

PRIME MINISTER'S DEPARTMENT.

THE following Government Notice is published for general information.

H. GORDON WATSON,
Secretary to the Prime Minister.

Prime Minister's Office,
Cape Town, 21st June, 1919.

No. 821.]

[20th June, 1919.]

IT is notified that His Excellency the Governor-General has been pleased to assent to the following Act which is hereby published for general information.

No. 36, 1919.]

ACT

To make provision for the public health.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

INTRODUCTORY.

I. This Act is divided into Chapters relating to the following matters respectively:—

- Chapter I.—Administration. (Sections two to seventeen.)
Chapter II.—Notification of Infectious Diseases. (Sections eighteen to twenty-two.)
Chapter III.—Prevention and Suppression of Infectious Diseases, sub-divided into Parts, as follows:—
Part I.—General provisions. (Sections twenty-three to thirty-six.)
Part II.—Special provisions regarding Formidable Epidemic Diseases. (Sections thirty-seven to forty-six.)
Part III.—Financial provisions regarding Infectious Diseases (other than Tuberculosis). (Sections forty-seven to forty-nine.)
Part IV.—Special provisions regarding Tuberculosis. (Sections fifty to fifty-two.)
Chapter IV.—Venereal Diseases. (Sections fifty-three to sixty-nine.)
Chapter V.—Ports and Inland Borders of the Union. (Sections seventy to eighty-nine.)
Chapter VI.—Vaccination against Small-pox. (Sections ninety to one hundred and ten.)
Chapter VII.—Public Water Supplies, Meat, Milk and other articles of Food. (Sections one hundred and eleven to one hundred and eighteen.)
Chapter VIII.—Sanitation and Housing. (Sections one hundred and nineteen to one hundred and thirty-two.)
Chapter IX.—General and Supplementary. (Sections one hundred and thirty-three to one hundred and sixty-one.)

CHAPTER I.

ADMINISTRATION.

2. There shall be for the Union a department, to be known as the department of Public Health, which shall be under the control of a Minister and in respect of which there shall be a portfolio of Public Health.

3. (1) The functions of the department of Public Health shall, subject to the provisions of this Act, be to prevent or guard against the introduction of infectious disease into the Union from outside; to promote the public health and the prevention, limitation or suppression of infectious, communicable or preventable diseases within the Union; to advise and assist provincial administrations and local authorities in regard to matters affecting the public health; to promote or carry out researches and investigations in connection with the prevention or treatment of human diseases; to prepare and publish reports and statistical or other information relative to the public health, and generally to carry out in accordance with directions the powers and duties in relation to the public health conferred or imposed on the Governor-General or the Minister by this Act or otherwise.

Division of Act into chapters.

Establishment of department of Public Health.

Functions of department of Public Health.

(2) It shall be the duty of the department to obtain and publish periodically such information regarding infectious disease and other health matters in the Union, and such procurable information regarding epidemic disease in territories adjacent to the Union or in other countries, as the interests of the public health may require.

Council of
Public
Health.

4. (1) There shall be established a body to be styled the "Council of Public Health" which shall consist of—

- (a) the Minister (who shall be chairman);
- (b) the chief health officer; and
- (c) seven persons (not being officers in the public service) who shall be appointed by the Governor-General.

Four of those seven persons shall be medical practitioners, and of those four medical practitioners two shall be selected on account of special knowledge of or practical experience in matters relating to public health or medical research. Three of the seven persons so to be appointed shall not be medical practitioners. Subject to regulations as to the circumstances in which office shall be vacated, the seven persons so to be appointed shall hold office for three years and shall be eligible for re-appointment for a like term.

(2) The functions of the Council shall be to advise the Minister and the department of Public Health on matters described or referred to in section three.

(3) The Governor-General may make regulations as to the convening and holding of meetings of the Council, the quorum thereof, and the procedure thereat, allowances payable to members thereof and the circumstances in which any member shall vacate his membership.

Appoint-
ment and
duties of
officers.

5. (1) The Governor-General shall, subject to the provisions of the law governing the public service of the Union, from time to time appoint a chief health officer and so many assistant health officers, pathologists, medical inspectors, port health officers and other officers as he may deem necessary.

(2) Every health officer and every medical officer appointed under this section shall be a medical practitioner, and the chief health officer and every assistant health officer shall also possess a degree, diploma or certificate in public health or state medicine granted after special examination and registrable both in the country where it was obtained and in the Union, or a degree, diploma or certificate declared by the Governor-General by proclamation in the *Gazette*, after consultation with the medical councils, to have been granted in respect of a course of study which included an adequate course of study in public health or state medicine.

(3) The officers appointed under this section shall carry out such duties in relation to public health as the Minister may respectively assign to them. The chief health officer, or an assistant health officer acting on his authority and behalf, shall also make any necessary enquiries and inspections in regard to or advise the administrator of each Province on any matter incidental to public health arising under any law in connection with provincial administration in that Province.

