

48
11/11/21

The 4. job has done, in the

2. I just sent off, to study has been entirely
free for the present.

That is, I am at this stage, since less
importance of having the 2nd amendment of
in the the Gov. to the Ord. rather than
for the purpose of the Ord. (X11) (Copyright)

I should like to see -

Your ... You may

merely
my opinion

in conversation

of ...

is a legal

P. 20. 6. 21

signature of ...
G.W. 25. 4. 21

Before this goes to
the ... we had better

On that paper
said that
Governor as soon as
Bill after the return

ly powers which the
ensure the present
from any drafting
should consider

the main points:-

section dealing with
see that it does not
Government
(... if Secretary of State
to reserve areas for

race
I feel
come
(a) ...
... anyway it is now a matter that
under consideration.

(a) ...
... whether it is finally abandoned or not, the
Indians will naturally object to the power
of making reserved areas being placed on
even though it is ...

Bill without this Part

(a) Segregation of races. It is to be accepted as the policy far better, as the Principal Medical Officer maintains, the subject of a separate Ordinance.

(see ...)

D. As to the ...

of the ... by the Secretary of State.

(ii) Part ...

When we were considering the advanced copy of the Bill on 14/2/41 Mr. B. Bee was much perturbed by Part. It seems to me that the legislation is essential and if anything, the Government of Kenya may be pleased with itself introducing such legislation. It is a model, the South African Act is followed verbatim except for a few points (as shown in pencil) which are of importance.

I would certainly let the ... stand.

(3) While I have not examined the rest of the Bill in detail like Part I and Part XIII, I have looked through it for the substance and ...

that Secretary of State does not consider it desirable to prejudice the question of segregation which is still under consideration by placing Part XIII even though it is only permissive, on the Statute Book, more especially as Principal Medical Officer is satisfied with the Ordinance without Part XIII for the protection of public health is concerned.

(2) Confirm by despatch and ask for copies of revised Ordinance to be sent as soon as possible.

(3) When revised copies come, we could send to Ministry of Health for observations, and we would incorporate ^{the} suggestions (if any) in an amended Ordinance, but we cannot wait now for observations before taking action as the matter is too pressing.

[5th ...]

As regards Part 5, the point that troubled me was with regard to the provisions in Sections 51 and 52 as to compulsory examination of prostitutes - "premises" and "class" are obviously aimed at brothels and prostitutes. These provisions give the Government the power, if they so desire, to order the compulsory periodic examination of prostitutes.

NO. 70

CONFIDENTIAL

10206
25 MAR 21

21 March 1921

322

Sir,

Ordinance.
Statement.

I have the honour to refer to my telegram No. 130 of 4th March informing you that the Public Health Bill, No. 21, had been passed by the Legislative Council and I enclose herewith two authenticated copies of the Bill together with a copy of the Explanatory Reasons prepared by the Council. In view of the contentious nature of the Bill I have not assented to it. I should be grateful if I might be advised by telegram whether your approval of the Government's assent will be given in this case.

2. The Ordinance seeks to provide the fullest protection against diseases and unsanitary conditions and to safeguard the public health to the greatest possible extent. It has been framed on the lines of similar legislation in different tropical countries and

is

THE RIGHT HONOURABLE
WINSTON CHURCHILL, F.R.S., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S. W.

is very largely based on the practice of the Union of South Africa.

3. The need for an enactment of this nature has been apparent for many years. A number of causes have conspired to delay the preparation and passing of comprehensive health legislation, the chief among them being the fact that since the medical and legal Departments were supplied with special duties to attend to the drafting of a suitable bill.

4. The Bill was very fully discussed in the Legislative Council, and the inclusion of Part XIII, which deals with the reservation of areas and confers upon the Governor in Council the power of reserving areas for this purpose, being the most important point which came up for discussion.

5. As you have been made aware by the several memorials from various Indian bodies, which I have submitted to you at their request, the inclusion of this Part of the Bill is most strongly opposed by the Indian Community, their objection to the principle of race-segregation, the adoption of which is, as you have recently informed me, now being reconsidered by yourself, being of course the basis of their numerous recent memorials addressed to your predecessor and yourself as to Indian policy in this Colony.

6. The Special Committee appointed to consider the Bill reported to Council that they were opposed to the inclusion of Part XIII on the ground that it was unnecessary for the purpose of the Bill.

~~THE PROPOSED HEALTH ORDINANCE, 1953~~
~~STATEMENT OF OBJECTS AND REASONS~~

This Ordinance is the outcome of the need generally recognised in some years past, for the provision of a general enactment regarding public health.

The necessity for such an enactment has been frequently demonstrated more especially in times of epidemic.

The East Africa Townships Ordinance, 1903, gave wide powers to the Governor to issue rules dealing with the health of townships and the Nairobi Township Rules, which were largely applied in other townships, made extensive use of these powers; but there were no provisions for dealing with public health outside townships save those contained in the Infectious Diseases Ordinance, 1903, and its Amending Ordinance of 1917 and the Ordinances dealing with special diseases such as sleeping sickness, Small pox and Leprosy.

The present Ordinance attempts to provide comprehensively for all these matters.

The procedure detailed in the Ordinance as regards administration is to constitute a Central Board of Health as an advisory and consultative body and to vest in the Medical Department certain executive functions and the duty of advising and directing local authorities as to the steps to be taken to preserve the health of the Colony and prevent the introduction and spread of disease.

Important chapters in the Ordinance are those on "Venereal Diseases", (Part V), and "European and Non-European Reservations and Commercial Areas" (Part XIII).

The latter Part provides for the segregation of races. The draft of these provisions was originally prepared by Professor

in consultation with the
Assistant Officer & Principal Sanitation Officer in the year
1913.

The other provisions of the Ordinance have been
taken from similar enactments in various tropical countries
all over the world, but the basis on which they were
finally settled was the Ordinance of the
Council of the Government of the Straits Settlements
(No. 10 of 1919).

The contents of the other chapters of the Ordinance,
not specifically referred to above, are explained in the
readings of the various parts.

Singapore,

The 15th day of March, 1921.

~~CONFIDENTIAL~~
CONFIDENTIAL PART OF DOCUMENT

Section.	Remarks.
1.	Short title.
2.	Division into Parts.
<u>Part I - Preliminary.</u>	
<p>Definitions and interpretation of terms. Adapted from Union of South Africa Public Health Act, 1912, and Hong Kong Public Health and Building Ordinance, 1912, and Indian Majority Act and the Public Health Act, 1912.</p>	
<u>Part II - Administration.</u>	
4.	<p>Compare Union of South Africa Public Health Act, 1912, Section 4.</p>
5.	<p>Compare Hong-Kong Public Health and Building Ordinance, 1912, Section 10.</p>
6.	<p>Compare Public Health Ordinance Zambia Section 3.</p>
7.	<p>Hong-Kong Section 12.</p>
8.	<p>South Africa Section 4 (3).</p>
9.	<p>South Africa Section 4 (2).</p>
10.	<p>Nov. Details officers and their duties in relation to Public Health.</p>
11.	<p>Comp. — South Africa Local Department of Public Health.</p>

12.

Health Act 19 (1) and (2)

13.

Quarantine (West Coast) Act

14.

Quarantine Act - Section 13

15.

Quarantine Act - Section 12

16.

Regulations for Local Authorities are to be confirmed
by the Board of Public Health in the Gazette.

17.

Act - Section 15

Part III - Notification of Infectious Diseases

Compare South Africa - Section 13.

(a)

Compare Infectious Diseases Notification Act, 1939, 52 and
53 Vol. 6, 78 Section 3.

(b)

(c)

Medical Practitioner if case

(d)

Medical practitioner in such cases.

Infectious Diseases Notification Act, 1939, Section 4 (2).

Section 13.

Part IV - Prevention and Suppression of
Infectious Diseases -
Sub-division 1 - General Provisions.

South Africa - Section 23.

Compare South Africa - Section 27.

Section.

Part VI - ... of the Geology and

- 54. South Africa - Section 67.
- 57. do. Section 70.
- 58. do. Section 71.
- 59. do. Section 72.
- 60. do. Section 73.
- 61. do. Section 74.
- 62. do. Section 75.
- 63. do. Section 76.
- 64. do. Section 77.
- 65. do. Section 78.
- 66. do. Section 79.
- 67. do. Section 80.
- 68. do. Section 81.
- 69. do. Section 82.
- 70. do. Section 83.
- 71. do. Section 84.
- 72. do. Section 85.

Central Board of Health of the State

any structure whatsoever for a sewer

means a hole in earth, intermittent or any other
excavation or any other mode of disposal
of a body, and "buried" has a corresponding meaning.

means a person under eighteen years of age.

"area" means any area in any Municipality,
District or Townships, in which the Governor may from time to time
make a declaration.

means and includes any farm-house, cow shed,
milk house, milk shop or other place from which milk is supplied
or for the sale in which milk is kept or used for purposes of
sale or manufacture into butter, cheese, dried milk or condensed
milk for sale.

"Dairyman" includes any cow keeper, surveyor of milk or
occupier of a dairy, and in cases where a dairy is owned by a
corporation or company, the secretary or other person actually
managing such dairy.

"District" means in relation to a local authority, the area
which is under the jurisdiction of that local authority.

" dwelling" means any house, warehouse, bus, cow, cart,
vehicle, vessel or boat or any other structure or place whatsoever
any portion whereof is used by any human being for sleeping in
in which any human being dwells.

"Drain" means any drain used for the drainage of the building
only, or of premises within the same building and immediately
for the purpose of common outlet therefrom with a cess
pool or other like receptacle for drainage, or with a sewer into
which the drainage of two or more buildings or premises occupied
by different persons is conveyed.

"Drainage authority" means the Public Works Department
or any other authority that the Governor may appoint for any
particular area.

"European" means a person of European origin.

"European reservation" means any area in any Municipality,
Township or District which the Governor may from time to time
declare to be a Reservation.

"Factory" means any building or part of a building in which
manufacture is worked by steam, water, electricity or other
mechanical power for the purposes of trade.

"Food" means any article used for food or drink and any
quantity of water and any article intended to be or being used
in the preparation of such food and drink.

means a person having by reason of the death
of the parent or any other person

infectious disease, any disease not including any
general disease which can be communicated directly or indirectly by any person from to any other person.

"Infected" means a sufficient quantity of any infectious or communicable disease, or in the incubation stage of, or contaminated with the infectious or communicable disease.

"Isolated" means the separation and the separate of the inter-diffusion of persons with others, of persons or any suspected of being infected; "isolation" has a corresponding meaning.

"Keeper of a lodging house" means any person licensed to keep a lodging house.

"Land" includes any right over or in respect of immovable property.

"Latrine" means a privy, urinal, earth-closet and water closet.

"Local authority" means the Council of any Municipality constituted under the Municipal Corporations Ordinance 1909, or any Ordinance substituted therefor. Any Committee or other authority appointed under the East Africa Townships Ordinance, 1909, for the purposes of the said Ordinance; and the District Commissioner or his jurisdiction and the Medical Officer for such district when available (not being within the district of any other municipal authority) shall be the local authority for such district.

"Lodging house" means a building or part of a house including the verandah thereof if any, which is let or sublet in lodgings or otherwise, whether by tavern, by flats, by rooms or by portions of rooms.

"Magistrate" means any Magistrate empowered to hold a Court of the 1st, 2nd or 3rd class.

"Medical observation" means the segregation and detention of persons under medical supervision.

"Medical Officer" means the Principal Medical Officer, the Health Officer, the District Medical Officer, the District Surgeon or any Medical Practitioner or any other medical staff appointed by the Principal Medical Officer to act as such in any district.

"Medical practitioner" means a person who is registered as such under any law in force in the Colony and Protectorate governing the registration of medical practitioners.

