

THE PUBLIC HEALTH ACT

REGULATIONS
(under section 14)

THE PUBLIC HEALTH (NUISANCE) REGULATIONS, 1995

(Made by the Minister on the 18th day of April, 1995)

L.N. 47C/95

Amend.:

L.N. 46C/96

189/2001

[1st May, 1995]

1. These Regulations may be cited as the Public Health (Nuisance) Regulations, 1995.

2. In these Regulations “nuisance” includes any nuisance specified in the First Schedule.

First Schedule.

3.—(1) No person shall cause or permit a nuisance on any premises owned or occupied by him.

(2) No person shall cause a nuisance on any premises or aid and abet any other person to cause or permit a nuisance on any premises.

4.—(1) A Medical Officer (Health), a Public Health Inspector or any person authorized by the Minister in writing in that behalf (hereinafter referred to as an “authorized person”) or a Local Board may, on becoming aware of the existence of a nuisance on any premises, serve on the owner or occupier of the premises or on the person causing or permitting the nuisance, a notice in writing in the form set out in the Second Schedule requiring the owner, occupier or person—

Second
Schedule.

- (a) to abate the nuisance within such reasonable time not being more than thirty days as may be specified in the notice; and
- (b) to perform such act as the Medical Officer (Health), the Public Health Inspector, an authorized person or Local Board considers to be reasonably required to abate or prevent the recurrence of the nuisance.

(2) Where a person, without reasonable cause, fails to comply with the requirements specified in the notice under paragraph (1), the Medical Officer (Health), the Public Health Inspector or authorized person shall make a report in writing to the Local Board and the Local

Board may authorize in writing any person to enter upon the premises and do such things as are necessary to abate or prevent a recurrence of the nuisance.

(3) Any person authorized in that behalf by the Minister or a Local Board may institute legal proceedings against any person for non-compliance with the notice and such authorized person may prosecute or conduct such proceedings.

5. Any expenses incurred by the Local Board under paragraph (2) of regulation 4 in abating or preventing a recurrence of the nuisance may be recovered from the owner of the premises in the Resident Magistrate's Court as a civil debt due to the Crown, or if there is more than one owner, from the owners thereof in such shares as the Resident Magistrate may determine to be just and equitable.

6. A person who fails to comply with a notice under regulation 4(1) commits an offence and is liable on summary conviction in a Resident Magistrate's Court—

- (a) in the case of a first conviction, to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding twelve months; or
- (b) in the case of a second or subsequent conviction, to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding twelve months.

FIRST SCHEDULE

(Regulation 2)

Nuisances

1.—(1) A building or structure which, because of structural defects or insanitary conditions, is or is likely to become a health hazard.

(2) Any premises or other place which because of insanitary conditions is or is likely to become a health hazard.

2. An accumulation or deposit of solid waste of human or animal excreta.

3. Dust, smoke, fumes, gases or effluvia emitting from any manufacturing process or caused by the carrying on of any trade or business or otherwise by the action of any person.

4.—(1) Any animal which is kept in such a manner as to become hazardous to health.

(2) The carcass of any animal which is not buried or destroyed within twenty-four hours of the animal's dying.

5. A tree, bush or structure which interferes with the flow of air or the letting in of sunlight into any building or premises.

6.—(1) The lack of water or a water supply system.

(2) A water supply system which is not maintained in a sanitary condition.

(3) The running to waste of water from a tap, pipe or pump or from any other device from which water is obtained.

(4) The accumulation of stagnant water.

7. Any sanitary convenience which is so designed, located or kept which is or is likely to become a health hazard.

8. The infestation of flies, fleas, cockroaches, lice, rats, mosquitoes, mosquito larvae and other vermin on any premises.

9. Excess vegetation or overgrowth of bush on any building, land or structure which harbours or is likely to harbour vermin.

10.—(1) The discharge of any sewage, industrial waste or any other noxious matter into the sea or any watercourse or onto any land.

(2) In paragraph (1) "watercourse" includes any river, stream, creek, canal, drain, natural channel or any permanent and defined course for water or flood-water.

11. Offensive smells, including the emission of noxious fumes, gases or powerful smells, as a result of agricultural, domestic or industrial processes or otherwise.

SECOND SCHEDULE

(Regulation 4)

THE PUBLIC HEALTH ACT

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Notice to Abate Nuisance

TO:.....
Name

OF:.....
Address

You are hereby required by the Local Board of Health for the Parish of
within..... days from the date of this Notice to abate, remedy or discontinue the
following nuisance, to wit—

.....
which nuisance exists on premises situate at.....
.....
.....

in the parish of.....and which premises are either owned or occupied
by you, or are under your care, control or management.

You are hereby required to do the following in order to comply with this Notice, namely—

(a)

(b)

- (c)
- (d)

NOTE: Failure to comply with this Notice shall render you liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding twelve months.

.....
Medical Officer (Health)/
Public Health Inspector/
Authorized Person.