eighth week of pregnancy, whether alive or dead.

School Hygiene.

60. (1) No school shall be established unless the Board previously approves of the sanitary arrangements in respect thereof, and any school when established and all existing schools shall be subject to the sanitary control of the Board.

Sanitary control.

(2) Where any local sanitary authority has established a public health department to the satisfaction of the Board the sanitary control of all schools within the limits of the district of that authority shall be vested in the local sanitary authority.

61. (1) The Governor may appoint such Medical Officers of Health to be school medical officers as he may deem fit, and such Officers shall be subject to the direction of the Board which shall assign to them their respective duties.

Appointment and duties.

(2) A school medical officer may enter any school premises for the purposes of making an examination of the pupils or inspection of the school premises.

(3) The master for the time being in charge of such school shall afford every facility to the school medical officer in the furtherance of such examination or inspection.

62. (1) The principal of a school in which any scholar is suffering from an infectious disease shall, if required by the local sanitary authority, furnish to them within a reasonable time fixed by them a complete list of the names and addresses of the scholars in or attending at the school or any specified department thereof other than boarders.

List of scholars to be furnished where scholar in a school is suffering from an infectious disease.

(2) If the principal of a school fails to comply with any of the provisions of this section he shall be liable in respect of each offence to a penalty not exceeding ten dollars.

(3) In this section the expression "the principal" used in relation to a school means the person in charge of the school, and includes, where the school is divided into departments and there is no single person at the head of the whole school, as respects each department the head of that department.

63. (1) For the purpose of regulating the sanitation of school premises the Board may make regulations for any of the following matters: the registration and the cancellation of the registration of schools; site, locality, extent and lay-out of the grounds; position, size and mode of construction of the building and outbuildings; lighting and ventilation of class-rooms and the types and sizes of seats and desks; cloak-room, lavatory, water-closet and latrine accommodation, and the water supply;

Regulations.

and generally for the cleanliness and sanitation of the school premises.

(2) Any person who contravenes, or fails to comply with or obstructs any officer in the execution of any of the provisions of this Part of this Ordinance shall be guilty of an offence.

PART VI.—HOSPITALS, MORTUARIES AND BURIAL OF THE DEAD.

64. (1) No hospital, mortuary, crematorium, cemetery or burial ground not being under the control of the government shall be established in any district without the approval of the Board, and such hospital, mortuary, crematorium, cemetery or burial ground when established, and all existing hospitals, mortuaries, cemeteries and burial grounds shall be subject to the sanitary control of the Board.

(2) Where any local sanitary authority has established a hospital, mortuary, crematorium, cemetery or burial ground to the satisfaction of the Board, the sanitary control of any such hospital, mortuary, crematorium, cemetery or burial ground within the limits of the district of that authority shall be vested in the local sanitary authority.

65. The Board may make regulations for any of the following matters—

(a) prescribing and regulating the site, mode of construction, necessary floor space, cubic area and ventilation, lighting, water supply, refuse disposal, drainage, water-closet, latrines, cleansing and disinfecting, storage of food and generally such matters relating to the sanitation of hospitals and all buildings in any way connected therewith;

(b) prescribing and regulating the site, mode of construction, floor space, cubic area and ventilation, lighting, water supply, drainage, cleansing and disinfecting of mortuaries, and generally for the sanitation thereof and for the conduct and management of the reception into and the removal from such mortuaries of dead bodies;

(c) prescribing and regulating the site, mode of construction, sanitary arrangements and generally for the control and management of crematoria, cremations and all persons in any manner connected therewith;

(d) prescribing and regulating the manner of laying out cemeteries and burial grounds and the recording thereof; distance of graves from one another; size and depth of graves; number of bodies which may be buried in one grave; exhumation, transportation and keeping of dead bodies before burial;

Penalty for contravention of regulation or obstructing officer.

Hospitals, etc., to be subject to sanitary control of Board.

Regulations.

keeping of registers of interments; and generally all matters relating to the sanitary maintenance of cemeteries and burial grounds.

PART VII.—ANTI-MOSQUITO PROVISIONS.

66. The owner or occupier of any premises shall at all times—

Duties of
owner or
occupier.
19 of 1944,
s. 6.

(a) keep his premises free from all refuse, tins, bottles, coconut shells, calabashes, bush, weeds and long grass;

(b) keep trimmed and free from mosquito *larvæ* all trees, shrubs, hedges and plants and prevent all trees and shrubs from overhanging roof gutters on his or on any other person's premises;

(c) keep free from the breeding or harbouring of mosquitoes, all jars, tubs, cans, flower-pots or similar receptacles or machinery, materials or any other article whatsoever whether in use or disuse;

(d) keep in good repair and effectually screened or otherwise protected or covered, so as to prevent the breeding or harbouring of mosquitoes, all barrels, oil-drums, vats, tanks, cisterns, or other receptacles for the storage of water;

(e) keep in good repair, properly graded and free from obstruction or sagging which might cause water to accumulate, all roof gutters, pipes or other channels for the draining away of rain water;

(f) keep properly graded and free from any obstruction—

(i) all wood, metal, stone, brick, earthenware, concrete or other such drains, whether open or closed, and above or beneath the surface of the ground;

(ii) all earth drains; and

(g) keep the banks and edges of all drains, ponds, pools or ditches, clean and free from bush and weeds so as to prevent the breeding or harbouring of mosquitoes.

67. The presence of mosquito larvæ in any collection of water on premises shall be *prima facie* evidence that the provisions of the preceding section have not been obeyed, and the owner or occupier, as the case may be, of the premises shall be liable to a penalty not exceeding twenty-four dollars.

Evidence of
offence.

68. (1) The owner or occupier of any premises may be required to keep all canals therein free from overgrowth of any bush, weeds, grass or other vegetation either on the banks thereof or on or under the surface of the water between such banks, and free from obstruction to the flow of water therein.

Owner or
occupier
to keep
canals free
of bush, etc.

(2) Where in any district any canal is breeding or harbouring or likely to breed or harbour mosquitoes by reason of the overgrowth of bush, weeds, grass or other vegetation either on the banks or on or under the surface of the water between the banks or by any obstruction to the flow thereof, the local sanitary authority may by written notice require the owner or occupier thereof within a reasonable time to be specified in the notice to free the canal from the overgrowth or obstruction.

(3) If the owner or occupier refuses or neglects to comply with the notice he shall be guilty of an offence, and the local sanitary authority may cause to be done the work thereby required and may recover from the owner or occupier the expenses incurred in so doing.

(4) In this section "canal" includes any trench, main drain or other such channel, or part thereof.

Regulations.

69. The Board may make regulations for the prevention of the breeding or harbouring of mosquitoes, and in particular with regard to—

(a) the oiling of, or otherwise dealing with, latrines, swamps, pools, ponds, pits, holes, irregularities, depressions or hoof-marks in any premises which may cause or allow of the accumulation or stagnation of water; the digging of any earth on any land and the removal therefrom so as to lower the surface thereof; the digging of any pond or reservoir for the conservancy of water; and the digging of borrow pits and the burning of earth;

(b) the regulation of public gardens, parks, and open spaces of like nature; lands whether formerly under, or intended for, cultivation or pasture; trade and industrial premises; bateaux, punts, barges, boats, canoes, and similar craft whether in use or disuse; and the regulation or prohibition of fishing in any collection of water.

PART VIII.—GENERAL SANITARY PROVISIONS.

Provision of sufficient water-closet or latrine accommodation.

Water-closet or latrine accommodation for houses.

70. Every house shall be provided with sufficient water-closet or latrine accommodation which shall be constructed in accordance with the regulations.

71. (1) If a house within any district is without a sufficient water-closet or latrine the local sanitary authority shall by written notice call upon the owner or occupier of the house within a reasonable time to be therein specified, to provide a sufficient water-closet or latrine.

(2) If the notice is not complied with (and notwithstanding any proceedings which have been or are about to be instituted for the recovery of the penalty for non-compliance therewith), the local sanitary authority, at the expiration of the time specified in the notice, may do the work thereby required to be done and recover by parate execution the expenses incurred by it in so doing:

Provided that where a water-closet or latrine has been and is used in common by the inmates of two or more houses, or, if in the opinion of the local sanitary authority the water-closet or latrine may be so used, the authority need not require one to be provided for each house.

(3) If the owner or occupier refuses or neglects to comply with the notice he shall be guilty of an offence and shall be liable for each default to a penalty not exceeding twenty-four dollars and to a further penalty not exceeding ten dollars for every day during which the default continues.

72. (1) Every local sanitary authority may, and shall when so directed by the Board, provide and maintain in proper and convenient situations in their district sufficient water-closets or latrines for the public use as may from time to time be necessary.

Provision of water-closets or latrines for public use by local sanitary authorities.

(2) Every person who wilfully damages any such public water-closet or latrine shall be guilty of an offence and the court may order that person to pay to the local sanitary authority the reasonable expense of repairing any damage and any sum so ordered to be paid shall be recovered in the same manner as a judgment under the Summary Jurisdiction (Petty Debt) Ordinance.

Cap. 16.

73. (1) Where a house is used or intended to be used as a factory or building in which persons of both sexes are employed or intended to be employed at any time in a manufacture, trade, industry or business, the local sanitary authority may by written notice require the owner or occupier of the house within the time specified therein to construct a sufficient number of water-closets or latrines for the separate use of each sex, and receptacles for refuse matter.

Water-closets or latrines for factory.

(2) Every person who refuses or neglects to comply with the notice shall be guilty of an offence and shall be liable for each default to a penalty not exceeding twenty-four dollars, and to a further penalty not exceeding ten dollars for every day during which the default continues.

Defecation elsewhere than in water-closet and latrine.

74. Any person who within a quarter of a mile of any dwelling-house deposits human excreta or defecates anywhere except in a water-closet or latrine shall be guilty of an offence, and the parent or guardian of a child who permits the child so to deposit excreta or defecate shall be liable for the act of such child.

Regulations.

75. The Board may make regulations regulating the type, size, mode of construction and maintenance of water-closets and latrines.

Nuisances.

Inspection of district by local sanitary authority.

76. It shall be the duty of every local sanitary authority to cause inspection of its district to be made from time to time to ascertain if any nuisance exists within its district.

What nuisance may be abated summarily.

