
CHAPTER 99**ENVIRONMENTAL HEALTH****ARRANGEMENT OF SECTIONS**

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CHAPTER 99

ENVIRONMENTAL HEALTH

AN ACT TO MAKE PROVISIONS FOR SECURING AND MAINTAINING ENVIRONMENTAL HEALTH AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO *3 of 1980*

[1st August 1980]

1. This Act may be cited as the Environmental Health Act

Short title

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

Interpretation

“Authorised Officer” means an officer appointed under sections 4 or 6(1);

“Enforcement Authority” means an authority included in those specified in section 6(1);

“Minister” means the Minister from time to time assigned responsibility for environmental health matters, and

“Ministry” shall be construed accordingly;

“Permanent Secretary” means the Permanent Secretary to the Minister responsible for environmental health matters.

3. Subject to the provisions of this Act, the Minister shall be responsible for the administration of the environmental health services in Solomon Islands.

Duties of the Minister

4.—(1) In administering this Act, the Minister shall have the services of a Ministry headed by a Permanent Secretary and may appoint such persons (to be known as “Authorised Officers”) as he considers necessary to assist him in the administration of this Act:

Appointment of staff

Provided that any appointment of a person who is not a public officer shall be in accordance with the Constitution.

(2) The Minister may, after consulting the Secretary for the Public Service and, in the case of Authorised Officers appointed by Enforcement Authorities, the Minister responsible for Home Affairs, make regulations prescribing the training and qualifications required for the appointment of Authorised Officers, and the particular duties that may be undertaken by Authorised Officers having regard to their qualifications and training.

Delegation by
the Minister

5.—(1) The Minister may by Order delegate any matters falling to be administered by the Ministry under this Act to an Enforcement Authority.

(2) When delegating any of his powers, the Minister shall have regard to the expertise available to the Enforcement Authority and the ability of the Enforcement Authority to ensure that matters covered by this Act and regulations made hereunder can be adequately administered and enforced by the Enforcement Authority.

(3) Any Order made by the Minister under subsection (1) may be revoked or amended by a subsequent Order.

Enforcement
Authorities

6.—(1) The Enforcement Authorities to which the Minister may delegate matters in accordance with section 5(1) are the Provincial Assemblies and the Honiara Town Council.

(2) Subject to any regulations made under section 4(2), an Enforcement Authority may appoint suitable persons to be Authorised Officers for the purposes of administering and enforcing those matters delegated to the Enforcement Authority under section 5.

(3) The Ministry shall within the area of each Enforcement Authority administer this Act and regulations made hereunder in respect of those matters which have not been delegated to that Enforcement Authority by the Minister.

Default by
Enforcement
Authority

7.—(1) Whenever a complaint is made to the Minister and he is satisfied that the public health in any locality is endangered by the failure or refusal on any part of any Enforcement Authority to perform the duties delegated to it under this Act he may, after making such enquiries as he considers necessary to ascertain whether the Enforcement Authority has been guilty of the alleged default, make an Order directing the Enforcement Authority to perform its duty in respect of the matter of such complaint and shall prescribe a time for such exercise or performance.

(2) If the Enforcement Authority does not perform the duty within the time prescribed in the Order made under subsection (1), the Minister may appoint some other person to perform the duty and shall by Order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance not exceeding the sum specified in the Order, shall be paid by the Enforcement

Authority in default and any such expenses and costs so ordered to be met, may be recovered through a court.

(3) Any person appointed under subsection (2) to perform the duty of a defaulting Enforcement Authority shall, in the performance and for the purpose of such duty, have all the powers exercisable by such Enforcement Authority under this Act or any regulations made hereunder.

8.—(1) Any Enforcement Authority may, in respect of such matters as may have been delegated to it under this Act by the Minister, make by-laws to facilitate the efficient operation of services provided and actions carried out by it in connection with such matters.

(2) Before making by-laws under subsection (1), an Enforcement Authority shall consult with the Minister.

(3) Each Enforcement Authority shall carry out a programme of health education and publicity in accordance with directions given to it by the Minister.

9.—(1) Any Authorised Officer shall on producing, if required, some duly authenticated document showing his authority, have the right to enter any premises at all reasonable times —

(a) for the purpose of ascertaining whether there is or has been on or in connection with the premises any contravention of this Act or regulations made hereunder;

(b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the Enforcement Authority to take action or execute any work under this Act or regulations made hereunder;

(c) for the purpose of taking any action or executing any work authorised or required under this Act or any regulations made hereunder, to be taken or executed by the Enforcement Authority;

(d) generally for the performance by the Enforcement Authority of matters assigned or delegated to it under this Act:

Provided that admission to any premises not being a factory, workshop or workplace shall not be demanded as a right unless twenty-four hours notice of intended entry has been given to the occupier.

Powers of
Enforcement
Authority

Right of entry of
Authorised
Officers

(2) If it is shown to the satisfaction of a Magistrate that —

(a) admission to any premises has been refused or that the premises are unoccupied or the occupier is temporarily absent or that the case is one of emergency or that an application for admission would defeat the object of entry; and

(b) there are reasonable grounds for entry into the premises as aforesaid,

the Magistrate may by warrant authorise any Authorised Officer to enter the premises, if need be, by force.

(3) Any person who wilfully obstructs any Authorised Officer acting in execution of this Act shall be liable to a fine of two hundred dollars.

Protection of
Authorised
Officers

10.—(1) No Authorised Officer shall be generally liable in respect of any act done by him in the execution or purported execution of this Act and within the scope of his employment, if he did such act in the honest belief that his duty under the Act required him or entitled him to do it:

Provided that nothing in this section shall be construed as relieving an Enforcement Authority from any liability in respect of the acts of Authorised Officers employed by it.

(2) Where an action has been brought against an Authorised Officer in respect of an action done by him in the execution or purported execution of this Act and the circumstances are such that he is not legally entitled to require the Enforcement Authority to indemnify him, the Enforcement Authority may nevertheless indemnify him against the whole or part of the damages and costs which he may be ordered to pay or may have incurred, if it is satisfied that he honestly believed that the action complained of was within the scope of his employment and that his duty under this Act required or entitled him to do it.

Regulations

11.—(1) The Minister may make Regulations for the better carrying out of the purposes and provisions of this Act and regulating the activities of any person (including the Government or any statutory authority) in relation to the maintenance or improvement of environmental health generally.

(2) Such regulations may create offences and prescribe penalties in respect thereof not exceeding a fine of one thousand dollars or imprisonment for one year or for both such fine and

imprisonment, and such penalty may provide for fines to be imposed on a daily basis in respect of a continuing offence.

(3) Offences against regulations made under subsection (1) may be dealt with in the manner prescribed therein or as prescribed in section 12.

(4) Until such time as the Minister shall have made regulations in respect of the matters contained therein and thereby replace them, each of Parts III to XII and section 2 (definition of terms used) of the Public Health Act, 1970 shall be deemed to be a regulation made under the provisions of this Act and shall be read and construed accordingly:

Provided that the penalties prescribed in those Parts, and the method of dealing with the offences created thereby shall be subject to the provisions of this Act.

12. Proceedings for enforcement of regulations made under this Act may, where the Enforcement Authority considers it desirable that the person it considers to be in breach of any such regulation shall first have the opportunity to remedy such breach, be taken in accordance with the provisions of this section —

Summary
proceedings for
offences

(a) where an Authorised Officer is satisfied that a contravention exists or has occurred, he shall serve a notice (hereinafter referred to as an abatement notice) on the person by whose act, default or sufferance the contravention arose or continues, and if that person cannot be found, on the owner or occupier of the premises on which the contravention occurs, requiring him, within a specified period of time to abate the contravention, or as the case may be, to prevent its recurrence, and for that purpose to carry out such work or to take such action as may be specified in the notice, provided that —

- (i) where the contravention arises from any defect of a structural nature in a building, the notice shall be served on the owner of the building;
- (ii) where the person causing the contravention cannot be found and it is clear that the contravention does not arise or continue by the act, default or sufferance of the owner or occupier of the premises, the Authorised Officer may, if he is so instructed by the Enforcement Authority (either generally or in a specified class) do what he considers necessary to abate the contravention or to prevent a recurrence thereof;

(iii) where it is practical to abate a contravention without delay, the word "immediately" may be specified instead of a period of time;

(b) if the person on whom an abatement notice is served, fails to comply with the requirements thereof, or if the contravention although abated since the serving of the notice, is, in the opinion of the Authorised Officer, likely to recur, the person on whom the abatement notice has been served, may be summoned to appear in court and the court may impose such penalty and issue such orders concerning future action to be taken by the defendant, as it deems appropriate;

(c) where proceedings are brought under this section in respect of a contravention of any regulation relating to the accumulation of a deposit of offensive matter, it shall be a defence by the defendant to prove that the accumulation or deposit was necessary for the carrying on of the business or manufacture, and has not been kept longer than necessary for the purpose of manufacture or business and that the best practical means have been taken to prevent it being prejudicial to the health of persons in the neighbourhood;

(d) where proceedings are brought under this section in respect of a contravention of any regulation relating to dust, fumes, smoke, effluvia or effluent caused by any trade, business or manufacture it shall be a defence by the defendant to prove that the best practical means have been taken for preventing or counteracting the effects of the dust, fumes, smoke effluvia or effluent;

(e) where a contravention appears to be due to the acts or defaults of two or all of them and any one or more persons, proceedings may be instituted against any one of them or two or more persons so proceeded against may be ordered to abate the contravention, so far as it appears to the court to be caused by his or their acts or defaults, or may be prohibited from continuing with acts or defaults, which in the opinion of the court, contribute to the contravention, or may be fined or otherwise be punished, notwithstanding that the acts or defaults of any one of those persons would not separately have caused the contravention.

Service of
notices

13. Unless otherwise expressly provided, any order, notice, demand, certificate or other document required to be served

under the provisions of this Act or regulations made hereunder may be served either —

(a) by delivering it to the person on whom it is to be served; or

(b) by sending it by registered post addressed to the last known place of business or residence of the person to be served; or

(c) by leaving it with an adult occupier of the premises or place to which the notice relates or by posting it upon a conspicuous part of such premises or place.

14. Where a contravention of any of the provisions of this Act or regulations made hereunder is committed by any company or corporation, the secretary, manager or any director thereof may be summoned and shall be held liable for such contravention and the consequences thereof.

Liability of
secretary,
manager or
director of a
company

15.—(1) An Enforcement Authority (which for this purpose shall include the Ministry) may, by any Authorised Officer, or by any person generally or specially authorised by it in writing, institute and conduct proceedings for any contravention of, or offence against, or default in complying with, any provision of this Act or regulations or by-laws made hereunder if the contravention, offence or default is alleged to have been committed within its boundaries.

Prosecutions

(2) All fines secured under the provisions of this Act by or on behalf of an Enforcement Authority other than the Ministry shall be paid into the general revenue of that Authority.

(3) Nothing in this section shall be deemed to derogate from the powers of the Director of Public Prosecutions in relation to the prosecution of criminal offences.

16. Whenever in any proceedings whether written or otherwise under this Act or any regulations made hereunder, it becomes necessary to refer to the owner of any premises, it shall be sufficient to designate him as the owner of those premises without name or further description.

Reference to
owner of
premises

17. Where any Enforcement Authority (including the Ministry) has incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable under this Act or by an agreement with the Enforcement Authority, those expenses may be recovered,

Recovery of
costs and
expenses

together with interest at a rate not exceeding five *per centum* per annum from the date of service of a demand for the same until payment thereof, from any person who is the owner of the premises when the works are completed for which the expenses have been incurred and until recovery of the expenses and interest the same shall be a charge on the premises in respect of which they were incurred.

Financial
provisions

18.—(1) Any expenses incurred by the Ministry in the exercise of its functions under this Act shall be defrayed out of monies provided by Parliament.

(2) All fees levied or charges collected by the Ministry or fines secured by or on behalf of the Ministry under the provisions of this Act or regulations made hereunder or regular visits made hereunder shall be paid into the Consolidated Fund.

(3) Where fees are charged in accordance with Regulations made under this Act, the conditions under which any remission of such fees may be granted by the person or authority responsible for the collection thereof shall be prescribed by the Minister.

(4) Any fee or charge payable under or by virtue of this Act or regulations made hereunder and remaining unpaid after the due date for payment, may in addition to any other lawful method of recovery, be recovered as a debt due to the Crown.

Repeal and
savings

19. Subject to the provisions of section 11, the Public Health Act, 1970 is hereby repealed:

Provided that all subsidiary legislation made thereunder in force immediately prior to the coming into operation of this Act, shall continue in force until such time as the Minister may by Order, revoke or rescind such subsidiary legislation or any part thereof, or otherwise replace the same.