"Medical surveillance" means the keeping of a person under medical supervision. A person under such surveillance may be required by the District Officer of Health or any duly authorised officer to remain at a specified area or to attend for medical examination at a specified place and times.

"Municipal Corporation" means the district under the control of every municipality constituted under the Municipal Corporations Ordinance, 1909 or any Ordinance substituted therefor.

"Non-European reservation" means any area in any Municipality, Township or District which the Government may from time to time define by Proclamation.

"Occupier" shall include any person in actual occupation of land or premises without regard to the title under which he occupies and in case of premises which are let to lodgers or tenants the person receiving the rent payable by the lodgers or tenants whether on his own account or as an agent for any person entitled thereto or interested therein.

"Offensive trade" includes the trade of blood boiler, bone-boiler, fall-monger, soap boiler, tallow boiler, tinsmith or any other noxious or offensive trade, business or manufactory.

"Owner" shall as regards immovable property include any person other than His Majesty receiving the rent or profits of such lands or premises from any tenant or occupier thereof or who receives such rent or profits in such land or premises whether on his own account or as agent for any person entitled thereto or interested therein. It includes any lessee or licensee from any person independent, overseer or manager of such land or premises residing on the holding.

"Parent" means and includes...

"Premises" in any building or tent together with the land on which the same is situated and the adjoining land used in connection therewith, and includes any vehicle, conveyance or vessel.

"Public building" means a building or part of a building adapted to be used either ordinarily or occasionally for the purposes of public worship or as a hospital, college, theatre, public hall or as a public place of assembly to which the public is admitted by ticket or otherwise, or used or adapted for any other public purpose.

"Public latrine" means a latrine to which the public are admitted on payment or otherwise.

"Regulations" means rules and bye-laws made or deemed to be made under any Ordinance.

"Slaughter-house" means the premises set apart for the purposes of a slaughter-house by a local authority the words "Slaughter-house" means the premises set apart by a local authority for the slaughtering of animals (and the words "Meat Inspector" means the person employed by any authority to act as Meat Inspector or other qualified person authorised by them to act in that behalf).

"Stock" shall mean and include all domesticated animals of which the flesh or milk is used for human consumption.

"Street" shall mean any highway, road or sanitary lane, or strip of land reserved for a highway, road or sanitary lane, and shall include any bridge, passage, court, alley or passage whether a thoroughfare or not, or any part of one.

"Trade premises" means any premises (other than a factory) used or intended to be used for carrying on any trade or business.

"Township" means any township proclaimed under the East Africa Townships Ordinance, 1909.

"Verandah" means any stage, platform, or portico projecting from the main structure of a building.

"Veterinary Officer" means a Veterinary Surgeon or the employment of the Veterinary Officer.

"Workshop" means any building or part of a building in which manual labour is exercised for purposes of trade.

PART II

1. The Governor may, subject to the approval of the Executive Council, from time to time, by Proclamation, declare that any area in any Municipality, Township or District shall be a Non-European reservation.

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3. The Governor may, subject to the approval of the Executive Council, from time to time, by Proclamation, declare that any area in any Municipality, Township or District shall be a Non-European reservation.

4. The Governor may, subject to the approval of the Executive Council, from time to time, by Proclamation, declare that any area in any Municipality, Township or District shall be a Non-European reservation.

5. The Governor may, subject to the approval of the Executive Council, from time to time, by Proclamation, declare that any area in any Municipality, Township or District shall be a Non-European reservation.

Central Board of Health of the State

includes any structure whatsoever for the sewer

accidental in earth, interment or any other
burial, or cremation or any other mode of dis-
posal of a body, and "buried" has a corresponding meaning.

child means a person under eighteen years of age.

city area means any area in any Municipality,
District or Town which the Governor may from time to time
declare to be a city area.

Dairy means and includes any farm-house, cow-shed,
milk-street, milk-shop or other place from which milk is supplied
or for sale or in which milk is kept or used for purposes of
sale or manufacture into butter, cheese, dried milk or condensed
milk for sale.

Dairyman includes any cow-keeper, purveyor of milk, or
owner of a dairy, and in cases where a dairy is owned by a
corporation or company, the secretary or other person actually
managing such dairy.

District means in relation to a local authority, the area
which is under the jurisdiction of that local authority.

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.

Drain means any drain used for the drainage of one build-
ing only, or of premises within the same curtilage and made
wholly for the purpose of communicating therefrom with a cess-
pool or other like receptacle for drainage, or with a sewer into
which the drainage of two or more buildings or premises occupied
by different persons is conveyed.

Drainage authority means the Public Works Department
or any other authority that the Governor may appoint for any
particular area.

European means a person of European origin.

European reservation means any area in any Municipality,
Township or District which the Governor may from time to time
define by Proclamation.

Factory means any building or part of a building in which
manufacture is worked by steam, water, electricity or other
mechanical power for the purposes of trade.

Food means any article used for food or drink other than
alcohol or water, and any article intended to enter into or be
used in the preparation of such food, and favouring condiments and
seasonings.

Person means any person having by reason of the death,
illness or other cause, of the parent or any other cause, the
care of the child.

Person suffering from any infectious disease (not including any
infectious disease which can be con-
veyed directly or indirectly by any person in affliction
from any other person)

Infected means a surface or in the incubation stage
of, or contaminated with the use of, any infectious or con-
tagious disease.

Notification of infectious diseases.

(c) restrict the provisions of the Ordinance, as regards the notification of any disease, to the district of any local authority or to any area defined in such notice.

19. (1) Where an inmate of any building in the Colony and Protectorate used for human habitation is suffering from any notifiable infectious disease, unless such building is a hospital or a building in which persons suffering from any notifiable infectious disease are received, the following provisions shall have effect:—

(a) the head of the family to which such inmate (in this Ordinance referred to as "the patient") belongs, and in his default the nearest relatives of the patient at the building or in their default the person or persons in attendance on the patient, and in default of such person or persons the occupier of the building shall, as soon as he becomes aware that the patient is suffering from any notifiable infectious disease, forthwith give notice in writing to the nearest Medical Officer of Health

(b) every medical practitioner who is called in to visit the patient shall forthwith on becoming aware that the patient is suffering from any notifiable infectious disease, forthwith give notice in writing to the nearest Medical Officer of Health, and shall also, in the absence of the patient, the head of the family and of the nearest relatives of the patient, the occupier of the building and be responsible infectious disease from which the patient is suffering, the nearest Medical Officer of Health.

(c) in any case in which a Medical Practitioner has been called in to visit a patient to notify an infectious disease and to give notice to the nearest Medical Officer of Health.

(d) every person who has been notified as the head of the family or as the nearest relative of the patient shall forthwith give notice in writing to the nearest Medical Officer of Health of the name of the person who has been notified as the head of the family or as the nearest relative of the patient, and shall also, in the absence of the patient, the head of the family and of the nearest relatives of the patient, the occupier of the building and be responsible infectious disease from which the patient is suffering, the nearest Medical Officer of Health.

(e) every person who has been notified as the head of the family or as the nearest relative of the patient shall forthwith give notice in writing to the nearest Medical Officer of Health of the name of the person who has been notified as the head of the family or as the nearest relative of the patient, and shall also, in the absence of the patient, the head of the family and of the nearest relatives of the patient, the occupier of the building and be responsible infectious disease from which the patient is suffering, the nearest Medical Officer of Health.

(f) every person who has been notified as the head of the family or as the nearest relative of the patient shall forthwith give notice in writing to the nearest Medical Officer of Health of the name of the person who has been notified as the head of the family or as the nearest relative of the patient, and shall also, in the absence of the patient, the head of the family and of the nearest relatives of the patient, the occupier of the building and be responsible infectious disease from which the patient is suffering, the nearest Medical Officer of Health.

PART IV.

PREVENTION AND SUPPRESSION OF INFECTIOUS DISEASE.
SUB-DIVISION 1.—GENERAL PROVISIONS.

22. A Medical Officer of Health, may at any time enter and inspect any premises in which he has reason to believe that any person suffering or who has recently suffered from any infectious disease is or has recently been present, or any inmate of which has recently been exposed to the infection of any infectious disease, and may medically examine any person in such premises for the purpose of ascertaining whether such person is suffering or has recently suffered from any such disease.

Inspection of infected premises and examination of persons suspected of suffering from infectious disease.

23. (1) Where the owner or occupier of any building or part thereof or any person in possession of such building or part thereof and whosoever is liable in such notice

(2) If the person to whom notice is so given fails to comply therewith, he shall be liable to a penalty not exceeding ten pounds for every day during which he continues to refuse default, and the local authority or Medical Officer of Health may cause such building or part thereof and articles to be cleaned and disinfected, and may recover the expenses incurred from the owner or occupier in default as a civil debt recoverable summarily.

(3) Where the owner or occupier of any building or part thereof is found to be in default of the provisions of the Ordinance, the Medical Officer of Health, after consulting the nearest Medical Officer of Health, may cause such building or part thereof and articles to be cleaned and disinfected, and may recover the expenses incurred from the owner or occupier in default as a civil debt recoverable summarily.

(4) The local authority may direct the destruction of any building, bed-room, clothing or other articles which have been exposed to infection from any infectious disease, or in the opinion of the Medical Officer of Health are infected, and may give compensation for the same.

Destruction of infected building, etc.

(5) The local authority may provide a proper place, with all necessary appliances and attendance for the disinfection of bedding, clothing or other articles which have become infected, and may cause such articles brought for disinfection to be disinfected in such place, and any person who brings such articles to such place shall be liable to pay the expenses of conveying them to and from such place.

Provision of means of disinfection.

(6) Any local authority may provide and maintain a carriage or other vehicle suitable for the conveyance of persons suffering from any infectious disease, and may pay the expenses of conveying them to any premises belonging to a hospital or other place of refuge.

Provision of carriage for infected persons.

27. Where in the opinion of the Medical Officer of Health any person suffering from any infectious disease is not being treated or is not being accommodated or is not being treated or accommodated in such manner as adequately to guard against the spread of the disease, such person may, on the order of the Medical Officer of Health, be removed to a hospital or other place of refuge, and the expenses of such removal and of his maintenance in such place shall be paid by the person from whom he is removed, or by the person who is liable to pay the expenses of his maintenance in such place.

Removal of hospital infected persons.

28. (1) Any person who has been notified as the head of the family or as the nearest relative of the patient shall forthwith give notice in writing to the nearest Medical Officer of Health of the name of the person who has been notified as the head of the family or as the nearest relative of the patient, and shall also, in the absence of the patient, the head of the family and of the nearest relatives of the patient, the occupier of the building and be responsible infectious disease from which the patient is suffering, the nearest Medical Officer of Health.

Notice of infected persons.

(b) Every person who has been notified as the head of the family or as the nearest relative of the patient shall forthwith give notice in writing to the nearest Medical Officer of Health of the name of the person who has been notified as the head of the family or as the nearest relative of the patient, and shall also, in the absence of the patient, the head of the family and of the nearest relatives of the patient, the occupier of the building and be responsible infectious disease from which the patient is suffering, the nearest Medical Officer of Health.

(c) Every person who has been notified as the head of the family or as the nearest relative of the patient shall forthwith give notice in writing to the nearest Medical Officer of Health of the name of the person who has been notified as the head of the family or as the nearest relative of the patient, and shall also, in the absence of the patient, the head of the family and of the nearest relatives of the patient, the occupier of the building and be responsible infectious disease from which the patient is suffering, the nearest Medical Officer of Health.

(d) Every person who has been notified as the head of the family or as the nearest relative of the patient shall forthwith give notice in writing to the nearest Medical Officer of Health of the name of the person who has been notified as the head of the family or as the nearest relative of the patient, and shall also, in the absence of the patient, the head of the family and of the nearest relatives of the patient, the occupier of the building and be responsible infectious disease from which the patient is suffering, the nearest Medical Officer of Health.