77. For the purposes of this Ordinance—

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

(b) any street, ditch, sink, cistern, pool, borrow pit, trench, water-course, drain, gutter, water-closet or latrine, dust-bin or manure pit so foul or in such a state or so situated as to be a nuisance or injurious to health;

(c) any stable, cowshed, pig-sty or other building in which any animal or animals are kept in such a manner or in such numbers as to be a nuisance or injurious to health;

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

(e) any accumulation or deposit which is a nuisance or injurious to health;

(f) any factory, workshop, workplace, school, office, trade premises, warehouse or other place, not kept in a cleanly state, or not so ventilated as to render harmless, as far as practicable, any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein, or not provided with sufficient water-closet or latrine accommodation;

(g) any house, or part of a house, or other structure used for human habitation so overcrowded as to be injurious to the health of the inmates, whether or not members of the same family;

(h) any drainage, washings, or refuse of any trade or building falling into any river, creek, trench, pond or ditch or on to any foreshore so as to be a nuisance, or injurious to health;

(i) any churchyard, cemetery or burial ground situated or so crowded or otherwise so conducted as to be a nuisance, or injurious to health;

(j) any fireplace or furnace which does not, as far as practicable, consume the smoke arising from the combustible used therein, and which is used for working an engine by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gasworks, or in any manufacturing or trade process whatsoever;

(k) any chimney or substance sending forth smoke in such a quantity as to be a nuisance;

(l) any cistern, vat or well used for the supply of water for domestic purposes so placed, constructed, or kept as to render the water therein liable to contamination causing or likely to cause risk to health;

(m) any gutter, drain, shoot, stack-pipe or down-spout of a building which by reason of its insufficiency or its defective condition shall cause damp in such building or in an adjoining building; and

(n) any deposit of material in or on any building or land which shall cause damp in such building or in any adjoining building so as to be dangerous or injurious to health;

shall be deemed to be nuisances liable to be dealt with under the provisions of this Ordinance:

Provided that—

(a) the making of any accumulation or deposit necessary for the effectual carrying on of any business or manufacture shall not be punishable as a nuisance under this section, if it is proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury to health thereby;

(b) in considering whether any house or part thereof which is used also as trade premises, or whether any trade premises are used also as a house, is a nuisance by reason of overcrowding, the court shall have regard to the circumstances of such other user; and

(c) where a person is summoned before a magistrate in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used therein, it shall be a good defence if the magistrate is satisfied that the fireplace or furnace is so constructed

as to consume, as far as practicable (having regard to the nature of the manufacture or trade), all smoke arising therefrom, and that the fireplace or furnace has been carefully attended to by the person having the charge thereof.

Notices
requiring
abatement
of nuisance.

Second
schedule
Form A

78. (1) Where a nuisance exists which is liable to be dealt with under this Ordinance, the local sanitary authority may serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or if such person cannot be found, on the owner or occupier of the premises on which the nuisance arises requiring him to abate the same within the time specified in the notice, and to execute any work and do any things as may be necessary for that purpose.

(2) The local sanitary authority may also, by the same or another notice served on any occupier, owner, or person, require him to do what is necessary for preventing the recurrence of the nuisance, and may in the notice specify any works to be executed for that purpose, and may serve that notice notwithstanding that the nuisance may for the time being have been abated, if the local sanitary authority considers that it is likely to recur on the same premises:

Provided that—

(a) where the nuisance arises from any want or defective construction or any structural convenience, or where the premises are unoccupied, or include a tenement, the notice shall be served on the owner;

(b) where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act, default, or sufferance of the occupier or owner of the premises, the local sanitary authority may itself abate the same without notice and may do what is necessary to prevent the recurrence thereof.

Complaint
for non-
compliance
with notice.

Second
Schedule
Form B.

79. If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requirements thereof within the time specified, or if the nuisance, although abated since the service of the notice, is in the opinion of the local sanitary authority likely to recur on the same premises, the local sanitary authority shall cause a complaint relating to the nuisance to be made before a magistrate, who shall thereupon issue a summons requiring the person on whom the notice was served to appear before him.

80. (1) If the magistrate is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, he shall make an order on the person—

Order dealing with nuisance.

(a) to comply with all or any of the requirements 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

Second Schedule Form C.

(b) prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent its recurrence; or

(c) both requiring abatement and prohibiting the recurrence of the nuisance:

Provided that the magistrate shall not under this section direct the execution of any works of which the probable cost exceeds two hundred and forty dollars.

(2) The magistrate by his order may impose a penalty not exceeding twenty-four dollars on the person on whom the order is made, and shall also give directions as to the payment of all costs incurred up to the time of the hearing or making the order for abatement or prohibition of the nuisance.

81. (1) Where the nuisance proved to exist is such as to render a house or a building, in the judgment of the magistrate, unfit for human habitation, he may prohibit the use of it for that purpose until, in his judgment, it is rendered fit for that purpose.

Order of prohibition in case of house unfit for human habitation.

(2) On a magistrate being satisfied that it has been rendered fit for that purpose, he may determine the previous order by another declaring the house or building habitable; and from the date thereof the house or building may be let or inhabited.

82. (1) Every person who does not obey an order to comply with the requisitions of the local sanitary authority or otherwise to abate a nuisance shall be guilty of an offence and shall be liable, if he fails to satisfy the magistrate that he has used all due diligence to carry out the order, to a penalty not exceeding three dollars per diem during his default.

Contravention of order of magistrate.

(2) Every person who knowingly and wilfully acts contrary to an order of prohibition shall be liable to a penalty not exceeding six dollars per diem during his contrary action.

(3) The local sanitary authority, or any of its officers, may enter the premises to which an order relates, and abate the

nuisance, and do whatever may be necessary in execution of the order, and may recover the expenses incurred by the authority from the person on whom the order is made.

Appeal
against an
order.

Cap. 17.

83. (1) An appeal shall lie to the Supreme Court from any decision of a magistrate making an order under section 80 of this Ordinance and the appeal shall be regulated in all respects by the provisions of the Summary Jurisdiction (Appeals) Ordinance:

Provided that there shall be no appeal to the Supreme Court against an order, unless it is or includes a prohibition order, or requires the execution of structural works.

(2) Where any person appeals to the Supreme Court against an order of a magistrate, no liability to a continuing penalty shall arise, nor shall any proceedings be taken or work be done under that order after the appeal has been brought until it has been determined or abandoned.

(3) Where an order is made and a person does not comply with it and appeals against it to the Supreme Court, and such appeal is abandoned, the appellant shall be liable to a penalty not exceeding five dollars for each day during the non-compliance with the order.

Abatement
of nuisance
pending
appeal.

(4) Where an order made on any person is appealed against, and the court which made the order is of opinion that the continuance of the nuisance will be gravely injurious to health, and that the immediate abatement thereof will not cause any injury which cannot be compensated by damages, the court may authorise the local sanitary authority immediately to abate the nuisance, but the local sanitary authority, if it does so, and the appeal is successful, shall pay the cost of such abatement and the damages, if any, sustained by the said person by reason of such abatement; but if the appeal is dismissed or abandoned, the local sanitary authority shall be entitled to recover the cost of the abatement from the said person.

When order
may be
addressed
to local
sanitary
authority.
Second
Schedule
Form D.

84. Where it appears to the satisfaction of the magistrate that the person by whose act, default, or sufferance a nuisance liable to be dealt with under this Ordinance arises or the owner or occupier of the premises is not known or cannot be found, then the order may be addressed to, and if so addressed shall be executed by, the local sanitary authority.

85. Any matter or thing removed by the local sanitary authority in abating, or doing what is necessary to prevent the recurrence of, a nuisance liable to be dealt with under this Ordinance may be sold by public auction; and the money arising from the sale may be retained by the local sanitary authority and applied in payment of the expenses incurred by it with reference to such nuisance, and the surplus (if any) shall be paid, on demand, to the owner of such matter or thing.

Sale of matter or thing removed in abating.

86. (1) The local sanitary authority or any of its officers shall be admitted into any premises, for the purpose of examining as to the existence of any nuisance thereon at any time during the day or in the case of a nuisance arising in respect of any business at any hour when the business is in progress or is usually carried on.

Powers of entry by local sanitary authority.

(2) Where under this Ordinance a nuisance has been ascertained to exist, or an order of abatement or prohibition has been made or has been infringed the local sanitary authority, or any of its officers shall be admitted into the premises during the time or hour aforesaid until the nuisance is abated, or the works ordered to be done are completed, as the case may be.

87. (1) All reasonable costs and expenses incurred in giving notice, or in making a complaint, or in obtaining any order of a magistrate in relation to a nuisance under this Ordinance or carrying it into effect, shall be deemed to be money paid for the use and at the request of the person on whom the order is made, or, if the order is made on the local sanitary authority, or if no order is made but the nuisance is proved to have existed when the complaint was made or the notice given, then of the person by whose act or default the nuisance was caused; and in case of nuisances caused by the act or default of the owner of premises, those costs and expenses may be recovered from any person who is for the time being owner of the premises, but they shall not exceed in the whole one year's rack-rent of the premises.

Cost and expenses of execution of provisions relating to nuisances.

(2) Any costs and expenses recoverable under this section by a local sanitary authority from an owner of premises may be recovered from the occupier for the time being of those premises; and the owner shall allow the occupier to deduct any moneys which he pays under this enactment out of the rent from time to time becoming due in respect of the premises as if they had been actually paid to the owner as part of the rent:

Provided that—

(a) no occupier shall be required to pay any further sum than the amount of rent for the time being due from him,

or which (after demand of the costs or expenses from him and after notice not to pay his landlord any rent without first deducting the amount of the costs or expenses) becomes payable by him, unless he refuses, on application made to him by the local sanitary authority, truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum demanded from an occupier is greater than the rent due by him at the time of the notice, or which has since accrued, shall lie on him; and

(b) nothing in this section shall affect any contract between an owner or occupier of any house, building, or other property, whereby it is or may be agreed that the occupier shall pay or discharge all rates, dues, and sums of money payable in respect of that house, building, or other property, or affect any contract whatsoever between landlord and tenant.

Complaint
by private
person as
to nuisance.

88. (1) Complaint may be made to a magistrate of the existence of a nuisance under this Ordinance on any premises within the district of a local sanitary authority by any person aggrieved thereby, or by any inhabitant of the district, or by any owner of premises within the district; and thereupon the like proceedings shall be had, with the like incidents and consequences as to making of orders, penalties for disobedience of orders, appeals, and otherwise, as in the case of a complaint relating to a nuisance made to a magistrate by the local sanitary authority:

Provided that—

(a) the magistrate may, if he thinks fit, adjourn the hearing of the summons for an examination of the premises where the nuisance is alleged to exist, and may authorise the entry into those premises of any constable or other person for the purpose of the examination; and

(b) the magistrate may authorise any constable or other person to do all necessary acts for executing an order made under this section, and to recover the expenses from the person on whom the order is made in a summary manner.

