

PUBLIC HEALTH ACT, 2015*(Act 13 of 2015)***ARRANGEMENT OF SECTIONS****SECTIONS****PART I - PRELIMINARY**

1. Short title and commencement
2. Act binds Republic
3. Interpretation

PART II - ADMINISTRATION

4. Commissioner to administer the Act
5. Public health officers

PART III - PROTECTION OF WATER SUPPLIES

6. Protection of water supplies
7. Polluted or unwholesome water forbidden for human consumption

**PART IV - EXTIRPATION OF DISEASE VECTORS,
PESTS AND VERMINS**

8. Prevention of infestation

PART V - UNHEALTHY DWELLINGS

9. Unhealthy dwelling
10. Procedure where dwelling is unfit and considered beyond repair
11. Procedure where part of dwelling is unhealthy
12. Overcrowding of dwelling
13. Effect of notice prohibiting occupation
14. Public sanitary convenience
15. Insufficient sanitary conveniences
16. Cleaning and maintenance of sanitary convenience
17. Sanitary conveniences in work places
18. Buildings to which public has access to be kept clean
19. Appeal to Supreme Court

PART VI - NUISANCES

20. Nuisance defined
21. Powers to investigate
22. Notice to abate nuisances
23. Proceedings at instance of private complainant

PART VII - NOTIFICATION OF NOTIFIABLE DISEASES

24. Notification of notifiable diseases

PART VIII - PREVENTION AND CONTROL OF INFECTIOUS DISEASES

25. Reporting of possible public health emergency
26. Prevention of introduction of infectious diseases
27. Prohibition of importation and exportation of human remains
28. Medical examination and treatment
29. Post mortem examination
30. Isolation
31. Disinfection of premises
32. Destruction of infected bedding, etc.
33. Destruction of source of infectious disease
34. Disposal of animal, animal produce, food or water
35. Prohibition of exposure of infected person
36. Preventing from entering into infected vehicle or vessel and disinfection of such vehicle or vessel
37. Letting, subletting or selling of previously infected premises
38. Withholding of, or giving false information
39. Supplying false or misleading information when donating blood
40. Report of a death caused by infectious disease

PART IX - SEXUALLY TRANSMITTED INFECTIONS

41. Prohibition of treatment by unauthorised person
42. Prohibition of unauthorised advertisement

PART X - CEMETERIES, CREMATORIA, MAUSOLEUMS, VAULTS AND FUNERAL PARLOURS

43. Approval and licence for cemeteries, crematoria, mausoleums, vaults and funeral parlours
44. Declaration of cemeteries, crematoria mausoleums vaults and funeral parlours
45. Closure of cemeteries, crematoria and funeral parlours
46. Permit for private burial
47. Burial and cremation to be in authorised place
48. Permit for exhumation
49. Exhumation in public interest
50. Procedure where human remains are disturbed
51. Burial of corpses of destitute persons or of unclaimed corpses
52. Receipt of persons dying of infectious diseases without permission
53. Regulation for control and management of cemeteries, burial, etc.

PART XI - PROHIBITION OF CERTAIN ACTIVITIES

54. Prohibition of washing of clothes, etc., in non designated water bodies
55. Prohibition of conduct of offensive trades
56. Obligation to report sickness of animals
57. Removal of industrial waste, stable refuse, etc.
58. Waste collection facilities
59. Maintenance of refuse lifts, chutes and chute chambers in building
60. Building works constituting danger to life, health, etc.

PART XII - MISCELLANEOUS

61. Protection for actions taken in good faith
62. Services of notices
63. Compounding of offences
64. Regulations
65. Repeal and savings

FIRST SCHEDULE - Infectious Diseases**SECOND SCHEDULE - Notifiable Disease****THIRD SCHEDULE - Offensive Trades**



PUBLIC HEALTH ACT, 2015

(Act 13 of 2015)

I assent

A handwritten signature in dark ink, appearing to read 'Michel'.

J. A. Michel
President

16th October, 2015

AN ACT to repeal and replace the Public Health Act (*Cap 189*).

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

1. This Act may be cited as the Public Health Act, 2015 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title and
commencement

Act to bind
Republic

2. This Act binds the Republic.

Interpretation

3. In this Act, unless the context otherwise require —

- (1) “abate” includes taking of all reasonably practicable measures to prevent recurrence;
- (2) “adult” means a person who has attained the age of eighteen years;
- (3) “ashes” means the cremated remains of a corpse;
- (4) “Authority” means the Public Health Authority established under section 3 of the Public Health Authority Act, 2013;
- (5) “building” includes any house, hut, shed or roofed enclosure, whether used for human habitation or otherwise, and any structure, support or foundation connected to any of them;
- (6) “burial” means the disposal of a corpse or part thereof in the earth or at sea and includes any other approved mode of disposal;
- (7) “carrier” means a person who, although not exhibiting clinical symptoms of an infectious disease at the time, is for well founded reasons and after laboratory or other tests confirmed as being infected and capable of spreading such disease;
- (8) “cemetery” or “burial ground” means any place authorised under the Act for burial and includes a place authorised for above ground burial;

- (9) “child” means a person who is under 18 years of age;
- (10) “Commissioner” means the Public Health Commissioner appointed under section 7 of the Public Health Authority Act, 2013;
- (11) “condition of public health importance” means a disease, syndrome, symptom, injury or other threat to health that is identifiable on a person or within the community and can reasonably be expected to lead to adverse health effects in the community or country;
- (12) “contact” means a person who has been identified as having been exposed, or potentially been exposed, to a contagious or possible contagious disease through another individual or non-human source with the contagious or possible contagious disease;
- (13) “contaminated materials” means wastes or other materials exposed to or tainted by chemicals, radiological or biological substances or agents;
- (14) “contagious disease” means an infectious disease that can be transmitted from person to person or from nonhuman sources;
- (15) “corpse” means a dead body and includes any part of a dead body;
- (16) “cremation” means burning a corpse to ash;
- (17) “crematorium” means an authorised building or site where cremation takes place;

- (18) "disposal facility" includes a dump site, an incinerator or any plant, machinery or apparatus used for the processing or treatment of refuse or waste;
- (19) "dwelling" means any building or tenement, house, shed, hut, tent, vehicle, vessel, boat or any other structure or place whatsoever or portion thereof in which any human being sleeps or resides;
- (20) "exhumation" means the removal of a body or the remains of a body from the grave;
- (21) "food" has the same meaning as assigned to it under the Food Act, 2014;
- (22) "funeral parlour" means any premises authorised by the Commissioner for receiving corpses for the purpose of preparation for burial or cremation, carrying out of funeral rites or ceremonies prior to burial or cremation;
- (23) "guardian" means any person other than a parent having the actual custody of a child;
- (24) "health care provider" means persons or institutions that provide health care services including but not limited to hospitals, medical clinics and offices, special care facilities, medical laboratories, physicians, pharmacists, dentists, nurses, paramedics, laboratory technicians and community health workers;
- (25) "infectious disease" means a disease caused by a living organism or other pathogen,

including a fungus, bacteria, parasite, protozoan or virus and any disease listed in the First Schedule;