Provided that no proceeding shall be taken against persons transmitting with cover, clothing, rags or other things for the purpose of being disinfected.

Penalty on failing to provide for disinfection of public conveyance.

29. Every owner or driver of a public conveyance shall immediately provide for the disinfection of such conveyance in accordance with the knowledge conveyed by a Medical Officer of Health of an infectious disease; and if he fails to do so, he shall be liable to a penalty not exceeding twenty pounds. If a driver shall be required to convey any person suffering from an infectious disease, he shall be liable to a penalty not exceeding five pounds if he has been paid a sum sufficient to cover the expenses incurred by him in carrying into effect the provisions of this section.

Penalty for letting infected houses.

30. Any person who knowingly lets any dwelling or premises or part thereof in which any person has been suffering from an infectious disease without having the same and all articles therein liable to retain infection, disinfected to the satisfaction of a Medical Officer of Health as notified by a certificate signed by him shall be liable to a penalty not exceeding five pounds.

The provisions of this section shall apply to any owner or occupier of an hotel or boarding house or to any room or part thereof to any person.

Penalty on person being knowingly infected to give true information.

31. Any person letting for hire or allowing for the purpose of being let for hire any dwelling or premises or part thereof, who is asked by any person requesting for the hire of such premises as to the fact of there being or within six weeks previously having been therein any persons suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a fine not exceeding fifty pounds.

SUB-DIVISION II.—HOSPITALS.

Power of local authority to provide hospital.

32. (1) Any local authority with the sanction of the Board may provide for the use of the inhabitants of its district hospital or temporary places for the reception of the sick, and for that purpose may—

- (a) Themselves build such hospitals or places of reception;
- (b) Contract for the use of any such hospital or part of a hospital or place of reception;
- (c) Enter into any agreement with any person having the management of any hospital, for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on.

(2) Two or more local authorities may combine in providing a common hospital.

Recovery of cost of maintaining patient in hospital.

33. Any expenses incurred by a local authority in maintaining in a hospital, or in a temporary place for the reception of the sick, any person who is a patient in such hospital, a patient who is not a resident of the district, shall be a debt due from such patient to the local authority by which he was received from his district, and such debt shall be recoverable from him or from his estate.

Power to provide temporary supply of medicine and dressings.

34. Any local authority may, with the sanction of the Board, themselves provide or contract for the provision of a temporary supply of medicine and dressings for the use of the sick inhabitants of their district, and may charge for the same.

SUB-DIVISION III.—REGULATIONS RELATIVE TO CONTAGIOUS DISEASES.

Power to prohibit persons suffering from infectious diseases.

35. The provisions of any Ordinance, unless otherwise expressed, in so far as they concern any contagious or infectious disease, shall be deemed to apply to such diseases as plague, smallpox, cholera, typhoid fever, typhus, diphtheria, scarlet fever, erysipelas, and any other disease which is declared by a Medical Officer of Health to be a contagious or infectious disease.

any part of the Colony or any part of the island, or by any formidable epidemic, or any other disease, the spread of which may be prevented by any of the following regulations, for all or any of the following purposes:

- (1) for the speedy interment of the dead; and
- (2) for the removal of the dead to a place of interment; and
- (3) for the provision of medical aid and accommodation, and the promotion of cleansing, ventilation and disinfection, for the purpose of preventing the spread of disease;
- (4) for preventing any person from leaving a place infected with any contagious or infectious disease, or from entering any place, or from passing a specified period in an observatory camp or hospital;
- (5) for the formation of hospitals and convalescence camps, and for placing therein persons who are suffering from, or have been in contact with persons suffering from, infectious disease;
- (6) for the destruction or disinfection of buildings, furniture, goods, or other articles which have been used by persons suffering from infectious disease, or which are likely to spread the infection;
- (7) for the removal of persons who are suffering from an infectious disease and persons who have been in contact with such persons;
- (8) for the removal of corpses;
- (9) for the destruction of rats, the means and precautions to be taken on shore or on board vessels for preventing them passing from vessel to vessel or from the shore to vessels, and the better prevention of the danger of spreading infection by rats;
- (10) for the regulation of hospitals used for the reception of persons suffering from an infectious disease, and of observation camps and stations;
- (11) for the removal and disinfection of articles which have been exposed to infection;
- (12) for prohibiting any person from entering any building or using any building, or any other place, which cover if in the opinion of the Medical Officer of Health such use is liable to cause the spread of any infectious disease.

Any regulation made under this section may give the Health Officer or a Medical Officer of Health power to prescribe the conditions on which such articles may be used.

(13) for any other purpose whether of the same kind or nature as the foregoing or not, for its object the prevention, cure, or mitigation of infectious diseases.

Any regulation made under this section may give the Health Officer or a Medical Officer of Health power to prescribe the conditions on which such articles may be used.

(14) for any other purpose whether of the same kind or nature as the foregoing or not, for its object the prevention, cure, or mitigation of infectious diseases.

Any regulation made under this section may give the Health Officer or a Medical Officer of Health power to prescribe the conditions on which such articles may be used.

(15) for any other purpose whether of the same kind or nature as the foregoing or not, for its object the prevention, cure, or mitigation of infectious diseases.

(16) for any other purpose whether of the same kind or nature as the foregoing or not, for its object the prevention, cure, or mitigation of infectious diseases.

(17) for any other purpose whether of the same kind or nature as the foregoing or not, for its object the prevention, cure, or mitigation of infectious diseases.

Power of local authority to see to the execution of regulations.

Power of entry.

(1) Every person who has reason to believe that a child who knows or is suffering from any venereal disease shall cause such child to be treated for such disease by a medical practitioner or such child is cured or free from disease as a communicable form.

(2) Every guardian of any such child who knows or is suffering from any venereal disease shall be guilty of an offence if he fails to cause such child to be treated for such disease by a medical practitioner or such child is cured or free from disease as a communicable form.

(3) Any person who fails so to report.

41. Every local authority shall inform the Principal Medical Officer or the nearest Medical Officer by telegraph or other expeditious means, upon notification received by such authority of a case of any formidable epidemic disease, or of any increase in mortality in animals made under the last preceding section.

42. (1) Where an outbreak of any formidable disease is threatened it shall be lawful for the Principal Medical Officer or any other person to require any person owning or having charge of any premises, buildings or dwellings, not occupied or any person having charge of tents, transport, bedding, hospital drugs, food, or other appliances, materials or articles required in connection with the outbreak, to hand over any such land or building or to supply or make available any article subject to the payment of a reasonable amount not exceeding the purchase price.

(2) Any person who without reasonable cause, refuses to comply with any such requirement shall be guilty of an offence.

PART V.

VENEREAL DISEASES.

43. The provisions of this Ordinance, unless otherwise expressed, in so far as they concern venereal diseases, shall be deemed to apply to syphilis, gonorrhoea, gonorrhoeal ophthalmia, soft chancre, venereal warts and venereal granuloma.

44. (1) Every person who knows or has reason to believe that he is suffering from any venereal disease shall forthwith consult a medical practitioner with respect thereto and shall place himself under treatment by that medical practitioner or by some other medical practitioner, or shall attend for treatment at any hospital or other place available for the treatment of venereal diseases.

(2) Every person undergoing treatment for any venereal disease as aforesaid shall, until cured or free from such disease in a communicable form, continue to submit himself to treatment at such intervals as may be prescribed by any such medical practitioner.

(3) Any person who fails to comply with any provision of this section shall be guilty of an offence.

45. Every medical practitioner who attends or attends for a patient in respect of any venereal disease from which the patient is suffering shall—

- (a) direct the attention of the patient to the infectious nature of the disease and to the penalties prescribed by this Ordinance for infecting any other person with such disease;
- (b) warn the patient against contracting marriage, unless and until he has been cured of such disease or is free from such disease in a communicable form; and
- (c) give to the patient such printed information as to the treatment of venereal disease and to the duties of persons suffering therefrom, as may be supplied to the medical practitioner by the Medical Department.

46. (1) Every person who has reason to believe that a child who knows or is suffering from any venereal disease shall cause such child to be treated for such disease by a medical practitioner or such child is cured or free from disease as a communicable form.

(2) Every guardian of any such child who knows or is suffering from any venereal disease shall be guilty of an offence if he fails to cause such child to be treated for such disease by a medical practitioner or such child is cured or free from disease as a communicable form.

47. (1) Every person who, while suffering from any venereal disease, is employed in any form, occupation or profession in any factory, workshop, shop, hotel, restaurant, bar, or other place, shall be guilty of an offence if he fails to cause such child to be treated for such disease by a medical practitioner or such child is cured or free from disease as a communicable form.

(2) Every person who, while suffering from any venereal disease, is employed in any form, occupation or profession in any factory, workshop, shop, hotel, restaurant, bar, or other place, shall be guilty of an offence if he fails to cause such child to be treated for such disease by a medical practitioner or such child is cured or free from disease as a communicable form.

48. (1) It shall be the duty of every Medical Officer of Health in his official capacity to cause every Government Medical Officer in his District to cause every person who is suffering from any venereal disease to be treated for such disease by a medical practitioner or such child is cured or free from disease as a communicable form.

(2) Upon receipt of any report upon the Medical Officer shall make such further enquiry, or shall make such order or orders, or shall institute such proceedings, as he may deem necessary for the proper enforcement of the provisions and for the attainment of the objects of this Part.

(3) An order under this section may require the person named therein—

- (a) to furnish a certificate by a medical practitioner as to whether he is or is not suffering from a venereal disease in a communicable form;
- (b) to attend at a place specified in the order for examination by a medical practitioner;
- (c) to attend regularly for medical treatment at times and at a place specified in the order;
- (d) to proceed to and to remain in a hospital or other place of accommodation provided or established under this Part, either for a specified time or until cured or free from the disease in a communicable form.

Any person who fails to comply with any order made under this section shall be liable to be removed from any place where he is or is not suffering from a venereal disease in a communicable form.

49. Any person who, fully or by culpable negligence, infects or attempts to infect any person with a venereal disease, or does or attempts to do so, shall be liable to be removed from any place where he is or is not suffering from a venereal disease in a communicable form.

Special Officer in charge of buildings and other premises.

Venerable diseases.

Persons suffering from venereal disease to have themselves treated until cured.

Duties of Medical Practitioners.

Director of Health or quarantine of infected children.

Investigation by medical officer.

Medical Officer of Health or his representative.

Conveyance of infection an offence.

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...inquiry into
...of the

70. Whenever the Governor may be satisfied that any person is guilty of an offence against this Ordinance, he may cause the same to be investigated and charges lawfully made thereunder, the Commissioner of Customs or any officer authorized in this behalf by the Commissioner may, on the request of the port health officer, detain and search papers from such vessel pending the decision of the court, or any competent court: Provided that the said papers shall not be withheld for more than three or four hours (Sundays and holidays always excepted), unless legal proceedings have been instituted before the expiry of that period.

...to enforce
...of inland
...of Colony and
...Protectorate.

71. (1) When it is considered necessary for the purposes of protecting the introduction of infectious disease into the Colony and Protectorate the Governor may, by proclamation—

(a) regulate, restrict or prohibit the entry into the Colony and Protectorate as its inland borders or any specified place or description, or from any specified locality or area;

(b) regulate, restrict or prohibit the introduction into the Colony and Protectorate as its inland borders or any specified part thereof, of any animal, article or thing;

(c) impose requirements or conditions as regards the medical examination, detention, quarantine, disinfection, vaccination, isolation or medical attendance or otherwise of persons entering, or the examination, detention or disinfection, or otherwise of such persons as aforesaid or of articles or things introduced into the Colony and Protectorate as its inland borders or any part thereof;

(d) apply with or without modifications any particular provisions of this Part to persons, animals, articles or things entering or introduced into or departing or removed from the Colony and Protectorate by means of aircraft;

(e) Any person who contravenes or fails to comply with any provision shall be guilty of an offence and shall be liable to a fine of not exceeding five pounds or to imprisonment for a period not exceeding three months or to both.