Minister may
require local
authorities
to furnish
reports and
returns.

6. The Minister may require every local authority to furnish at any time or at stated intervals reports or statistical returns as to the public health and the sanitary circumstances of its district, may prescribe the form of any such report or return, and may at any time require any local authority to furnish a report or particulars, or a copy of any report submitted to such local authority by any medical officer of health, medical practitioner, engineer or sanitary inspector, regarding any matter relating to public health or sanitation within its district, and a copy of every such report relating to public health or

sanitation outside its district, or to any matter affecting or likely to affect the public health of the Province or of the Union as a whole, or to any epidemic disease, shall be furnished to the Minister.

Local administration of Act by local authorities and definitions of the same.

7. (1) Save as otherwise specially provided in this Act, the several local authorities shall within their respective districts carry out the provisions of this Act.

(2) The local authorities are urban local authorities and rural local authorities.

(3) An urban local authority includes any municipal or borough or town or village council, town board, local board, village management board and also any board of management or committee or other body (not being a rural authority) which is constituted in accordance with any law and which under any law is endowed with sanitary powers for safeguarding the health of the inhabitants of its district.

(4) A rural local authority means any divisional council constituted in accordance with any law and shall also include any body of persons which the Governor-General is hereby authorized to constitute as, and declare by proclamation in the *Gazette* to be, a rural local authority for all or any of the purposes of this Act.

(5) Where the expression "local authority" is used in this Act without qualification it means and includes any urban local authority or any rural local authority.

Provincial administration may be proclaimed local authority for defined areas.

8. (1) The Governor-General may, by proclamation, declare that the administrator of any Province shall be the local authority under this Act in respect of any area within the Province (not being within the district of any existing local authority) defined in such proclamation.

(2) Within any area so proclaimed the administrator shall exercise all or any of the powers and shall carry out the duties conferred or imposed on local authorities under this Act, subject to the obligations attaching to the exercise thereof.

(3) The administrator may, in accordance with any regulations which the Minister is hereby empowered to make or in accordance with any law in force in the Province, levy rates and impose fees and charges for services rendered on, and recover such rates, fees and charges from, the owners or occupiers of immovable property within such area, for the purpose of defraying the expenses incurred by the administrator in exercising the said powers and duties and any matter incidental thereto.

(4) Any person who contravenes any regulation made under this section shall be guilty of an offence.

Magistrate to be local authority in areas where there is no other local authority.

9. (1) In respect of every rural area where there is no local authority, the magistrate, acting under the authority and instructions of the Minister, shall, until a local authority is established for that area either under the last preceding section or any other law, be the rural local authority under this Act and may, subject to such authority and instructions, exercise all or any of the powers conferred on rural local authorities by this Act. No instructions given by the Minister under this sub-section shall empower the magistrate to make any permanent appointment or incur any capital expenditure without the express authority of the Minister, given after consultation with the administrator, first being obtained.

(2) All expenditure under this section after the thirty-first day of March, 1920, shall be recovered from the administrator of the Province in which it was incurred, except—

(a) the proportion thereof which would have been refunded to the local authority out of the Consolidated Revenue Fund if there had been a local authority for the district and if the expenditure had been incurred by that authority; and

(b) one-half of the balance of such expenditure after deducting such proportion. No subsidy shall, under

the Financial Relations Act, 1913, or any Act amending or extending it, be payable in respect of the remaining one-half.

General
duties of
local
authorities.

10. It shall be the duty of every local authority, in respect of its district, to take all lawful necessary and under its special circumstances reasonably practicable measures for preventing the occurrence or dealing with any outbreak or prevalence of any infectious, communicable or preventable disease, to safeguard and promote the public health, and to exercise the powers and perform the duties in respect of the public health conferred or imposed on it by this Act or by any other law.

Powers of
administra-
tor in case of
defaulting
local
authorities.

11. (1) (a) Whenever upon the report of the chief health officer it appears to the administrator that the public health in any locality is seriously endangered by the failure or refusal on the part of any local authority to exercise its powers or perform the duties devolving upon it under any law, having regard to its special circumstances and resources, or to take all lawful and necessary steps to obtain powers to deal by bye-law or regulation with the danger, the administrator may, after causing an enquiry to be held (at which the local authority shall have an opportunity of being heard), call upon the local authority by written notice forthwith to exercise effectually any such powers or to perform properly any such duties; and if the local authority fails to comply with such written notice, the administrator may exercise such powers or perform such duties, and may authorize any person to take all necessary steps for that purpose in the same manner as if he were the local authority.