(26) "infectious waste" means—

- (i) biological waste, including blood and blood products, excretions, exudates, secretions, suctioning and other body fluids and waste materials saturated with blood or body fluids;
- (ii) cultures and stocks, including etiological agents and associated biological, specimen cultures and dishes and devices used to transfer, inoculate, and mix cultures; wastes from production of biologicals and serums, discarded live and attenuated vaccines;
- (iii) pathological waste, including biopsy materials and all human tissues; anatomical parts that emanate from surgery, obstetrical procedures, necropsy or autopsy and laboratory procedures, and animal carcasses exposed to pathogens in research, the bedding and other waste but does not include teeth, formaldehyde or other preservative agents; and
- (iv) needles, I.V. tubing with needles attached, scalpel blades, lancets, breakable glass tubes and syringes that have been removed from their sterile containers;

- (27) "isolation" means separation and segregation from, and interdiction of contact with, persons who are infected or suspected of being infected to prevent or limit the transmission of disease;
- (28) "market" means a designated premises used for the purpose of trade in meat, fish, fruit, vegetables, foodstuff and other approved commodities excluding live animals and includes any premises therein used for sale of goods or used in conjunction or connection therewith or appurtenant thereto;
- (29) "master" means the person in charge of a vessel;
- (30) "mausoleum" means an approved burial place;
- (31) "medical practitioner" means a person registered as a medical practitioner under the Medical Practitioners and Dentists Act;
- (32) "medical surveillance" means the requirement that persons who are not detained, but whose movements may be restricted, attend medical examination at times and places specified by the Public Health Commissioner;
- (33) "Minister" means the Minister responsible for Health;
- (34) "notifiable disease" means any disease listed in the Second Schedule;
- (35) "nuisance" means any act, omission or thing occasioning or likely to occasion injury,

- annoyance, offence, harm, danger or damage to the sense of sight, smell or hearing, or danger to health or property;
- (36) "occupier" means the owner or other person in actual occupation of any premises or part thereof and, in the case of premises let out to tenants or lodgers in whole or in part, the person having the charge, management or control of such premises or part thereof and, in the case of a vessel, its master;
- (37) "offensive trades" means trades listed in the Third Schedule;
- (38) "officer" means a Public Health Officer appointed or designated under section 11 of the Public Health Authority Act, 2013;
- (39) "owner", in relation to any premises, means the person for the time being receiving the rent of the premises, whether on his or her own account, as agent, trustee or receiver, in relation to any premises where building works are carried out, includes the developer, and in relation to unoccupied bare land, means the person registered as owner of such land;
- (40) "parent" means the father or mother of a child, whether legitimate or not;
- (41) "premises" means any building or dwelling, the land forming the site thereof and any adjoining land used in connection therewith, and includes any vessel or vehicle;
- (42) "Planning Authority" means the Town and Country Planning Authority established

under section 3 of the Town and Country Planning Authority Act;

- (43) "police officer" means a police officer appointed under section 4 of the Police Force Act;
- (44) "public health emergency" means a situation where there is spread of, or apprehension of spread of, the epidemic diseases, like, meningococcal meningitis, cholera, dengue, plague, louse-borne typhus, yellow fever and any other disease specified in an Integrated Disease Surveillance and Response Manual or such other disease as may be mentioned in the notice of public health emergency declared under section 25(5);
- (45) "public latrine" means any latrine or urinal in a public place to which the public have access whether upon payment or not;
- (46) "quarantine" means the physical separation and confinement of a person or group of persons, who are or may have been exposed to a contagious or possibly contagious disease and who do not show signs or symptoms of a contagious disease, from non-quarantined persons, to prevent or limit the transmission of disease;
- (47) "receptacle" means any bucket, bottles, tin, shell or other article;
- (48) "sanitary convenience" means any place or facility used as a latrine, urinal, lavatory or bathroom;

- (49) "sexually transmitted infection" means primary or secondary syphilis in contagious form, acute or chronic gonorrhea, gonorrheal ophthalmia, soft chancre or lymphogranuloma inguinale, granuloma venereum, human immunodeficiency virus or acquired immune deficiency syndrome or any other disease set out in the Integrated Disease Surveillance and response Guidelines;
- (50) "school" means any public or private institution for preschool, primary, secondary or higher education and includes a hostel or boarding house for the attendance, accommodation and care of the students;
- (51) "stable refuse" means the dung or urine of birds, poultry or animals and the sweepings or refuse or drainage from stables or cattle-sheds or places for keeping animals, birds or poultry;
- (52) "street" means any highway, road or lane and includes any strip of land reserved for a flyover, highway, road or lane and any bridge, footway, square, car-park, court, alley or passage open to the public whether a thoroughfare or not;
- (53) "test or examination" means any diagnostic or investigative analysis or medical procedure that determines the presence or absence of or exposure to a condition of public health importance or its precursor, in a person;
- (54) "trade premises" means any premises used or intended to be used for carrying on any trade or business;

(55) "vehicle" means any kind of transport propelled or drawn by mechanical or electrical power or by an animal or a person and used or intended to be used for the conveyance of persons or goods on a road;

(56) "vessel" includes any kind of water craft, aircraft or hover craft;

(57) "waste" includes —

(i) any substance which constitutes a scrap material or effluent or other unwanted surplus substance arising from the application of any process; or

(ii) any substance or article which requires to be disposed of due to being broken, worn out, contaminated or otherwise spoiled,

and for the purposes of this Act anything which is discarded or otherwise dealt with as if it were waste shall be presumed to be waste unless the contrary is proved;

(58) "water bodies" includes rivers, streams, springs, water courses natural and artificial;

(59) "work place" means any premises or place used for any industrial, trade, commercial or manufacturing purpose and includes all construction sites, work sites and farms.

PART II - ADMINISTRATION

4.(1) The Commissioner shall be responsible for the administration of this Act.

Commissioner
to administer
the Act

(2) The Commissioner shall take necessary measures for ensuring cleanliness, sanitation and for the prevention of diseases and the maintenance and improvement of the health of the members of the public.

5. The Commissioner may, in consultation with the Minister, delegate such of his or her functions under this Act to such public health officers, as may be necessary to assist the Commissioner in performance of his or her functions under this Act, on such terms and conditions as may be considered appropriate.

Public health
officers

PART III - PROTECTION OF WATER SUPPLIES

6. The Commissioner shall —

(a) by all practicable means guard against and prevent the pollution of any water supply which is used or may be used for drinking, domestic, recreational or industrial purposes; and

(b) where any such supply has been polluted or exposed to risk of pollution take all practical measures to stop any further pollution and to have the water purified.

Protection
of water
supplies

7.(1) A person shall not sell or offer for sale water, intended for human consumption, which is polluted or unwholesome.

Polluted or
unwholesome
water
forbidden for
human
consumption

(2) The Commissioner may, by notice in writing, stop the sale or offer for sale of water which is polluted or unwholesome intended for human consumption, if the Commissioner is of the opinion that the quality of such water does not comply with the standards prescribed by regulations.

(3) Any person who contravenes or fails to comply with subsection (1) commits an offence and shall, on

conviction, be liable to a fine not exceeding SCR50,000 and for a second or subsequent offence a fine not exceeding SCR75,000.

PART IV - EXTIRPATION OF DISEASE VECTORS, PESTS AND VERMIN

Prevention
of infestation

8.(1) Every occupier and owner of a land or premises shall at all times keep all parts of the land or premises free from any collection of water, waste or other material conducive to the infestation of such land or premises with rats, mice, mosquitoes, insects or other vermin.