(2) Any constable or other person authorised under this section shall have the like powers and be subject to the like restrictions as if he were an officer of the local sanitary authority authorised under the provisions of this Ordinance relating to nuisances, to enter any premises and do any acts thereon.

89. Any local sanitary authority, if in its opinion summary proceedings will not afford an adequate remedy, may cause proceedings to be taken against any person in the Supreme Court to enforce the abatement or prohibition of a nuisance under this Ordinance, or for the recovery of any penalties from, or for the punishment of, any persons offending against the provisions hereof relating to nuisances, and may order the expenses of and incidental to all those proceedings to be paid out of the fund or rate applicable by them to general purposes.

Proceedings
for abate-
ment of
nuisance.

90. (1) Where a nuisance exists or is likely to occur in or near a district, the local sanitary authority of that district may, with the approval of the Board, apply by motion to the Supreme Court in its civil jurisdiction for an order on the owner or occupier of the premises whereon the nuisance exists, or on the offender, to enforce the abatement or prohibition of the nuisance.

Special
remedy for
abatement
of nuisance.

(2) The court, on the motion, if satisfied that a nuisance exists or is likely to occur, may make any order the circumstances require for effectually abating or preventing the nuisance or prohibiting any recurrence of a nuisance.

(3) The court, on the motion, may also order the execution, within a reasonable and specified time, of any works necessary effectually to abate or prevent the nuisance or prevent the recurrence thereof, and may direct the owner or occupier of the premises on which the nuisance exists or is likely to occur, or the offender to execute those works, or may authorise the local sanitary authority to execute them.

(4) When the local sanitary authority is authorised by the court to execute any works under the provisions of this section, it shall have full power to do so and immediately to recover, by parate execution against the premises on which the nuisance exists or any portion of them, the costs of executing the works and all charges and expenses incurred by the local sanitary authority in so doing.

(5) The Board shall have the powers conferred by this section on the local sanitary authority.

(6) In this section, the term "works" includes anything necessary to be done either by way of construction, alteration, or destruction.

91. Where a nuisance under this Ordinance within the district of a local sanitary authority appears to be wholly or partially caused by some act or default committed or taking place without its district, the local sanitary authority with the approval of

Proceedings
where cause
of nuisance
arises with-
out district.

the Board may take or cause to be taken against any person, in respect of that act or default, any proceedings in relation to nuisances by this Ordinance authorised, with the same incidents and consequences as if the act or default were committed or took place wholly within its district.

Where there are two convictions for overcrowding.

92. Where two convictions against the provisions of any Ordinance relating to the overcrowding of a house have taken place within a period of three months (whether the persons convicted were or were not the same) a magistrate may, on the application of the local sanitary authority of the district in which the house is situate, direct the closing of the house for any period he deems necessary.

Application to ships and vessels of provisions relating to nuisances.

93. (1) For the purposes of the provisions of this Ordinance relating to nuisances, any ship or vessel lying in any river, harbour or other water within the district of a local sanitary authority, shall be subject to the jurisdiction of that authority in the same manner as if it were a house within the district; and any ship or vessel lying in any river, harbour, or other water not within the district of a local sanitary authority, shall be deemed within the district of the local sanitary authority prescribed by the Board, and, where no local sanitary authority has been prescribed, then of the local sanitary authority whose district most nearly adjoins the place where the ship or vessel is lying.

(2) The master or other officer in charge of the ship or vessel shall be deemed, for the purpose of those provisions, to be the owner or occupier thereof as the case may be.

(3) This section shall not apply to any ship or vessel under the command or charge of an officer bearing Her Majesty's commission, or to any ship or vessel belonging to a foreign government.

Saving of other remedies relating to nuisances.

94. The provisions of this Ordinance relating to nuisances shall be deemed to be in addition to, and not to abridge or affect, any right, remedy, or proceeding under any other provisions of this Ordinance or under any other Ordinance or law:

Provided that no one shall be punished for the same offence both under the provisions of this Ordinance relating to nuisances and under any other law.

Offensive Trades.

95. Any person who establishes within the district of any local sanitary authority, without the consent in writing of the Board, or in the case of an urban sanitary district the authority thereof, any noxious or offensive trade, business, or manufacture, that is to say, the trade or business of blood or offal boiling or treating, bone boiling or crushing, soap boiling, coconut oil making, candle or tallow making, fat melting or fat extracting, glue or size making, gut scraping or spinning, fellmongering, tanning or leather dressing, skin or hide dressing or dealing, fish frying or curing, manure manufacturing or dealing, bedding making, chemical or acid making, soap making or refining,* coconut oil boiling or refining,* or any other trade, business, or manufacture, which the Board may by resolution to be published in the Gazette declare to be an offensive trade, shall be guilty of an offence and shall be liable to a penalty not exceeding two hundred and forty dollars in respect of the establishment thereof; and everyone who carries on a business so established shall be liable to a penalty not exceeding ten dollars for every day whereon the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof.

Offensive trades.

96. (1) Where any manufactory, building or place used for any trade, business, process, or manufacture causing an effluvium, is certified to a local sanitary authority by a medical officer of health, or by two medical practitioners, or alleged by any eight inhabitants of the district of that authority, to be a nuisance or injurious to the health of any of the inhabitants of the district, the authority shall direct complaint to be made before a magistrate, who may summon the person by or on whose behalf that trade is carried on to appear before him.

Complaint by local sanitary authority of nuisance arising from offensive trade.

(2) The magistrate shall inquire into the complaint, and if it appears to him that the manufactory, building or place used as aforesaid is a nuisance, or causes any effluvium which is a nuisance or injurious to the health of any of the inhabitants of the district, and if it is not shown that the person has used the best practicable means for abating the nuisance or preventing or counteracting the effluvium, the offender, being the owner or occupier of the premises, or being a foreman or other person employed by the owner or occupier, shall be liable to a penalty of not less than ten dollars and not more than twenty dollars, and on a second or any subsequent conviction to a penalty of double the amount of the penalty imposed for the last preceding

* Added by Notice No. 792 in the Gazette of the 30th November, 1935.

conviction; but the highest amount of the penalty shall not in any case exceed the sum of five hundred dollars:

Provided that the magistrate may suspend his final determination on condition that the person complained of undertakes to adopt, within a reasonable time, such means as the magistrate deems to be practicable and are ordered to be carried into effect, for abating the nuisance or mitigating or preventing the injurious effects of the effluvium.

(3) Any local sanitary authority may, if it thinks fit, on the certificate mentioned in this section, cause to be taken any proceedings in any court of justice, or against any person, in respect of the matters alleged in the certificate.

Proceedings where nuisance arises from offensive trade carried on without district.

97. Where any building, manufactory, or place, certified in pursuance of the last preceding section to be a nuisance or injurious to the health of any of the inhabitants of any district is situate without the district, the local sanitary authority with the approval of the Board may take, or cause to be taken, any proceedings by that section authorised in respect of the matters alleged in the certificate, with the same incidents and consequences as if the building, manufactory or place, were situate within the district.

Regulations.

98. The Board may make regulations governing the conditions and the places in which offensive trades heretofore or hereafter lawfully established may be carried on in order to prevent or diminish the offensiveness of the trades and to safeguard the public health.

Unsound Food.

Power to inspect articles of food.

99. Any Medical Officer of Health, medical practitioner, officer of a local sanitary authority, or any person authorised by the Board may at all reasonable times inspect and examine any article, solid or liquid, or any live animal, or dead animal or part thereof, intended for human consumption, exposed for sale, or sold, or deposited in any place for the purpose of sale, or of preparation for sale, or in course of transmission for the purpose of sale, and intended for human consumption, and the proof that the article, or live animal, or dead animal or part thereof, was not so exposed or sold or deposited or so in course of transmission for that purpose or was not intended for human consumption, shall rest with the party charged; and if the article, solid or liquid, or any live animal, or dead animal or part thereof, intended for human consumption, appears to the Medical Officer of Health, medical practitioner, officer of a local

sanitary authority or any person authorised by the Board, to be diseased, unsound, unwholesome, or unfit for human consumption, he may seize it and carry it away himself or by an assistant in order to have it dealt with by a justice of the peace.

100. (1) If it appears to the justice of the peace that any article, solid or liquid, or any live animal, or dead animal or part thereof, intended for human consumption, so seized is diseased, unsound, unwholesome or unfit for human consumption, he shall condemn it and order it to be destroyed, or so disposed of by the local sanitary authority as to prevent it from being exposed for sale or used for human consumption; and the person to whom it belongs, or did belong at the time of exposure for sale, or in whose possession or on whose premises it was found, shall on summary conviction thereof be liable to a penalty not exceeding fifty dollars for every article, solid or liquid, or any live animal, or dead animal or part thereof, intended for human consumption, so condemned, or without the infliction of a penalty to imprisonment with or without hard labour for any term not exceeding three months.

Order for destruction of unsound article or animal.

(2) The local sanitary authority may recover from the person to whom such article, or animal, or part of an animal belongs or did belong, the cost of removing and destroying any such article, animal, or part of an animal.

101. Every person who—

(a) in any manner prevents any Medical Officer of Health, medical practitioner, officer of a local sanitary authority, or any person authorised by the Board, from entering any premises and inspecting any article, solid or liquid, or any live animal, or dead animal or part thereof, intended for human consumption, exposed or deposited for the purpose of sale, or of preparation for sale, or in course of transmission for the purposes of sale, and intended for human consumption; or

Hindering inspection.

(b) obstructs or impedes that Medical Officer of Health, medical practitioner or officer, or his assistant, or any person authorised as aforesaid, when carrying into execution the provisions of this Ordinance,

shall be liable to a penalty not exceeding one hundred dollars.

102. (1) On complaint made upon oath by a Medical Officer of Health, medical practitioner, an officer of a local sanitary authority, or any person authorised by the Board, any magistrate may grant to him a warrant to enter any building in which he

Search warrant for purposes of inspection.

has reason to believe there is kept or concealed any article, solid or liquid, or any live animal, or dead animal or part thereof, intended for human consumption, which is intended for sale for human consumption and is diseased, unsound, unwholesome, or unfit for human consumption and to search for, seize, and carry away that article, or animal, or part of an animal, in order to have it dealt with by a justice of the peace under the provisions of this Ordinance.