CHAPTER 99

ENVIRONMENTAL HEALTH

Subsidiary Legislation

ORDER DELEGATING FUNCTIONS (Section 5(1))

LN 12/1987

All matters falling to be administered by the Ministry under the Act are hereby delegated to the Honiara Town Council.

(The provisions of Parts III to XII and section 2 of the repealed Public Health Act (No 2 of 1970) deemed to be regulations under section 11 of the Environmental Health Act.)

THE ENVIRONMENTAL HEALTH (PUBLIC HEALTH ACT) REGULATIONS

3 of 1980,
s. 11 (4)
LN 63/1981

PART I

PRELIMINARY

1. These Regulations may be cited as the Environmental Health (Public Health Act) Regulations.

Citation

2.—(1) In these Regulations, unless the context otherwise requires—

Interpretation

“advertisement” includes any notice, circular, label, wrapper, invoice or other document, and any public announcement made orally or by any means of producing or transmitting light or sound;

“author of a nuisance” means a person by whose act, default or sufferance nuisance is caused, exists or is continued;

“basement” means a storey or part of a storey partly below the ground level, the ceiling of which is not less than five feet above the level of the adjoining ground irrespective of any excavations made for the purpose of complying with these Regulations;

“building” includes any structure whatsoever for whatever purpose used;

“burial” means burial in earth, or any other form of sepulture, or the cremation or any other mode of disposal of a dead body;

LN 63/1981

- "business" means any commercial undertaking and includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking or activity carried on by a public or local authority;
- "cattle" means bovine cattle and includes goats;
- "Chief Health Inspector" means an officer in the public service appointed (whenever appointed) to be a Principal Health Inspector;
- "container" includes any basket, pail, bucket, tray, package or receptacle of any kind, whether open or closed;
- "cream" means that part of milk rich in fat which has been separated by skimming or otherwise;
- "dairy" includes any farm, cowshed, milking house, milk store, milk shop or other premises from which milk is supplied on or for sale, or in which milk is kept or used for purposes of sale or for the purposes of manufacture into butter, cheese, dried milk or condensed milk for sale, or in which vessels used for the sale of milk are kept, but does not include a shop from which milk is supplied only in the properly closed and unopened vessels in which it is delivered to the shop, or a shop or other place in which milk is sold for consumption on the premises only;
- "district" means, in relation to a local authority, a sanitary district;
- "drain" means a drain used for the drainage of one building or any buildings or yards appurtenant to buildings within the same curtilage, and the expression "public drain" means a drain which is vested in and maintained by the Government or a local authority and, for the purposes of these Regulations includes any part of a drain from the outlet of any disconnecting trap to its junction with a public drain or sewer, and the expression "private drain" means any drain other than a public drain;
- "drainage" means the conveyance of sewage, rain and surface water from buildings and premises, and includes the conveyance by means of a sink and any other necessary appliance of waste water, and the conveyance of rain water from roofs;
- "drainage works" means the construction, installation, laying, connecting, fixing, repair or removal of any pipe, drain, gully, cesspool, soakaway, septic tank,

- sewage filter installation or other works for the discharge, reception or disposal of sewage in connection with any premises, or of any waste-pipe, soil-pipe trap, urinal, water-closet, slop-hopper, sink, bath, lavatory basin, ventilation pipe or anti-siphonage pipe, or any drain fitting or water-flushing cistern, or any works connected with the discharge of liquid or soiled matter into any drain, sewer, cesspool, soakaway, septic tank, sewage filter installation, or other like receptacle for drainage, or otherwise connected with the drainage of any premises;
- "drug" includes medicine for internal or external use;
- "dwelling" means any house room, shed, hut, cave, tent, vehicle, vessel or boat, or any other structure or place whatsoever, any portion whereof is used by any human being for sleeping or in which any human being dwells;
- "factory" means any building or part of a building in which machinery is worked by steam, water, electricity or other mechanical power, for the purposes of trade;
- "food" includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include —
- (a) water, live animals or birds;
 - (b) fodder or feeding stuffs for animals, birds or fish; or
 - (c) articles or substances used only as drugs;
- "fomites" means any porous substance capable of absorbing and retaining contagious effluvia;
- "health inspector" means an officer in the public service appointed (whenever appointed) to be a Health Assistant, Assistant Health Inspector, Senior Health Inspector or Principal Health Inspector;
- "health officer" means any person appointed by a local authority, with the prior approval of the Director, to be a health officer;
- "human consumption", in relation to food, includes use of food in the preparation thereof for human consumption;
- "infected" means suffering from, or in the incubation stage or contaminated by the infection of any infectious or notifiable disease;

LN 63/1981

- "infectious disease" means any disease which can be communicated directly or indirectly by any person suffering therefrom to any other person;
- "isolation" means the segregation and the separation from and the state of being prevented from communication with others, of persons who are or are suspected of being infected;
- "knacker's yard" means any premises used in connection with the business of slaughtering, flaying or cutting up animals the flesh of which is not intended for human consumption;
- "local authority", in relation to any sanitary district means such person as the Minister may by notice appoint as the local authority for such district, and such appointment shall be subject to such terms and conditions as the Minister may specify in such notice;
- "milk" includes cream and separated milk, but does not include dried milk or condensed milk;
- "notifiable disease" means a disease specified in the First Schedule and any other disease which the Minister may from time to time by notice declare to be a notifiable disease for the purposes of these Regulations.
- "nuisance" means anything which injures or is likely to injure health, and which admits of a remedy either by the individual whose act or omission causes the nuisance or by the local authority;
- "occupier" includes any person in actual occupation of land or premises without regard to the title under which he occupies and, in the case of premises subdivided and sub-let, the person receiving the rent payable by the sub-lessees, whether he receives such rent on his own account or as an agent for any person entitled thereto or interested therein;
- "owner" applies to every person in possession of or in receipt either of the whole or of any part of the rents or profits of any land or tenement or in the occupation of that land or tenement other than as a tenant from year to year or for any less term or as a tenant at will;
- "persons subject to isolation" means persons suffering or suspected to be suffering from any notifiable disease or who may otherwise in the opinion of a medical practitioner be or become sources of infection with a notifiable disease;
- "prejudicial to health" means injurious or likely to cause injury to health;

- "premises" includes messuages and buildings and lands, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;
- "preparation", in relation to food, includes manufacture and any form of treatment, and "preparation for sale" includes packaging; and "prepare" and "prepare for sale" shall be construed accordingly;
- "to sell" includes to barter and also includes to offer or attempt to sell or receive for sale or have in possession for sale or expose for sale or send forward for sale or deliver for sale or cause or suffer or allow to be sold, offered or exposed for sale, but refers only to selling for consumption or use by man;
- "separated", in relation to milk, includes skimmed;
- "sewer" does not include a drain as defined in this regulation but otherwise includes all sewers and drains used for the drainage of buildings and yards appurtenant to buildings, and the expression "public sewer" means a sewer which is vested in and maintained by the Government or a local authority and includes, for the purposes of these Regulations, any part of a sewer from the outlet of any disconnecting trap to its junction with a public sewer or drain, and the expression "private sewer" means any other sewer;
- "sewage" means soil water, waste water, and manufacturing or trade effluent;
- "slaughterhouse" means a place for slaughtering animals, the flesh of which is intended for sale for human consumption, and includes any place available in connection therewith for the confinement of animals while awaiting slaughter there, or for keeping or subjecting to any treatment or process products of the slaughtering of animals in such place;
- "soil pipe" means any pipe fixed on or in any building for the purpose of conveying the discharges from any water closet, urinal, slop-hopper, bidet, or any waste water containing excremental liquid or substance;
- "Solomon Islands vessel" means a vessel primarily engaged in voyages within Solomon Islands;
- "substance" includes a liquid;
- "trade premises" means any premises used or intended to be used for carrying on any trade or business;
- "transit" includes all stages of transit from the dairy, place

of manufacture or other source of origin, to the consumer;

"vermin", in its application to insects and parasites, includes their eggs, larvae and pupae;

"water-closet" means a closet which has a separate fixed receptacle for the reception of excremental matter connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action;

"waste-pipe" means any pipe fixed on or in any building for the purpose of conveying waste water of a non-excremental character from baths, lavatory basins, sinks, wash-tubs, and similar fittings;

"waste water" means discharge of a non-excremental character from baths, lavatory basins, sinks, wash-tubs, and similar fittings;

"workplace" means any premises or building (other than a workshop) or any part of such premises or building in which work is performed or carried on for reward or profit;

"workshop" means any premises or building, or any part of such premises or building, in which any manual labour is exercised by way of trade or for purposes of gain.

(2) For the purposes of these Regulations —

(a) the supply of food, whether by way of sale, or otherwise, at, in or from any hotel, restaurant or boardinghouse or other place where food is supplied in the course of business shall be deemed to be a sale of that food, and references to purchasing and purchasers shall be construed accordingly; and

(b) where, in connection with any business in the course of which food is supplied, the place where food is served to the customer is different from the place where food is consumed, both those places shall be deemed to be places in which food is supplied.

(3) An appointment of any person for the purposes of these Regulations shall, if the appointment is to an office in the public service, be made pursuant to the Constitution, but otherwise may be made by the Minister.

PART II*

PART III

PREVENTION AND SUPPRESSION OF NOTIFIABLE DISEASES

7.—(1) Where any person is suffering from any notifiable disease —

(a) the head of the family to which such person (in this regulation referred to as the patient) belongs, and in his default the nearest adult relative of the patient present, or in default of such person, the person in charge of or in attendance on the patient, and in default of any such person the occupier of any building in which the patient may be lodged shall, as soon as he becomes aware, or has reason to suspect that the patient is suffering from any notifiable disease, send notice thereof to the nearest medical practitioner, or to the nearest nurse registered under the Nursing Council Act or, in default of any such person, to the nearest health inspector, health officer or sanitary officer;

(b) every medical practitioner or nurse attending on or called in to visit the patient shall forthwith, on becoming aware or having reason to suspect that such patient is suffering from a notifiable disease, notify the senior medical officer of the district in which the patient is living (hereinafter referred to as the District Medical Officer) in such manner as the Under Secretary (Health), Ministry of Health and Medical Services may from time to time direct; and shall also inform the head of the patient's family or any other person in attendance on the patient's employer, if any, of the communicable nature of the disease and the precautions to be taken to prevent its conveyance to others.

(2) Every medical practitioner or nurse who becomes aware or has reason to suspect, whether by post-mortem examination or otherwise, that any person has died of a notifiable disease, shall immediately furnish a written certificate thereof to the District Medical Officer and shall also inform the head of the patient's family or any other person who has been in attendance on such deceased person and the person, if any, in whose employment such deceased person was immediately prior to death of the communicable nature of the disease and the precautions to be taken to prevent its conveyance to others.

*Part II of the repealed Public Health Act omitted — vide section 11 of the Environmental Health Act.

Provisions regarding notification of notifiable diseases

Cap. 104

Powers of
Minister,
Director, local
authorities, etc

8.—(1) For the purposes of preventing the occurrence or of checking the spread of any notifiable disease in Solomon Islands and generally for carrying out the provisions of this Part, the Minister acting in his discretion shall have power —

(a) to cause to be provided in such parts of Solomon Islands as he may deem fit permanent or temporary hospitals, camps and stations for —

(i) the isolation, treatment and disinfection of persons suffering from a notifiable disease and of persons who, as a result of contact with infected persons or otherwise, may be or become a source of infection;

(ii) the isolation, cleansing and disinfection of infected articles and goods;

(b) to expend from the Consolidated Fund such sums of money as in his opinion may be necessary;

(c) to do all such other things as he may deem necessary for the protection of public health; and

(d) to exempt any person, animals, goods, vehicles or Solomon Islands vessels from any provisions of this Part or to relax in their favour any prescribed procedure as he, in his discretion, may think fit.

(2) The Under Secretary (Health) Ministry of Health and Medical Services shall, for the aforesaid purposes, have power —

*(f) to forbid the discharge of sewage, drainage or insanitary matter of any description into any watercourse stream, lake or source of water supply;

***(i)* to order a post-mortem examination on the body of a deceased person if the death of such person is suspected to have been due to a notifiable disease and the facts relating to the death cannot with certainty be ascertained without such examination or if it is desirable for preventing the occurrence or spread of a notifiable disease that the facts relating to the death of any person should be ascertained;

(j) to cause to be provided, equipped, maintained and staffed —

*Paragraphs (a), (b), (c), (d) and (e) omitted as they were not brought into force *vide* LN 110/1970.

**Paragraphs (g), and (h) omitted as they were not brought into force—*vide* LN 110/1970

(i) places for the reception of dead bodies (mortuaries) and the performance of post-mortem examinations;

(ii) disinfecting and cleansing stations for the cleansing of persons and the cleansing and disinfection of dirty, verminous or infected clothing, bedding and other articles,

such mortuaries, disinfecting and cleansing stations to be constructed according to plans and specifications approved by the Minister.