(2) Where the Commissioner is of the opinion that any premises or land is infested with rats, mice, mosquitoes, insects or other vermin may, by notice in writing, require the owner or occupier of the premises to take such measures at his or her own expense as the Commissioner may consider necessary, within the period specified in the notice, for the elimination of the rats, mice, mosquitoes, insects or other vermin and the destruction of their breeding places and the prevention of any re-infestation.

(3) Where infestation of rats, mice, mosquitoes, insects or other vermin exists on vacant land or premises, and the owner, by exercise of reasonable diligence, cannot be found and the Commissioner is of the opinion that such land or premises pose an imminent danger to public health, the Commissioner may enter upon the land or the premises and take such measures as the Commissioner considers necessary for the elimination of such rats, mice, mosquitoes, insects or other vermin.

(4) Any person who fails to comply with subsection (2) commits an offence and shall on conviction be liable to a fine not exceeding SCR50,000 and the court may in addition impose a fine of SCR1000 for each day or part thereof during which the default continues.

PART V - UNHEALTHY DWELLINGS

9.(1) Where the Commissioner considers that a dwelling or part thereof is unfit for human habitation, the Commissioner shall serve on the owner and on the occupier of the dwelling a notice to remedy the defects by making such repairs, alterations or additions, as the Commissioner considers reasonably practicable and necessary, to render the dwelling fit for human habitation.

Unhealthy
dwelling

(2) A notice issued under subsection (1) shall specify the steps to be undertaken with sufficient particulars to enable the owner or occupier of the dwelling to appreciate the requirements and to ascertain the probable cost of compliance with the notice.

(3) The owner or occupier of the dwelling may, within one month of service of the notice, submit to the Commissioner alternative proposals for effectively remedying the defects mentioned in the notice and such proposals shall include plans showing clearly the scope and effect of the proposals with such particulars of dimensions and quantities sufficiently detailed to enable the cost to be estimated.

(4) Upon the submission of any alternative proposals, the Commissioner shall examine the proposals and if it appears that they require any amendments negotiate with the proposer for such amendments.

(5) Where the alternative proposals are accepted with or without amendment, the Commissioner shall serve on the owner and the occupier an amended notice to remedy the defects, substituting the original requirements with the alternative amended proposals, with amendments if any, and specifying a time limit within which the defects are to be remedied.

(6) Where the Commissioner considers that the dwelling should be vacated while the defects are being

remedied, the Commissioner may, at any stage, serve upon the owner and occupier of the dwelling a notice requiring that the dwelling be vacated within seven days from the date of service of the notice and kept unoccupied thereafter until the Commissioner has certified that the dwelling has been rendered fit for human habitation.

(7) If there are no proposals submitted within the period allowed or if the proposals are rejected or if the accepted proposals are not carried out within the period specified in the notice under subsection (5), the Commissioner shall serve upon the owner and the occupier of the dwelling a notice requiring the dwelling to be vacated within 14 days from the date of service of the notice and prohibiting the occupation of the dwelling thereafter until the Commissioner has certified that the dwelling has been rendered fit for human habitation.

Procedure
where
dwelling is
unfit and
considered
beyond repair

10.(1) Where the Commissioner considers that a dwelling is unfit for human habitation and that it cannot be rendered fit by any alterations or repairs which are practicable, the Commissioner shall serve upon the owner or occupier of the dwelling a notice to show cause, within a period not less than one month from the date of service of the notice, why an order prohibiting further occupation of the dwelling should not be made.

(2) The owner or the occupier of the dwelling may show cause by submitting proposals for alterations or repairs and such proposals shall include plans showing clearly the scope and effect of the proposals with particulars of dimensions and quantities sufficiently detailed to enable the cost to be estimated.

(3) On submission of proposals under subsection (2), the period of the notice shall be extended to such period as may be necessary for the Commissioner to examine the proposals and negotiate with the proposer for any amendments which may be required.

(4) Where the Commissioner considers that the proposals are impracticable or that if carried out they would not render the dwelling reasonably fit for human habitation or if no proposals are submitted within the period specified in subsection (1), the Commissioner shall serve upon the owner and the occupier of the dwelling a notice to vacate the dwelling on or before the date specified in the notice stating his or her reasons for the issue of such notice.

(5) Any person who remains in, or enters into a dwelling in contravention of a notice prohibiting occupation or requiring vacating the dwelling, commits an offence and on conviction shall be liable to a fine not exceeding SCR50,000 and the court may in addition impose a fine of SCR3,000 for each day or part thereof during which the default continues.

11.(1) Where the Commissioner considers that any part of a dwelling is unfit for the purpose for which it is being used, the Commissioner shall serve on the owner and the occupier of the dwelling a notice to make such alterations and repairs as are specified in the notice and to discontinue and prevent the use of that part of the dwelling for that purpose until the alterations and repairs have been completed to the satisfaction of the Commissioner.

Procedure
where part
of dwelling
is unhealthy

(2) Where the Commissioner considers that any dwelling or part thereof is unclean, verminous, defective or unhealthy, the Commissioner shall serve on the owner and the occupier of the dwelling a notice to make such alterations, remedial work and repairs as are specified in the notice.

(3) Where a notice issued under subsection (1) or (2) is not complied with, the Commissioner may prohibit the occupation of the whole dwelling until such alterations, remedial work and repairs have been completed to his or her satisfaction.

12.(1) A person shall not permit a dwelling to be overcrowded where in the opinion of the Commissioner it is injurious or dangerous to the health of the residents.

Overcrowding
of dwelling

(2) Any person who contravenes subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding SCR75,000 or to imprisonment for a term not exceeding 3 years or both such fine and imprisonment.

Effect of
notice
prohibiting
occupation

13. The service of a notice prohibiting occupation of a dwelling shall terminate all tenancies and sub-tenancies of the dwelling or any part of it and any person who receives or attempts to obtain any payment in respect of rent of the dwelling or any part of it for any period during which such notice is in force commits an offence and shall on conviction be liable to a fine not exceeding SCR75,000 or to imprisonment for a term not exceeding 3 years or both such fine and imprisonment.

Public
sanitary
conveniences

14. The Commissioner shall ensure that adequate and suitable public sanitary convenience for males and females are provided at convenient locations and are properly maintained.

Insufficient
sanitary
conveniences

15.(1) Where it appears to the Commissioner that any building, public facility or part thereof is not having or is without sufficient and adequate sanitary conveniences for males and females, the Commissioner shall, by notice in writing require the owner of the building or facility to provide the building or any part thereof with such number of sanitary conveniences as may be necessary for the persons using the building or facility, within such period as may be specified in the notice.

(2) Any person who fails to comply with the notice under subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding SCR75,000 or to imprisonment for a term not exceeding 3 years or both such fine and imprisonment.

Cleaning and
maintenance
of sanitary
conveniences

16.(1) Where it appears to the Commissioner that any sanitary convenience provided for or in connection with a building or part thereof is defective or in a condition that is

prejudicial to health or a nuisance and it cannot without reconstruction be put into a satisfactory condition, the Commissioner shall, by notice in writing, require the owner or occupier of the building to execute such works or to take such steps as may be necessary to remedy the defects, within such period as may be specified in the notice.

(2) Any person who fails to comply with the notice under subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding SCR75,000 or to imprisonment for a term not exceeding 3 years or both such fine and imprisonment.

17.(1) All workplaces shall be provided with adequate, suitable and separate sanitary conveniences for males and females, at such locations as the Planning Authority in consultation with the Commissioner may decide, unless the Commissioner determines in writing that in the particular circumstance the provision of such separate sanitary conveniences for males and females in a specified workplace is unnecessary.