Penalty for obstruction.

(2) Every person who obstructs any Medical Officer of Health, medical practitioner, officer of a local sanitary authority or any person authorised by the Board, in the performance of his duty under the warrant shall be liable, in addition to any other punishment to which he may be subject to a penalty not exceeding one hundred dollars.

Precautions against contamination of food intended for sale.

103. (1) This section applies to any room in which food is prepared for sale, or in which any food, other than food contained in receptacles so closed as to exclude all risk of contamination, is sold or is stored or kept with a view to future sale.

(2) The occupier of any room to which this section applies shall not permit the room to be used for the purpose of selling, preparing, storing, or keeping any food unless the following requirements are complied with, that is to say—

(a) no water-closet or latrine shall be in the room, or shall communicate directly therewith, or shall be so placed that offensive odours therefrom can penetrate to the room;

(b) no cistern for the supply of water to the room shall be in direct communication with or discharge directly into any water-closet or latrine;

(c) no outlet for the ventilation of any drain shall be in the room, and if there is in the room any inlet or opening into any drain, that inlet or opening shall be efficiently trapped;

(d) the room shall not be used as a sleeping-place, and no sleeping-place shall communicate directly with the room in such manner as to cause unreasonable risk of contamination to food in the room; and

(e) the room shall, except in the case of a room used as a cold store, be adequately ventilated.

(3) The occupier of any room to which this section applies shall—

(a) cause the walls and ceiling of the room to be painted or lime washed and cleansed or purified, as often as may be necessary to keep them in a clean state; and

(b) prevent any unnecessary accumulation or deposit of refuse or filth in the room.

(4) The occupier of any room to which this section applies and every person engaged in any such room shall take all such steps as may be reasonably necessary on his part to prevent risk of contamination to food in the room and to secure the cleanliness of the room and of all articles, apparatus, and utensils therein.

(5) The Medical Officer of Health, sanitary inspector, and any other officer of a local sanitary authority duly authorised in writing by the authority in that behalf, shall have power at all reasonable times to enter and inspect any room to which this section applies for the purpose of ascertaining whether the provisions of this section are complied with.

(6) If any person acts in contravention of or fails to comply with any of the provisions of this section, or hinders or obstructs an officer of a local sanitary authority in the exercise of his powers or duties under this section, he shall be liable to a penalty not exceeding five dollars for the first offence or not exceeding twenty-four dollars for any subsequent offence and in either case to a daily penalty not exceeding five dollars.

(7) In this section the expression—

“ food ” includes every article used for human consumption other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of food, and flavouring matters and condiments;

“ room ” includes any shop, shed, store, outbuilding, or cellar.

104. The Board may make regulations with respect to the measures to be taken for the prevention of danger arising to public health from the importation, preparation, storage, and distribution of articles of food or drink, other than drugs or water, intended for sale for human consumption, and such regulations may provide for the examination and taking of samples of any such articles; and the seizure, condemnation and destruction of any such articles found to be unsound. Regulations.

Markets and Slaughter-houses.

105. No market or slaughter-house shall be established without the consent of the Board previously had and received, and all Sanitary control.

markets and slaughter-houses shall for sanitary purposes be subject to the control of the local sanitary authority.

Animals
to be
slaughtered
in slaughter-
house if
within
reasonable
distance.

106. (1) It shall not be lawful for any person to slaughter any animal intended for human consumption in any place in a district except in a slaughter-house established as aforesaid:

Provided that the slaughtering of animals may be permitted at places other than in a slaughter-house by the local sanitary authority where no slaughter-house is situated within a reasonable distance.

(2) It shall not be lawful for any person to slaughter any animal intended for human consumption unless such animal has been examined, inspected and passed by a Medical Officer of Health or a sanitary inspector.

(3) In this section " animal " does not include a bird or any animal the whole or any portion of which is not intended for sale for human consumption.

(4) Any person who contravenes the provisions of this section shall be guilty of an offence.

Regulations.

107. The Board may make regulations with respect to the control and regulation of the sanitation of markets and slaughter-houses and in particular with regard to—

(a) the registration thereof and the cancellation of such registration;

(b) the site, mode of construction, ventilation and drainage; the sufficiency and quality of the water supply; the collection and disposal of refuse and other noxious material; the general cleanliness of the exterior and interior of the building, including fittings, and the surroundings thereof; and the provision of sufficient water-closets or latrines;

(c) dealing with stray animals found therein; and

(d) with respect to markets, the prohibition of the sale of fresh meat and such other articles of food as may from time to time be determined, and within such specified area as may be determined, by resolution of the Board to be published in the Gazette; and

(e) with respect to slaughter-houses the feeding and watering of animals brought therein and for preventing cruelty therein; and the transport of animals thereto.

Verminous Premises, etc.

108. (1) Where any premises used for human habitation within a district are infested with vermin, the local sanitary authority may give written notice to the owner or occupier of the premises requiring him within a period (such period not being less than fourteen days) specified in the notice to cleanse the premises, and the notice may require among other things the removal of the wall-paper or other covering on the walls, and the taking of such other steps as the local sanitary authority may require for the purposes of destroying or removing vermin.

Infested
premises.

(2) If the person on whom a notice under this section is served fails within the period specified in the notice to comply with the requirements thereof, he shall be liable to a penalty not exceeding twenty-four dollars and the local sanitary authority may, after the expiration of such period, itself proceed to carry out the work required by the notice, and recover the reasonable costs and expenses incurred by it from that person.

(3) If any person, upon whom a notice is served under this section, deems himself aggrieved by the requirements of the notice, he may within fourteen days after the service of the notice, appeal to a magistrate, and any order made by the court shall be binding and conclusive on all parties.

Appeal.

(4) No proceeding shall be taken by the local sanitary authority, and no liability to a penalty shall arise, or work executed until after the determination or abandonment of the appeal.

(5) If a person fails to comply with the provisions of an order with respect to verminous premises, he shall, unless he satisfies the magistrate that he has used all due diligence to carry out such order, be liable to a penalty not exceeding five dollars for each day during his default; and if a person knowingly and wilfully acts contrary to such an order, he shall be liable to a penalty not exceeding ten dollars for each day during such contrary action; moreover, the local sanitary authority may enter the premises to which a summary order relates and do whatever may be necessary in execution of such order, and recover the reasonable costs and expenses incurred by them from that person.

109. (1) Upon the application of any person the local sanitary authority may, if it thinks fit, take such measures as may be necessary to free that person and his clothing from vermin.

On person
applying local
sanitary
authority
may disinfest.

Local sanitary authority on report from Medical Officer of Health may disinfect person.

(2) Where it appears to the local sanitary authority, on a report from the Medical Officer of Health, that any person or the clothing of any person is infested with vermin and that person consents to be removed to a cleansing station, the local sanitary authority may cause him to be removed to such station, and, if he does not so consent then a justice of the peace, if satisfied on the application of the local sanitary authority that it is necessary that he or his clothing should be cleansed, may make an order for his removal to a cleansing station and for his detention therein for such period and subject to such conditions as may be specified in the order, and the local sanitary authority shall take such measures as may, in its opinion, be necessary to free him and his clothing from vermin.

Consent of person under 16.

(3) Any consent required to be given for the purpose of this section may, in the case of a person under the age of sixteen years, be given either by himself or on his behalf by his parent or guardian.

Cleansing of females.

(4) The cleansing of females under this section shall be effected only by a medical practitioner or by a woman duly authorised by the Medical Officer of Health.

(5) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be guilty of an offence.

Cleansing stations.

110. (1) Any local sanitary authority may, with the approval of the Board, provide cleansing stations, apparatus and attendants as may be necessary for the exercise of their powers under this Part of this Ordinance, and may with like approval contract with any other local sanitary authority for the provision of cleansing stations, apparatus or attendants.

Combining by two or more local sanitary authorities.

(2) Any two or more such local sanitary authorities may, with the approval of the Board, by agreement combine for any of the purposes of this Part of this Ordinance, and the agreement may provide for the appointment of a joint committee for the apportionment of the expenses, and for any other matters which may be necessary for carrying the combination into effect.

Regulations.

111. The Board may make regulations with respect to the management and control of cleansing stations.

PART IX.—THE KEEPING OF ANIMALS, SCAVENGING
AND CLEANSING.

112. (1) The owner or occupier of any premises shall at all times keep his premises clean and free from house and garden refuse, garbage, and filth of any kind, and all other refuse whatsoever whether offensive or not.

Owner or occupier to keep premises free from refuse, etc.

(2) If any owner or occupier fails to keep his premises clean and free from all refuse as aforesaid, he shall be guilty of an offence, and the local sanitary authority may do the work required and recover the expenses from the owner or occupier.

113. Any local sanitary authority may undertake or contract for the efficient execution of the following services within its district, or any specified part thereof—

Power of local sanitary authority to provide for removal of refuse.

(1) the removal of house refuse and other rubbish from any premises;

(2) the supply or sale of disinfectants for use in water-closets or latrines thereof;

(3) the cleansing or disinfection of buildings, or parts thereof, the cleansing and disinfecting of water-closets or latrines, dust-bins and drains, and the collection, removal and disposal of nightsoil;

(4) the sweeping, cleansing and watering of highways;

(5) the provision and maintenance in sanitary condition of suitable places, buildings and appliances for the deposit or destruction of refuse, rubbish and nightsoil.

114. (1) All refuse, rubbish, nightsoil, and waste matter collected or removed by a local sanitary authority or its contractor, in the execution of any of the services or powers in the last two preceding sections mentioned, shall be destroyed, sold or otherwise disposed of in such manner as the local sanitary authority thinks fit.

Disposal of refuse, etc., by local sanitary authority.

(2) All moneys derived therefrom shall form part of the funds of the local sanitary authority.

(3) Where in any district any accumulation of manure, dung, soil or filth or other offensive or noxious matter is a nuisance, the local sanitary authority shall give notice to the person to whom the same belongs, or to the occupier of the premises whereon it exists, to remove the same; and if such notice is not complied with within twenty-four hours from the service thereof,

Removal of filth, etc.

the manure, dung, soil or filth or matter referred to shall be vested in and be sold or disposed of by the local sanitary authority, and the proceeds thereof shall be applied in payment of the expenses incurred by it in the execution of this subsection; and the surplus (if any) shall be paid on demand to the owner of the matter removed.

(4) The expenses of removal by the local sanitary authority of any such accumulation, if and so far as they are not covered by the sale thereof, may be recovered by the local sanitary authority from the person to whom the accumulation belongs, or from the occupier of the premises, or (where there is no occupier) from the owner.