(7) In no case shall a medical officer, health inspector, health officer, or other person incur any personal liability by reason of anything lawfully done by him under the powers conferred by this Part.

*21. The Minister may by notice —

(a) amend the First Schedule; and

(b) direct that all or any of the provisions of this Part shall not apply in relation to any notifiable disease specified in such notice.

Power to amend
First Schedule
and to restrict
application of
Part

PART IV

NUISANCES

22. No person shall cause a nuisance or shall suffer to exist on any land or premises owned or occupied by him or of which he is in charge any nuisance or other condition liable to be injurious or dangerous to health.

Nuisances
prohibited

23. It shall be the duty of every local authority to take all lawful, necessary and reasonably practicable measures for maintaining its district at all times in a clean and sanitary condition, and for preventing the occurrence therein of, or for remedying or causing to be remedied, any nuisance or condition liable to be injurious or dangerous to health, and to take proceedings at law against any person causing or responsible for the continuance of any such nuisance or condition.

Local authorities
to maintain
cleanliness and
prevent
nuisances

24. The following shall be deemed to be nuisances liable to be dealt with in the manner provided in this Part: —

What constitutes
nuisance

*Sections 9–20 (inclusive) omitted as they were not brought into force—*vide* LN 110/1970.

(a) any dwelling or premises or part thereof which is or are of such construction or in such a state or so situated or so dirty or so verminous as to be injurious or dangerous to health or which is or are liable to favour the spread of any infectious disease;

(b) any street, or part thereof, any stream, pool, ditch, gutter, watercourse, sink, water-tank, cistern, water-closet, earth-closet, privy, urinal, cesspool, soakaway pit, septic tank, cesspit, soil-pipe, waste-pipe, drain, sewer, garbage receptacle, dustbin, dung-pit, refuse-pit, sloptank, ash-pit or manure heap so foul or in such a state or so situated or constructed as to be offensive or injurious or dangerous to health;

(c) any well, river, stream, spring or other source of water supply, or any tank, cistern or other receptacle for water, whether public or private, the water from which is used or is likely to be used by man for drinking or domestic purposes, or in connection with any dairy, or in connection with the manufacture or preparation of any article of food intended for human consumption, which is in the opinion of a health inspector or health officer polluted or otherwise liable to render any such water injurious or dangerous to health;

(d) any noxious matter or waste water flowing or discharged from any premises, wherever situated, into any street, or into the gutter, side channel or surface water drain of any street, or into any watercourse, irrigation channel or bed thereof not approved for the reception of such discharge;

(e) any stable, cowshed, or other building or premises used for the keeping of animals or birds, which is so constructed, situated, used or kept as to be offensive, or which is injurious or dangerous to health;

(f) any animal or bird so kept as to be injurious to health;

(g) any accumulation or deposit of refuse, rubbish, offal, manure or other matter whatsoever which is offensive or which is injurious or dangerous to health;

(h) any dwelling or premises which is or are so overcrowded as to be injurious or dangerous to the health of the inmates;

(i) any factory or trade premises not kept in a state of cleanliness and free from offensive smell arising from any drain, sewer, latrine or privy or not ventilated so as to

destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated, or so overcrowded or so badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein;

(j) any factory or trade premises causing or giving rise to smells or effluvia which are offensive or which are injurious or dangerous to health;

(k) any area of land kept or permitted to remain in such a state as to be offensive or liable, to cause any infectious, communicable or preventable disease or injury or danger to health;

(l) any chimney sending forth smoke, dust, grit, or other effluvia in such quantity or in such manner as to be offensive, or injurious or dangerous to health;

(m) any cemetery, burial place or place of sepulture so situated or so crowded or otherwise so conducted as to be offensive or injurious or dangerous to health;

(n) any septic tank, soakaway, cesspit, gully, cistern, sewer, drain, gutter, privy, water-closet or other drainage or sanitary fitment formerly used for the drainage of any building and no longer used therefor, which has not been filled in, demolished or removed to the satisfaction of a health inspector or health officer, and which is likely to give rise to conditions dangerous or injurious to health;

(o) any act, omission or thing which is, or may be, dangerous to life, or injurious to health.

25. A local authority or health inspector, if satisfied of the existence of a nuisance, shall serve a notice on the author of the nuisance or, if he cannot be found, on the occupier or owner of the dwelling or premises on which the nuisance arises or continues, requiring him to remove it within the time specified in the notice, and to execute such work and do such things as may be necessary for that purpose, and, if such local authority or health inspector thinks it desirable (but not otherwise) specifying any work to be executed to prevent a recurrence of such nuisance:

Notice to remove
nuisance

Provided that —

(a) where the nuisance arises from any want or defect of a structural character, or where the dwelling or premises is or are unoccupied, the notice shall be served on the owner;

(b) where the author of the nuisance cannot be found and

Procedure if
owner fails to
comply with
notice

it is clear that the nuisance does not arise or continue by the act or default or sufferance of the occupier or owner of the dwelling or premises, the local authority or health inspector may remove or cause the same to be removed and may do what is necessary to prevent the recurrence thereof.

26.—(1) If the person on whom a notice to remove a nuisance has been served as aforesaid fails to comply with any of the requirements thereof within the time specified, the local authority or a health inspector shall cause a complaint relating to such nuisance to be made before a court and the court shall thereupon issue a summons requiring the person on whom the notice was served to appear before it.

(2) If the court is satisfied that the alleged nuisance exists, the court shall make an order on the author thereof, or the occupier or owner of the dwelling or premises, as the case may be, requiring him to comply with all or any of the requirements of the notice or otherwise to remove the nuisance within a time specified in the order and to do any works necessary for that purpose.

(3) The court may by such order impose a fine of forty dollars on the person on whom the order is made, and may also give directions as to the payment of all costs incurred up to the time of the hearing or making of the order for the removal of the nuisance.

(4) If the court is satisfied that the nuisance, although removed since the service of the notice, was not removed within the time specified in such notice, the court may impose a fine of forty dollars on the person on whom such notice was served, and may, in addition to or in substitution for such fine, order such person to pay all costs incurred up to the time of the hearing of the case.

(5) If the nuisance, although removed since the service of the notice, in the opinion of the local authority or a health inspector is likely to recur on the same dwelling or premises, the local authority or health inspector shall cause a complaint relating to such nuisance to be made before a court and the court shall thereupon issue a summons requiring the person on whom the notice was served to appear before it.

(6) If the court is satisfied that the alleged nuisance, although removed, is likely to recur on the same dwelling or premises, the court shall make an order on the author thereof or the occupier

or owner of the dwelling or premises, as the case may be, requiring him to do any specified work necessary to prevent the recurrence of the nuisance and prohibiting its recurrence.

(7) In the event of the person on whom such order as is specified in paragraphs (2) and (6) not complying with the order within a reasonable time, the local authority or health inspector shall again cause a complaint to be made to a court and the court shall thereupon issue a summons requiring such person to appear before it and on proof that the order has not been complied with may impose a fine of forty dollars and may also give directions as to the payment of all costs up to the time of the hearing.

(8) Before making any order, the court may, if it thinks fit, adjourn the hearing or further hearing of the summons until an inspection, investigation or analysis in respect of the nuisance alleged has been made by a person appointed for that purpose by the court.

27.—(1) Any person who fails to obey an order to comply with the requirements of the local authority or health inspector, or otherwise to remove the nuisance, shall, unless he satisfies the court that he has used all diligence to carry out such order, be guilty of an offence and liable to a fine of forty dollars and to a further fine of ten dollars for every day or part of a day during which the non-compliance continues.

Penalty
respecting
nuisances

(2) The local authority or health inspector may in such case enter the premises to which any such order relates and remove the nuisance and do whatever may be necessary in the execution of such order and recover in a court the expenses incurred from the person on whom the order is made.

28. Whenever it appears to the satisfaction of a Magistrate that the person by whose act or default a nuisance arises, or that the owner or occupier of the premises, is not known or cannot be found, he may order the local authority to execute the works thereby directed, and the cost of executing the same shall be a charge on the property on which the said nuisance exists.

Court may order
local authority to
execute works in
certain cases

29. Where a nuisance appears to be wholly or partly caused by the acts or defaults of two or more persons, proceedings may be instituted under the foregoing provisions of this Part against any one of them, or all or any two or more of them may be included in the same proceedings and, subject to those provisions, any one or more of the persons proceeded against may be ordered to

Proceedings
where nuisance
caused by acts or
defaults of two
or more persons

abate the nuisance, so far as it appears to the court to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which, in the opinion of the court, contribute to the nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of those persons would not separately have caused a nuisance, and the costs may be apportioned as the court may deem fair and reasonable.

Power of entry

30.—(1) A local authority or any of its health officers, or a medical officer or health inspector or, on the request of the health officer, medical officer, or health inspector and on the order of a Magistrate, any police officer of or above the rank of Inspector, shall have the right to enter any building or premises —

(a) for the purpose of examining as to the existence thereon of any nuisance liable to be dealt with summarily under this Part at any hour by day and, in the case of a nuisance referred to in regulation 24(h) at any hour by day or by night, or, in the case of a nuisance arising in respect of any trade or business, at any time when that trade or business is in progress or is usually carried on;

(b) where a nuisance has been ascertained to exist or a nuisance order has been made under this Part, at any such hour as aforesaid until the nuisance is abated or the works ordered to be done are completed; and

(c) where a nuisance order has not been complied with or has been infringed, at all reasonable hours, including all hours during which business therein is in progress or is usually carried on, for the purpose of executing such order.

(2) Any person who fails to give or refuses access to any health officer, health inspector, medical officer or police officer authorised under paragraph (1) if such health officer, health inspector, medical officer or police officer requests entry to any dwelling or premises, or obstructs or hinders him in the execution of his duties under this Part, shall be guilty of an offence and liable on conviction by a court to a fine of forty dollars.

Meaning of
"court"
Cap. 19

31. In this Part, "court" means a Magistrate's Court, or a local court constituted under the Local Courts Act.

PART V

OFFENSIVE TRADES

32.—(1) For the purposes of these Regulations the expression "offensive trade" means any trade specified in the Second Schedule.

What constitutes
offensive trade

(2) The Minister may from time to time by notice amend the Second Schedule.

33.—(1) Any person who, on any premises, without the consent in writing of both the local authority and the Director, establishes or carries on an offensive trade shall be guilty of an offence and liable to a fine of two hundred dollars.

Restriction on
establishment of
offensive trade

(2) Any consent given under paragraph (1) to the establishment of an offensive trade may specify the conditions subject to which, and the area within which, such trade may be carried on in order to prevent or diminish the offensiveness of the trade and to safeguard the public health.

(3) For the purposes of this regulation, a trade shall be deemed to be established not only when it is established in the first instance, but also if and when —

(a) it is transferred or extended from the premises on which it is for the time being carried on to other premises; or

(b) it is resumed on any premises on which it was previously carried on, after it has been discontinued for more than twelve months; or

(c) the buildings in which it is carried on are enlarged, but a change in the ownership or occupation of the premises on which the trade is carried on, or the rebuilding of the buildings in which it is carried on when they have been wholly or partially pulled down or burnt down, without any extension of the total floor space therein, shall not for those purposes be deemed to be an establishment of the trade.

PART VI

PREVENTION AND DESTRUCTION OF MOSQUITOES

34. All collections of water, sewage, rubbish, refuse, ordure or other fluid or solid substances in or around any dwelling which

Breeding places
to be nuisances

are so situated as to be reasonably capable of removal and which permit or facilitate the breeding or multiplication of animal or vegetable parasites of men or domestic animals or of mosquitoes or other insects or of other agents which are known to carry such parasites or which may otherwise cause or facilitate the infection of men or domestic animals by such parasites, shall be nuisances liable to be dealt with in the manner provided in Part IV.

Premises to be kept free from long grass and receptacles likely to facilitate breeding of mosquitoes

35.—(1) No person shall permit any premises or lands owned or occupied by him or over which he has control and which are situated within twenty yards of any dwelling, public building, school, store, workshop or workplace to become overgrown with long grass of such a nature as to be likely to harbour mosquitoes.

(2) The owner or occupier of any premises shall keep any part of such premises which is within fifty yards of any dwelling free from all bottles, whole or broken, tins, boxes, coconut husks, earthenware vessels, shells or any other articles which are kept so that they are likely to collect and retain water and facilitate the breeding of mosquitoes.

(3) Any person who fails to comply with the provisions of this regulation shall be guilty of an offence and liable to a fine of forty dollars.

Water tanks, etc. to be covered and screened

36.—(1) It shall not be lawful for any person to keep, or for the owner or occupier of any premises to allow to be kept thereon, any collection of water in any barrel, tub, bucket, tank or other vessel intended for the storage of water unless such barrel, tub, bucket, tank or other vessel is fitted with a sufficient cover and is properly protected or screened to the satisfaction of a health inspector or health officer so as to prevent the ingress of mosquitoes into the same.