Sanitary
conveniences
in workplaces

(2) Where it appears to the Commissioner that subsection (1) has not been complied with, he or she shall, by notice in writing, require the owner or the occupier of the workplace, as the case may be, to make such alterations to the existing sanitary conveniences and to provide such additional sanitary conveniences within such period as may be specified in the notice.

(3) The owner or occupier shall maintain such sanitary conveniences in a clean and hygienic manner so as not to cause any nuisance to anybody.

(4) Any person who fails to comply with the notice under subsection (2) or fails to maintain sanitary conveniences in clean and hygienic manner under subsection (3), commits an offence and shall on conviction be liable to a fine not exceeding SCR75,000 or to imprisonment for a term not exceeding 3 years or both such fine and imprisonment.

Buildings to which public has access to be kept clean

18.(1) The owner or occupier of any building or any part thereof to which the public have access shall regularly clean such building or part thereof and keep it clean, in good repair and free of any conditions as may endanger the lives or health of the employees, members of the public and other users of such building or part thereof.

(2) Where in the opinion of the Commissioner, the owner or occupier of a building or part thereof fails to comply with subsection (1), the Commissioner may, by notice in writing, require the owner or occupier to take such steps as may be specified in the notice to ensure compliance within such period as may be so specified.

(3) Any person who fails to comply with the notice under subsection (2) commits an offence and shall on conviction be liable to a fine not exceeding SCR75,000 or to imprisonment for a term not exceeding 3 years or both such fine and imprisonment.

(4) The Commissioner may, by notice in writing to the owner or occupier of any workplace or public building or part thereof—

- (a) set out the temperature and humidity level for such workplace, building or part thereof; and
- (b) require the owner or occupier of such workplace or building to
 - (i) install automatic devices for recording the temperature and humidity level in such workplace or building; and
 - (ii) keep such records and charts of the temperature and humidity level in such workplace or building.

Appeal to Supreme Court

19.(1) A person aggrieved by a notice served under this Part may, within 30 days of the service of the notice or of the issue of the decision of the Commissioner relating to any alternative proposals, whichever is later, appeal against the notice or decision to the Supreme Court to have the notice or decision quashed or any conditions thereof varied.

(2) An appeal under subsection (1) shall not operate as an extension of the period for compliance specified in the notice but the Supreme Court may, if necessary, extend such period as it may deem fit pending the hearing and determination of the appeal.

PART VI - NUISANCES

20. In this Part, "nuisance" includes —

Nuisance defined

- (a) premises or part situated or constructed is dilapidated, damp, defective in lighting or ventilation which is prejudicial to health;
- (b) premises occupied are not provided, situated or constructed or cannot be provided, situated or constructed with sufficient and suitable sanitary conveniences;
- (c) premises or part thereof are overcrowded, verminous or dirty which is prejudicial to health;
- (d) any well, pool or other source from which water is used for human consumption, domestic or industrial purposes which is polluted or is likely to become polluted as to be prejudicial to health;
- (e) any place where there exists, or is likely to exist, any condition giving rise to or capable

- of harbouring mosquitoes, vermins or insects;
- (f) the collection of water, in any well, pool, body of water, gutter, depression, excavation or receptacle which contains or is likely to collect and hold water in which mosquitoes are likely to breed;
 - (g) gutter, drain, chute, stack, pipe, downspout, water-tank or cistern which causes damp in any dwelling so as to be prejudicial to health;
 - (h) deposit of material or accumulation of water in or on any building or street which causes damp in any building so as to be prejudicial to health;
 - (i) street or part thereof stream, water course, ditch, gutter, drain, soak-away pit, well, pool, cistern, water tank, sink, waste pipe, slop-tank, dustbin, garbage receptacle, ash-pit, refuse-pit, soil-pipe, septic tank, sanitary convenience, sewer, cesspool, cesspit, manhole, grease trap, dung-pit or manure heap foul in such a state situated or constructed so as to be offensive or prejudicial to health;
 - (j) noxious matter or waste water flowing or discharged from any premises into any street, gutter, side channel of any street, gully, swamp, water bodies, irrigation channel so as to be prejudicial to health;
 - (k) furnace, chimney or other place from which smoke emitted or other unconsumed combustible matter in such quantity or in such a manner as to be prejudicial to health;

- (l) growth of weeds, long grass, trees, bushes, hedge or vegetation of any other kind which is prejudicial to health and any vegetable that is dangerous to humans either by its effluvia or owing to any part of it being eaten;
- (m) collection of water, sewage, rubbish or other fluid or solid matter which permits or facilitates the multiplication of parasites which may cause or facilitate infection of a person or animal;
- (n) excavation permitted to remain in such a state as to be offensive or prejudicial to health;
- (o) keeping of animal, bird, poultry or carcasses in such place, manner or in such numbers as to be offensive or prejudicial to health;
- (p) stable, cowshed or other premises used for keeping animals or birds which is offensive or prejudicial to health;
- (q) accumulation or deposit of refuse, offal, manure or other matter whatsoever which is prejudicial to health;
- (r) accumulation of stones, timber or other materials whatsoever or any building or structure constructed or any premises in such a state or condition that is likely to harbour rats, mice, mosquitoes, insects and other vermin;
- (s) factory, workshop or other premises causing or emitting effluvia, gases, vapour, dust, smoke or any other hazardous substances in

such a manner as to be offensive or prejudicial to health either within or outside such premises;

- (t) trade premises or other premises not kept clean and free from smell or so overcrowded, ill-fitted or ill-ventilated as to be offensive or prejudicial to health;
- (u) vehicle, vessel or aircraft in such a condition as to be offensive or prejudicial to health;
- (v) machinery, plant or any method or process used in any premises which is or likely to be dangerous to public health or safety;
- (w) place where there occurs, or from which there emanates, noise or vibration as to be prejudicial to health;
- (x) any other matter deemed to be a nuisance by the Commissioner.

Powers to
investigate

21.(1) Where an authorised officer making an inspection has reason to believe that a nuisance affects any land or premises, may, in order to investigate the origin, nature or extent of the nuisance cause the ground to be opened or the drains to be tested or any other work to be executed.

(2) An officer referred to in subsection (1) shall obtain the consent of the owner or occupier of the land or premises before any such work is executed but if the owner or occupier cannot be found within a reasonable time the requirement of such consent may be dispensed with.

(3) If upon investigation under this section nothing causing or contributing to a nuisance is found on the land or premises, the same shall be restored at the expense of the Government.

22.(1) Where upon inspection, the Commissioner finds that a nuisance exists, the Commissioner shall cause to be served upon the person by whose act, default or sufferance the nuisance arises or continues, or if the person cannot be found, on the owner or occupier of the premises on which the nuisance arises, a notice setting out the particulars of the nuisance, the steps to be taken to abate the nuisance and a reasonable period of time within which the person on whom the notice is served is required to comply with the requirements of the notice.

Notice to
abate
nuisance

(2) A notice issued under subsection (1) may require the stoppage of any work or prohibit any premises from being used for human habitation or any other purpose, either indefinitely or until such time the procedure specified in the notice have been taken to abate the nuisance.

(3) Upon the expiration of the time specified in the notice served under subsection (1), the Commissioner shall cause the site of the alleged nuisance to be re-inspected to verify compliance with the notice and if satisfied that the nuisance has been abated or that the premises has been rendered fit and safe for human habitation or its intended use, shall cancel the notice.

