

No. 3 of 2020.

Public Health (Amendment) Act 2020.

Certified on : **09 APR 2020**



No. 3 of 2020.

AN ACT

entitled

Public Health (Amendment) Act 2020.

ARRANGEMENT OF SECTIONS.

1. New Section 1A.
"1A. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS."
2. New Section 11A.
"11A. EXERCISE OF POWERS."
3. Bribery, obstruction, etc., (Amendment of Section 12).
4. Urgent report of certain diseases (Amendment of Section 16).
5. Report by medical practitioners and medical assistants (Amendment of Section 17).
6. Reports by officers in charge of certain institutions (Amendment of Section 18).
7. Reports by employers (Amendment of Section 19).
8. Reports by Government officers (Amendment of Section 20).
9. Advice to schools (Amendment of Section 21).
10. Advice to householders (Amendment of Section 22).
11. Removal and confinement of infected persons (Amendment of Section 26).
12. Restrictions on movement, etc., of infected persons and things (Amendment of Section 28).
13. Recently infected persons (Amendment of Section 29).
14. Disinfection of conveyances, etc., (Amendment of Section 30).
15. Vacation of infected building (Amendment of Section 31).
16. Letting of infected building (Amendment of Section 32).
17. Disposal of infected matter (Amendment of Section 33).
18. Isolation of infected areas (Amendment of Section 36).
19. Compulsory hospitalization of infected persons (Amendment of Section 46).
20. Disobedience of orders (Amendment of Section 47).
21. Regulations (Amendment of Section 141).



No. 3 of 2020.

AN ACT

entitled

Public Health (Amendment) Act 2020,

Being an Act to amend the *Public Health Act* (Chapter 226),

MADE by the National Parliament to come into operation upon certification.

1. NEW SECTION 1A.

The Principal Act is amended by inserting a new section after Section 1 as follows:

“1A. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (*Qualified Rights*) of the *Constitution*, namely -

- (a) liberty of persons conferred by Section 42; and
- (b) the freedom from arbitrary search and entry conferred by Section 44;
and
- (c) the freedom of assembly and association conferred by Section 47; and
- (d) the right to privacy conferred by Section 49; and
- (e) the right to freedom of information conferred by Section 51;
and
- (f) the right to freedom of movement conferred by Section 52; and
- (g) the protection from unjust deprivation of property conferred by Section 53,

of the *Constitution*, is a law that is made for the purpose of giving effect to the public interest in public health, public safety, public order and public welfare, and is reasonably justifiable in a democratic society having a proper respect and regard for the rights and dignity of mankind, taking into account the National Goals and Directive Principles and the Basic Social Obligations because of serious threats to public health and mental health.”.

2. NEW SECTION 11A.

The Principal Act is amended by inserting a new section after Section 11 as follows:

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“11A. EXERCISE OF POWERS.

A person exercising the powers under this Act, must exercise such powers in a manner to ensure that the direction or directions made, actions taken and measures imposed under this Act -

- (a) are necessary for achieving the objectives of this Act; and
- (b) are the least restrictive as possible; and
- (c) are the least intrusive and invasive as possible; and
- (d) take into full account the human rights of the persons affected by such direction or directions, actions, or measures.”.

3. BRIBERY, OBSTRUCTION, ETC., (AMENDMENT OF SECTION 12).

Section 12 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding three years, or both.”.

4. URGENT REPORTS OF CERTAIN DISEASES (AMENDMENT OF SECTION 16).

Section 16 of the Principal Act is amended by -

- (a) deleting the word “or”, appearing after the words “yellow fever” and inserting a comma in its stead; and
- (b) inserting the words “or any other infectious disease declared under Section 15” immediately after the words “small-pox”; and
- (c) repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00 or imprisonment for a term not exceeding three years, or both.”.

5. REPORTS BY MEDICAL PRACTITIONERS AND MEDICAL ASSISTANTS (AMENDMENT OF SECTION 17).

Section 17 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00.”.

6. REPORTS BY OFFICERS IN CHARGE OF CERTAIN INSTITUTIONS (AMENDMENT OF SECTION 18).

Section 18 of the Principal Act is amended in Subsection (2) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00.”.