Throwing of
dead animal
into street,
etc.

115. (1) No dead animal, offal, swill, brine, garbage or other offensive matter shall be thrown or placed or allowed to flow or fall on any street, footway, dam or other public place, or in any river, creek, trench, drain, pond or watercourse.

(2) No dead animal, offal, garbage, or putrid flesh or fish shall be thrown into any water-closet or latrine.

(3) Any person contravening the provisions of this section shall be guilty of an offence.

Provision of
public
lavatories,
etc., by
local
sanitary
authority.

116. Any local sanitary authority may provide within its district such public dust-bins, lavatories, baths and wash-houses from time to time as may be necessary.

Regulations.

117. Where any local sanitary authority does not itself undertake or contract for the service of cleansing latrines, dust-bins, or drains belonging to any premises, removing house refuse, rubbish, nightsoil from any premises, or cleansing footways or pavements, the Board may make regulations imposing on the owner or occupier of such premises the duty of effectually doing such service in such manner and at such regular intervals as are prescribed by such regulations.

Regulations.

118. The Board may make regulations—

(a) for preventing the accumulation of dust, filth, ashes and refuse on premises, and the duties of owners or occupiers with regard thereto; prescribing the size, material, and make of dust-bins or movable receptacles for refuse to be provided by owners or occupiers of premises and the places where, and the times at which, such dust-bins or receptacles shall be deposited for facilitating the removal of their contents by the local sanitary authority; and regulating the duties of owners

or occupiers in connection with house refuse, and to facilitate the removal of it by the scavenger;

(b) regulating the keeping of swine and other animals and prescribing any area within which they may not be kept; regulating or preventing the keeping of animals where the keeping of them although not otherwise prohibited by law, is or is likely to be a nuisance; and regulating the situation, construction, drainage, cleanliness and use of stables, pens, byres, styes, and the disposal of manure;

(c) prescribing the time for the removal or carriage through highways of any fæcal or offensive matter or liquid, whether such matter or liquid shall be in course of removal or carriage from within or without or through a district; providing that the vessel, receptacle, cart or carriage used therefor shall be properly constructed and covered so as to prevent the escape of any such matter or liquid; and compelling the cleansing of any place wherein such matter or liquid shall have been dropped or spilt in such removal or carriage; and prescribing that no person shall engage in the business of carrying or removing fæcal or offensive liquid or matter except with a permit from the local sanitary authority;

(d) prohibiting, restricting or regulating the watering, resting or stopping places of carts drawn by animals on public highways, and the duties of owners or drivers thereof in relation to the sanitation of such places; and

(e) regulating the use and effectual sanitation of public dust-bins, lavatories, baths and wash-houses.

PART X.—SEWERAGE AND DRAINAGE.

119. (1) No system shall be constructed for the purposes of receiving, conducting, storing, disinfecting, distributing or disposing of sewage without the approval of the Board; and any system for the purposes aforesaid when established, and all existing systems, save that vested in the Georgetown Sewerage and Water Commissioners, shall be subject to the sanitary control of the Board.

Sanitary
control of
sewerage
works.

(2) Where any local sanitary authority has established a public health department to the satisfaction of the Board the sanitary control of any system constructed for these purposes shall, save as aforesaid, be vested in the local sanitary authority.

Sanitary
control of
drainage
works.

120. (1) No works shall be constructed for any or all of the purposes of receiving, conducting, storing, distributing or disposing of surface or surplus water unless the sanitary requirements in connection therewith are complied with to the satisfaction of the local sanitary authority and such works for the purposes aforesaid when established, and all existing works save those administered by or vested in any authority by virtue of any Ordinance, shall be subject to the sanitary control of the local sanitary authority.

(2) In this section "works" includes dams, trenches, main drains, culverts, bridges, stops-off, sluices and kokers.

Buildings
to be pro-
vided with
sufficient
drains.

121. Every building shall be provided with sufficient and proper drains for the carrying off of surplus water to the satisfaction of the local sanitary authority, and every person who fails to provide such drains shall be guilty of an offence.

Obligations
of owner
or occupier
to drain lots.

122. The owner or occupier of every lot shall effectually drain the lot and for that purpose shall—

(1) make such dams and drains on the lot as may be necessary for the effectual drainage thereof;

(2) level the surface of the lot;

(3) adjust the surface thereof, in such manner—

(a) that the water received on the lot may flow into the drains without obstruction;

(b) that no water shall remain on any portion of the surface of the lot:

Provided that any owner may, with the consent of the local sanitary authority, have a pond on the lot.

Notice by
local
sanitary
authority
to drain lots.

123. (1) Where any lot is not effectually drained, the local sanitary authority shall, by a written notice, require the owner or occupier of the lot or of any building on the lot, or if there are more owners or occupiers than one, any one or more of such owners or occupiers, to perform, within a reasonable time to be specified in the notice, all or any of the obligations imposed by this Ordinance on the owner or occupier for effectually draining the lot.

(2) If any owner or occupier on whom notice is served fails to perform any act required by the notice, he shall be guilty of an offence and the local sanitary authority may cause the work to be done and may recover the expenses incurred in so doing from the owner or occupier.

(3) Where there is no occupier and the owner of any lot cannot be found, the local sanitary authority, after the expiration of the period specified in the notice, may do the work required and recover the expenses incurred by parate execution against the lot.

124. The Board may make regulations with respect to— Regulations.

(a) the effectual sanitary control of any system constructed for the purpose of receiving, conducting, storing, disinfecting, distributing or disposing of sewage, save that vested in the Georgetown Sewerage and Water Commissioners;

(b) the number, position, length, depth and width of all drains on any lot, the materials of which they are to be constructed, the mode of their construction, and the manner of their discharge into the main drain;

(c) imposing on the owner of the lot, or on the occupier of the lot or of any building thereon the duty of keeping the drains on or adjoining the lot clean and wholesome and free from obstruction; and determining in what instances (if any) there is to be one drain common to two adjoining lots.

Such regulations may apply to the whole or any specified part of the district of any local sanitary authority.

PART XI.—WATER SUPPLY.

125. (1) No system shall be constructed for the purposes of receiving, conducting, storing, disinfecting and distributing of any water used by man for drinking or for domestic purposes or for manufacturing food or drink for the use of man without the approval of the Board; and such system for the purposes aforesaid when established, and all existing systems, save any administered by or vested in any authority by virtue of any Ordinance shall be subject to the sanitary supervision and direction of the Board. Sanitary control of water supply.

(2) Where any local sanitary authority has established a public health department to the satisfaction of the Board the sanitary control of any system constructed for these purposes shall, save as aforesaid, be vested in the local sanitary authority.

126. Any local sanitary authority may, and shall when so required by the Board, give notice that with respect to a particular area to be named in such notice, the owner of every building not being on a plantation, and the owner of every plantation, shall erect and maintain in good order tanks for the storage of rain water, and capable of storing the quantity of Prescribed quantities of rain water.

water prescribed under the provisions of this Ordinance and referred to as the prescribed quantity, unless he can satisfy the local sanitary authority that there is a sufficient supply of wholesome fresh water available for the premises.

Failure to erect and maintain tanks.

127. (1) Every owner of any building or plantation required under this Ordinance to erect and maintain a tank, who fails to erect a tank capable of storing the prescribed quantity of water, or who fails to maintain such tank in good order, shall be guilty of an offence.

(2) In any proceeding against any person under this section, the burden of proving that a tank capable of storing the prescribed quantity has been erected, or that such tank is maintained in good order, shall be on the person proceeded against.

(3) This section shall not apply to any building which is situated within a district in which there is in the opinion of the Board a sufficient and potable pipe-borne water supply.

Notice to erect and maintain tanks.

128. (1) When there has been any failure to erect or maintain any tank required under this Ordinance to be erected or maintained, and whether proceedings have been or are to be instituted for the recovery of any penalty for such failure, the local sanitary authority may by a written notice, require the owner, within a reasonable time therein specified, to erect a tank capable of storing the prescribed quantity, or to do such work as may be necessary to get the tank in good order.

(2) If such notice is not complied with, the local sanitary authority may, at the expiration of the time specified in the notice, erect such tank or do the work specified in such notice, and may recover from the owner the expenses incurred by it in so doing.

Erection and maintenance of tanks by local sanitary authority.

129. Every local sanitary authority may, and when required by the Board, shall construct and maintain the necessary tanks and reservoirs for the storage of rain or fresh water, and may sell the water so stored or permit the free use thereof.

Use by local sanitary authority of roof of building to collect water for tank.

130. (1) A local sanitary authority may, for the purpose of collecting and storing rain water, attach gutters to the roof of any church, chapel, or school, or any building used for public entertainment, within its district, and convey the water collected thereby by pipes to tanks or reservoirs maintained by the authority, unless there is a tank connected with the church,

chapel, school or building, of sufficient size to contain five gallons of water for every square foot of the horizontal area covered by the roof thereof.

(2) The officers of any local sanitary authority may at all reasonable times enter on the lands whereon is the church, chapel, school or building, or on the land used therewith, and may erect tanks thereon, and may so attach gutters and lay down pipes over, or on, or under that land, and may at all reasonable times enter on the land and examine and repair the tanks, gutters and pipes:

Provided that, before proceeding to erect any tank on land belonging to or under the control of the persons having the control of the church, chapel, school or building, the local sanitary authority shall apply to a magistrate for permission to do so.

(3) The magistrate, after having afforded those persons full opportunity of being heard, is hereby required to grant the permission, unless it is proved to his satisfaction that the granting of the permission will cause an injury to the persons owning or having the control of the land which cannot be compensated by money; and if the magistrate considers that a substantial injury will be occasioned to those persons by the erection of the tank, but can be compensated in money, he shall determine what sum ought to be paid by the local sanitary authority to the persons, and thereupon shall grant permission to the local sanitary authority to erect the tank on condition that that sum be paid; and the local sanitary authority shall not commence to erect the tank until it is paid.

(4) No permission shall be required to attach the gutters or lay down the pipes.

(5) No tank shall be placed by a local sanitary authority under the provisions of this section on any land belonging to or under the control of the persons having the control of a church, chapel, school or building within one hundred and fifty feet of the church, chapel, school or building, except with the consent of those persons, and the local sanitary authority shall be bound to place the pipes underground if those persons so require.

(6) Every one who obstructs an officer entering as aforesaid for any such purpose shall be liable to a penalty not exceeding twenty-four dollars.