(4) If the owner or occupier of the premises cannot be found, or fails to abide by a notice issued under subsection (1), the Commissioner may —

- (a) cause the nuisance to be abated;
- (b) take action to prevent the recurrence of the nuisance; and
- (c) recover any cost incurred from the owner or occupier of the premises.

(5) A person who fails to comply with a notice served under subsection (1), commits an offence and shall on conviction be liable to a fine not exceeding SCR50,000 or to

imprisonment for a term not exceeding 2 years or both such fine and imprisonment and the court may in addition impose a fine not exceeding SCR1,000 for each day or part thereof during which the default continues.

Proceedings
at instance
of private
complainant

23. Any person who alleges that a nuisance exists and that it is injurious or prejudicial to human or animal health may report the matter to the Commissioner and if the nuisance is not abated within a reasonable time, the Commissioner may take action in accordance with section 22(4).

PART VII - NOTIFICATION OF NOTIFIABLE DISEASES

Notification
of notifiable
diseases

24.(1) Where an inmate of an institution or organisation or occupier of any dwelling or premises other than in a hospital is suffering from a notifiable disease—

- (a) the head of the family of the dwelling of the occupier or the head of the institution or organisation of such inmate being housed;
- (b) if, the head of the family of the dwelling or the head of the institution or organisation is absent or unable to act, any other adult member of the family or acting head of the institution or organisation;
- (c) if, no adult member of the family or head of the institution or organisation is present and able to act, the person being in charge of the dwelling or the person in attendance of such inmate of the institution or organisation; or
- (d) if, there is no such person able to act, any other person occupier in the dwelling or an inmate, member or employee of the organisation or institution,

shall, as soon as he or she becomes aware that an inmate or occupier is suffering from a notifiable disease, give notice of the fact to the Commissioner.

(2) A notice under subsection (1) shall be given personally within 24 hours to the Commissioner or to any officer, if none of them are available to a police officer at the nearest police station.

(3) The officer or the police officer who receives a notice under subsection (2) shall forthwith communicate the substance of the notice to the Commissioner.

(4) A medical practitioner attending or called in to visit an inmate or occupier referred to in subsection (1) shall, on becoming aware that the inmate or occupier is suffering from any notifiable disease, forward to the Commissioner a report stating the name, age, sex and address of the inmate or occupier, the state of the dwelling and the notifiable disease from which, in the opinion of the medical practitioner, the inmate or occupier is suffering and shall also inform the person in charge of or in attendance on the inmate of the organisation or institution or the head of the dwelling or premises in which the occupier is found, the nature of the disease and the precautions to be taken to prevent the infection of others.

PART VIII - PREVENTION AND CONTROL OF INFECTIOUS DISEASES

25.(1) A health care provider or a medical practitioner shall report to the Commissioner all cases of persons who are suffering from any disease or condition of public health importance specified in the Integrated Disease Surveillance and Response Manual.

Reporting of
possible public
health
emergency

(2) A pharmacist shall report any unusual variations in prescription rates, types of prescriptions, or customer which may indicate a public health emergency.

(3) A veterinarian, livestock owner, veterinary director or other person having the care of animals shall report animals having or suspected of having any diseases or conditions that may be potential causes or indication of a public health emergency.

(4) A report under subsection (1), (2) or (3) shall be made electronically or in writing within 24 hours to the Commissioner and shall include the following information —

- (a) in the case of a human —
 - (i) the name, date of birth, sex, occupation, home and work addresses of the person affected;
 - (ii) name and address of the reporting person;
 - (iii) the suspected, probable or confirmed specific disease, illness or condition that is the subject of the report;
 - (iv) condition related to animal or insect bites, the suspected location, information of the animal or insect and the name and address of the owner of the animal; and
 - (v) any other information needed to locate the human or animal; or
- (b) in the case of an animal, the suspected location, information of the animal or insect and the name and address of the owner of the animal.

(5) The Commissioner shall, based on the information available, determine that a public health emergency exists and declare the existence of the public health emergency by

providing a notice to the public in such manner as the Commissioner deems necessary and in the Gazette and requisition such equipment or building, whether occupied or unoccupied, as may be prescribed by regulations.

(6) A person who fails or unreasonably delays to comply with the requisition under subsection (5), commits an offence and shall on conviction be liable to a fine not exceeding SCR 50,000 or to imprisonment for a term not exceeding 3 years or both such fine and imprisonment.

26.(1) The Minister may, for the purpose of minimising the danger of introduction of infectious diseases into Seychelles, prescribe by regulations —

Prevention of introduction of infectious diseases

- (a) the restriction or prohibition of the entry into Seychelles any corpse or ashes from any specified country or area;
- (b) the restriction or prohibition of the importation into Seychelles of any animal, food or article;
- (c) the requirements or conditions regarding medical examination, detention, quarantine, disinfection, vaccination, isolation, medical observation and medical surveillance of persons entering Seychelles;
- (d) the requirements or conditions of veterinary examination, inoculation, vaccination, segregation and quarantine of animals; or
- (e) the requirements or conditions relating to examination, disinfection and detention of food, articles or things imported into Seychelles.

27.(1) Human remains, corpses or ashes shall not be brought into Seychelles or taken out of Seychelles without the written approval of the Commissioner.

Prohibition of importation and exportation of human remains

(2) A request for the approval of the repatriation of corpses, or cremated ashes shall be made in writing to the Commissioner accompanied by a medical certificate or other evidence showing the name of the deceased, the date and cause of death and the measures adopted to preserve the remains.

(3) A request for approval under subsection (2) shall be made no less than 48 hours before embalming and repatriation of the corpse from Seychelles.

(4) A person shall not open a casket containing human remains or corpse brought into Seychelles without the written approval of the Commissioner.

(5) A person who contravenes or fails to comply with subsection (1) or (4), commits an offence and shall on conviction be liable to a fine not exceeding SCR50,000 or to imprisonment for a term not exceeding 2 years or both such fine and imprisonment.

Medical
examination
and treatment

28.(1) The Commissioner may require any person who is suffering, or is suspected to be suffering or has recently suffered from an infectious disease or who is in contact of, or is likely to spread, an infectious disease to be tested or medically examined at such intervals and at such place as the Commissioner considers necessary.

(2) The Commissioner may, with or without the consent of a person or that of his or her parent or guardian, require such person suffering from an infectious disease or is a carrier or who has been in contact with the person with an infectious disease to undergo appropriate medical examination or treatment in a hospital or other place in the manner specified.

(3) If a person fails to comply with any requirement made under subsection (1) or (2), the Commissioner may, with or without the consent of the person or that of his or her parent

or guardian, order the removal of the person to a hospital or other place where the person may be detained until the Commissioner declares that the person is free from any infectious disease.

29. The Commissioner may order a post mortem examination of the body of a deceased person suspected to have died from an infectious disease for the purpose of determining the cause and circumstances of the death.

Post mortem
examination

30. Where the Commissioner is of the opinion that any person is suffering from an infectious disease or is suspected to be in contact or a carrier of an infectious disease, the Commissioner may, with or without the consent of the person of his or her parent or guardian, order the removal of the person for detention and isolation for the purposes of treatment of the person, for such period as the Commissioner considers necessary.