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7. **REPORTS BY EMPLOYERS (AMENDMENT OF SECTION 19).**
Section 19 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:
“Penalty: A fine not exceeding K10,000.00.”.
8. **REPORTS BY GOVERNMENT OFFICERS (AMENDMENT OF SECTION 20).**
Section 20 of the Principal Act is amended in Subsection (1) by repealing the penalty provision and replacing it with the following:
“Penalty: A fine not exceeding K1,000.00.”.
9. **ADVICE TO SCHOOLS (AMENDMENT OF SECTION 21).**
Section 21 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:
“Penalty: A fine not exceeding K1,000.00.”.
10. **ADVICE TO HOUSEHOLDERS (AMENDMENT OF SECTION 22).**
Section 22 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:
“Penalty: A fine not exceeding K10,000.00.”.
11. **REMOVAL AND CONFINEMENT OF INFECTED PERSONS (AMENDMENT OF SECTION 26).**
Section 26 of the Principal Act is amended in Subsection (2) by repealing the penalty provision and replacing it with the following:
“Penalty: A fine not exceeding K10,000.00.”.
12. **RESTRICTIONS ON MOVEMENT, ETC., OF INFECTED PERSONS AND THINGS (AMENDMENT OF SECTION 28).**
Section 28 of the Principal Act is amended in Subsection (1) by repealing the penalty provision and replacing it with the following:
“Penalty: A fine not exceeding K10,000.00 or imprisonment for a term not exceeding three years, or both.”.
13. **RECENTLY INFECTED PERSONS (AMENDMENT OF SECTION 29).**
Section 29 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:
“Penalty: A fine not exceeding K5,000.00.”.

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14. DISINFECTION OF CONVEYANCES, ETC., (AMENDMENT OF SECTION 30).

Section 30 of the Principal Act is amended in Subsection (1) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K5,000.00.”.

15. VACATION OF INFECTED BUILDING (AMENDMENT OF SECTION 31).

Section 31 of the Principal Act is amended in Subsection (1) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K5,000.00.”.

16. LETTING OF INFECTED BUILDING (AMENDMENT OF SECTION 32).

Section 32 of the Principal Act is amended -

(a) in Subsection (1) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K5,000.00.”; and

(b) in Subsection (2) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00 or imprisonment for a term not exceeding three years, or both.”.

17. DISPOSAL OF INFECTED MATTER (AMENDMENT OF SECTION 33).

Section 33 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K1,000.00.”.

18. ISOLATION OF INFECTED AREAS (AMENDMENT OF SECTION 36).

Section 36 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K1,000.00.”.

19. COMPULSORY HOSPITALISATION OF INFECTED PERSONS (AMENDMENT OF SECTION 46).

Section 46 of the Principal Act is amended in Paragraph (a) by inserting the words “or any other infectious disease declared under Section 15” immediately after the words “(including phthisis, bony tuberculosis and military tuberculosis)”.

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20. DISOBEDIENCE OF ORDERS (AMENDMENT OF SECTION 47).

Section 47 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K5,000.00.”.

21. REGULATIONS (AMENDMENT OF SECTION 141).

Section 141 of the Principal Act is amended in Paragraph (s) by repealing Subparagraph (iii) and replacing it with the following:

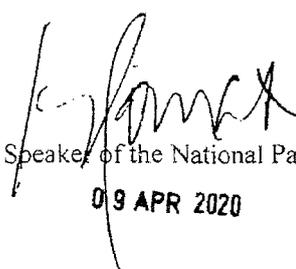
“(iii) of fines not exceeding K10,000.00 or imprisonment for terms not exceeding three years for offences against any other provision of the regulations.”.

I hereby certify that the above is a fair print of the *Public Health (Amendment) Act 2020* which has been made by the National Parliament.


Acting Clerk of the National Parliament.

09 APR 2020

I hereby certify that the *Public Health (Amendment) Act 2020* was made by the National Parliament on 2 April 2020, by an absolute majority vote as required under the *Constitution*.


Speaker of the National Parliament.

09 APR 2020