Agreements with other
Governments regarding
reciprocal notification
of outbreaks.

72. The Governor may enter into agreements with the Imperial Government, or with the Government of any British Dominion or of any foreign country, providing for the reciprocal notification of outbreaks of any formidable epidemic or other disease or any other matter affecting the public health of either of the Colony and Protectorate with other countries. The terms of any such agreements shall be notified in the Gazette.

...in the
...of health

73. The Governor may make regulations—

(a) prescribing the powers and duties of port health officers and the procedure to be followed in the examination of vessels, the granting of pratique to vessels, and requiring every master of a vessel on arrival at any port or place in the Colony and Protectorate to furnish a declaration of health in respect of the vessel and crew, and to certify the existence on board, in any person, animal or thing, of any infectious disease, or any other disease which the Governor may notify in the Gazette, presenting the form of declaration, and empowering any port health officer or other duly authorized officer to require the master of any vessel to verify upon oath the statements in the declaration and to administer the necessary oaths; such regulations may prescribe modified requirements or procedure in respect of vessels arriving at a second or subsequent port of call in the Colony and Protectorate on the same voyage;

(b) requiring the master of any vessel having on board or suspected of having on board the infection of any infectious disease, or which has recently touched at any port or place which is a proclaimed place or is infected with any form of epidemic disease, or is situated near any place which is so infected, to furnish lists of passengers, crew, cargo, and prescribing the information to be given in any such list;

(c) prescribing the measures which shall be taken in respect of vessels to prevent the migration of rodents from vessels;

(d) prescribing the measures which shall be taken for the disinfection of, or the destruction of, rats, mice or insects in vessels, the disposal of bilge or other water on board, the cleaning of vessels, the provision of a supply of pure water on board, and for preventing the pollution of the water of the port with excreta and manure or any infectious or offensive matter;

(e) as to the grant, refusal or withdrawal of pratique to vessels and the detention in quarantine of vessels having on board or suspected of having on board in any person, animal or thing, the infection of any infectious disease, or of persons suffering from, or who have recently been exposed to the infection of any such disease;

(f) as to the prohibition or restriction of intercourse of persons on or from the land with vessels, where deemed necessary in order to prevent the spread of infectious disease;

(g) requiring the disinfection of any article of thing contaminated, or believed to be contaminated, with the infection of any infectious disease, on board of or landed from any vessel or, if such article or thing be of such a nature that it cannot be so disinfected, prohibiting the landing or providing for the destruction thereof;

(h) requiring the vaccination, before landing from any vessel, of any person who may have recently been exposed to the infection of small-pox and who does not produce evidence to the satisfaction of the port health officer of successful vaccination during the five years immediately preceding;

(i) appointing such sanitary anchorages as may be necessary for the purposes of this Ordinance: Provided that until other provisions be made the Sanitary Station at Zanzibar shall be a sanitary station for the purposes of any regulations made or deemed to be made under this Ordinance;

(j) providing for the recovery from masters or owners or agents of vessels of all reasonable and necessary expenses incurred by the Government, or of charges in accordance with a prescribed tariff of charges, or for the furnishing by them of guarantees in respect of the payment of such expenses or charges;

(k) in dealing with any person who is on board or has recently been landed and who is suffering, or suspected to be suffering, from any infectious disease or from other disease which the Governor may notify in the Gazette;

(l) in connection with the detention in quarantine of any vessel infected with, or the isolation, accommodation, care and treatment of any person suffering from, or who has been exposed to the infection of, any infectious disease, and the detention and repatriation of any such person if he is prohibited from entering the Colony and Protectorate under any law relating to immigration;

(m) in conducting the inspection of any infectious disease in any vessel, or in any article or thing on board of any vessel, or in any article or thing which, though landed, has not been inspected before it was landed;

(n) as to the mode by which notice in the Gazette prescribing the measures to be taken shall be payable by masters or owners of vessels, and as to the mode by which the services aforesaid shall be performed, and as to the mode by which the same shall be controlled and supervised;

(o) as to the departure from the Colony and Protectorate of any vessel, and as to the mode by which the same shall be controlled and supervised, and as to the mode by which the same shall be controlled and supervised, and as to the mode by which the same shall be controlled and supervised;

(p) as to the exportation or removal from the Colony and Protectorate of any article, and as to the mode by which the same shall be controlled and supervised, and as to the mode by which the same shall be controlled and supervised;

(q) as to the mode by which the same shall be controlled and supervised, and as to the mode by which the same shall be controlled and supervised;

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...of clothing or other articles of personal use...

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...of clothing or other articles of personal use...

...Proclamation in a local area specified in...
...proclamation issued by the Governor under sub-section (3) of...
...Section 97 of the...
...the person and his property, clothing and effects...

77. (1) The Governor may, for the Governor to erect and...
...within the Colony or Protectorate...
...the erection of persons removed thereto under this...
...the purpose of acquiring sites for the erection...
...appropriate and set apart any...
...the fencing and enclosing of...
...appropriated or reserved for...
...the establishment of any asylum and boundaries of any...
...appropriated and set apart for such purpose shall be notified...
...in the Gazette.

78. For the purpose of preventing the spread of leprosy, the...
...proclamation in the Gazette, direct that, from...
...in, until further or for, all persons affected with...
...in any local area specified in such proclamation...
...and detained in an asylum.

79. Whenever it shall come to the knowledge of any person...
...the person within a proclaimed area outside an...
...asylum exempted under Section 102 from the provisions...
...of this Ordinance is affected with or is suspected of being affected...
...with leprosy, such first named person shall forthwith report...
...fact or suspicion upon oath to a Magistrate of the district in which...
...he is residing. Any person who shall neglect to act in accordance...
...with this section shall be guilty of an offence.

80. Every Magistrate to whom a report is made under the...
...last preceding section shall issue an order requiring a police...
...officer to take steps that the person mentioned in such report be...
...detained in a place of isolation in manner prescribed by regulations...
...under this Ordinance until he shall have been examined as...
...in the next succeeding section provided.

81. Every Magistrate who shall have issued such isolation...
...order as aforesaid shall cause such person to be examined as soon...
...as possible by two medical practitioners one of whom shall if...
...possible be a Government Medical Officer and obtain a report from...
...them of such examination.

82. If such medical practitioners aforesaid shall report that...
...the person alleged to be affected with leprosy is not so affected...
...the Magistrate shall forthwith discharge him from detention in...
...isolation.

83. (1) If such medical practitioners aforesaid shall report...
...that the person alleged to be affected with leprosy is so affected...
...or that it is doubtful whether he is so affected or not the Magistrate...
...shall order him as in this section described to be removed to an...
...asylum therein to be detained in accordance with the provisions...
...of this Ordinance.

(2) Any such order as is in this section described shall be...
...termed an interim reception order and shall be addressed to the...
...Superintendent of some asylum and shall be delivered to a...
...officer, together with the report mentioned in Section 80.

(3) An interim reception order shall authorise any police...
...officer to conduct the person named therein to the asylum named...
...in such order and shall further authorise the reception and deten...
...tion of such person in such asylum until the Colonial Secretary...
...shall have transmitted to the Superintendent of the asylum an...
...order of further detention or discharge as hereinafter provided.

Power to appro, into
Crown land and est...
leper asylums thereon

Duty of all persons to
notify suspected case of
leprosy within a
proclaimed area.

Duty of Magistrate to
isolate suspect in
notification

Duty of Magistrate to
cause medical examina
tion to be made of
suspect

Discharge of suspect if
not affected

Issue of interim reception
order by Magistrate if
medical officers report
suspect to be affected
and doubtful cases

Duty of Superintendent
to transmit interim
reception order to Chief
Secretary

Government...
...of the...
...of the...
...of the...

DEFINITION
SECTION 76

76. For the purposes of this Part...
...Leprosy...
...all persons...
...affected with...
...of the...
...of the...
...of the...
...of the...

Voluntary submission to treatment of persons affected with leprosy

34. If any person within a proclamation is affected with leprosy and shall desire to submit himself to treatment therefor or to be placed in isolation in accordance with the provisions of this Ordinance he may for such purpose present himself to a Magistrate of the district in which he is residing and such Magistrate shall thereupon having ordered such person to be detained in isolation as in Section 79 is provided require two medical practitioners (one of whom shall if possible be a Government medical officer) to examine such person; and if such medical practitioners shall report that such person is not affected with leprosy the provisions of Section 81 shall apply in the case of such person; and if such medical practitioners shall report that such person is affected with leprosy or that it is doubtful whether such person is so affected or not the provisions of Sections 82 and 83 shall apply to such case.

In case of detention order by Colonial Secretary when satisfied that person detained under reception order is affected with leprosy

85. (1) Whenever the Colonial Secretary shall be satisfied that any person detained under an interim reception order as aforesaid is affected with leprosy he shall make and sign an order (herein described as a detention order) which shall be addressed to the superintendent of some asylum.

(2) A detention order shall authorize the detention in accordance with the provisions of this Ordinance of the person named therein and shall be in force until cancelled by the Colonial Secretary.

(3) The medical officer appointed to an asylum shall, at least once a year, and oftener if so required by the Colonial Secretary, transmit to the Colonial Secretary a report as to the condition of each person detained in the asylum, and if on consideration of such report the Colonial Secretary shall consider further detention of any person unnecessary he may cancel the detention order and direct such person to be discharged.

Procedures by Colonial Secretary when satisfied that person detained under reception order is affected with leprosy

86. (1) Whenever the Colonial Secretary shall not be satisfied that a person detained under an interim reception order is affected with leprosy he shall submit a medical report as aforesaid to the Colonial Secretary and shall also submit a medical report as aforesaid to the Principal Medical Officer for the Colony and Protectorate and may direct any further medical examination he may consider necessary of such person.

(2) If on consideration of the report of the Principal Medical Officer or of the further medical examination (if any) he is satisfied that such person is affected with leprosy he shall make and sign a detention order as in Section 85 is provided.

(3) If on consideration of the report of the Principal Medical Officer aforesaid or of the further medical examination (if any) he shall not be satisfied that a person detained under an interim reception order is affected with leprosy he shall transmit an order to the superintendent of the asylum in which such person is detained directing his discharge therefrom.

Power to Colonial Secretary to order discharge from asylum at any time

87. The Colonial Secretary may notwithstanding anything in this Ordinance contained at any time on sufficient reason to him appearing issue an order to the superintendent of any asylum directing the discharge of any person from detention therein or the removal of any person detained therein to another asylum for detention under this Ordinance, or, with the consent of such person, to a private asylum which has been named in a notice issued by the Governor under Section 102 sub-section (1).

Appointment of superintendents of asylum

88. The Governor may appoint from time to time superintendents who shall have the direction and management of any asylum to which they shall respectively be appointed but shall in carrying out their powers and duties be subject to the supervision and directions of the Principal Medical Officer. The Principal Medical Officer may from time to time subject to any regulations made under this Ordinance appoint medical officers, attendants, guards and other officers to any asylums and remove such officers.

Duties of superintendents

89. It shall be the duty of every superintendent of an asylum from time to time in accordance with regulations made by the Governor by order of a Magistrate under Section 79 of this Ordinance to have the premises to which he shall have been appointed and the persons detained therein and the things proper to be kept and necessary to be supplied to such persons and to cause the premises to be properly and cleanly kept and to perform such other duties and to do such other things as may be required and directed by this Ordinance or by any regulations made by the Governor by order of a Magistrate under Section 79 of this Ordinance.

90. (1) No person shall be permitted to enter any asylum except in accordance with the regulations to be made in that behalf under this Ordinance.

Intercourse of persons detained in asylums with such other and persons outside.