Penalty for
obstructing
officer.

Persons
fouling,
wasting or
damaging
water or
receptacles
for contain-
ing water.

131. Every person who—

(a) wilfully fouls or wastes any water in or flowing from any artesian well, tank or reservoir; or

(b) wilfully damages any artesian or other well, tank or reservoir, or any guttering, pipe, cover, platform, roof, tap or pump or other fittings and erections connected therewith, shall be guilty of an offence; and shall, in addition, be ordered by the magistrate to pay to the person or persons aggrieved such sum not exceeding one hundred and fifty dollars, by way of compensation for so fouling or wasting such water as the magistrate may consider adequate, and, in the case of damage, to pay to such person or persons the cost of repairing the same, and such cost shall be ascertained and determined by the magistrate; and all sums so ordered to be paid may be recovered in the same manner as the penalty.

Penalty
for pollu-
ting water
supplies.

132. Every person who—

(a) bathes, washes clothes, utensils or any other article or animal in, or otherwise fouls, defiles or pollutes any artesian or other well, watercourse, fresh water canal, lake, pond or reservoir forming part of the water supply of a district or part thereof; or

(b) permits or suffers drainage or refuse from his land or premises to flow into or be deposited in such well, watercourse, fresh water canal, lake, pond or reservoir, shall be guilty of an offence.

Prohibition
of use of con-
taminated
water supply
by local
sanitary
authority.

133. (1) Where in the opinion of the Board on representations made by a local sanitary authority the water contained in any fresh water trench, canal, pond or other reservoir used for drinking or domestic purposes has become dangerous, unwholesome or unfit for such purposes, the Board may by notice to be published in the Gazette and posted at conspicuous points along such trench, canal, pond or other reservoir, prohibit the use of such water for such purposes during a period to be specified in the notice, and it shall not be lawful for any person to use such water for drinking or domestic purposes during such period specified in the notice.

(2) Any person who contravenes any of the provisions of this section or wilfully damages, obliterates, or destroys any notice posted as aforesaid shall be guilty of an offence.

Definition
of tank.

(3) In this Part of this Ordinance, the expression "tank" includes any receptacle, whether movable or fixed, and whether made of wood, metal, stone, brick, concrete or other material.

134. The Board may make regulations—

Regulations.

(a) for prescribing the quantity of rain water required to be stored under the provisions of section 126 of this Ordinance.

(b) for prescribing the type, size, mode of construction and maintenance of receptacles for the storage of rain water; and

(c) for the cleaning of tanks for the storage of rain water constructed under the provisions of this Ordinance; prescribing the size and method of connecting to the roofs of the gutters and pipes of such tanks, the apparatus for drawing off water, and the means for discharging the overflow; and regulating the issue of water from any public tank or reservoir or on a plantation.

PART XII.—HOUSING AND DISTRICT PLANNING.

Land laid out for building purposes.

135. (1) If the owner of any land desires to sell, lease, rent or grant the same in separate lots to any person or persons for any purpose whatever, or desires to lay it out for building purposes, he must cause a plan thereof to be prepared, which, if the Board in any particular case so directs, shall be prepared by a sworn land surveyor and laid before the Board, showing the mode in which it is proposed to subdivide the land, the streets, roads, and means of access to each lot, and the provision for the drainage thereof, and the Board may require any alteration to be made in the plan appearing to it expedient or necessary, and the Board shall issue a certificate signed by the secretary when the plan is finally approved.

Procedure
by owner
of land.

(2) Where the owner desires to transport any land aforesaid he must deposit the plan as approved by the Board in the Deeds Registry, and every transport of the land, or portion or lot thereof sold, shall be passed in accordance with the plan and not otherwise.

(3) The Registrar shall not advertise the transport of any land aforesaid, nor shall it be transported, until the owner has deposited the plan as aforesaid and also a certificate signed by the secretary that the means of access to, and the drainage of, each lot have been provided on the plan to the satisfaction of the Board.

(4) No building operations on any land aforesaid shall be commenced by any person until such works as specified in the plan approved as aforesaid shall have been executed by the owner to the satisfaction of the Board by a certificate signed by the secretary.

(5) No lot of land situate within the limits aforesaid, as defined in the plan hereinbefore required to be approved, shall be subdivided into less portions than quarter lots, those quarter lots to be not less than twenty square rods.

(6) If the owner sells, leases, rents or grants any land as aforesaid for any purpose whatever, or by any means whatever, passes transport thereof, or attempts to do any of the acts aforesaid, or if any person builds or commences building operations on any such land, until the provisions of this section have been obeyed, or acts in any way contrary to those provisions he shall for every offence be liable on summary conviction to forfeit a penalty not exceeding five hundred dollars; and the magistrate may order any building or other erection placed on the land in contravention of this section to be removed forthwith and if the owner cannot be found or makes default in the execution of such order the Board may cause to be taken down such building, and may recover the expenses incurred in so doing from the owner thereof.

Appeal

(7) An appeal shall lie from any decision of a magistrate under this section to the Supreme Court, and the appeal shall be regulated in all respects by the provisions of the Summary Jurisdiction (Appeals) Ordinance.

Cap. 17.

Erection of building.

136. (1) No building shall be erected, altered or enlarged by any person without the previous approval in writing of the local sanitary authority.

(2) No house shall be erected on any land by any person unless and until such land has been freed from bush, the surface raised or levelled and such measures taken for the drainage of such land as may be required by and to the satisfaction of the local sanitary authority.

(3) No building shall be erected by any person on any dam, railway embankment, road, parapet, street or public footway, without the permission of the Board.

(4) Every person who does or causes or wilfully permits to be done any act in contravention of this section shall be guilty of an offence; and the magistrate may order any building erected in contravention of this section forthwith to be taken down, and if the owner cannot be found or makes default in the execution of such order the Board may cause to be taken down such buildings, and may recover the expenses incurred in so doing from the owner thereof.

(5) An appeal shall lie from any decision of a magistrate under this section to the Supreme Court, and the appeal shall be regulated in all respects by the provisions of the Summary Jurisdiction (Appeals) Ordinance.

Appeal.

Cap. 17.

137. It shall not be lawful to convert any structure into a dwelling house without the permission in writing of the Board.

Conversion of structure into a dwelling house.

138. (1) If any building or structure is in a ruinous state, or dangerous to persons, or to the occupiers of the neighbouring buildings, the local sanitary authority shall immediately cause a notice in writing to be served on the owner of the building requiring him forthwith to take down, secure, or repair the building within the time specified in the notice.

Ruinous and dangerous buildings to be taken down or made secure.

(2) If the owner does not comply with the notice or complete the taking down, securing, or repairs, of the building or structure as speedily as the nature of the case demands and as required by the notice, the local sanitary authority may, by its officers, enter upon the lands whereon it stands and take it down, or rebuild, repair, or otherwise secure it, as the case demands and as is deemed necessary.

(3) The local sanitary authority may store any material taken down from a building or structure, or used in any repairs to it on the lot or land on which it stands.

(4) All the charges and expenses incurred by a local sanitary authority in carrying out any of the acts of taking down, rebuilding, repairing, or otherwise securing a building or structure, as the case may be, and as aforesaid to be done, shall be recoverable by parate or summary execution against the lot or land with the buildings (if any) thereon, and the process shall be at the instance and in the name of the local sanitary authority of the district.

(5) If any building or structure aforesaid, be pulled down by virtue of the powers aforesaid, the local sanitary authority may sell the materials thereof, or so much of it as shall be pulled down, and apply the proceeds of sale in payment of the expenses incurred in respect of the building or structure; and the local sanitary authority shall on demand restore any overplus arising from the sale to the owner of the building or structure; but the local sanitary authority although it sells the materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as remains due after the application of the proceeds of the sale as are by this section given to it for compelling the payment of the whole of those expenses.

Proximity of
buildings.

139. (1) Where any building not used for human habitation, by reason of its proximity to any other building on such lot stops or impedes ventilation or otherwise makes or conduces to make such other building unfit for human habitation or dangerous or injurious to the health of the occupants thereof or of neighbouring buildings, the local sanitary authority may by written notice require the owner of such building to take down and remove the same within a time to be specified in the notice.

(2) Where the owner fails to comply with any notice under this section he shall be guilty of an offence and the local sanitary authority may cause the work thereby required to be done and may recover from the owner the expenses incurred in so doing.

Planning
schemes.

140. (1) On representation made to the Board by any local sanitary authority that any area within its district appears to the authority by reason of the defective drainage, the deficient water supply, the narrowness, closeness and bad arrangement of the streets, dams, and buildings, or any other sanitary defects, to be dangerous or injurious to the health of the inhabitants, and that the most satisfactory method of dealing with such sanitary defects is a scheme, hereinafter referred to as a planning scheme, for the removal or correction of such sanitary defects and generally for the improvement of the area, the Board may if they deem fit cause inspection of the area to be made.

(2) On being satisfied of the truth of such representation the Board may by resolution declare that the area is an unhealthy area and may cause a planning scheme to be prepared.

(3) A planning scheme may provide for—

(a) laying out of land including the provision of roads, streets and dams;

(b) adequate drainage and the supply of water for domestic purposes;

(c) division of an area into residential, industrial and agricultural areas;

(d) site, position, class and distribution of buildings;

(e) the regulation of trades and industries;

(f) provision of parks, public gardens and recreation grounds; and

(g) generally the sanitation and amenities of any area and the health and welfare of the inhabitants thereof.

Regulations:
planning
schemes.

(4) The Board may make regulations for the carrying into effect of any or all of the provisions in subsection (3) of this section.

141. The Board may make regulations with respect to the erection and sanitary control of buildings and in particular with regard to—

Regulations:
buildings.

(a) the procedure in respect to building applications; including the submission of plans;

(b) the ventilation of and the sufficiency of space about the buildings to secure a free circulation of air; the closing and fencing of lots on which buildings are situate; the position of buildings on the lot and the total area covered by any buildings on a lot; the distance from any boundary of the lot, canal, trench, main drain or other building; and the alignment of buildings;

(c) the materials to be used, and the mode of construction; the height of the floor of the building above the ground, the height of each storey, and the height of the walls; the minimum size of each room; the window space in relation to the area of the floor; and the regulation of eaves-gutterings and down pipes;

(d) the sanitary fittings and system of sewage disposal; the water supply and the provision of proper vats, barrels or other receptacles for the storage of water; the keeping of domestic animals, and the distance of any stable, pen, byre, sty or manure heap from any building; the making of orders and closing of buildings or parts of buildings unfit for human habitation, and the prohibition of their use for such habitation.