(2) Any person who fails to comply with the provisions of this regulation shall be guilty of an offence and liable to a fine of forty dollars.

Septic tanks, soakaways, etc. to be screened

37. The owner or occupier of any premises upon or attached to which is any cesspit, cesspool, septic tank or soakaway shall cause such cesspit, cesspool, septic tank or soakaway to be properly protected or screened to the satisfaction of a health inspector or health officer so as to prevent the ingress of mosquitoes into the same and, in default, he shall be guilty of an offence and liable to a fine of forty dollars.

38. Where any of the immature stages of the mosquito are found on any premises in any collection of water in any cesspit, cesspool, septic tank, soakaway, well, pool, channel or drain, or in any barrel, drum, tub, bucket, tank or any other vessel, or in any bottle, whole or broken, tin, box, coconut husk, shell or any other article, it shall be lawful for a health inspector, health officer or sanitary officer to take immediate steps to destroy any such immature stages of the mosquito by the application of oil or larvicide or otherwise, and to take such action as is necessary to prevent the recurrence of the nuisance and to render any pools or collections of water unfit to become breeding places for mosquitoes.

Larvae, etc., may be destroyed

39. Notwithstanding any provision of these Regulations, the owner or occupier of any house or premises, or the owner or person having the charge of any vessel, or other article or receptacle in or about which there is any collection of water found by a health inspector, health officer or sanitary officer to contain any of the immature stages of the mosquito shall be guilty of an offence and liable in respect of each and every such collection of water to a fine of ten dollars.

Mere presence of mosquito larvae an offence

PART VII

FILTHY OR VERMINOUS PREMISES OR ARTICLES AND VERMINOUS PERSONS

40.—(1) Where, in any urban sanitary district, a local authority is satisfied, upon receiving a certificate from a health inspector or health officer that any premises used for human habitation —

Cleansing of filthy or verminous premises

(a) are in such a filthy or unwholesome condition as to be prejudicial to health; or

(b) are verminous,

the local authority shall give notice to the owner or occupier of the premises requiring him to take such steps to remedy the condition of the premises by cleansing, disinfecting and lime-washing them, as may be specified in the notice, and in the case of verminous premises the notice may require the removal of wallpaper or the scraping of paint or other covering from the walls and the taking of such other steps, including the application of insecticide as may be necessary for the purpose of destroying or removing vermin.

(2) If a person on whom a notice under this regulation is

served fails to comply with the requirements thereof, the local authority may itself carry out the requirements and recover from him the expenses reasonably incurred by it in so doing, and, without prejudice to the right of the local authority to exercise that power, he shall be guilty of an offence and liable to a fine of fifty dollars.

Cleansing or
destruction of
filthy or
verminous
articles

41. Where, in any urban sanitary district, a local authority is satisfied, upon receiving a certificate from a health inspector or health officer, that any article in any premises —

(a) is in so filthy a condition as to render its cleansing, purification, or destruction necessary in order to prevent injury, or danger of injury, to the health of any person in the premises; or

(b) is verminous, or by reason of its having been used by, or having been in contact with, any verminous person, is likely to be verminous,

the local authority shall cause that article to be cleansed, purified, disinfected, disinfested or destroyed, as the case may require, and, if necessary for that purpose, to be removed from the premises at the expense of the owner of such article.

Cleansing of
verminous
persons and their
clothing

42.—(1) Upon the application of any person in any urban sanitary district, a medical officer, the Chief Health Inspector or a local authority may take or direct to be taken such measures as are, in his or its opinion, necessary to free such person and his clothing from vermin.

(2) Where, in any urban sanitary district, a medical officer, the Chief Health Inspector or a local authority is satisfied upon receiving a certificate from a health inspector or health officer that any person, or the clothing of any person, is verminous, then, if that person consents, the Chief Health Inspector or the local authority, as the case may be, may cause such person to be removed to a hospital, clinic, or cleansing station, where such measures may be taken as may be necessary to free him and his clothing from vermin.

(3) If such person does not so consent, the medical officer, the Chief Health Inspector or the local authority may apply to a Magistrate, and the Magistrate, if satisfied that it is necessary that such person or the clothing of such person should be cleansed, may make an order for his removal to a hospital, clinic or cleansing station and for his detention therein for such period and subject to such conditions as may be specified in the order.

(4) The cleansing of females under this section shall be carried out only by a medical practitioner in the presence of a woman, or by a woman duly authorised by a medical officer.

(5) Any consent required to be given for the purposes of this regulation may, in the case of a person under the age of sixteen years, be given on his behalf by his parent or guardian.

PART VIII

PROVISION AND PROTECTION OF WATER SUPPLIES

43. Within an urban sanitary district, every building intended for human habitation shall be provided within its curtilage with a proper and sufficient supply of wholesome water for the domestic use of the inhabitants to the satisfaction of the local authority.

Houses to be
provided with
water supply

44. If a building referred to in regulation 43 appears to the local authority by the report of a health inspector or health officer to be without a proper and sufficient supply of wholesome water, the local authority shall by written notice require the owner or occupier of the building within a reasonable time therein specified to provide a proper and sufficient supply of wholesome water.

Local authority
may enforce
provision of
water supply

45. A health inspector or health officer may enter upon any land or premises at any time during the day for the purpose of taking water samples for examination from any well, stream, reservoir, spring, tap, faucet, pump, storage tank, or other source of water supply and the owner or occupier of the land or premises shall afford such assistance and information in connection with the water supply as the health inspector or health officer may require.

Powers of
sampling

46.—(1) In default of compliance with a notice issued under regulation 44, the local authority may at the expiration of the time specified in the notice direct that after a specified time the building be not occupied unless and until the notice be complied with.

In default, local
authority may
order building be
not occupied

(2) Notwithstanding anything contained in paragraph (1), any person who fails to comply with a notice issued under regulation 44 shall be guilty of an offence and liable to a fine of forty dollars.

Power to close or restrict use of water from polluted source of supply

47. If a local authority is satisfied upon a report from a health inspector or health officer that the water in or obtained from any well, spring, stream, reservoir, tank, or other source of supply, being water which is, or is likely to be, used for domestic purposes, or in the preparation of food or drink for human consumption, is or is likely to become, so polluted as to be prejudicial to health, the local authority may direct the owner or occupier of the premises to which the source of water supply belongs or any other person having control thereof to close or cut off the source of supply, either permanently or temporarily, as the case may be, or may direct that the water therefrom be used for certain purposes only, or may make such other order as appears to the local authority to be necessary to prevent injury or danger to the health of persons using the water or consuming food or drink prepared therewith or therefrom.

Tanks, etc. to be kept clean

48. Every occupier of premises on which is situated any tank, cistern or other receptacle for the collection or storage of water used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man shall cause such tank, cistern or other receptacle to be maintained at all times in a clean condition and protected from contamination to the satisfaction of a health inspector, health officer or sanitary officer.

Pollution of water supplies

49.—(1) Every person who knowingly and wilfully in any way defiles or pollutes any water-course, stream, lake, pond, or reservoir shall be guilty of an offence and liable to a fine of forty dollars.

(2) Any person who wilfully injures or unlawfully interferes with any pump, cock, valve, water pipe, cistern, reservoir or storage tank maintained in whole or in part by the Government or a local authority, whether or not such pump, cock, valve, water pipe, cistern, reservoir or storage tank or any part thereof respectively is situated on land or premises the property of such person, shall be guilty of an offence and liable to a fine of forty dollars.

PART IX

PROVISIONS RELATING TO VESSELS

Interpretation

50. In this Part —

“vessel” shall not include a vessel under the command or charge of any officer on the active list bearing Her

Majesty's Commission in the Royal Navy or a vessel belonging to any Commonwealth or foreign government; and

“nuisance” means any matter or circumstances rendering any vessel or part thereof injurious to the public health or to the health of the passengers or crew of such vessel.

51.—(1) It shall be lawful at any time between sunrise and sunset for a health officer or health inspector to enter and inspect any vessel lying in port, harbour, river, or other water within Solomon Islands and, if admittance be refused, to use such reasonable force as may be necessary for effecting such entry.

Power to enter and inspect vessels

(2) Any master of any such vessel who shall refuse such admission or obstruct, hinder or prevent such health officer or health inspector from making such entry and inspection shall be guilty of an offence and liable to a fine of one hundred dollars.

52. It shall be lawful for a health inspector or health officer in any case where the existence of a nuisance is ascertained to his satisfaction to make an order in writing under his hand for the removal or discontinuance of such nuisance by the master of any vessel where such nuisance shall exist within such reasonable hours to be named in such order as he shall think fit.

Removal of nuisance

53.—(1) An order made under the provisions of regulation 52 may require the person on whom it is made to do such works or acts as are necessary to remove the nuisance complained of in such manner and within such time as shall be specified in the order and, if the health inspector or health officer is of the opinion that such or the like nuisance is likely to recur, he may further prohibit the recurrence of it and direct the execution of such works as may be necessary in his opinion to prevent such recurrence.

What the order may require

(2) If such order be not complied with to the satisfaction of the health inspector or health officer and within the time limited by such order, the person on whom such order shall have been made shall be guilty of an offence and liable to a fine of one hundred dollars.

54. In any case of non-compliance with any such order it shall be lawful for a health inspector or health officer together with such assistants as he may deem necessary, from time to time, and

Power of health inspector or health officer to execute order

forcibly if need be, to enter any vessel in respect of which such order has been made and to remove or remedy the nuisance and to do whatever may be necessary in execution of such order for removing or remedying and the prevention of the continuance of such nuisance, and the health inspector or health officer may recover from the master or owner of any such vessel the expenses incurred by him in removing or remedying and in preventing the continuance of such nuisance.

Application of
Parts III and VII
to vessels

55.—(1) For the purposes of the provisions of Parts III and VII, any vessel lying in any port, harbour, river or other water within or adjoining the district of a local authority shall be subject to the jurisdiction of that authority in the same manner as if it were a dwelling or other building within such district.

(2) The master of any such vessel shall be deemed for the purposes of the said provisions to be the occupier.

PART X

BUILDINGS AND HOUSING

Local authorities
to prevent or
remedy danger to
health from
unsuitable
dwellings

56. It shall be the duty of every local authority to take all lawful, necessary and reasonably practicable measures for preventing or causing to be prevented or remedied all conditions liable to be injurious or dangerous to health arising from the erection or occupation of unhealthy dwellings or buildings, or the erection of dwellings or buildings on unhealthy sites or on sites of insufficient extent, or from overcrowding, or from the construction, condition or manner of use of any factory or trade premises, and to take proceedings against any person causing or responsible for the continuance of any such condition.

Building lots to
be filled in and
drained

57. No dwelling or building shall be erected on any area of land in any urban sanitary district unless and until the owner or lessee thereof has filled in and levelled the area to the satisfaction of the local authority and taken such measures for the general drainage of the area as may be required by the local authority.

Notice to be
given and plans
furnished

58.—(1) Any owner or lessee intending to utilise any area of land in an urban sanitary district for the erection of a dwelling or building or the extension or alteration of any dwelling or building shall give notice accordingly in writing to the local authority and shall, together with the notice, furnish a plan of the proposed dwelling or building or of such extension or alteration, together

with a plan of the site on which it is proposed to erect or make such dwelling, building, extension or alteration, showing the access thereto and the course of the proposed drainage for the approval of the local authority, and shall furnish the local authority with information concerning materials to be used in the construction of and such other information as it may require in connection with the proposed erection or making of such dwelling, building, extension or alteration.

(2) Any person who fails to comply with the provisions of this regulation shall be guilty of an offence and liable to a fine of fifty dollars.

59.—(1) Where, in accordance with regulation 58, plans are deposited with a local authority, showing that it is proposed to construct a dwelling or building of materials which are, in the absence of special care, liable to rapid deterioration, or are otherwise, in the opinion of the local authority, unsuitable for use in the construction of permanent buildings, the local authority may —

Buildings
constructed of
materials which
are short-lived or
otherwise
unsuitable for
use in permanent
buildings

(a) reject the plans; or

(b) in passing the plans, fix a period on the expiration of which the building must be removed and impose, with respect to the use of the building, such reasonable conditions, if any, as, having regard to the nature of the materials used in its construction, it deems appropriate.

(2) If a building in respect of which plans ought under regulation 58 to have been deposited, but have not been deposited, appears to the local authority to be constructed of such materials as aforesaid, the local authority, without prejudice to its right to take proceedings for an offence under regulation 58, may fix a period on the expiration of which the building must be removed, and, if it thinks fit, impose such conditions with respect to the use of the building as might have been imposed under paragraph (1) upon the passing of plans for the building and, where it fixes such a period, shall forthwith give notice thereof, and of any conditions imposed, to the owner of the building.