(2) Save as in the Ordinance provided and save as may be allowed by any regulations made thereunder no communication or intercourse shall be allowed between persons detained in any asylum and any person not detained therein who is not an officer or attendant thereon.

91. (1) Every person placed in isolation or during the course of removal to or while detained in an asylum under the provisions of this Ordinance shall be deemed to be in lawful custody until discharged therefrom under this Ordinance and while in such custody shall be subject to the provisions of this Ordinance and any regulations made thereunder.

Suspects and detainees in lawful custody

(2) Any person who shall escape from such lawful custody may be pursued, arrested without warrant and taken back into custody by any person whomsoever whosoever he may be found.

92. Every person detained in lawful custody under the provisions of this Ordinance shall be permitted to receive visits from relatives, friends or legal advisers at such reasonable times and subject to such regulations as may be determined by regulations made under this Ordinance.

Persons detained in lawful custody

93. The cost of the erection, establishment, and maintenance of asylums, of the cost of persons to, and of the maintenance of any person admitted therein (save in so far as such cost of maintenance may be otherwise defrayed in accordance with Section 94 of this Ordinance) the salaries and wages of superintendents, attendants or other officers of asylums and of the disinfecting and cleaning of the residence of persons isolated and the maintenance of such persons during the period of isolation shall be defrayed out of the general revenues of the Colony and Protectorate.

Cost of erection and maintenance of asylums to be defrayed out of public revenue.

94. (1) No person shall be permitted to erect or to alter any building within the limits of an asylum without the approval of the Superintendent of the asylum and the approval of the Governor in the case of any inmate of an asylum under this Ordinance, or to remove from such inmate the expense of his maintenance or to employ such inmate or any other person to erect or to alter any building within the limits of an asylum without the approval of the Superintendent of the asylum and the approval of the Governor. (2) The Government special agreement shall be subject to the approval of the Governor.

Power to superintendents to allow persons detained to build habitations for themselves and defray cost of maintenance

95. (1) The Superintendent of an asylum may appoint a manager for the care and administration of any property of any person detained in an asylum under this Ordinance and may also appoint a manager for the care and administration of any property of any person detained in an asylum under this Ordinance. (2) The provisions of the Indian Lunacy Act, 1912, shall apply to the property of any person detained in an asylum under this Ordinance.

Care and administration of property of persons confined or detained in asylums

96. (1) It shall be the duty of an Attorney General to lay any report of a Superintendent of an asylum for the removal of a person for detention in an asylum together with evidence as to any property of such person before the High Court for its consideration and the High Court may upon consideration of any report of a Superintendent of an asylum appoint a manager for the care and custody of the property of any such person aforesaid and where it appears to the High Court desirable that temporary provision should be made for the maintenance or other necessary requirements of such person to any member of his family out of any money or securities belonging to him in the hands of his banker or of any other person, the High Court may authorize such member or other person to pay to the manager such sums as may be deemed necessary and may give directions as to the application thereof for the benefit of such person aforesaid or for the benefit of his family or any member thereof.

97. Whenever any person shall have been placed in isolation by order of a Magistrate under Section 79 of this Ordinance the Medical Officer of Health shall cause the person so placed to be forthwith cleaned and disinfected.

...shall be liable to be removed from the Colony or Protectorate...

(3) Any person who... photograph... and... of the person...

(4) Any person who... for the purpose of... of the Colony...

99. It shall be lawful for the Governor to make regulations and to prescribe the penalties for the breach thereof...

(a) for the isolation, examination and removal... of persons affected or suspected of being affected...

(b) for the appointment and duties of superintending medical officers, guards, attendants, and other officers...

(c) for the classification, treatment, instruction, and employment of persons detained in asylums;

(d) as to the rations and clothing of persons detained in asylums;

(e) as to the intercourse of persons detained in asylums with each other and with persons not detained in asylums...

(f) as to the removal to and detention in any asylum of any person sentenced to or confined in any prison...

(g) as to the setting apart of places within any asylum for the special confinement and punishment of persons sentenced and confined during detention or while employed in any asylum...

(h) for the appointment and duties of medical officers to any asylum...

(i) prescribing loans to be used in any asylum...

100. Notwithstanding anything in this Ordinance... the examination and report of one medical officer...

101. It shall be the duty of every police officer to execute the orders of the Colonial Secretary...

Provision for... of... 36.

Power to Governor to make Regulations and provide penalties for the breach thereof

Examination and report of one medical officer...

It shall be the duty of every police officer to execute the orders of the Colonial Secretary...

...if the Governor is satisfied that any person... with leprosy and... before the commencement of this Ordinance...

(4) The Governor may at any time, by notice in the Gazette... of persons affected with leprosy...

(5) Any Government medical officer may at any time enter any private leper establishment... and report thereon...

PART VIII. PREVENTION AND SPREAD OF SMALL-POX.

103. For the purposes of this Part— "Child" means a person who is under, or who appears to be under 15 years of age.

"Public Vaccinator" shall include a public vaccinator appointed by the Principal Medical Officer and any person appointed by the Principal Medical Officer to assist or act for a public vaccinator...

"Unprotected person" includes a child and means a person who has not been protected from small-pox by having had the disease either naturally or by inoculation or by having been successfully vaccinated...

The parent or guardian of every child under sixteen years of age or of every unprotected person shall, unless such child or person has suffered from small-pox, cause and shall be bound to cause such child or person to be vaccinated by a public vaccinator or other medical practitioner...

- (a) Certificate of successful vaccination. (b) Certificate of inaccessibility to vaccination. (c) Certificate of unfitness for vaccination. (d) Certificate that such child has suffered from small-pox.

105. Every unvaccinated adult person, or the parent or guardian of every unvaccinated child, in the Colony or Protectorate shall cause himself or such child to be successfully vaccinated within twelve months after the commencement of this Ordinance...

The conditions and exceptions described in section 104 shall mutatis mutandis apply to any adult person or child described in this section.

A person shall be deemed to be unvaccinated if he has not been, or fails to prove that he has been successfully vaccinated. Provided that the provisions of this section shall not apply to any person who can prove that reasonable facilities for vaccination were not obtainable.

106. In the event of the occurrence or threatened outbreak of small-pox in any place in the Colony or Protectorate, the medical officer of health or any other Government medical officer may cause any person who is unvaccinated or re-vaccinated...

...of persons... of the Colony or Protectorate...

...of persons affected with leprosy... of the Colony...

Definition

Vaccination of children

Vaccination of persons in the Colony or Protectorate

Emergency vaccination of population in areas threatened with small-pox

has or is suspected to have been exposed to smallpox infection or may require the services of any child who has or is suspected to have been exposed to have such child vaccinated, and any person failing to comply with such requirements shall be guilty of an offence.

(2) The local authority or person authorized by the Governor on the advice of the Board shall require all persons within an area notified as such according to instructions issued under this Ordinance to attend for re-vaccination as circumstances may require, and notices may be issued by notice in the prescribed form in such places or otherwise as may be deemed necessary for such purpose. Non-attendance shall be deemed to be an offence.

(3) Any district or group public vaccinator or person duly authorized by the Principal Medical Officer require any person in such area to be vaccinated (including the exhibition of vaccination certificate) successfully vaccinated within five years of the date of such requirement. Any person who fails to produce such proof as regards himself or as regards any child who is the parent or guardian, and refuses to allow himself or child to be vaccinated, shall be guilty of an offence.

107. If any public vaccinator or medical practitioner is of opinion that any adult or child is not fit to be vaccinated, he shall give to the adult or to the parent or guardian of the child a certificate under his hand and seal, in the form of Schedule I, in respect of the adult or child, as the case may be, and if such adult or child is thereafter vaccinated, the certificate shall be null and void. The certificate shall be given to the adult or to the parent or guardian of the child, and shall be produced to the public vaccinator or medical practitioner on the day of vaccination. Any public vaccinator or medical practitioner who fails to comply with all the provisions of this Ordinance shall be guilty of an offence.

108. (a) The public vaccinator or medical practitioner shall be liable to be held responsible for any child who is not vaccinated as required by this Ordinance, and the adult or guardian or parent of such child shall be liable to be held responsible for any child who is not vaccinated as required by this Ordinance, and the public vaccinator or medical practitioner shall be liable to be held responsible for any child who is not vaccinated as required by this Ordinance, and the adult or guardian or parent of such child shall be liable to be held responsible for any child who is not vaccinated as required by this Ordinance.

(b) A certificate of inapplicability to vaccination shall be given by a public vaccinator or medical practitioner in cases where unsuccessful attempts at vaccination are attended not less than one month thereafter being made by the child and vaccine lymph of known efficiency.

109. Every public vaccinator or medical practitioner shall not be deemed to be liable for any child who is not vaccinated as required by this Ordinance, if such child is not vaccinated as required by this Ordinance, and the public vaccinator or medical practitioner shall be liable to be held responsible for any child who is not vaccinated as required by this Ordinance, and the adult or guardian or parent of such child shall be liable to be held responsible for any child who is not vaccinated as required by this Ordinance.

110. (1) No fee or remuneration shall be payable to any person vaccinated by any public vaccinator for any service performed under this Ordinance for any vaccination done in pursuance of this Ordinance.

(2) A public vaccinator or medical practitioner shall not be liable for any child who is not vaccinated as required by this Ordinance, if such child is not vaccinated as required by this Ordinance, and the public vaccinator or medical practitioner shall be liable to be held responsible for any child who is not vaccinated as required by this Ordinance, and the adult or guardian or parent of such child shall be liable to be held responsible for any child who is not vaccinated as required by this Ordinance.

111. Every superintendent or person in charge of a leper asylum or mental hospital or chronic sick hospital, gaol, prison, reformitory, penitentiary, or other similar institution, shall cause to be vaccinated within fourteen days following his admission to such institution every inmate thereof who, being in a fit state of health, to undergo vaccination has not been successfully vaccinated within the five years immediately preceding the date of his admission to such institution, and every person in such institution who is not vaccinated as required by this Ordinance shall be liable to be held responsible for any child who is not vaccinated as required by this Ordinance, and the superintendent or person in charge of such institution shall be liable to be held responsible for any child who is not vaccinated as required by this Ordinance.

If adult or child be unfit for vaccination, certificate to be given in form of Schedule I to be given.

Certificate to be given for successful vaccination.

No fee to be charged for vaccination or for certificate by public vaccinator.

Public vaccinator to make a certificate of the person in respect of whom the same is given.

Vaccination of inmates of institutions.

No child shall be admitted to or attend any school unless he has been vaccinated, and the person in charge of the school shall be liable to be held responsible for any child who is not vaccinated as required by this Ordinance, and the person in charge of the school shall be liable to be held responsible for any child who is not vaccinated as required by this Ordinance.

School attendance.

The Board may cause to be ascertained whether the provisions of this Ordinance are being observed, and every public vaccinator shall be required to submit to the Principal Medical Officer to visit any school, and shall therein make such inspection of the children attending thereat as will enable him to furnish prescribed particulars to the Principal Medical Officer as to the children who are unvaccinated.

118. Any person who inoculates himself or any other person with material taken from a person suffering from smallpox, or from a vaccine vesicle on another person or by any method not prescribed in regulations, shall be guilty of an offence.

Supply of vaccine lymph and inoculation from cow, etc.

114. The Governor on the advice of the Board may make regulations:—

The Governor on the advice of the Board may make regulations.

(a) Prescribing forms of certificate, notices, returns, and books of record to be filed in connection with public vaccination, and defining the information to be furnished therein, and requiring the furnishing and prescribing the manner of use thereof by registrars of births, public vaccinators, local authorities, medical practitioners, parents or guardians of children, persons in charge of schools, employers of labour and others.

(b) Conferring powers and imposing duties, in connection with the carrying out or enforcement of vaccination, on Magistrates, officers of the Native Affairs Department, Justices of Peace, members of the Police force or other Government officers, local authorities, persons in charge of schools, employers of labour, Native Chiefs, Headmen of locations, and others.