The regulations may determine as to which of the provisions of this subsection may be made to apply to buildings already in existence as well as to be erected.

142. The Board may make regulations with respect to the erection and sanitary control of tenements, and in particular with regard to—

Regulations:
tenement.

(a) the forwarding of returns from the owner, or agent of the owner, giving the name and address of the owner or agent or both, the situation and area, and the number of rooms; registration and cancellation of such registration; the keeping of a register by the owner or agent and the particulars of such register; generally for the control and management by the owner or agent or any keeper employed by the owner or agent; and the fixing and from time to time varying the number of persons who may be received as lodgers in each tenement and in each room thereof, and the separation of the sexes;

(b) the promotion of cleanliness and ventilation; the sufficiency of the water supply and drainage and the water-closet or latrine, shower-bath, washing and dust-bin accommodation, and other appliances for cleanliness in proportion to the number of lodgers and occupiers;

(c) the giving of notices and the taking of precautions in the case of any infectious disease, as defined in subsection (1) of section 19 of this Ordinance; and inspection and the time of inspection thereof;

(d) collection and removal of refuse; painting or limewashing of walls and buildings; the keeping by the owner in proper condition of all yards and surroundings and the sanitary arrangements thereof; and generally the well ordering of such tenements.

PART XIII.—TRADES AND INDUSTRIES.

Milk.

Prohibition
of sale of
tuberculous
milk, etc.

143. (1) If a person—

(a) sells, or offers or exposes for sale, or suffers to be sold or offered or exposed for sale, for human consumption or for use in the manufacture of products for human consumption; or

(b) uses or suffers to be used in the manufacture of products for human consumption,

the milk of any cow which has given tuberculous milk, or is suffering from emaciation due to tuberculosis, or from tuberculosis, or from acute inflammation of the udder, or from acute mastitis, actinomycosis of the udder, anthrax, foot-and-mouth disease, suppuration of the udder, any comatose condition, any septic condition of the uterus, any infection of the udder or teats which is likely to convey disease, or any disease which the Governor shall by Order in Council declare to be a disease within this section, he shall be guilty of an offence against this Ordinance, if it is proved that he knew, or by the exercise of ordinary care could have ascertained, that the cow had given tuberculous milk, or was suffering from any such disease.

(2) If a person shall, by himself or by any servant or agent, sell or offer or expose for sale the milk of a cow suffering from tuberculosis of the udder, he shall be guilty of an offence under this subsection if it is proved that he knew or could by the exercise of ordinary care have ascertained that the cow was suffering from that disease.

(3) If any person mixes the milk of any cow suffering from any disease mentioned in this section with other milk or uses

for the food of swine or other animals the milk of any such cow unless and until it has been boiled or otherwise sterilised he shall be guilty of an offence under this section.

(4) Any person guilty of an offence under this section shall be liable on conviction for a first offence to a penalty not exceeding one hundred dollars, and for a second or subsequent offence to a penalty not exceeding five hundred dollars or to imprisonment with or without hard labour for a period not exceeding six months, or to both such penalty and imprisonment.

144. The Board may make regulations with respect to the sale of milk and in particular with regard to— Regulations:
milk.

(a) the keeping of cows; erection, registration and cancellation of registration and regulation of cattle-byres; licensing of persons to sell milk; registration and cancellation of registration and regulation of dairies; inspection of cattle, cattle-byres and dairies; and the examination and cleanliness of persons engaged in or in any way connected with the handling of cattle;

(b) the cleanliness and type of all vessels and utensils in which milk may be sold, or in which it is put or kept for the purposes of sale; cleanliness of internal fittings and of any machinery used in connection with dairies and the precautions to be taken against contamination of milk; the production, cooling, storage, conveyance, distribution and sale of milk;

(c) the regulation of the payment of fees for licensing and medical examination; and generally for securing the wholesomeness and purity of milk intended for human consumption.

145. The Board may make regulations to control the sanitation of any trade or industry and in particular with regard to— Regulations:
trades and
industries.

(a) the forwarding of returns from the owner giving the name and address of the owner, the situation, and the nature of the trade or industry; the registration and the cancellation of such registration; the internal construction, ventilation and lighting; the sufficient separation of dwelling rooms and prohibition of use of premises as sleeping places or living rooms; a sufficient and wholesome water supply, and proper receptacles for the storage thereof; the sufficiency, type and position of water-closet or latrine accommodation with respect to both sexes; and the collection, removal and disposal of refuse, effluvia, dust or any other waste product whether solid, liquid or gaseous;

(b) the cleanliness and disinfection of premises, and of all instruments, appliances, furniture, utensils, fixtures, including

painting, repainting, limewashing, or distempering; the protection from contamination of dust, flies, and otherwise of all articles intended, exposed or offered for sale for human consumption, and the regulating of the preparation, storage and distribution of such articles; the precautions to be taken against accidents, diseases liable to arise by reason of the nature of the trade or industry and the spread of infection or communication of disease from, to, or amongst persons on such premises, whether employed, occupying or in any way connected with such premises; and generally the well ordering, keeping and effectual sanitation of any trade or industry.

Regulations:
hucksters
and hawkers.

146. The Board may make regulations with respect to—

(a) the protection from contamination by dust, flies or otherwise of all foodstuffs, including fresh meat, and confectionery kept, sold, or exposed for sale outside of any building, or in any street, or along any roadside, square or in any public place whatsoever by hucksters and hawkers;

(b) the cleansing of any place so used for the sale or exposure for sale by the owner of such foodstuffs or confectionery; and precautions to be taken against the spread of infection or communication of disease from, to, or amongst such persons.

Regulations:
mining
districts.

147. The Board may make regulations generally for the sanitary control of mining districts or parts thereof and the health and welfare of the inhabitants therein.

PART XIV.—MISCELLANEOUS.

Powers of
entry.

148. (1) It shall be lawful for the Board, or any local sanitary authority or any of their members or officers, or any person duly authorised by the Board, to enter either generally or in any particular case during the day into any 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 premises for the purposes of carrying out any of the objects of this Ordinance or of the regulations.

(2) Any person who in any way obstructs any such entry as aforesaid shall be guilty of an offence:

Provided that the person so claiming the right to enter shall, if required, produce some written document properly authenticated by the Board, or local sanitary authority, as the case may be, showing the right of the person producing the same to enter.

(3) If a magistrate is satisfied, by information on oath, that there is reasonable ground for such entry, and that there has been a refusal or failure to admit to such premises, the magistrate may by warrant authorise the person claiming the right of entry to enter the premises, and if need be by force, with such assistance as may be necessary, and there execute his duties under this Ordinance.

Second
Schedule:
Form E.

(4) Any person obstructing the execution of any such warrant shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred dollars or, where the offence is a continuing one, to a penalty not exceeding twenty-five dollars for every day that the offence is continued.

(5) The warrant shall continue in force until the purpose for which the entry is necessary has been satisfied.

149. (1) Where power is conferred by this Ordinance or the regulations on the Board or a local sanitary authority to issue any notice under this Ordinance or the regulations the Board or the local sanitary authority may generally or in respect of particular cases in writing authorise one or more of its officers to issue the notice on its behalf and where an officer is so authorised any notice signed and issued by him shall be deemed to be signed and issued under the authority of the Board or the local sanitary authority as the case may be:

Notices,
orders and
other docu-
ments.

Provided that the Board or local sanitary authority may vary or revoke the authority conferred on an officer.

(2) Any notice, order or other document required or authorised to be served under this Ordinance or the regulations may be served by delivering the same or a true copy thereof either to the person to whom it is addressed or at his usual or last known place of abode or business, or where addressed to the owner or occupier of the premises to some adult person on the premises who can be so served, or by affixing the same or a true copy thereof on some conspicuous part of the premises:

Delivery of
notices, etc.

Provided that, any such notices may in cases of emergency be given verbally to the person on whom this Ordinance requires or authorises the same to be served.

(3) The notice, order or other document may also be served by registered post, and if so served by registered post it shall be sufficient to prove that the same was properly addressed and put into the post.

150. Any local sanitary authority may appeal from any decision of the Board to the Governor in Council.

Appeal to
Governor in
Council.

Continuing
offence in
respect of
work.

151. (1) Where the beginning or execution of a work is an offence in respect whereof the offender is liable under the provisions of this Ordinance or the regulations to a penalty, the existence of the work in any form or state contravening the same shall be deemed to be a continuing offence.

(2) Where a work is commenced or maintained in contravention of the provisions of this Ordinance or of the regulations, the magistrate may order the person who causes the work to be so commenced or maintained to take it down or alter it within a specified time so as to conform to the same, and to pay all expenses incurred thereby.

(3) Where the order is not complied with the local sanitary authority may, at the expiration of the time specified in the order, do the work thereby required to be done and recover from the owner the expenses incurred by so doing.

Persons
guilty of
offences
under this
Ordinance.

152. (1) Any person who contravenes any of the provisions of this Ordinance, or who fails, neglects or refuses to execute any work or to do anything which he is required to do by virtue of any of the provisions of this Ordinance or of any order or notice served upon him by any officer of the Board or the local sanitary authority by virtue of this Ordinance, shall be guilty of an offence and shall, unless some other penalty is provided therefor, be liable to a penalty not exceeding fifty dollars, or, in default of payment thereof, to imprisonment with or without hard labour for any term not exceeding two months.

(2) Where the offence is a continuing offence, unless some other penalty is provided therefor the offender shall be liable to a further penalty not exceeding ten dollars for every day for which the offence continues, and in default of payment, to imprisonment for any period not exceeding three months.

(3) All offences under this Ordinance or the regulations shall be taken and all penalties under this Ordinance or the regulations shall be recovered under the Summary Jurisdiction Ordinances.

Legal
proceedings.

153. Any proceedings by a local sanitary authority or by the Board for the enforcement of any of the provisions or the recovery of a penalty under this Ordinance or any of the regulations made thereunder may be taken by any officer of the authority or of the Board if duly authorised by the chairman thereof either generally or in respect of any particular provision or offence, and an authorisation may be cancelled at any time by writing under the hand of the chairman.

154. In case of any demand or complaint under this Ordinance or the regulations in which two or more owners or occupiers of premises may jointly be answerable, it shall be sufficient to proceed against one or more of them without in any manner proceeding against the other or others of them; but nothing herein contained shall prevent the parties so proceeded against from recovering contribution in any case in which they would be entitled to contribution by law.

Joint owner
or occupier.