(3) The owner of any building in respect of which a period has been fixed under this section shall, on the expiration of that period, remove the building, and, if he fails to do so, the local authority may remove it and may recover from him the expenses

reasonably incurred by it in so doing, and, without prejudice to the right of the local authority to exercise that power, he shall be guilty of an offence and liable to a fine of fifty dollars.

(4) Any person who uses a building in contravention of any condition imposed under this regulation, or who permits such building to be so used, shall be guilty of an offence and liable to a fine of fifty dollars.

(5) The provisions of this regulation shall apply in relation to any extension of an existing building as they apply in relation to a new building.

Building sites
not to be filled in
with refuse
matter

60.—(1) Except with the written permission of a local authority, it shall not be lawful in any urban sanitary district to fill up or to raise the level of any land to be used as a building site with refuse matter containing or impregnated with faecal, animal or vegetable matter.

(2) It shall not be lawful to erect any new building on any ground which has been filled up with any such refuse matter as aforesaid or upon which it has been deposited unless and until the refuse matter shall have been properly removed by excavation or otherwise or shall have been rendered or shall have become innocuous to the satisfaction of the local authority.

Means of access
to houses for
removal of
refuse

61.—(1) Where plans for the erection or extension of a building are, in accordance with regulation 58, deposited with a local authority, the local authority shall reject the plans, unless it is shown to it that satisfactory means of access from the house to a street for the purpose of the removal of refuse will be provided.

(2) Any question arising under paragraph (1) between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether any means of access proposed to be provided can be provided and ought to be accepted by the authority as satisfactory may on the application of that person be determined by a Magistrate.

(3) It shall be unlawful for any person, except with the consent of the local authority, to close or obstruct the means of access by which refuse is removed from any house, and the local authority, in giving its consent, may impose such conditions as it thinks fit with respect to the improvement of any alternative means of access, or the substitution of other means of access.

(4) Any person who contravenes the provisions of paragraph (3) shall be guilty of an offence and liable to a fine of fifty dollars.

62. The local authority or any of its officers, or a health inspector may enter any building or premises for the purpose of examining as to the existence of any nuisance therein at all reasonable times, and the local authority or any of its officers may if necessary open up the ground of such premises and cause the drains to be tested, or such other work to be done as may be necessary for the effectual examination of the said premises:

Examination of
premises

Provided that if no nuisance is found to exist the local authority shall restore the premises at its own expense.

63.—(1) In any urban sanitary district, where a medical officer, health inspector or health officer serves notice in writing on a local authority that any dwelling or other building within its district is unfit or unsafe for human habitation or occupation, such local authority may by an order in writing, hereinafter referred to as a closing order, declare that such dwelling or building or part thereof is not fit for human habitation or occupation and direct that such dwelling or building or part thereof shall not after the time specified in such order be inhabited or occupied by any person.

Closing orders

(2) Such order may provide that such direction shall not have effect if the repairs or alterations specified therein are made in the dwelling or building so as to render it fit for human habitation or occupation to the satisfaction of the local authority.

(3) Such order shall be served on the owner or occupier of the dwelling or building or, if neither the owner nor the occupier can be found, such service may be effected by affixing a copy of such order on a conspicuous part of such dwelling or building.

64. Where a closing order has been made in respect of a dwelling or building, the local authority shall serve a notice of the order on every occupying tenant of the dwelling or building and within such period as is specified in the notice, not being less than seven days after the service of the notice, the order shall be obeyed by him and he and his family shall cease to inhabit the dwelling or building, and in default he shall be guilty of an offence and liable to a fine of fifty dollars.

Notice of closing
order

Notice of
demolition

65. Where a closing order has been made in respect of any dwelling or building and has not been determined by any subsequent order, then the local authority, if of opinion that the dwelling or building has not been rendered fit for human habitation or occupation and if the necessary steps are not being taken to render it so fit, shall cause notice to be served on the owner of the dwelling or building that it considers it expedient to order the demolition of the dwelling or building or any part thereof, and such notice shall specify a time and place appointed by the local authority for further consideration of the matter, not being less than one month after service of the notice, and any owner of the dwelling or building shall be at liberty to attend and state his objections to the demolition.

Demolition order

66. If upon consideration of any objections made under regulation 65, the local authority decides it is expedient so to do, then, unless the owner undertakes forthwith to execute the works necessary to render the dwelling or building fit for human habitation or occupation, the local authority shall order the demolition of the dwelling or building or any part thereof.

Execution of
work by owner

67. If the owner undertakes to execute the works necessary to render the dwelling or building fit for human habitation, the local authority may order the execution of the works within such reasonable time as is specified in the order and if the works are not completed within the time or any extended time allowed by the local authority, the local authority shall order the demolition of the said dwelling or building or any part thereof.

Removal of
buildings

68. Where an order for the demolition of a dwelling or building or any part thereof has been given, the owner thereof shall, within three months after service of the order, proceed to take down and remove the said dwelling or building or the said part thereof and, if the owner fails therein the local authority shall proceed at the risk and expense of the owner to take down and remove the same and shall sell the material and, after deducting the expenses incidental to such taking down and removal, shall pay over the balance, if any, to the owner:

Provided that if such proceeds do not cover the expenses the amount of the deficiency may be recovered by the local authority from the owner.

Appeal against
order

69. Any person aggrieved by an order of the local authority under the provisions of regulations 66 or 67 may within ten days

of the service of such order require by summons the local authority to appear before a Magistrate to show cause why the order should not be set aside.

70.—(1) Any dwelling or premises used for the purpose of human habitation or any part of any such dwelling or premises which is or are so overcrowded as to be dangerous or injurious to the health of the inmates thereof, whether members of the same family or not, shall be a nuisance which may be dealt with under the provisions of Part IV.

Abatement of
overcrowding

(2) In considering for the purpose of any proceedings whether any premises used for human habitation which are also used as a workplace are a nuisance by reason of overcrowding, the court shall have regard to the circumstances in which they are used as such workplace.

71. Without prejudice to the provisions of regulation 70, the Minister may make regulations in relation to overcrowding or protection of health prescribing or providing for —

Regulations in
relation to
overcrowding

(a) the control of the number of persons who may at one time occupy, work in or use any premises or any part of any premises;

(b) the separation of the sexes occupying the same premises or the same part of any premises for the purpose of habitation;

(c) the control (including prohibition) of the use for any specified purposes of any premises or any part of any premises;

(d) the proper access of light and ventilation to premises or any part of any premises;

(e) the control (including prohibition) of the erection, alteration or maintenance of verandahs, balconies, cubicles, partitions, bunks, beds or other facilities provided for the accommodation of persons in any premises or part of any premises used for human habitation.

72.—(1) No basement or cellar shall be constructed or occupied, or caused to be constructed or occupied, as a dwelling or for any other purpose without the prior approval in writing of the Chief Health Inspector.

Basements and
cellars

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence and liable to a fine of fifty dollars.

Nuisances

73. Any dwelling or premises which is or are so defective, damp or dilapidated, or so deficient in lighting or ventilation as to be, in the opinion of a medical officer, health inspector, or officer, injurious or dangerous to health, in any urban sanitary district, shall be deemed to be a nuisance liable to be dealt with in the manner provided in Part IV.

PART XI

DRAINAGE AND SANITATION

Construction, repair and maintenance of public sewers and drains

74. In every urban sanitary district, the local authority shall be responsible for causing the construction, repair and maintenance of all public sewers or public drains within its district, and may alter or disconnect the connection therewith of any private sewer or private drain:

Provided that no local authority shall be responsible for the repair and maintenance of public sewers or public drains vested in the Government unless the Minister by notice from time to time otherwise directs.

Provision of public sewers and sewage disposal works

75. A local authority may within its district —

(a) construct a public sewer —

- (i) in, under or over any street, or under any cellar or vault below any street; and
- (ii) in, on or over any land acquired, or lawfully appropriated, for the purpose, not forming part of a street;

(b) construct sewage disposal works on any land acquired, or lawfully appropriated, for the purpose;

(c) by agreement acquire, whether by way of purchase, lease, or otherwise, any sewer or sewage disposal works, or the right to use any sewer or sewage disposal works.

Power of local authority to agree to adopt sewer or drain or sewage disposal works at future date

76.—(1) A local authority may agree with any person constructing, or proposing to construct, a sewer or sewage disposal works that, if the sewer or works is or are constructed in accordance with the terms of the agreement, the local authority will upon the completion of the work, or at some specified date, or on the happening of some future event, declare the sewer or works to be vested in it, and any such agreement shall be enforceable against the local authority by the owner or occupier for the time being of any premises served by the sewer or works.

(2) The provisions of paragraph (1) shall apply also in relation to drains, but it shall be a condition of any agreement made under those provisions with respect to a drain that the declaration shall not be made before the drain has become a sewer.

77.—(1) Where a person proposes to construct a drain or sewer, the local authority may, if it considers that the proposed drain or sewer is, or is likely to be, needed to form part of a general sewerage system which it has provided or proposes to provide, require him to construct the drain or sewer in a manner differing, as regards material or size of pipes, depth, fall, direction or outfall, or otherwise, from the manner in which he proposes or could otherwise be required by it, to construct such drain or sewer, and it shall be his duty to comply with the requirements of the local authority:

Power of local authority to require proposed sewer or drain to be so constructed as to form part of general system

Provided that if such person is aggrieved by the requirements of the local authority, he may within twenty-eight days appeal to a Magistrate and the Magistrate may either disallow the requirements or allow them with or without modification.

(2) Any local authority which exercises the powers conferred upon it by this regulation shall repay to the person constructing the drain or sewer the extra expenses reasonably incurred by such person in complying with its requirements and, until the drain or sewer becomes a public sewer, it shall also from time to time repay to him so much of any expenses reasonably incurred by him in repairing or maintaining such drain or sewer as may be attributable to its requirements having been made and complied with, and, if any question arises as to the amount of any payment to be made to him under this regulation, that question may on his application be determined by a Magistrate.

(3) If any person, who under this regulation has been required by a local authority to construct a drain or sewer in a particular manner, constructs it otherwise than in accordance with the requirements of the local authority, he shall be guilty of an offence and liable to a fine of one hundred dollars but without prejudice to the right of the local authority to avail itself of any other remedy.

78. A local authority may alter the size or course of any public sewer vested in it, or may discontinue and prohibit the use of any such public sewer, either entirely, or for the purpose of foul water drainage, or for the purpose of surface water drainage, but, before any person who is lawfully using the sewer for any

Power of local authority to alter or close public sewers

purpose is deprived by the local authority of the use of the sewer for that purpose, it shall provide a sewer equally effective for the use of such person for that purpose and shall at its expense carry out any work necessary to make his drains or sewers communicate with the sewer so provided.

Buildings not to be erected over sewers or drains without consent of local authority

79.—(1) Where plans of a dwelling or building or of an extension of a dwelling or building are, in accordance with regulation 58, deposited with a local authority, and it is proposed to erect the dwelling, building or extension, as the case may be, over any sewer or drain, the local authority shall reject the plans, unless it is satisfied that in the circumstances of the particular case it may properly consent to the erection of the proposed dwelling, building or extension, either unconditionally or subject to compliance with any requirements specified in its consent.

(2) Any question arising under paragraph (1) between a local authority and the person by whom or on whose behalf plans are deposited as to whether the site on which it is proposed to erect a dwelling or building, or an extension of a dwelling or building is over any such sewer or drain as aforesaid, or whether, and if so upon what conditions, a consent ought to be given by the local authority, may on the application of that person be determined by a Magistrate.

Protection of public sewers and drains

80.—(1) Any person who —

(a) places or throws any solid matter, mud or refuse (except such as is contained in ordinary house sewage) in or into any public sewer or public drain or any sewer, drain, inlet or other drainage work communicating with any public sewer or public drain, or over any grate communicating with any public sewer or public drain;

(b) causes or knowingly permits any such matter, mud or refuse to be placed or thrown, or to fall, or to be carried, in or into any public sewer or public drain or over any such grate;

(c) causes or knowingly permits any such matter, mud or refuse to be placed in such a position as to be liable to fall or be carried as aforesaid;

(d) discharges into any public sewer or public drain or into any sewer or drain which, not being a public sewer or public drain, communicates therewith, any chemicals, oils, petroleum or any manufacturing, trade or other refuse (not included as aforesaid) or any waste steam, or any heated

liquid, which, either alone or in combination with other matter in any sewer or drain, causes or may cause nuisance or danger to persons entering or being in, or near to, any public sewer or public drain or danger to any public sewer or public drain itself; or

(e) wilfully, except with the permission in writing of the local authority, or negligently damages, alters, disconnects or otherwise interferes with any public sewer or public drain or any connection therewith,

shall be guilty of an offence and liable to a fine of fifty dollars.