(c) Prescribing the conditions under which vaccine lymph may be supplied free of charge to medical practitioners, local authorities and others.

(d) Providing for the vaccination or re-vaccination of persons and assigning where deemed desirable the responsibility for the carrying out of such vaccination or re-vaccination to local authorities or employers of labour.

(e) As to the application and enforcement of the provisions of this Part in relation to persons entering the Colony or Protectorate, whether by land or sea, and requiring, where deemed necessary, the vaccination or re-vaccination of any person before so entering.

PART V.
SANITATION AND HOUSING.

115. 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 of other condition liable to be injurious or dangerous to health.

Nuisance prohibited.

116. It shall be the duty of every local authority to take all lawful, necessary and reasonably practicable measures for maintaining the district at all times in 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.

Duty of local authorities to maintain district in clean and sanitary condition.

117. 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 premises, or the erection of dwellings 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 at law against any person causing or responsible for the continuance of any such condition.

Duty of local authorities to prevent or remedy danger to health arising from unhealthy dwellings.

What constitutes a nuisance.

117. (1) The Medical Officer of Health may declare any premises to be a nuisance if...

(a) Any vessel or receptacle for refuse or other matter is placed in such a position as to be offensive or dangerous to health.

(b) Any dwelling or premises of such construction or siting as to be offensive or dangerous to health, or are liable to become so.

(c) Any street, road or any passage, drain, gutter, water-course, ditch, cess-pit, earth-closet, privy, urinal, cess-pit, cess-pool, soil-pipe, gutter-pipe, drainage-pipe, dust-bin, dung-pit, refuse-pit, refuse-heap or foul or in such a state or position as to be offensive or dangerous to health.

(d) Any well, fount, source of water supply or other receptacle for water, whether public or private, which is used or is likely to be used for drinking or domestic purposes is in such a position as to be offensive or dangerous to health.

(e) Any noxious matter, or effluent, is discharged from any premises, where it is deposited, or into the gutter or ditch, or into any well, or any shaft, or water-course, or into any place not approved for the reception of such matter.

(f) Any stable, cowshed, or other premises for keeping of animals or fowls is in such a position as to be offensive or dangerous to health.

(g) Any animal or fowl is kept in such a position as to be offensive or dangerous to health.

(h) Any accumulation or deposit of refuse or other matter whatsoever which is offensive or dangerous to health.

(i) Any accumulation of refuse or other matter in such a position as to be offensive or dangerous to health.

(j) Any premises in such a position as to be offensive or dangerous to health.

(k) Any dwelling or premises in such a position as to be offensive or dangerous to health.

(l) Any public or private place in such a position as to be offensive or dangerous to health.

(m) Any premises in such a position as to be offensive or dangerous to health.

(n) Any factory or other premises in such a position as to be offensive or dangerous to health.

(o) Any premises in such a position as to be offensive or dangerous to health.

(p) Any premises in such a position as to be offensive or dangerous to health.

(a) Any premises or place or permitted to remain in such a state as to be offensive or dangerous to health.

(b) Any premises or place or permitted to remain in such a state as to be offensive or dangerous to health.

(c) Any premises or place or permitted to remain in such a state as to be offensive or dangerous to health.

(d) Any premises or place or permitted to remain in such a state as to be offensive or dangerous to health.

(2) The author of a nuisance means the person by whose act default or suffering a nuisance is caused, exists or is continued.

118. The local authority or Medical Officer of Health if satisfied of the existence of a nuisance shall give a notice to the author of the nuisance, or if he cannot be found, then on the occupier of the 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.

(a) Where a nuisance arises from any want or defect of a structure or chimney, or where the dwelling or premises are unoccupied, the notice shall be served on the owner.

120. (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 Medical Officer of Health shall cause a complaint relating to such nuisance to be made before a Magistrate.

(2) If the Court is satisfied that it is necessary to do so, the Court shall make an order on the person on whom the notice was served to do such work as may be necessary for that purpose.

(3) The Court may, in such order, require the person on whom the notice was served to do such work as may be necessary for that purpose.

(4) 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 Medical Officer of Health shall cause a complaint relating to such nuisance to be made before a Magistrate.

(5) 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 Medical Officer of Health shall cause a complaint relating to such nuisance to be made before a Magistrate.

What constitutes a nuisance.

- (1) Any building, structure, or erection, or any part thereof, which is in such a state of repair or disrepair as to be offensive or dangerous to health.
- (2) Any dwelling or premises of such construction or condition as to be so insanitary or so offensive to the senses as to be, in the opinion of the Medical Officer of Health, injurious or dangerous to health.
- (3) Any street, road, or any passage, way, gutter, water-course, ditch, drain, cess-pit, privy, urinal, earth-closet, soil-pipe, waste-pipe, drainage, or any other structure, or any part thereof, which is in such a state of repair or disrepair as to be, in the opinion of the Medical Officer of Health, offensive or to be injurious or dangerous to health.
- (4) Any well or other source of water supply or other receptacle for water, whether public or private, from which is used or is likely to be used for drinking or domestic purposes or for the preparation of any article of food, water which is polluted or otherwise liable to render the water so used or dangerous to health.
- (5) Any noxious matter, or the effluvia thereof, discharged from any premises, whether by means of a street or into the gutter or otherwise, or any outlet, or water-course, which is in such a state of repair or disrepair as to be, in the opinion of the Medical Officer of Health, offensive or to be injurious or dangerous to health.
- (6) Any stable, cowshed, or other premises used for keeping of animals or birds, or any part thereof, which is in such a state of repair or disrepair as to be, in the opinion of the Medical Officer of Health, offensive or to be injurious or dangerous to health.
- (7) Any animal or deposit of manure or other matter which is in such a state of repair or disrepair as to be, in the opinion of the Medical Officer of Health, offensive or to be injurious or dangerous to health.
- (8) Any accumulation or deposit of refuse, or other matter whatsoever, which is in such a state of repair or disrepair as to be, in the opinion of the Medical Officer of Health, offensive or to be injurious or dangerous to health.
- (9) Any accumulation of refuse, or other matter whatsoever, which is in such a state of repair or disrepair as to be, in the opinion of the Medical Officer of Health, likely to harbor rats or other vermin.
- (10) Any premises in which any trade, business, or industry is carried on, or any building or construction as to be, in the opinion of the Medical Officer of Health, offensive or to be injurious or dangerous to health.
- (11) Any dwelling or premises which is in such a state of repair or disrepair as to be, in the opinion of the Medical Officer of Health, offensive or to be injurious or dangerous to health.
- (12) Any public or private building which is in such a state of repair or disrepair as to be, in the opinion of the Medical Officer of Health, offensive or to be injurious or dangerous to health.
- (13) Any structure or erection which is in such a state of repair or disrepair as to be, in the opinion of the Medical Officer of Health, offensive or to be injurious or dangerous to health.
- (14) Any factory or workshop which is in such a state of repair or disrepair as to be, in the opinion of the Medical Officer of Health, offensive or to be injurious or dangerous to health.
- (15) Any place or premises which is in such a state of repair or disrepair as to be, in the opinion of the Medical Officer of Health, offensive or to be injurious or dangerous to health.

- (16) Any premises which are or permitted to remain in such a state as to be offensive or liable to cause any infectious disease or injury to danger to health.
- (17) Any structure or erection which is in such a state of repair or disrepair as to be, in the opinion of the Medical Officer of Health, offensive or to be injurious or dangerous to health.
- (18) Any cemetery, burial-place, or place of deposit of the dead, or any other place, which is in such a state of repair or disrepair as to be, in the opinion of the Medical Officer of Health, offensive or to be injurious or dangerous to health.
- (19) Any act, omission, or thing which is, or may be, dangerous to life, or injurious to health.

(2) The author of a nuisance means the person by whose act, default or omission a nuisance is caused, exists or is continued, whether he is the owner, occupier or both owner and occupier or any other person.

118. The local authority or Medical Officer of Health if satisfied of the existence of a nuisance shall serve a notice on the author of the nuisance, or if he cannot be found, then 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 the local authority or Medical Officer of Health think it desirable (but not otherwise) specifying any work to be executed to prevent a recurrence of the said nuisance.

Provided that—

- (a) Where the nuisance arises from any want or defect of a structure or structure or upon the dwelling or premises are unoccupied, the notice shall be served on the owner.
- (b) Where the author of the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act or default or omission of the occupier or owner of the dwelling or premises, the local authority or Medical Officer of Health shall remove the same and may do what is necessary to prevent the recurrence thereof.

120. (1) If the person on whom a notice has been served as aforesaid fails to comply with any of the requirements thereof within the time specified, the local authority or Medical Officer of Health shall cause a complaint to be made to the Court and shall thereupon issue a summons to that person or other person who was named in the notice to appear before the Court.

(2) If the Court is satisfied that (1) the person named in the notice has failed to comply with any of the requirements thereof, the Court shall make an order on the person named in the notice or other person to remove the nuisance within a time specified in the order and to do such things as may be necessary for that purpose.

(3) The Court may by such order as it may think fit require the person on whom the order is made to give security for the payment of all costs incurred in the proceedings and to make good the costs of the plaintiff in the proceedings.

(4) If the Court is satisfied that (1) the person named in the notice has failed to comply with any of the requirements thereof, the Court shall make an order on the person named in the notice or other person to remove the nuisance within a time specified in the order and to do such things as may be necessary for that purpose.

(5) If the Court is satisfied that (1) the person named in the notice has failed to comply with any of the requirements thereof, the Court shall make an order on the person named in the notice or other person to remove the nuisance within a time specified in the order and to do such things as may be necessary for that purpose.

(1) In the event of the person on whom the order is specified in sub-sections 4 and 5 not complying with a reasonable notice, the local authority or Health shall again cause a summons to be served on such person, who shall thereupon have a summons served on him and on proof that the person has not complied with the directions as to the payment of the costs up to the hearing.

(2) Before making any order, if it thinks fit, to advise the hearing of the summons until an inspection, investigation or hearing in respect of the nuisance alleged has been made by some other person.

(3) Where the nuisance permitted to exist is such as to render a dwelling unfit, in the judgment of the Court, for human habitation, the Court may make an order prohibiting the person from continuing to use the dwelling for that purpose, and may also make an order that no rent shall be payable by or on behalf of the occupier of that dwelling in respect of the period during which the dwelling is so rendered unfit for use as a dwelling. The Court may also make such other order as it thinks fit in relation to the dwelling, and from the date of such order the dwelling shall be deemed uninhabitable.

Notwithstanding any such last-mentioned order, further proceedings may be taken in accordance with this section in respect of the same dwelling in the event of any nuisance occurring in the dwelling being again found to be unfit for human habitation.

121. (1) Any person who fails to obey an order to comply with the requirements of a local authority or Medical Officer of Health or otherwise to remove the nuisance, shall, unless he satisfies the Court that he has used all diligence to comply with such order be liable to a fine not exceeding forty florins for every day during which the default continues; any person wilfully acting in contravention of a closing order issued under the last preceding section shall be liable to a fine not exceeding forty florins for every day during which the contravention continues.

(2) The local authority or Medical Officer of Health may in any case exercise the powers to which any such order relates, and may cause the same to be executed in any competent Court for the purpose of enforcing compliance with the order if made.

122. Whenever it appears to the satisfaction of the Court that the person by whom any such order is made is not known or cannot be traced, the Court may, if necessary, order the local authority to execute the order, and the cost of executing the same shall be a charge on the premises on which the said nuisance exists.

123. The local authority or any of its officers or the Medical Officer of Health or any Sanitary Inspector or on the order of a Magistrate, any Coroner or Police Officer, 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 at such premises and raise the drains to be tested or such other work to be done as may be necessary for the effectual examination of the said premises: Provided that if a nuisance is found to exist, the local authority shall restore the premises at its own expense.