Isolation

31.(1) Where the Commissioner is of the opinion that any premises or part thereof or any articles likely to retain or spread infectious disease, shall give notice in writing to the owner or occupier of such premises or part thereof specifying the procedure to be taken to cleanse and disinfect such premises or part thereof or such articles, as the case may be, within the time specified in such notice.

Disinfection
of premises

(2) Where the owner or occupier of any such premises or part thereof or the articles is unable, to effectively carry out the requirements of this section, the Commissioner may, with or without the consent of the owner or occupier, enter such premises or part thereof and cause the premises or part thereof or articles, as the case may be, to be cleansed and disinfected at the expense of the Government.

32.(1) The Commissioner may, in writing, direct the destruction of any bedding, clothing or other articles which have been exposed to infection from an infectious disease and such direction shall be sufficient authority for a person designated to destroy such articles.

Destruction
of infected
bedding,
etc.

(2) The Commissioner may at the expense of the Government replace the destroyed articles with similar articles or their value in money.

(3) A person who contravenes or fails to comply with subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding SCR50,000 or to imprisonment for a term not exceeding 2 years or both such fine and imprisonment.

Destruction
of source of
infectious
disease

33.(1) Where a building or any part thereof is likely to retain infection and cannot be effectively disinfected or treated the Commissioner shall issue a notice in writing requiring the occupier to vacate the building immediately.

(2) Where a building or part thereof is the subject of a notice given under subsection (1) cannot be effectively disinfected or treated, such building or part thereof shall be destroyed as soon as possible under the direction and supervision of the Commissioner.

(3) The manner of assessment and payment of compensation for any property destroyed under this section shall be prescribed by regulations.

(4) A person who contravenes or fails to comply with subsection (1), commits an offence and shall on conviction be liable to a fine not exceeding SCR100,000 or to imprisonment for a term not exceeding 3 years or both such fine and imprisonment.

Disposal of
animal, animal
produce, food
or water

34. The Commissioner may order the destruction of any animal or animal produce and the disposal of any food or water wherever found, if the Commissioner considers such animal, animal produce, food or water to be a source of transmission of an infectious disease.

Prohibition of
exposure of
infected person

35.(1) A person shall not—

- (a) while knowingly suffering from any infectious disease expose himself without taking proper precautions to guard against directly or indirectly spreading such disease;
- (b) whilst being in charge of any other person known to be suffering from any infectious disease expose such other person without taking proper precautions to guard against spreading such disease;
- (c) give, lend, sell, expose or transport any bedding, clothing, rags or articles which have been exposed to infection from an infectious disease.

(2) A person who transports with proper precautions and under the authorisation of the Commissioner any bedding, clothing, rags for the purpose of having them disinfected or destroyed shall not be deemed to contravene the provisions of subsection (1)(c).

(3) A person who contravenes or fails to comply with subsection (1), commits an offence and shall on conviction be liable to a fine not exceeding SCR100,000 or to imprisonment for a term not exceeding 3 years or both such fine and imprisonment.

36.(1) An owner or person in charge of any public vehicle or vessel who has conveyed any person believed to have been suffering from an infectious disease, shall immediately take all practicable measures to prevent any other person from entering such vehicle or vessel and shall report to the officer or to the nearest police station.

Preventing
from entering
into infected
vehicle or
vessel and
disinfection of
such vehicle
or vessel

(2) The officer or the police officer who receives a report under sub section (1) shall forthwith communicate the substance of the report to the Commissioner.

(3) The owner or person in charge of any vehicle, shall cause such vehicle or vessel to be disinfected in accordance with the directions of the Commissioner before any person is permitted to enter it for any purpose other than for the carrying out of such directions.

(4) A person who fails to comply with subsection (1), commits an offence and shall on conviction be liable to a fine not exceeding SCR100,000 or to imprisonment for a term not exceeding 3 years or both such fine and imprisonment.

Letting,
subletting or
selling of
previously
infected
premises

37.(1) A person shall not let, sublet or sell any dwelling or premises or part thereof including rooms in a hotel or guesthouse which to his or her knowledge had been used within six weeks prior to such letting or sale by any person suffering from an infectious disease unless the Commissioner has certified that the dwelling, rooms or premises and all articles therein have been effectively disinfected to the satisfaction of the Commissioner.

(2) Any person who fails to comply with subsection (1), commits an offence and shall on conviction be liable to a fine not exceeding SCR100,000 or to imprisonment for a term not exceeding 3 years or both such fine and imprisonment.

Withholding
or giving
false
information

38.(1) A person shall not knowingly withhold information from or give false information to any person that a dwelling, premises, hotel or guest house room had been occupied by a person suffering from an infectious disease within the previous six weeks.

(2) A person who contravenes or fails to comply with subsection (1), commits an offence and shall on conviction be liable to a fine not exceeding SCR100,000 or to imprisonment for a term not exceeding 3 years or both such fine and imprisonment.

39.(1) A person who when donating blood or blood products at any blood bank or hospital in Seychelles for any purpose furnishes any material information which he or she knows to be false or misleading, commits an offence and shall on conviction be liable to a fine not exceeding SCR100,000 or to imprisonment for a term not exceeding 3 years or both such fine and imprisonment.

Supplying
false or
misleading
information
when donating
blood

(2) For the purpose of this section, "material information" means any information directly relating to the likelihood of transmission of an infectious disease by the use of the blood or blood product.

40.(1) Where any person has died from an infectious disease, the occupier or owner of the dwelling or premises in which the death occurred shall immediately report the death to the Commissioner or an officer in the office of the Commissioner or the nearest police station.

Report of
death caused
by infectious
disease

(2) The officer or the police officer who receives a report under subsection (1) shall communicate the substance of the report to the Commissioner.

(3) Any person who fails to comply with subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding SCR100,000 or to imprisonment for a term not exceeding 3 years or both such fine and imprisonment.

PART IX - SEXUALLY TRANSMITTED INFECTIONS

41.(1) A person, other than a medical practitioner shall not treat or offer to treat any patient for a sexually transmitted infection or prescribe or recommend any internal or external medicine, any product natural or artificial or appliance for the cure or alleviation of a sexually transmitted infection.

Prohibition
of treatment
by
unauthorised
persons

(2) A person who contravenes subsection (1), commits an offence and shall on conviction be liable to a fine of SCR 25,000 or to imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

Prohibition of
unauthorised
advertisement

42.(1) A person shall not print or publish any advertisement or statement tending to promote the sale of any medicine, appliance or article for the alleviation or cure of any sexually transmitted infection or other disease affecting the reproductive organs or functions arising from or relating to sexual intercourse.

(2) In this section "publish" includes —

- (a) cause to be published by supplying to the publisher of any magazine or newspaper of any book or other document;
- (b) exhibit in any manner to public view;
- (c) sell, offer for sale or exhibit for perusal or inspection, for reward or gratuitously, in public or in private, send by post or deliver in person or by any other means.

(3) A person who contravenes subsection (1), commits an offence and shall on conviction be liable to a fine not exceeding SCR 50,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

PART X - CEMETERIES, CREMATORIA, MAUSOLEUMS, VAULTS AND FUNERAL PARLOURS

Approval and
licence for
cemeteries,
crematoria
mausoleums
vaults and
funeral parlours

43.(1) A person shall not establish, use, manage or operate any premises as a cemetery, crematorium, mausoleum, vault or funeral parlour, except in accordance with a licence granted under the Licence Act.