(2) In this regulation "petroleum" has the meaning ascribed to it in section 2 of the Petroleum Act.

Cap. 81

81.—(1) The owner or occupier of any premises, or the owner of any private sewer, within the district of a local authority, may apply to the local authority for permission to have his drains or sewer made to communicate with a public sewer of that local authority, and thereby to discharge foul water and surface water from those premises or that private sewer.

Application by owners or occupiers to drain into public sewers

(2) A person making application under paragraph (1) shall furnish the local authority with such information concerning his drains or sewer as the local authority may require, and, at any time within twenty-one days after receipt thereof, the local authority may by notice to him in writing refuse to permit the communication to be made if it appears to the local authority that the mode of construction or condition of the drains or sewer is such that the making of the communication would be prejudicial to its sewerage system, and for the purpose of examining the mode of construction and condition of the drains or sewer, it may, if necessary, require them to be laid open for inspection:

Provided that any question arising under this subsection between the local authority and the applicant as to the reasonableness of any such requirement of the local authority, or of its refusal to permit the communication to be made, may on the application of that person be determined by a Magistrate.

(3) Where the local authority does not under regulation 82 elect itself to make the communication, the person making it shall, before commencing the work, give reasonable notice to any person directed by the local authority to superintend the execution of the work and afford him all reasonable facilities for superintending the execution thereof.

(4) Any person causing a drain or sewer to communicate with a public sewer without the written permission of the local authority, or without complying with or in contravention of any of the provisions of this regulation, or before the expiration of the period mentioned in paragraph (2), shall be guilty of an offence and liable to a fine of one hundred dollars and, whether proceedings have or have not been taken by it in respect of that offence, the local authority may close any communication made in contravention of any of those provisions, and recover from the offender any expenses reasonably incurred by it in so doing.

Right of local authority to undertake the making of communications with public sewers

82.—(1) Where, under regulation 81, any person applies to a local authority for permission to have his drains or sewer made to communicate with a public sewer of that local authority, the local authority may, within fourteen days after receipt of the application, or, if any question arising under that section requires to be determined by a Magistrate, within fourteen days after decision of that question, give notice to that person that it intends itself to make the communication, and if, after such notice has been given to him, he proceeds himself to make the communication, he shall be guilty of an offence and liable to a fine of one hundred dollars.

(2) Where a local authority has given notice under paragraph (1), it shall not be obligatory on it to make the communication until the cost of the work, as estimated by a surveyor, health officer or health inspector, has been paid to it, or security for payment has been given to its satisfaction.

(3) If any payment so made to the local authority exceeds the expenses reasonably incurred by it in the execution of the work, the excess shall be repaid by it and, if and so far as those expenses are not covered by the payment, if any, made to it, it may recover the expenses, or the balance thereof from the person for whom the work was done.

(4) For the purposes of this regulation, the making of the communication between a drain or private sewer and a public sewer includes all such work as involves the breaking open of a street.

Existing buildings to be provided with latrines, etc

83. In every urban sanitary district, every building intended for human occupation shall be provided with a sufficient latrine and dustbin and with proper drains for the efficient carrying off of storm and slop water to the satisfaction of the local authority:

Provided that if in the opinion of the local authority, having regard to the number and description of the persons occupying or

using such building, more than one such latrine or dustbin should be provided, the local authority may by written notice require the owner or occupier of the building within a reasonable time therein specified to provide such additional number of latrines and dustbins or either of them, as the case may require.

84. In every urban sanitary district, every such building erected or re-built or any building converted into a dwelling house shall be provided with a sufficient latrine and dustbin and with proper drains for the efficient carrying off of storm water and slop water to the satisfaction of the local authority.

New buildings to be provided with latrines, etc

85. A latrine or dustbin shall not be deemed to be sufficient within the meaning of these Regulations unless it be of such type or description and be furnished with such coverings, fittings and connections as may be required by these Regulation.

When latrine or dustbin sufficient

86. In every urban sanitary district, the local authority shall provide and maintain in proper and convenient situations in its district sufficient latrines and dustbins for the public use.

Public latrines and dustbins

87.—(1) Where it appears to a local authority that any premises, or any part of any premises, whether such premises were constructed before or after 1st August 1980, are without, or without sufficient, latrine accommodation or that the latrine accommodation provided therein is ineffective or of a type which is unsuitable having regard to the circumstances of the case, the local authority may cause a notice to be served upon the owner of such premises or, where the owner is absent from the local authority or is under disability, upon the occupier thereof, requiring him, within such time as shall be specified in the notice, to provide such number of latrines, or latrines of such type, or to do such other thing to provide effective and sufficient latrine accommodation, as may be specified in the notice.

Obligation to provide latrines

(2) If the person upon whom a notice is served under paragraph (1) fails to comply with any of the requirements thereof—

(a) such person shall be guilty of an offence and liable to a fine of one hundred dollars; and

(b) the local authority may execute, or cause to be executed, such work as may be necessary to satisfy the requirements of such notice, and may recover any expenses thereby incurred from such person.

(3) If any person considers himself aggrieved by any notice

served upon him under paragraph (1) or by any act done by or on behalf of the local authority under this regulation, he may, within thirty days after the service of such notice or doing of such act, as the case may be, appeal to a Magistrate and no offence shall be deemed to have been committed under paragraph (2) until after such appeal be abandoned or dismissed.

Prevention of
nuisances from
septic tanks, etc

88. Any person who causes, or suffers or permits any person to cause, any septic tank, cesspool, trap, siphon or any sanitary convenience to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging, or by otherwise interfering with, or by improperly using, the same or any water supply, apparatus, pipe or work connected therewith, shall be guilty of an offence and liable to a fine of one hundred dollars.

Removal or
alteration of
septic tanks, etc

89.—(1) Notwithstanding the provisions of Part IV, if any septic tank, cesspool, trap, siphon or any sanitary convenience is, or has been, so constructed, or is so situated, as to be, or to be likely to be, a nuisance or offensive to public decency, the local authority may, whether the same was constructed before or after 1st August 1980, cause a notice to be served upon the owner thereof, or where the owner is absent from Solomon Islands or cannot be readily found or ascertained by the local authority or is under disability, upon the occupier of the premises in question, requiring him, within such time as may be specified in the notice, to remove, reconstruct, screen or otherwise alter such septic tank, cesspool, trap, siphon or sanitary convenience, as the case may be, in such manner as to abate the nuisance or to remove the offence against public decency or the likelihood thereof.

(2) If the person upon whom a notice is served under paragraph (1) fails to comply with any of the requirements thereof—

(a) such person shall be guilty of an offence and liable to a fine of one hundred dollars; and

(b) the local authority may execute, or cause to be executed, such work as may be necessary to satisfy the requirements of such notice, and may recover any expenses thereby incurred from such person.

(3) If any person considers himself aggrieved by any notice served upon him under paragraph (1) or by any act done by or on behalf of the local authority under this section, he may, within thirty days after the service upon him of the notice or the doing

of the act, as the case may be, appeal to a Magistrate and the Magistrate may make such order as may appear to him to be just, having regard to all the circumstances.

90.—(1) The local authority may examine any of the following works, that is to say, any septic tank, cesspool, trap, siphon or sanitary convenience, or any water supply, apparatus, pipe or work connected therewith, upon any premises, and for that purpose may cause the ground to be opened in any place which may appear to the local authority necessary, doing as little damage as may be.

Examination of
septic tanks, etc.
by local
authority

(2) If any work referred to in paragraph (1) is found on examination to be in proper order, the local authority shall cause the work to be reinstated and made good as soon as may be and shall defray the expenses of the examination and the reinstating and making good of the work, but, if on examination any such work is found not to be in proper order, the local authority may—

(a) recover from the owner of the premises, or, where the owner is absent from Solomon Islands or cannot be readily found or ascertained by the local authority or is under disability, from the occupier thereof, the expenses of such examination; and

(b) cause a notice to be served upon the owner of such premises or, in the circumstances specified in subparagraph (a), the occupier thereof requiring him to repair or otherwise put in good order such work within such time as may be specified in the notice.

(3) If the person upon whom a notice is served under paragraph (2)(b) fails to comply with any of the requirements thereof—

(a) such person shall be guilty of an offence and liable to a fine of one hundred dollars; and

(b) the local authority may execute, or cause to be executed, any work necessary to satisfy the requirements of such notice, and may recover any expenses thereby incurred from such person.

(4) If any person considers himself aggrieved by any notice served upon him under paragraph (2)(b) or by any act done by or on behalf of the local authority under this regulation, he may, within fourteen days after the service upon him of the notice or the doing of the act, as the case may be, appeal to a Magistrate,

and the Magistrate may make such order as may appear to him to be just having regard to all the circumstances.

(5) Notwithstanding any appeal under paragraph (4), the local authority may proceed with and carry out any work which, in the opinion of the local authority, ought to be carried out under this section, but, until such appeal is abandoned or determined, no sum of money in respect of any such work shall be recoverable from any person party to such appeal.

Sanitary
conveniences
used in common

91. The following provisions shall have effect in relation to any sanitary convenience used in common by the occupiers of two or more premises or by other persons:—

(a) any person who injures or improperly fouls any such sanitary convenience or anything used in connection therewith shall be guilty of an offence and liable to a fine of one hundred dollars;

(b) where any such sanitary convenience, or the approaches thereto, or the walls, floors, seats or fittings thereof, is or are, in the opinion of the local authority, in such a state as to be a nuisance for want of proper cleansing, such persons having the use of such sanitary convenience in common as may be in default, or, in the absence of proof satisfactory to a Magistrate as to which of such persons is in default, each of such persons, shall be guilty of an offence and liable to a fine of one hundred dollars.

Nuisances

92. Any dwelling or premises which is or are not provided with or is or are so situated that they cannot be provided with sanitary accommodation to the satisfaction of a medical officer, health inspector or health officer, in any urban sanitary district, shall be deemed to be a nuisance liable to be dealt with in the manner provided in Part IV.

Restrictions on
depositing refuse
on beach or
foreshore

93. Except with the written permission of the local authority, no person shall throw or deposit or cause to be thrown or deposited on any beach or foreshore or into any harbour, estuary or creek, in any urban sanitary district, any box, bottle, tin, paper, or other refuse or matter capable of floating or which is likely to be washed up within the area of the urban sanitary district.

Refuse, etc. not
to be deposited

94. No person shall throw, empty or deposit, or cause to be thrown, emptied or deposited, into any part of any river, stream,

creek or other watercourse which flows through or into any part of an urban sanitary district, any rubbish, refuse, waste products, raw sewage, or other noxious or offensive matter:

in watercourses
in urban sanitary
districts

Provided that a local authority may grant permission in writing to any person to discharge wastewater or sewage effluent from a treatment installation into such a watercourse if it is satisfied that the nature of the discharge is such that it will not give rise to conditions prejudicial to health or a nuisance, and that the watercourse is suitable to receive such discharge.

95. No person shall erect or cause to be erected any latrine over any river, stream, creek or other watercourse which flows into or through any urban sanitary district, and no person shall empty or discharge or cause to be emptied or discharged any raw sewage in any such watercourse, without the written permission of the local authority.

Sewage not to be
discharged into
watercourse

96. No person shall, without lawful authority or excuse, sort over, disturb, remove or otherwise interfere with—

Interference with
dustbins and
refuse tips
prohibited

(a) the contents of any dustbin placed in any street for the purpose of its contents being removed by the local authority; or

(b) refuse deposited upon any refuse tip or other place provided by the local authority for the deposit of refuse.

97. Any person who contravenes the provisions of regulations 93, 94, 95 or 96 shall be guilty of an offence and liable to a fine of one hundred dollars.

Penalty

PART XII

FOOD AND DRUGS

98.—(1) No person shall add any substance to food, use any substance as an ingredient in the preparation of food, abstract any constituent from food, or subject food to any other process or treatment, so as (in any such case) to render the food injurious to health, with intent that the food shall be sold for human consumption in that state.

Offences in
connection with
preparation and
sale of
adulterated food
and drugs

(2) No person shall add any substance to, or abstract any constituent from, a drug so as to affect injuriously the quality, constitution or potency of the drug, with intent that the drug shall be sold in that state.

(3) Subject to the provisions of this regulation, no person shall —

(a) sell for human consumption, offer, expose or advertise for sale for human consumption, or have in his possession for the purpose of such sale, any food rendered injurious to health by any operation described in paragraph (1); or

(b) sell, offer, expose or advertise for sale, or have in his possession for the purpose of sale, any drug injuriously affected in its quality, constitution or potency by means of any operation described in paragraph (2).

(4) Any person who contravenes any of the provisions of paragraphs (1), (2) or (3) shall be guilty of an offence and liable to a fine of two hundred dollars.