155. Where any sum, amount, cost or expense is recoverable under any of the provisions of this Ordinance the same may be recovered as a civil debt in any court of competent jurisdiction.

Mode of
recovery of
cost or
expense.

156. All penalties and costs recovered from any person under this Ordinance or the regulations in cases where the Board or the local sanitary authority is either complainant or defendant, shall be paid to the Board or the local sanitary authority.

Penalty
and costs.

157. (1) Any regulations made or approved by the Board under this Ordinance and approved by the Governor in Council shall be laid before the Legislative Council as soon as may be after they are made, and if a resolution is passed by the Legislative Council within the next subsequent twenty-eight days on which the Council has sat after any such regulation is laid before it that the regulation shall be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation.

Regulations
to be ap-
proved and
to take
effect on
publication.

(2) Any regulations may be made to apply to any specified district or to any specified part thereof.

29 of 1947,
s. 3.

(3) Save as hereinbefore provided there may be annexed to the breach of any regulation a penalty not exceeding the sum of fifty dollars.

158. Whosoever by any gratuity, bribe, promise or other inducement prevents, or attempts to prevent, the due execution by any person of any duty imposed on him by this Ordinance or by the regulations, shall be guilty of an offence, and in the case of a second or subsequent offence shall be liable to a penalty not exceeding two hundred and fifty dollars.

Bribery and
corruption.

159. All persons acting under the provisions of this Ordinance shall be entitled to the protection afforded by the Justices Protection Ordinance.

Protection
of person
acting under
the Ordi-
nance.
Cap. 15.

Ordinance shall apply to buildings, vessels, tents, etc.

160. The provisions of this Ordinance shall apply to every vessel, tent, van, or similar structure used for human habitation in like manner, as nearly as may be, as if it were a building; but nothing in this Ordinance shall extend to any land, building, vessel, tent, van, or similar structure belonging to Her Majesty, or to any inmate thereof, nor to any vessel belonging to any foreign government.

Protection of rights of Amerindians.

161. The provisions of this Ordinance shall not apply to Amerindians residing in their natural surroundings in the forests and savannahs of the Colony:

Provided that the Governor in Council may from time to time make any regulations he may deem fit with respect to any matter which will ensure and promote the health of Amerindians.

Power to Governor in Council to restrict scope of Ordinance. 17 of 1938, s. 3.

162. The Governor in Council may, by order published in the Gazette, exclude from operation all or any of the provisions of Part XII of this Ordinance and any regulation made thereunder, other than any right of appeal therein contained, in respect of any area defined in the order and may revoke or vary any such order.

s. 18.

FIRST SCHEDULE.

Section 5 (5).
 Section 12.
 Section 21.
 Section 48.
 Section 55.
 Section 65 (c).
 Section 104.
 Section 140 (4).
 Section 147.

SECOND SCHEDULE.

FORM A.

s. 78

FORM OF NOTICE REQUIRING ABATEMENT OF NUISANCE.

Public Health Ordinance.

To (person causing the nuisance, or owner or occupier of the premises at which the nuisance exists, as the case may be).

Take notice that, under the provisions of the Public Health Ordinance, the (describe the local sanitary authority) being satisfied of the existence at (describe premises where the nuisance exists) of a nuisance being (describe the nuisance) do hereby require you within (specify the time) from the service

of this notice to abate the same [and to execute such works and do such things as may be necessary for that purpose, or and for that purpose to (specify any works to be executed)] (and the said (authority) do hereby require you within the said period to do what is necessary for preventing the recurrence of the nuisance, and for that purpose to, etc.).

(Where the nuisance has been abated, but is likely to recur, say) being satisfied that at, etc., there existed recently, to wit, on or about theday of.....19....., the following nuisance, namely (describe nuisance), and that although the said nuisance has since the last mentioned day been abated, the same is likely to recur at the said premises, the (describe the authority) do hereby require you within (specify time) to do what is necessary for preventing the recurrence of the nuisance and for that purpose to, etc.

If you make default in complying with the requisitions of this notice, or if the said nuisance, though abated, is likely to recur, a summons will be issued requiring your attendance before a magistrate to answer a complaint which will be made for the purpose of enforcing the abatement of the nuisance, or prohibiting the recurrence thereof, or both, and for recovering the costs and penalties that may be incurred thereby.

Dated this.....day of....., 19.....

Officer of the Local Sanitary Authority.

FORM B.

FORM OF SUMMONS.

s. 79

Public Health Ordinance.

To A.B. of.....(or to the owner or occupier of) (describe the premises) situated (insert such description of the situation as may be sufficient to identify the premises).

You are required to appear before.....magistrate for.....at.....on.....the.....day of.....next at the hour of.....to answer the complaint this day made to me by.....that at the premises above mentioned (or at certain premises situated at.....) in the district of the (describe the local sanitary authority) the following nuisance exists (describe the nuisance and add, where the person causing the nuisance is summoned, and that the said nuisance is caused by the act, default, or sufferance of you A.B.).

(Where the nuisance is discontinued, but is likely to be repeated, say) to answer the complaint, etc., that at, etc., there existed recently, to wit, on or about the.....day of....., 19....., the following nuisance (describe the nuisance, and add, where the person causing the nuisance is summoned), and that the said nuisance was caused, etc., and although the said nuisance has since the said last mentioned day been abated or discontinued, that the same or the like nuisance is likely to recur at the said premises.

Dated this.....day of....., 19.....

Magistrate.

FORM C.

s. 80.

FORM OF SUMMARY ORDER.

Public Health Ordinance.

To A.B. of.....(or to the owner or occupier of) describe premises situated (insert such description of the situation as may be sufficient to identify the premises).

Whereas the said A.B. (or the owner or occupier of the said premises within the meaning of the Public Health Ordinance) has this day appeared before me to answer the matter of a complaint made by, etc., that at, etc. (follow the words of complaint in summons) (or in case the party charged do not appear, say). Whereas it has been now proved to my satisfaction that a summons has been duly served according to the Public Health Ordinance requiring the said A.B. or the owner or occupier of the said premises) to appear this day before me to answer the matter of a complaint made by, etc., that at, etc.

(Any of the following orders may be made or a combination of any of them as the case seems to require).

Now on proof here had before me that the nuisance so complained of does exist at the said premises (add where, the order made of the person causing the nuisance, and that the same is caused by the act, default, or sufferance of A.B.). I, in pursuance of the Public Health Ordinance do order the said A.B. (or the said owner or occupier) within (specify the time) from the service of this order according to the said Ordinance (here specify the nuisance to be abated (and state any works to be executed)).

Prohibition Order No. 1.

And I, being satisfied that, notwithstanding the said nuisance may be temporarily abated under this order, the same is likely to recur, do therefore prohibit the said A.B. (or the said owner or occupier) from allowing the recurrence of the said or a like nuisance (and for that purpose I direct the said A.B. or the said owner or occupier, here specify any works to be executed).

Prohibition Order No. 2.

Now, on proof here had before me that at or recently before the time of making the said complaint, to wit, on the nuisance so complained of did exist at the said premises, but that the same has since been abated (add, where the order is made on the person causing the nuisance, and that the nuisance was caused by the act, default, or sufferance of A.B.) yet, notwithstanding such abatement, I, being satisfied that it is likely that the same or the like nuisance will recur at the said premises, do therefore prohibit (continue as in Prohibition Order No. 1).

Closing order.

Now, on proof here had before me that the nuisance is such as to render the dwelling-house (describe the house) situate at (insert such a description of the situation as may be sufficient to identify the dwelling-house) unfit in my judgment for human habitation, I, in pursuance of the Public Health Ordinance, do hereby prohibit the use of the said dwelling-house for human habitation.

Dated this.....day of....., 19.....

Magistrate.

FORM D.

FORM OF NUISANCE ORDER TO BE EXECUTED BY LOCAL SANITARY AUTHORITY.

s. 84.

Public Health Ordinance.

To the (describe the local sanitary authority),

Whereas a complaint has been made by..... that at certain premises situated at in the district of (describe the local sanitary authority) the following nuisance exists (describe the nuisance).

As it has been now proved to my satisfaction that such nuisance exists, but that no owner or occupier of the premises, or person by whose act, default, or sufferance the nuisance is caused, is known or can be found (as the case may be). Now, I, in pursuance of the Public Health Ordinance, do (continue as in any of the orders in Form C, with the substitution of the name of the local sanitary authority for that of A.B. or the owner or occupier).

Dated this.....day of....., 19.....

Magistrate.

FORM E.

WARRANT OF MAGISTRATE FOR ENTRY TO PREMISES.

s. 148.

Public Health Ordinance.

Whereas A.B., being a person authorised under the Public Health Ordinance to enter certain premises (describe the premises), has made application to me to authorise the said A.B. to enter the said premises, and whereas I, C.D., am satisfied by information on oath that there is reasonable ground for such entry, and that there has been a refusal or failure to admit to such premises, and (either that reasonable notice of the intention to apply to a magistrate for a warrant has been given or that the giving of notice of the intention to apply to a magistrate for a warrant would defeat the object of the entry).

(Or am satisfied by information on oath that there is reasonable cause to believe that there is on the said premises a contravention of the Public Health Ordinance, or of a regulation made under that Ordinance, and that an application for admission or notice of an application for a warrant would defeat the object of the entry):

Now therefore, I, the said C.D., do hereby authorise the said A.D. to enter the said premises, and if need be by force, with such assistants as he may require, and there execute his duties under the said Ordinance.

Dated this.....day of....., 19.....

Magistrate.

s. 2.

THIRD SCHEDULE.

1. Hotels, restaurants and cookshops.
 2. Taverns, rumshops and sweet drink shops.
 3. Aerated water factories, breweries and distilleries.
 4. Provision, confectionery, vegetable, fruit, fish, butchers' and bakers' shops, bakeries, dairies and wholesale grocery depots.
 5. Artificial cream, margarine, margarine cheese, milk-blended butter, edible oil, butter, ghee, cheese cream, dried, condensed or evaporated milk manufactories.
 6. Cheese, biscuit, sweetmeat, maccaroni and vermicelli, ice cream, ice and cold storage, preserving, bottling and canning factories or establishments.
 7. Dairy farms and pig farms.
 8. Oil, copra, rice, grain grinding or husking mills or factories.
 9. Laundries.
 10. Tobacco and cigarette, paper, match, saw and boot and shoe factories or mills.
 11. Pawnbrokerries and shops dealing in second-hand goods.
 12. Any of the offensive trades under this Ordinance.
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