(2) The licence to establish; use, manage or operate any premises as to its location and constructions referred to in subsection (1) shall be subject to prior approval by the Commissioner and any health requirements that he or she may think fit.

44. The Minister may, upon the recommendation of the Commissioner, by notice in the *Gazette*, declare any suitable location or building to be a cemetery, crematorium, mausoleum, vault or funeral parlour and shall cause the boundaries to be marked and fenced in such manner as he or she thinks fit.

Declaration of
cemeteries,
crematoria,
mausoleums
vaults and
funeral

45.(1) The Minister may, by notice in the *Gazette*, order that any cemetery, crematorium, mausoleum, vault or funeral parlour be closed with effect from a date specified in such notice and on that date such cemetery, crematorium, mausoleum, vault or funeral parlour shall cease to operate.

Closure of
cemeteries,
crematoria,
mausoleums,
vaults and
funeral

(2) A person who contravenes subsection (1), commits an offence and shall on conviction be liable to a fine not exceeding SCR50,000 or to imprisonment for a term not exceeding 2 years or both such fine and imprisonment.

46.(1) When it is desired that the body of any person be buried in any place other than a cemetery, an application shall be made in writing to the Commissioner, who may grant a permit, in writing, for a private burial in a burial ground or at sea, if—

Permit for
private
burial

- (a) there are sufficient reasons to grant the application;
- (b) the site of the proposed burial is in all respects suitable; and
- (c) the owner of the land is the applicant or one of the applicants, or any other persons having any interests in the land have consented in writing to the application and adequate security for the proper fencing and future maintenance of the proposed site has been given,

(2) Only one body may be buried pursuant to the permit but a subsequent permit may relate to the same site.

Burial or
cremation
to be in
authorised
place

47.(1) A person shall not bury, cremate or deposit any human remains in any place other than in a cemetery, burial ground, crematorium, mausoleum or vault otherwise than in accordance with the provisions of this Act.

(2) A person who contravenes subsection (1), commits an offence and shall on conviction be liable to a fine not exceeding SCR50,000 or to imprisonment for a term not exceeding 2 year or both such fine and imprisonment.

Permit for
exhumation

48. Any person who has a reason to exhume the remains of a deceased person shall make an application in writing to the Commissioner who shall grant a permit if he or she is satisfied that there are sufficient reasons to grant the application, where —

- (i) suitable arrangements have been made for the reburial or other form of disposal of the remains; and
- (ii) the consent of the heirs of the deceased or their legal representative have been obtained.

Exhumation in
public interest

49.(1) Where the Commissioner considers it necessary in the public interest that any human remains should be exhumed, he or she shall make an order in writing directing that such remains be exhumed and reburied or cremated under the supervision of an officer named in the order and in such manner.

(2) The Commissioner may apply to court for an exhumation order, if necessary.

Procedure
where human
remains are
disturbed

50.(1) Any person carrying out any digging or excavation work exposes any human body or parts or anything which appears to be or to contain human remains shall desist from such digging or excavating and take all practicable steps to prevent further disturbance of the ground and report the matter to the nearest police station.

(2) On receipt of such report, the police officer shall investigate the matter and report to the Commissioner who shall inspect the site and give advice and directions to the police and to any other parties concerned as may be expedient.

(3) Any person who fails to comply with subsection (1), commits an offence and shall on conviction be liable to a fine not exceeding SCR50,000 or to imprisonment for a term not exceeding 2 years or both such fine and imprisonment.

51. The Commissioner shall, on receipt of a report from an appropriate authority, cause the prompt removal and burial or cremation of corpses of destitute persons and of unclaimed corpses.

Burial of
corpses of
destitute persons
or unclaimed
corpses

52.(1) A crematorium or funeral parlour shall not receive the corpse of any person who has died of any disease deemed to be infectious or contagious without the written permission of the Commissioner, who may grant permission for such corpse to be so received subject to any conditions.

Receipt of
bodies of
persons dying of
infectious
diseases without
permission

(2) A person who contravenes subsection (1), commits an offence and shall on conviction be liable to a fine not exceeding SCR100,000 or to imprisonment for a term not exceeding 3 years or both such fine and imprisonment.

53. The Minister may prescribe by regulations for the control and management of cemeteries, registration of burials, issue of certificates of burials, fees for burials, cremation or burial at sea.

Regulations for
control and
management of
cemeteries,
burial, etc.

PART XI - PROHIBITION OF CERTAIN ACTIVITIES

54. A person shall not wash clothes, vehicles or any other items or conduct any activity likely to cause pollution of water bodies except in areas designated for such purposes prescribed by regulations.

Prohibition of
washing of
clothes, etc., in
non-designated
water bodies

Prohibition
of conduct of
offensive
trades

55. A person shall not carry on any offensive trade at any premises without the written approval of the Commissioner and in accordance with a licence granted under the Licences Act.

Obligation to
report
sickness of
animals

56.(1) A person who becomes aware of any unusual sickness or mortality among animals, in particular poultry, fish, dogs, cats, cattle or rodents, shall forthwith report the fact to the Commissioner, an officer, veterinary officer or a police officer.

(2) The officer, veterinary officer or police officer, who receives a report under subsection (1), shall communicate the substance of the report to the Commissioner.

(3) Upon receipt of the report, the Commissioner shall cause the matter to be investigated and take necessary action.

(4) A person who contravenes or fails to comply with subsection (1), commits an offence and shall on conviction be liable to a fine not exceeding SCR50,000 or to imprisonment for a term not exceeding 2 years or both such fine and imprisonment.

Removal of
industrial
waste, stable
refuses, etc.

57.(1) The Commissioner may, by notice in writing, require any person carrying on a trade, manufacture or business, or using any premises as a stable, cattle-shed or place for keeping sheep, goats, pigs or poultry, to periodically dispose of industrial waste or animal refuse to an approved disposal facility.

(2) The person upon whom a notice has been served under subsection (1) shall, if so required by the Commissioner, furnish evidence that such notice has been complied with.

(3) A person who contravenes or fails to comply with subsection (1) commits an offence and shall on conviction be

liable to a fine not exceeding SCR 25,000 or to imprisonment for a term not exceeding 1 year or both such fine and imprisonment.

58.(1) The Commissioner may, by notice in writing, require the owner or occupier of any premises to provide, construct or reconstruct, at the expense of the owner or occupier and subject to such conditions and within such period as may be specified in the notice, an adequate number of waste collection facilities for the premises.

Waste
collection
facilities

(2) A person who contravenes or fails to comply with subsection (1), commits an offence and shall on conviction be liable to a fine not exceeding SCR50,000 or to imprisonment for a term not exceeding 2 years or both such fine and imprisonment.

59.(1) The owner of a building or part thereof served by a refuse lift which is wholly or partly used for the conveyance of refuse by a refuse chute or chute chamber shall be responsible for the maintenance, repair or replacement of the refuse lift, refuse chute or chute chamber.

Maintenance
of refuse lifts,
chutes and
chute
chambers in
building

(2) The Commissioner may, in consultation with the Planning Authority, by notice in writing, require the owner of a building or part thereof served by a refuse lift, refuse chute or chute chamber to change the dimensions or location of such refuse lift, refuse chute or chute chamber, within such period, as the Commissioner may consider necessary.

(3) Any person who fails to comply with the notice under subsection (2), commits an offence and shall on conviction be liable to a fine not exceeding SCR75,000 or to imprisonment for a term not exceeding 3 years or both such fine and imprisonment.