(5) In determining for the purposes of this Part whether an article of food is injurious to health, regard shall be had not only to the probable effect of that article on the health of a person consuming it, but also to the probable cumulative effect of articles of substantially the same composition on the health of a person consuming such articles in ordinary quantities.

(6) In any proceedings for an offence under the provisions of subsection (4) consisting of the advertisement for sale of any food or drug, it shall be a defence for the person charged to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.

99.—(1) If any person sells to the prejudice of a purchaser any food or drug which is not of the nature, or not of the substance, or not of the quality, of the food or drug demanded by the purchaser, he shall, subject to the provisions of regulation 100, be guilty of an offence and liable to a fine of two hundred dollars.

(2) Without prejudice to the provisions of paragraph (1), any person who for the purpose of sale keeps in any container any liquid which is not of the nature, or not of the substance, or not of the quality which, by reason of the labelling or other marking of such container, it appears to be, shall be guilty of an offence and liable to a fine of two hundred dollars.

(3) In any proceedings for an offence under paragraph (1), it shall not be a defence to allege that the purchaser bought for analysis or examination and therefore was not prejudiced.

General
protection for
purchasers of
food and drugs

(4) In this regulation, save in so far as it relates to drugs, any reference to sale shall be construed as a reference to sale for human consumption.

100.—(1) In any proceedings under regulation 99 for an offence consisting of the sale of food to which any substance has been added, or in the preparation of which any substance has been used as an ingredient, or from which any constituent has been abstracted, or which has been subjected to any other process or treatment, other than food thereby rendered injurious to health, it shall be a defence for the person charged to prove that the operation in question was not carried out fraudulently, and that the article was sold having attached thereto a notice of adequate size, distinctly and legibly printed and conspicuously visible, stating explicitly the nature of the operation, or was sold in a wrapper or container displaying such a notice.

(2) The provisions of paragraph (1) shall apply in relation to an offence consisting of the sale of a drug to which any substance has been added, or from which any constituent has been abstracted, other than a drug thereby injuriously affected in its quality, constitution or potency, as they apply in relation to any such offence as is therein mentioned.

(3) In proceedings under regulation 99 in respect of any food or drug containing some extraneous matter, it shall be a defence for the defendant to prove that the presence of that matter was an unavoidable consequence of the process of collection or preparation.

101.—(1) Subject to the provisions of this regulation, any person who —

(a) sells, or offers or exposes for sale, or has in his possession for the purpose of sale or preparation for sale; or

(b) deposits with, or consigns to, any person for the purpose of sale or of preparation for sale,

any food intended for, but unfit for, human consumption, or any drug intended for use by man but unfit for that purpose, shall be guilty of an offence and liable to a fine of two hundred dollars.

(2) Subject as aforesaid, where any food or drug in respect of which an offence under paragraph (1)(a) has been committed was sold to the offender by some other person, that person also

Defences
available in
proceedings
under regulation
99

Offences in
connection with
the sale, etc. of
unfit food or
drugs

shall be guilty of an offence and liable to a fine of two hundred dollars.

(3) Where a person is charged with an offence under paragraph (1)(b), or under paragraph (2), it shall be a defence for him to prove either —

(a) that he gave notice to the person with whom he deposited, or to whom he consigned or sold, the food or drug in question that it was not intended for human consumption or for use by man, as the case may be; or

(b) that, at the time when he delivered or despatched it to that person, either it was fit for human consumption or for use by man, as the case may be, or he did not know, and could not with reasonable diligence have ascertained, that it was not so fit.

Examination and seizure of suspected food or drugs

102.—(1) A health inspector or health officer may at all reasonable times examine any food or drug intended for human consumption which has been sold, or is offered or exposed for sale, or is in the possession of, or has been deposited with or consigned to, any person for the purpose of sale or of preparation for sale, and, if it appears to him to be unfit for human consumption, may seize it and remove it in order to have it dealt with forthwith by a Magistrate.

(2) A health inspector or health officer who seizes any food or drug under paragraph (1) shall inform the person in whose possession the food or drug was found of his intention to have it dealt with by a Magistrate, and any person who under regulation 101 might be liable to prosecution in respect of the food or drug shall, if he attends before the Magistrate upon the application for its condemnation, be entitled to be heard and to call witnesses.

(3) If it appears to a Magistrate that any food or drug brought before him, whether seized under the provisions of this section or not, is unfit for human consumption, he shall condemn it and order it to be destroyed or to be so disposed of as to prevent it from being used for human consumption.

(4) If a Magistrate refuses to condemn any food or drug seized under this Part, it shall be returned forthwith to the person in whose possession the food or drug was at the time of seizure.

Food or drugs offered as prizes, etc

103.—(1) Regulations 101 and 102 shall apply in relation to —

(a) any food intended for human consumption, or any drug intended for use by man, which is offered as a prize or reward in connection with any entertainment to which the public is admitted, whether on payment of money or not, as if such food or drug were, or had been, exposed for sale by each person concerned in the organisation of the entertainment;

(b) any food intended for human consumption, or any drug intended for use by man, which is offered as a prize or reward or given away for the purpose of advertisement, or in furtherance of any trade or business, as if the food or drug were, or had been, exposed for sale by the person offering or giving it away;

(c) any food intended for human consumption, or any drug intended for use by man, which is exposed or deposited in any premises for the purpose of being so offered or given away as aforesaid, as if the food or drug were, or had been, exposed for sale by the occupier of such premises.

(2) In this section, the expression “entertainment” includes any social gathering, amusement, exhibition, performance, game, sport or trial of skill.

104.—(1) If any person gives with any food or drug sold by him, or displays with any food or drug exposed for sale by him, a label, whether or not the same is attached to or printed on the wrapper or container, which —

False labelling and advertisement of food or drugs

(a) falsely describes the food or drug; or

(b) is calculated to mislead as to its nature, substance or quality,

he shall, unless he proves that he did not know, and could not with reasonable diligence have ascertained, that the label was of such a character as aforesaid, be guilty of an offence and liable to a fine of two hundred dollars.

(2) Subject to the provisions of paragraph (3), if any person publishes, or is party to the publication of, an advertisement, other than a label to which the provisions of paragraph (1) apply which —

(a) falsely describes any food or drug; or

(b) is likely to mislead as to the nature, substance or quality of any food or drug,

he shall be guilty of an offence and liable to a fine of two

hundred dollars, and, in any proceedings against the manufacturer, producer or importer of the food or drug, it shall rest on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.

(3) In any proceedings under paragraph (2), it shall be a defence for the defendant to prove either —

(a) that he did not know, and could not with reasonable diligence have ascertained, that the advertisement was of such a character as is described in that paragraph; or

(b) that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement in the ordinary course of business.

(4) For the purposes of this regulation, a label or advertisement which is calculated to mislead as to the nutritional or dietary value of any food is calculated to mislead as to the quality of the food.

(5) In this section, save in so far as it relates to drugs, references to sale shall be construed as references to sale for human consumption.

105.—(1) Any health inspector or health officer may take samples for analysis, or for bacteriological or other examination, of any food or drug, or of any substance capable of being used in the preparation of any food or drug, which appears to him to be intended for sale or to have been sold for human consumption or for use by man, as the case may be, or which is found by him on or in any premises, stall, vehicle, vessel, aircraft or place which he is authorised to enter for the purposes of these Regulations:

Provided that —

(a) such health inspector or health officer shall pay or tender payment of the market price of any such sample, or, if the market price be unknown or not readily ascertainable, a reasonable price, to the person appearing to have the lawful custody of such food, drug or substance; and

(b) where any such food, drug or substance is kept for retail sale in unopened packages, no such sample shall consist of less than the whole of the contents of any one such package.

(2) When taking any sample under this regulation, such health inspector or health officer shall take such steps as may be

Power to take
samples

necessary to satisfy himself that the sample taken is a fair sample of the bulk of the food, drug or other substance in question.

(3) Nothing in this regulation shall be construed as authorising any purchase or sale of drugs in contravention of the provisions of the Dangerous Drugs Act.

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(4) Any person who fails to comply with any demand or requisition made under the provisions of this regulation shall be guilty of an offence and liable to a fine of two hundred dollars.

106.—(1) Any health inspector or health officer who takes a sample under the provisions of regulation 105 of any food, drug or substance for the purpose of analysis shall forthwith divide such sample into three parts, each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall —

Provisions as to
the taking of
samples for
analysis

(a) with respect to one part of the sample comply with the provisions of paragraph (2); and

(b) with respect to the remaining parts of the sample comply with the provisions of paragraph (3).

(2) (a) If the sample was obtained by purchase from a dealer in the food, drug or substance in question the health inspector or health officer shall give the one part to the vendor, such vendor being permitted to select such part from the three parts.

(b) If the sample is of any food, drug or substance consigned from outside Solomon Islands and was taken by the health inspector or health officer before delivery to the consignee, the health inspector or health officer shall give the one part of the sample to the consignee.

(c) If the sample is of any food, drug or substance in transit from a consignor within Solomon Islands to a consignee (whether within or without Solomon Islands), the health inspector or health officer shall give the one part of the sample to the consignor.

(d) If none of the foregoing sub-paragraphs of this paragraph apply, the health inspector or health officer shall give the one part of the sample to the person appearing to him to be the owner of the food, drug or substance of which the sample was taken.

(3) In every case to which the provisions of paragraph (2) apply, the health inspector or health officer shall inform the person to whom the part of the sample is given that the sample was taken for the purpose of analysis.

(4) Any part of a sample which under the provisions of this regulation is to be given to any person may be given either by delivering it to him or to his agent, or by sending it to him by post in a registered packet:

Provided that where, after reasonable inquiry, the health inspector or health officer is unable to find the person to whom the part of the sample is to be given or to ascertain his name and address, he may, in lieu of giving the part to that person, retain it.

(5) If it appears to the health inspector or health officer that any food, drug or substance of which he has taken a sample for the purpose of analysis was manufactured or put into its wrapper or container by a person (not being a person to whom one part of the sample is required to be given by virtue of the provisions of paragraph (2)) having his name, and an address in Solomon Islands; displayed on the wrapper or container, the health inspector or health officer shall, unless he decides not to have analysis made, within three days after taking such sample, send to that person a notice informing him that the sample has been taken by him and where the sample was taken or, as the case may be, from whom it was purchased.

(6) Where a sample taken under the provisions of regulation 105 has been analysed by a suitably qualified person authorised in that behalf by the Director (hereinafter in this Part referred to as the analyst), any person to whom a part of the sample was given in accordance with the provisions of paragraph (2) shall be entitled, on payment of the prescribed fee, to be supplied with a copy of the certificate given by the analyst under regulation 107.

(7) Any person who, for the purpose of advertisement, uses any certificate of analysis obtained under the provisions of paragraph (6) shall be guilty of an offence and liable to a fine of two hundred dollars.

Certificate of
analysis

107.—(1) In every case in which a sample for analysis is delivered to the analyst under the provisions of regulation 106, the analyst shall cause it to be analysed as soon as practicable and shall give to the health inspector or health officer requesting the analysis a certificate specifying the result of the analysis in the prescribed form.

(2) A certificate of the results of an analysis given by the analyst under paragraph (1) shall be signed by him, but the analysis may be made by any person acting under his directions.

108.—(1) In any proceedings under this Part, the production by one of the parties of a document purporting to be a certificate of the analyst in the prescribed form or of a document supplied to him by the other party as being a copy of such a certificate, shall be prima facie evidence of the facts stated therein.

Evidence of
analysis

(2) Where any relevant method of analysis has been prescribed, evidence of an analysis carried out by the prescribed method shall be preferred to evidence of any other analysis or test.

109. In any proceedings under this Part, where a sample has been procured in such circumstances that its division into parts is required by these Regulations, the part of the sample retained by the person who took it shall be produced at the hearing.

Proceedings in
respect of
articles or
substances
sampled

110.—(1) For the purposes of this Part —

Presumptions

(a) any article commonly used for human consumption, or any drug commonly used by man, shall, if sold or offered, exposed or kept for sale, be presumed, until the contrary is proved, to have been sold, or, as the case may be, to have been or to be intended for sale for human consumption or for use by man;

(b) any article commonly used for human consumption, or any drug commonly used by man, which is found on any premises or in any vessel, vehicle or aircraft used for the preparation, storage, transport or sale of that article or drug, and any article commonly used in the manufacture of products for human consumption or drugs for use by man which is found on any premises or in any vessel, vehicle or aircraft used for the preparation, storage, transport or sale of those products or drugs, shall be presumed until the contrary is proved, to be intended for sale, or for manufacturing products for sale for human consumption or for use by man, as the case may be;

(c) any substance capable of being used in the composition or preparation of any article commonly used for human consumption or any drug commonly used by man which is found on any premises or in any vessel where that article or drug is prepared shall, until the contrary is proved, be presumed to be intended for use.