124. (1) Where under Section 119 a nuisance is proved to exist with respect to a dwelling and the Court is satisfied that such dwelling is so dilapidated, or so defectively constructed, or so situated, that repair to or alteration of the same are not likely to remove the nuisance and make such a dwelling fit for human habitation, the Court may order the owner thereof to cause to be demolished the dwelling and any other structures on

121. (1) Any person who fails to obey an order to comply with the requirements of a local authority or Medical Officer of Health or otherwise to remove the nuisance, shall, unless he satisfies the Court that he has used all diligence to comply with such order be liable to a fine not exceeding forty florins for every day during which the default continues; any person wilfully acting in contravention of a closing order issued under the last preceding section shall be liable to a fine not exceeding forty florins for every day during which the contravention continues.

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123. The local authority or any of its officers or the Medical Officer of Health or any Sanitary Inspector or on the order of a Magistrate, any Coroner or Police Officer, 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 at such premises and raise the drains to be tested or such other work to be done as may be necessary for the effectual examination of the said premises: Provided that if a nuisance is found to exist, the local authority shall restore the premises at its own expense.

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My of the Medical Department
Magistrate and or order and publish the
writing or had or insufficient housing in
the Colony and Protectorate.
The best methods of dealing with any
housing so mentioned to exist
publish such recommendations as may appear
of the result of any such investigation or

Governor on the advice of the Board may make
any order powers and impose duties in connection
carrying out and enforcement thereof on local
authorities, owners and others as to—

(a) The inspection of land, dwellings, buildings, factories
and other premises, and for securing the keeping of the same
clean and free from nuisance and so as not to endanger the
health of the inmates or the public health.

(b) The construction of buildings, the provision of proper
lighting and ventilation and the prevention of overcrowding.

(c) The periodical cleansing and whitewashing or other
treatment of dwellings and the cleansing of land attached thereto
and the removal of rubbish or refuse therefrom

(d) The drainage of land, streets or premises, the disposal
of offensive liquids and the removal and disposal of rubbish,
refuse, manure and waste matters.

(e) The standard or standards of purity of any liquid which,
after treatment in any purification works, may be discharged
therefrom as effluent.

(f) The keeping of animals or birds and the construction,
cleanliness and drainage of places where animals or birds are
kept.

(g) The establishment and carrying on of factories or trade
premises which are liable to cause offensive smells or effluvia,
or to discharge liquid or other material liable to cause such
smells or effluvia, or to pollute streams, or are otherwise liable
to be a nuisance or injurious or dangerous to health, and for
prohibiting the establishment or carrying on of such factories or
trade premises in unsuitable localities or so to be a nuisance or
injurious or dangerous to health.

(h) The subdivision and general lay-out of land intended
to be used as building sites, the level, construction, number,
direction and the width of streets and thoroughfares, the limita-
tion of the number of dwellings or other buildings to be erected
on such land, the proportion of any building site which may be
built upon and the establishment of zones within which different

...of the establishment in such a way to cause nuisance or annoyance to the neighbourhood.

(b) This regulation shall apply to any building or that local authority shall be necessary for the lands and buildings... dangerous to health and the preservation, keeping and production of such records as may be required.

PART V

PREVENTION OF FODDERSTUFFS

127. (1) All warehouses, godowns or buildings used for the storage of foodstuffs shall be... such materials and the local authority shall... the Medical Officer of Health... building rat proof.

(2) Where any repairs, repairs or alterations to the storage of foodstuffs... disrepair, or does not... Health afford sufficient protection against rat invasion... of the materials used... the local authority may by written notice require the owner to effect such repairs and alterations as the notice... prescribe within a time to be specified in the said notice, and if such requirement is not complied with the local authority may enter upon the premises and effect such repairs and alterations, and may recover all costs and expenses incurred from the owner.

(3) Where in the opinion of the Medical Officer of Health any foodstuffs within a warehouse, godown or building are insufficiently protected the owner thereof shall observe all written instructions and directions of the Medical Officer of Health within a time to be specified in the said notice for the better protection of the same.

Provided that in the case of any prosecution under this section the Court may in its discretion acquit the accused if it is satisfied that all reasonable steps have been taken to exclude rats having regard to all the circumstances of the case.

128. (1) No person shall reside or sleep in any kitchen or room in which foodstuffs are prepared or stored for sale.

(2) If it appears to the Medical Officer of Health that any such kitchen or room is being so used contrary to the provisions of this section, or that any part of the premises adjoining the room in which foodstuffs are stored is exposed for use as being used as a sleeping apartment under such circumstances that the foodstuffs are likely to be contaminated or made unwholesome he may serve upon the owner or upon the owner of the house, or upon both, a written notice for such reasons to be taken as shall prevent the improper use of such kitchen and premises within a time to be specified in the notice and if such notice is not complied with the party upon whom it was served shall be guilty of an offence.

PART VI

PUBLIC WATER SUPPLIES, MINOR WATER SUPPLIES, ARTICLES OF FOOD

129. It shall be the duty of every local authority to take all such steps as may be lawful, necessary and reasonably practicable to secure...

(a) For preventing any pollution dangerous to health... any supply of water... (b) For preventing any pollution...

Construction and regulation of buildings used for the storage of foodstuffs.

No person shall reside or sleep in any room in which foodstuffs are stored, etc.

Duty of local authority as to or pollution of water supplies.

...of the establishment in such a way to cause nuisance or annoyance to the neighbourhood.

(b) This regulation shall apply to any building or that local authority shall be necessary for the lands and buildings... dangerous to health and the preservation, keeping and production of such records as may be required.

127. (1) All warehouses, godowns or buildings used for the storage of foodstuffs shall be... such materials and the local authority shall... the Medical Officer of Health... building rat proof.

(2) Where any repairs, repairs or alterations to the storage of foodstuffs... disrepair, or does not... Health afford sufficient protection against rat invasion... of the materials used... the local authority may by written notice require the owner to effect such repairs and alterations as the notice... prescribe within a time to be specified in the said notice, and if such requirement is not complied with the local authority may enter upon the premises and effect such repairs and alterations, and may recover all costs and expenses incurred from the owner.

(3) Where in the opinion of the Medical Officer of Health any foodstuffs within a warehouse, godown or building are insufficiently protected the owner thereof shall observe all written instructions and directions of the Medical Officer of Health within a time to be specified in the said notice for the better protection of the same.

Provided that in the case of any prosecution under this section the Court may in its discretion acquit the accused if it is satisfied that all reasonable steps have been taken to exclude rats having regard to all the circumstances of the case.

128. (1) No person shall sell or expose for sale or bring into the City or Province or into any market or have in his possession without reasonable excuse any food for man in a state of putrefaction, decayed or unwholesome state, or which is not fit to be used as any food for any animal which is in any household.

(2) No person shall collect, prepare, manufacture, keep, transmit or expose for sale any foodstuffs without taking adequate measures to guard against or prevent any infection or contamination thereof.

129. Any Medical Officer of Health, or other person duly authorized by the local authority in writing, may, at any time between the hours of 8 a.m. and 6 p.m., enter any shop or premises used for the sale or preparation for sale, or for the storage of food in any way, and examine any food therein which he shall have reasonable cause to believe to be used as human food, and should such food appear to such officer to be unfit for such use, he may cause the same, and any Magistrate may order it to be destroyed or as in the foregoing section. The proof that such food was not exposed or deposited for any such purpose shall rest with the person charged.

130. Any person in whose possession there shall be found any food liable to seizure under sections 129 and 132 shall be liable to a penalty not exceeding one hundred pounds to be paid within a period not exceeding six months or to both.

131. The Governor on the advice of the Board may make regulations regarding all or any of the following matters: (a) The inspection of dairy stock and of animals intended for sale... (b) The inspection of dairies, stock sheds, milks, milk-shops, milk vessels and slaughter houses, and of factories, farms, shops and other places where any article of food is manufactured or prepared or kept.

132. The Governor on the advice of the Board may make regulations regarding the sale, etc., of milk and of articles of food.

Sale of unwholesome food prohibited.

Seizure of unwholesome food.

Penalty.

The Governor on the advice of the Board may make regulations regarding the sale, etc., of milk and of articles of food.

Cess-pits to be screened or filled.

140. The occupier or owner of any cess-pit or other receptacle to which is any cess-pit shall unless such cess-pit is properly protected or screened to the satisfaction of the Medical Officer of Health so as to prevent the ingress of flies, shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding one pound for each day during which he shall continue to be in default of the provisions of this section.

Containers used to be refilled.

141. It shall be lawful for the Medical Officer of Health to write a notice to require the occupier or owner of any premises upon or attached to which any pipes, pipe, gutter, or water way used or intended for carrying off water from any part of the premises, to cause the same to be perforated by holes not less than two feet in such a manner as to prevent the collection or accumulation of water therein, and if any person duly served with such notice shall fail to comply with the provisions thereof within the times as may be specified therein, he shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding one pound for each day during which he shall continue to make such default.

Larvae, etc. may be destroyed.

142. Where any of the immature stages of the mosquito are found on any premises in any collection of water in any cess-pit, well, pool, channel, barrel, tub, bucket, tank, or any other vessel, or in any bottle, whole or broken, whether fixed on a wall or not, tin box, calabash, shell, or any other article, it shall be lawful for the Medical Officer of Health 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 other steps as may be necessary to prevent the recurrence of the nuisance and to render any pools or collections of water unfit for breeding places for mosquitoes.

Where presence of mosquito larvae an offence.

143. Notwithstanding any provision of this Ordinance, the occupier or owner of any house or premises, or the owner of any vessel, or any person having the charge of any vessel, timber, bark, or other article, in or about which there is any collection of water, shall be liable to a fine not exceeding five pounds, or in default to be imprisoned with or without hard labour for seven days.

PART XIII

EUROPEAN AND NON-EUROPEAN RESERVATIONS AND COMMERCIAL AREAS

Power to reserve European and Non-European reservations and commercial areas.

144. The Governor in Council may from time to time by proclamation reserve any area or areas as a reservation or as a commercial area, and may from time to time by proclamation reserve any area or areas as a reservation or as a commercial area, and may from time to time by proclamation reserve any area or areas as a reservation or as a commercial area.

Provision as to residence of occupier of land.

145. It shall be lawful for the Governor from time to time by proclamation to reserve any area or areas as a reservation or as a commercial area, and may from time to time by proclamation reserve any area or areas as a reservation or as a commercial area.

146. No person shall be held liable for any offence under this section unless he is a European or a Non-European.

(a) To prevent any person from occupying any land or from erecting any building on any land, within a European reservation or a Non-European reservation, unless he is a European or a Non-European.

(b) To prevent any person from occupying any land, or from erecting any building on any land, within a European reservation or a Non-European reservation, unless he is a European or a Non-European.

but the foregoing sections shall apply to any land or building whenever such land or building ceases to be in such occupation.

(c) To apply to any Non-European, Somali or Native domestic or industrial servant in the employment of the occupier.

SOMALI AND NATIVE LOCATIONS

147. (1) Any local authority may with the approval of the Governor lay out on any lands under its control such premises for Somalis or natives as may be deemed desirable and erect suitable buildings thereon for the occupation of such Somalis or natives and make charges therefor to be fixed by regulations or let to Somalis or natives plots in such locations on such terms and conditions as may from time to time be provided by regulations and may compel all Somalis and natives residing in the district, except such as are employed in domestic service and are lodged on the premises of their employers, to reside within such locations.

(2) The local authority may from time to time make, alter or amend regulations for the proper carrying out of the provisions of this section and the effectual supervision of such locations.