60.(1) Every person carrying out any construction, alteration or demolition of any building shall take reasonable precautions to prevent danger to life, health or well being of

Building
works
constituting
danger to
life, health, etc.

persons using any public place, from dust, falling fragments, objects, materials or any substances.

(2) Any person who fails to comply with subsection (1), commits an offence and shall on conviction be liable to a fine not exceeding SCR75,000 or to imprisonment for a term not exceeding 3 years or both such fine and imprisonment.

PART XII - MISCELLANEOUS

Protection for
actions taken
in good faith

61. Any suit or other legal proceedings shall not lie against the Commissioner, officers and employees of the Authority in respect of any action taken or an act done or omitted to be done in good faith in the performance of any functions under this Act.

Services of
notice

62. A notice served in pursuance of this Act shall be considered duly served, if it is—

- (a) delivered by hand to the person to whom it is addressed;
- (b) delivered by hand to an adult person at the last known place of abode of the person to whom it is addressed; or
- (c) sent by post under recorded delivery cover addressed to the person at his or her last known place of abode.

(2) Where the notice is to be served on the owner or occupier of the premises and his or her name is not known the notice shall be addressed to the owner or occupier of the premises and shall be served in the manner specified in subsection (1).

(3) Where service cannot be effected in the manner specified in subsection (1), the notice shall be deemed to have been validly served if affixed in some conspicuous part of the

premises to which the notice related in to the last known place of abode of the person to whom the notice is addressed to.

(4) Any such notice may be served by an officer acting in the ordinary course of his or her duty or specifically instructed to effect service in any particular manner.

(5) The officer serving the notice shall at the time of serving or as soon as practicable thereafter endorse on a duplicate of the notice the hour, day and manner of service and verify the service signing the duplicate and the duplicate so endorsed shall, *prima facie*, be evidence of service.

63.(1) Where the Commissioner or an officer authorised in this behalf, has reasons to believe that a person has committed an offence under this Act, the Commissioner or an officer authorised, as the case may be, may after consultation with the Attorney General give that person a notice offering the opportunity of discharging any liability to conviction for that offence by payment of a specified penalty of the sum not less than half of the amount of the fine provided for that offence.

Compounding
of offence

(2) Where a person has been given a notice under subsection (1) in respect of an offence—

- (a) proceedings shall not be instituted for that offence before the expiration of fourteen days following the date of that notice; and
- (b) the person shall not be convicted of that offence if the person pays the specified penalty before the expiration of that period.

(3) A notice under this section shall set out the particulars of the circumstances which constitute the offence as are necessary for giving reasonable information of the offence and state—

- (a) the period during which, by virtue of

subsection (3) proceedings will not be taken for the offence;

- (b) the amount of the specified penalty; and
- (c) the person to whom and the address at which the specified penalty may be paid.

(4) The penalty specified in the notice under subsection (3) may be paid, in cash to the person specified in the notice.

(5) The offence which may be compounded under this section, the amount of the specified penalty thereof, the form of notices and the manner of payment for specified penalty under this section shall be prescribed by regulations.

(6) In any proceedings a certificate which purports to be signed by or behalf of the person receiving the specified penalty stating that the payment of the specified penalty was or was not received by the date specified in the certificate shall be evidence of the facts stated therein.

Regulations

64. The Minister may make regulations for the purpose of carrying into effect the provisions of this Act which may, without prejudice, *inter alia*, include one or all of the following matters, namely —

- (a) the control, inspection, sampling and examination of medicinal drugs and vaccines, vaccine lymphs, sera and other preparations imported into or manufactured in Seychelles intended to be used for the treatment or prevention of diseases;
- (b) the control and regulation of sanitation in respect of any premises and equipment or items therein;
- (c) the notification, prevention and control of

communicable, infectious, notifiable or other disease;

- (d) the standards relating to the wholesomeness, purity or quality of water used for human consumption and industrial or domestic purposes;
- (e) the control and administration of the flow of water in any natural or artificial watercourse which is or may be used for irrigation or agricultural drainage or other purposes;
- (f) the control and management of cemeteries, crematoria, funeral parlours, mausoleums, vaults and burial at sea;
- (g) the medical examination, classification and treatment of sufferers or carriers of infectious, notifiable or other diseases;
- (h) infections, waste disposal including collection, storage, handling, destruction treatment, transportation and disposal of such waste;
- (i) declaration and enforcement of standards or purity of effluents from trade premises and purification works;
- (j) construction, maintenance, cleansing and inspection of drains and sewers of all kinds;
- (k) maintenance, cleansing, control of premises and inspection of equipment of hair dresses, barbers, spas and beauty parlours, markets and market buildings, laundries and wash-houses;
- (l) maintenance, cleansing, control and inspection of lodging houses, public buildings construction sites and adequacy

of the sanitary conveniences and means of ablution;

- (m) construction, maintenance, cleaning, inspection and control of places where any animals or birds are kept;
- (n) the control and regulations of disease vectors, pests and vermin;
- (o) offence which may be compounded under section 63, the amount of the penalty thereof, the form of notices and the manner of payment for penalty;
- (p) amendment of Schedules;
- q) any other matter which may be necessary to be prescribed by regulations.

Repeal of
Cap 189
and savings

65.(1) The Public Health Act is hereby repealed.
(2) Notwithstanding the repeal of the Public Health Act—

- (a) any regulations made, licence granted, directions issued and notifications made under the repealed Act shall continue to be in effect until suspended, repealed or revoked under this Act;
- (b) any act done or commenced by or under the authority of the repealed Act, prior to the commencement of this Act, not inconsistent with this Act, shall be carried on and completed by or under the authority as from the commencement of this Act;
- (c) any act done, action taken, notices served, investigation undertaken or authorisation granted under the repealed Act, prior to the commencement of this Act, not inconsistent with this Act, shall continue to be in effect

until amended, annulled or withdrawn under this Act;

- (d) any suits or legal proceedings pending or which could have been instituted for any matter in relation to the repealed Act, shall continue or instituted under the repealed Act as if this Act has not been enacted.

FIRST SCHEDULE

[Section 3(25)]

Infectious Diseases

Anthrax	Rubella
Poliomyelitis	Tetanus
Diphtheria	Tuberculosis
Encephalitis	Typhoid or Paratyphoid
Haemorrhagic Fever	Yellow Fever
Leprosy	Cholera
Measles	STIS
Meningococcal Meningitis	Viral Hepatitis
Pertusis	Rabies
Plague	

SECOND SCHEDULE

[Section 3(34)]

Notifiable Diseases

Acute flaccid Paralysis
Cholera
Dengue
Diphtheria
Acute Viral encephalitis
Food Poisoning
Acute Hemorrhagic Fever
HIV/AIDS
Leprosy
Measles

Meningococcal Meningitis
Pertussis
Plague
Rubella
Sexually transmitted infections or syndromes
Tetanus neonatal or Tetanus others
Tuberculosis
Yellow fever
Zoonotic diseases

THIRD SCHEDULE

[Section 3(37)]

Offensive Trades

Blood boiler
Bone boiler
Fell monger
Making of soap and such like products
Tallow melter
Tripe boiler
Processor of shark fins
Processor of sea cucumber
Tanner
Preparation or storage of hides
Producer of manure

I certify that this is a correct copy of the Bill which was passed
by the National Assembly on 6th October, 2015.



Ms. Angelic Appoo
Assistant Clerk to the National Assembly