(2) Where any food for human consumption or any drug for use by man is sold, or deposited with or consigned to any person for the purpose of sale for human consumption or use by man, as

the case may be, contained in an unopened package, any person who appears from any statement thereon or attached thereto to have imported, manufactured or prepared such food or drug or to have enclosed it in such package shall, until the contrary is proved, be deemed to have so imported, manufactured, prepared or enclosed the same.

(3) For the purposes of this Part, the expression "for use by man" means for human consumption or for external application to the human body.

Restriction on
movement of
imported food or
drugs

111.—(1) Without prejudice to any power of examining food or drugs conferred by this Part, any health inspector or health officer may give directions to the person in possession of any food or drug imported with a view to sale for human consumption or for use by man, as the case may be, prohibiting or restricting its removal or delivery —

(a) during any period not exceeding forty-eight hours; and

(b) if within that period the health inspector or health officer so requires, until that person has notified the health inspector or health officer of the name of the person to whom, and the address to or at which, he proposes to send or deliver such food or drug.

(2) A person who fails to comply with any direction given under the provisions of paragraph (1), or who, in a notification thereunder, knowingly makes any false statement, shall be guilty of an offence and liable to a fine of two hundred dollars.

Conditions under
which warranty
may be pleaded
as defence

112.—(1) Subject to the provisions of this regulation, in any proceedings for an offence under this Part, being an offence consisting of selling, or offering, exposing or advertising for sale or having in possession for the purpose of sale, any article or substance, it shall be a defence for the defendant to prove —

(a) that he purchased it as being an article or substance which could lawfully be sold or otherwise dealt with as aforesaid, or, as the case may be, could lawfully be sold or dealt with under the name or description or for the purpose under or for which he sold or dealt with it, and with a written warranty to that effect; and

(b) that he had no reason to believe at the time of the commission of the alleged offence that it was otherwise; and

(c) that it was then in the same state as when he purchased it.

(2) A warranty shall only be a defence in proceedings under this Part if —

(a) the defendant —

(i) has, not later than three clear days before the date of the hearing, sent to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it; and

(ii) has also sent a like notice to that person; and

(b) in the case of a warranty given by a person resident outside Solomon Islands, the defendant proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained therein.

(3) Where the defendant is a servant or agent of the person who purchased the article or substance under a warranty, he shall be entitled to rely on the provisions of this regulation in the same way as his employer or principal would have been entitled to do if he had been the defendant.

(4) For the purposes of this regulation and of regulation 113, a name or description entered in an invoice shall be deemed to be a written warranty that the article or substance to which the entry refers can be sold or otherwise dealt with under that name or description by any person without contravening any of the provisions of this Part.

113.—(1) A defendant who in any proceedings under this Part wilfully applies to any article or substance a warranty or certificate of analysis given in relation to any other article or substance shall be guilty of an offence and liable to a fine of two hundred dollars.

Offences in
relation to
warranties or
certificates of
analysis

(2) A person who, in respect of any article or substance sold by him, being an article or substance in respect of which a warranty might be pleaded under regulation 112, gives to the purchaser a false warranty in writing shall be guilty of an offence, unless he proves that when he gave the warranty he had reason to believe that the statements or description contained therein were accurate, and liable to a fine of two hundred dollars.

Sale, etc. by
servants or
agents

114. For the purpose of this Part, every person shall be deemed to sell, offer, expose or advertise for sale, or have in his possession for sale, any food for human consumption or drug for use by man, who sells, offers, exposes or advertises for sale, or has in his possession for sale, such food or drug either on his own account or as the servant or agent of some other person, and where such person is the servant or agent of some other person, such other person shall, subject to the provisions of this Part, be under the same liability as if he had himself sold, exposed or advertised for sale, or had in his possession for sale, such food or drug.

Recovery of
expenses
incidental to
taking of
samples

115. Where a person is convicted of an offence under this Part, the court may order that all expenses incidental to the taking of any sample or the making of any analysis of any food or drug in respect of which the conviction is obtained shall be paid by the person convicted.

FIRST SCHEDULE

NOTIFIABLE DISEASES

Acute Anterior Poliomyelitis.
Anthrax.
Bacillary Dysentery (Shigellosis).
Brucellosis.
Cerebro-Spinal Meningitis.
Cholera.
Dengue.
Diphtheria.
Encephalitis.
Leprosy.
Leptospirosis.
Pertussis.
Plague.
Rabies.
Relapsing Fever (Epidemic Louse-Borne).
Syphilis.
Tuberculosis.
Typhus (Epidemic Louse-Borne).
Typhus (Flea-Borne).
Typhus (Mite-Borne).
Typhoid.
Yellow Fever.

SECOND SCHEDULE

• OFFENSIVE TRADES

Blood or offal boiling or treating.
Bone boiling or crushing.
Fat melting or extraction.
Fellmongering.
Glue making.
Gut scraping.
Hide and skin storing and curing.
Knackering.
Lime burning.
Manure storing.
Manufacture of fish meal, silage, fertiliser or manure.
Slaughtering.
Soap making.
Size making.
Tanning.
Tallow making.
Tripe boiling.

(Legislation made under the provisions of the Public Health Act (No. 2 of 1970) and continued in force under section 19 of the Environmental Health Act.)

LN 84/1978

(I) THE PUBLIC HEALTH (MALARIA) (SCREENING OF PASSENGERS) RULES

Citation

1. These Rules may be cited as the Public Health (Malaria) (Screening of Passengers) Rules.

Interpretation

2. In these Rules, unless the context otherwise requires —

“area of attack” means an area from time to time defined by the Minister on epidemiological grounds to be an area of attack, such area being one where malaria transmission still exists and where cyclical spraying operations are still being carried out;

“area of consolidation and maintenance” means an area from time to time defined by the Minister on epidemiological grounds to be an area of consolidation and maintenance, such area having ceased to support malaria transmission either partially or completely;

“blood sample” means, in relation to any person, a sample of his blood of sufficient size to enable an analysis thereof to be undertaken to ascertain whether such person is harbouring malaria parasites in his blood;

“Malaria Officer” means a person employed by the Ministry of Health and Medical Services and appointed to the Malaria Eradication Programme by the Under Secretary (Health);

“specified voyage” means a voyage or journey by sea or air within Solomon Islands from an area of attack to an area of consolidation or maintenance.

Declarations by Minister

3. The Minister may from time to time by Notice declare any area within Solomon Islands to be an area of attack or an area of consolidation or maintenance.

Malaria Officer may take blood samples

4. For the purpose of preventing the reintroduction of Malaria to an area of consolidation or maintenance, a Malaria Officer may at any port or airport within an area of attack take a blood sample from any passenger immediately before he embarks on a vessel or aircraft undertaking a specified voyage or during the course of such specified voyage.

Powers of Malaria Officer

5. A Malaria Officer may require —

(a) the owner of or person having control over a vessel or aircraft due to make a specified voyage to provide a list of passengers intending to travel on such voyage;

(b) the owner of or person having control over a vessel or aircraft departing on a specified voyage to ensure that every passenger intending

to travel thereon (whether or not such passenger is included on any passenger list) presents himself to the Malaria Officer to enable him to take a blood sample from each such passenger;

(c) any passenger intending to travel on a vessel or aircraft making a specified voyage to give a blood sample for the purpose of ascertaining whether he is harbouring malaria parasites in his blood; and

(d) any passenger intending to travel on a vessel or aircraft making a specified voyage to give his name and an address or description of the place where he intends to stay after disembarking from a specified voyage.

6. If the Malaria Officer is not satisfied that every person travelling or intending to travel on a vessel or aircraft making a specified voyage has presented himself to give a blood sample, the Malaria Officer may require the master of such vessel to delay its departure from the place at which such samples are being taken until such time as he is satisfied that every passenger on board such vessel has presented himself to him to give a blood sample.

Malaria Officer's power to delay departure of vessel

7.—(1) Any passenger travelling in a vessel or aircraft making a specified voyage who, after being requested to do so fails to present himself to the Malaria Officer, or who upon doing so, fails to allow the Malaria Officer to take a sample of his blood or fails to give his name or destination shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten dollars.

Offences

(2) The owner or master of any vessel or aircraft making a specified voyage who fails to comply with any requirement of Malaria Officer made under rules 4 or 5 hereof shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred dollars.

(II) THE PUBLIC HEALTH (MALARIA ERADICATION) RULES

LN 6/1979

1. These Rules may be cited as the Public Health (Malaria Eradication) Rules.

Citation

2. In these Rules unless the context otherwise requires —

Interpretation

“blood sample” means, in relation to any person, a sample of his blood of sufficient size to enable an analysis thereof to be undertaken to ascertain whether such person is harbouring malaria parasites in his blood;

“inspection” means inspection of any premises or of any articles therein with a view to spraying;

“Malaria Officer” means a person employed by the Ministry of Health and Medical Services and appointed to the Malaria Eradication Programme by the Permanent Secretary;

“obstruct” shall be deemed to include the action of locking and leaving

unattended a dwelling house without due cause after the person so doing has received a notice in accordance with paragraph (1) of rule 5 that such dwelling house will be sprayed during the period that the dwelling house is so locked and left unattended;

"Permanent Secretary" means the Permanent Secretary of the Ministry of Health and Medical Services;

"person in charge of the spray team" means the person in immediate control of the operation of spraying any particular premises and normally present at the operation;

"spraying" means the spraying with insecticides of any premises (whether internally or externally) or any articles thereon;

"spray team" means one or more persons occupied as a unit in the operation of spraying;

Areas in which
spraying may be
carried out

3. Spraying may be carried out in such places or areas and in such manner as the Permanent Secretary may from time to time direct.

Inspection or
spraying

4. Inspection or spraying shall be carried out on any day between the hours of six o'clock in the morning and six o'clock in the evening and, subject to the provisions of rule 5, any member of a spray team may enter any premises for such purposes:

Provided that reasonable measures shall be taken by the person in charge of the spray team to ensure that the premises and any articles thereon are left in a condition not worse than before the inspection or spraying and in particular it shall be his duty to ensure that all steps which the occupier of premises is required to take under rule 6 have been taken and as soon as the spraying is over to repair any damage done in the course of the inspection or spraying.

Notice of entry

5.—(1) A Malaria Officer or person in charge of a spray team, or any person duly authorised in this respect by a Malaria Officer, shall give to the occupier of such premises not less than forty-eight hours' notice of his intention to inspect or spray the premises and of the time at which the inspection or spraying is to be carried out.

(2) If the occupier of any premises is unknown or cannot be found after reasonable enquiries a notice shall be affixed to some conspicuous part of the premises.

(3) Nothing in this rule shall apply to the spraying of premises with the consent of the occupier thereof.

Action by
occupier on
receipt of notice

6. An occupier of premises who has received a notice in accordance with paragraph (1) of rule 5 or who has consented to the spraying of the premises without such notice shall before the spraying commences —

(a) put away all foodstuffs, clothing and other articles likely to be damaged by spraying;

(b) extinguish all fires and naked flames on the premises for the duration of spraying; and

(c) remove all animals, young children, and incapacitated sick or elderly persons from the premises for the duration of the spraying.

7.—(1) The person in charge of the spray team may issue to the occupier of any premises which have been sprayed pursuant to these Rules a notice containing a record of the spraying of the premises.

Record of
spraying

(2) The occupier of premises who has received a notice in accordance with paragraph (1) of this rule shall keep the notice and shall produce it at the request of a Malaria Officer or of the person in charge of any spray team which subsequently visits the premises.

8. A Malaria Officer may at any time direct any person or class or group of persons to attend at a stated place and time for the purpose of giving information relating to malaria infection and submitting to a medical examination, which may include the giving of a blood sample to a Malaria Officer, and any person affected by such direction shall comply therewith.

Power to require
medical
inspection etc

9. Where a medical examination carried out in accordance with rule 8 has revealed that a person is harbouring malaria parasites in his blood a Malaria Officer may give directions to him regarding his attendance for such treatment as may be necessary to prevent the spread of infection from him to other persons.

Attendance for
treatment

10. A Malaria Officer may, in any place or area where the Permanent Secretary has determined that a programme of mass drug administration shall be carried out, administer to any person or direct any person in that place or area to ingest orally such antimalarial drugs as may be required for the purpose of that programme to prevent the spread of infection in that area, unless such person shall produce a medical certificate to show that in his case the ingestion of such drugs is unnecessary or undesirable.

Administration

11. No person shall be entitled to compensation for any expense incurred or damage suffered in pursuance of these Rules unless such damage has been occasioned maliciously or without reasonable cause.

Compensation

12. Any person who fails to comply with any direction given by a Malaria Officer under the provisions of these Rules, or who obstructs a Malaria Officer or any member of a spray team in carrying out any act or operation authorised by these Rules shall commit an offence and upon conviction therefor shall be liable to a fine not exceeding twenty-five dollars or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

Offences and
penalties