PART XIV

CEMETERIES

148. It shall be lawful for the Governor to select and appoint within the Colony and Protectorate and to notify in the Gazette sufficient and proper places to be the sites of, and to be used as, cemeteries; and it shall be obligatory where such cemeteries exist to bury the dead in such cemeteries in conformity with the provisions of regulations made by any local authority who shall be guilty of a breach of any such regulations if he has any control over the burial of any dead person.

149. All cemeteries now being used in the Colony and Protectorate shall be published in the Gazette as soon as they are so published.

150. (1) Subject to the provisions of this section, no person shall be lawfully buried in any place which has been reserved as a cemetery, burial ground, or other place for the burial of the dead in manner hereinafter provided.

(2) Such person shall be liable to a fine not exceeding five pounds, or to imprisonment with or without hard labour for seven days, or to both such penalties, if he is guilty of an offence under this section.

(3) Such person shall be liable to a fine not exceeding five pounds, or to imprisonment with or without hard labour for seven days, or to both such penalties, if he is guilty of an offence under this section.

The person who is guilty of an offence under this section shall be liable to a fine not exceeding five pounds, or to imprisonment with or without hard labour for seven days, or to both such penalties, if he is guilty of an offence under this section.

Magistrate to have jurisdiction

Provided always that nothing herein contained shall be deemed to affect the rights of a Magistrate to order the exhumation of a body or the remains of any body for the purpose of holding an inquiry into the cause of death of any person.

Things to be done for execution of public works may be ordered.

(1) It shall be lawful for the Governor whenever he shall deem it expedient for the execution of any public work or any other purpose, to cause any building or the remains of any body buried in any grave to be removed to any other place, and he may order that the body or the remains of any body so removed shall be reburied in such manner as he shall think fit.

(2) No person shall be liable in respect of any grave removed from any place to any other place within six months before the removal of the body or the remains of any body buried in the grave, if he has been notified in writing by the Magistrate that he should be notified at or near the grave to be removed to any other place by a registered keeper of a cemetery, and he has complied with the requirements of the said notification.

(3) Where any person is notified in writing by the Magistrate that he should be notified at or near the grave to be removed from any place to any other place, and it is possible to do so, he shall be notified in writing by the Magistrate or some of his officers before the work of removal is undertaken.

Interment

(4) The provisions of this section shall apply to the interment in an authorized cemetery of any body or remains of any body removed under this section, and for the removal and protection of any monument, all charges in connection therewith being defrayed out of the public revenue.

Record of permits for exhumation

(5) The Governor shall keep a record of every permit granted and of every exhumation made under the provisions of the last two sections. Such record shall contain the names, so far as the same can be ascertained, of the persons who applied for and obtained the permits, the date of the exhumation, the date of the burial, and the place of the burial. Such record shall be open to inspection by any person.

Regulation of public markets

(6) It shall be lawful for the Governor in Council to notify in writing to any person that any building or ground shall be closed, and the same shall be closed accordingly, and any person who after the said notification shall have any body or the remains of any body in the said building or ground, shall be liable to a fine not exceeding five pounds.

Regulation of public markets

(7) Any person who incurs any expenses incurred by the Board in connection with the execution of any order or notice issued by the Governor in Council shall be deemed to be liable to pay the same on the request of the person on whose behalf the same were issued, and shall be recoverable from him as a civil debt recoverable from a person liable to pay the same under this section shall apply to any person who incurs such expenses by the local authority.

Regulation of public markets

(8) No person shall be allowed to use any building, or any part of any building, as a shop, workshop, or factory, or for the preparation or storage of food, and no basement shall be used unless it is well lit and ventilated, and is free from damp and is rendered rat-proof to the satisfaction of the Medical Officer of Health.

Regulation of public markets

(9) The Governor on the advice of the Board may make regulations for the conduct and inspection of lodging houses and any person shall open, or keep open, a lodging house, unless the house is licensed and the keeper thereof is licensed by the local authority.

157. (1) No person shall open or keep open a nursing home, convalescent home, private hospital, infirmary or any institution where invalids or convalescents are treated or received upon payment of fees or charges unless the home is registered and the keeper thereof licensed by the Board.

Nursing homes to be licensed

(2) The Principal Medical Officer on the advice of the Board may authorise a medical practitioner on his behalf to visit any such premises as in this section mentioned to report to the Board upon any matter or thing connected with the premises or the use thereof.

Nursing homes may be inspected by the Board

(3) Any person who knowingly obstructs an authorised medical practitioner in any such inspection as is authorised by the Principal Medical Officer and in regulations shall be guilty of an offence.

Obstructing inspection

158. For the purposes of this Ordinance the Governor may make regulations for the establishment, control and closing of all markets and market buildings.

Markets

159. When in the opinion of the local authority additional public latrine accommodation is required in any locality upon unleased Crown land, the local authority shall apply in writing to the Governor, specifying the site upon which it desires the erection of a public latrine, and the accommodation to be provided by such latrine. The Governor shall after due inquiry give his decision on the matter.

Local authority to apply for public latrine

160. Every local authority may by public notice prohibit the washing of clothes by washmen in the exercise of their calling except at public wash houses or at such other places as it may appoint for the purpose.

Regulation of public washmen

161. (1) Where it is shown to the satisfaction of the Governor in Council, upon the advice of the Board, that the growth of any crop or the irrigation of any land being within the boundaries of a Township or within three miles of such boundaries is obstructed or impeded, the Governor in Council may by order published in the Official Gazette prohibit the growing of any crop or the irrigation of any land within any area within the boundaries of a Township or within three miles of such boundaries, and may cause a permit or licence to be issued for the purpose of authorising the use of water for such purpose to be cancelled upon such terms as may appear to him expedient.

Control of irrigated land

(2) The Governor may make regulations for ensuring that the health of a tributary of a district may be maintained in respect of -

- (a) The prevention of pools of standing water
- (b) The drainage and disposal of such pools when they exist
- (c) The inspection, repair and cleaning of open channels, canals and drains

162. The Governor may make regulations providing for the registration of Births and Deaths.

Registration of Births and Deaths

163. (1) The Governor may provide for the inspection, sampling and examination, by officers of the Medical Department, of vaccines, vaccines, and similar substances imported into or manufactured in the Colony and Protectorate and intended or used for the prevention or treatment of human diseases, and may prohibit the importation, manufacture, or use of any such substance which is considered to be unsafe or to be liable to be harmful or deleterious.

Supervision of importation or manufacture of vaccines, etc.

(2) The Governor may make such regulations as he may consider necessary for properly carrying out the provisions of this section.

PART 891.

Notices etc. may be printed or written

164. Notices, orders and other documents under this Ordinance may be in writing or partly in print, and if the same are in writing, they may be signed by the Secretary, Town Clerk, Medical Officer or Inspector of District Councils, as the person sufficient authentication.

Service of notices

165. Notices, orders and other documents authorized to be served under this Ordinance may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises by delivering the same, or a true copy thereof, to some person on the premises, or if there is no person on the premises who can be served by giving the same to any conspicuous part of the premises, they may also be served by a prepaid letter, and if served by post shall prima facie be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that notice, order or other document was properly addressed and put in the post.

Power and duties of officers of the Medical Department.

166. The Deputy Principal Medical Officer, the Chief Sanitation Officer, any Sanitation Officer, Medical Officer of Health, Port Health Officer or Medical Officer of the Department may with the authority and on behalf of the Principal Medical Officer discharge any of the duties or functions of the Principal Medical Officer and any duties imposed or powers conferred by this Ordinance or Medical Officers of Health, Port Health Officers, District Surgeons or Medical Officers may be carried out as exercised by the Principal Medical Officer, Deputy Principal Medical Officer, Chief Sanitation Officer or any Medical Officer designated by the Principal Medical Officer for that purpose.

Defect in form not to invalidate notices, etc.

167. No defect in the form of any notice or order under this Ordinance shall invalidate or render inoperative any such notice or order, or be a ground for objection to any such notice or order, which may be taken by the officer to whom the notice or order relates provided the requirements thereof are substantially and intelligibly set forth.

Power of entry and inspection of premises and penalties for obstruction

168. (1) Any Medical Officer of Health or Sanitary Inspector, or Port Health Officer or any European Sanitation Officer or any other person generally or specially authorized by the Principal Medical Officer, Medical Officer of Health or local authority may, at any hour reasonable for the performance of the duty, enter any house or premises to inspect or to perform any work or to do anything required or authorized by this Ordinance, or any other law, if such inspection, work or thing is necessary for or in connection with the performance of his duties or the exercise of his powers.

(2) Any person who fails to give or refuse to give access to any officer, inspector or person authorized to enter or to perform any work or to do anything required or authorized by this Ordinance, or any other law, or who fails or refuses to give access to any person, or who gives to such officer, inspector or person any information knowing that it is false or who gives to such officer, inspector or person any information which is likely to be false or who obstructs or hinders in any way the performance of the duty of any such officer, inspector or person, shall be liable to a penalty not exceeding ten dollars.

169. Any person who contravenes or fails to comply with any provision of this Ordinance shall be liable to a penalty not exceeding ten dollars for each offence.

Penalties relating to contravention

170. Any person who contravenes or fails to comply with any provision of this Ordinance shall be liable to a penalty not exceeding ten dollars for each offence.

Liability of secretary or manager of company

171. Proceedings against any person for an offence under this Ordinance may be taken against such person or against any person who is a partner, director, secretary or manager of a company or other body corporate, if the offence was committed in the course of the business of that company or other body corporate.

Proceedings against several persons

172. A person who contravenes or fails to comply with any provision of this Ordinance may be prosecuted by any of its officers or by any person generally or specially authorized in writing by the Principal Medical Officer or other person authorized in writing by the Principal Medical Officer, and in proving such contravention or default it shall be sufficient to prove that notice, order or other document was properly addressed and put in the post, and in proving such service it shall be sufficient to prove that notice, order or other document was properly addressed and put in the post.

Prosecutions

(2) Where an officer or person authorized by a local authority under sub-section (1) prosecuted any person for any contravention of, offence against or default in complying with, any provision of this Ordinance or any regulation made or deemed to be made thereunder and the accused has been convicted of that contravention, offence or default all fines and penalties imposed may be recovered by such officer or person authorized by a local authority as a civil debt recoverable summarily.

Proceedings

173. Nothing in any law specially governing any local authority shall be construed as preventing such local authority from exercising any power or performing any duty under this Ordinance by reason only that it is exercising such power or performing such duty at some place or thing or incur expenditure outside its district.

Power of Local Authority outside its District

174. Regulations made under any Ordinance repealed by this Ordinance shall remain in force in so far as they relate to any person or thing to which the Ordinance so repealed applied until superseded by regulations made under this Ordinance.

Regulations under repealed Ordinance to remain in force.

175. (1) The Governor shall have power to make regulations generally for the carrying out of the purposes of this Ordinance.

Power to make regulations

(2) Any regulations made under this Ordinance by the Governor shall be laid before the Legislative Council at the next meeting thereof, after they are made.

176. The Infectious Diseases Ordinance, 1903, the Infectious Diseases Amendment Ordinance, 1907, the East African Sleeping Sickness Ordinance, 1913, the Vaccination Ordinance, 1914, the Vaccination Amendment Ordinance, 1915, and the Vaccination Ordinance, 1918, are hereby repealed.

And it is hereby made in that behalf that the East African Sleeping Sickness Ordinance, 1907, shall be deemed to have been made under this Ordinance.

Repeal of Ordinance

Printed at the Legislative Council Chamber, the 17th day of
February, in the year of Our Lord one thousand nine hundred
and twenty-one.

This printed impression has been carefully compared by
me with the Bill which has passed the Legislative Council and
found by me to be a true and correct copy of the said
Bill.

Clerk of the Legislative Council

Presented for authentication and assent as a correctly and
faithfully printed copy of the Bill as passed by the Legislative
Council.

Acting Colonial Secretary

Attorney General

July 20 2000

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