(b) Where the members of the local authority or some of them have resigned, without leaving a quorum of their number, or where the persons entitled to elect members of a local authority fail to do so in accordance with law, the administrator may exercise the powers and perform the duties of the local authority under this Act or any other law relating to public health, and may authorize any person to take all necessary steps for that purpose.

(c) The administrator shall, for any of the purposes referred to in this section, possess all the rights and powers of the local authority in default, subject to the obligations attaching to the exercise thereof.

(d) Any expenditure incurred by the administrator under this section may be recovered by him—

- (i) by action in a competent court against the local authority in default; or
- (ii) by levying a special rate upon all rateable property within the district of the local authority in default; or
- (iii) by deduction from any subsidy, grant or other moneys payable out of the Consolidated Revenue Fund or payable by the administrator to the local authority in default;

or by all three or any two of such methods of recovery, and the administrator's certificate shall be evidence of the amount due by the local authority under this section, subject to an appeal to the Minister, whose decision shall be final.

(2) A copy of every report by the chief health officer made under this section shall be furnished to the Minister, and if such action thereon is not taken by the administrator as the Minister may under the circumstances consider adequate and necessary, and within such time as the Minister may consider reasonable, the Minister may decide to take action under this section and may notify the administrator accordingly, and thereupon all powers and functions conferred on or vested in the administrator by this section in respect of the matters so notified shall cease to be exercisable by the administrator and shall be exercisable by the Minister.

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 appoint
 local
 officers of
 health.

12. (1) Every local authority may, and when required by the Minister so to do shall, appoint a medical practitioner to be medical officer of health for its district, and it shall be lawful for any two or more local authorities to combine and co-operate for the purpose of appointing a medical officer of health jointly for their districts. Where any question arises between local authorities in connection with the appointment of a medical officer of health, his duties or remuneration, or as to any other matter affecting him, the same shall be referred to the Minister, whose decision shall be final and conclusive.

(2) Every such appointment shall be subject to the approval of the Minister, and in making such appointments preference shall be given, apart from special circumstances in any particular case, to medical practitioners who possess degrees, diplomas or certificates in public health or state medicine granted after special examination and registrable both in the country where they were obtained and in the Union, or a degree, diploma or certificate declared by the Governor-General by proclamation in the *Gazette*, after consultation with the medical council, to have been granted in respect of a course of study which included an adequate course of study in public health or state medicine.

(3) If a local authority does not appoint, or is not required to appoint, a medical officer of health as is herein provided, the district surgeon or such other medical practitioner as the Minister may appoint shall for the purposes of this Act be the medical officer of health for the district of that local authority and shall conform to and be paid by the local authority in accordance with regulations made in that behalf by the Minister.

(4) Subject to the provisions of any law or regulations made under a law dealing with retirement on grounds of ill-health or on reaching a prescribed age, no medical officer of health of a local authority, whether appointed before or after the commencement of this Act, shall, without his own consent, be removed from his office, or have his salary or emoluments reduced until the Minister has notified to the local authority his approval: Provided that any local authority may suspend any such medical officer of health from the duties or emoluments of his office for gross incapacity, neglect or misconduct pending the sanction of the Minister as to his dismissal, and in the event of such sanction being granted the said medical officer of health shall be deemed to have been removed from office from the date of such suspension.

(5) The provisions of this section shall be deemed to be in substitution for the provisions of any law heretofore enacted (other than Ordinance No. II (Private) of 1906 of the Transvaal) relating to the approval by an administrator of the appointment or dismissal by a local authority of a medical officer of health.

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13. It shall be the duty of every medical officer of Health of a local authority to keep himself at all times properly informed as to the public health and sanitary circumstances of his district and to make such inspections and enquiries as may be necessary for this purpose and to report to the local authority on any matter or thing relating thereto which in his opinion should receive its consideration; to furnish to the local authority monthly reports and an annual report on the public health and sanitary circumstances of the district; also to furnish such special reports on any matter relating to the public health or sanitation of the district, and to carry out such duties relating thereto, in accordance with the terms of his appointment, as the local authority may from time to time require.

Local authority to appoint sanitary inspectors.

14. (1) Every local authority may, and when required by the Minister so to do shall, appoint one or more competent sanitary inspectors to assist in safeguarding the public health and in duly carrying out the provisions of this Act within its district.

(2) In making such appointments preference shall be given, except in special cases approved by the Minister, to persons who possess certificates in practical sanitation or sanitary science granted after special examination by an authority specified by the Minister, by notice in the *Gazette*, as competent to grant such certificates. In this Act "certificated sanitary inspector" means a person possessing such certificate.

(3) Subject to the provisions of any law or regulations made under a law dealing with retirement on grounds of ill-health or on reaching a prescribed age, no sanitary inspector of a local authority, whether appointed before or after the commencement of this Act shall, without his own consent, be removed from his office, or have his salary or emoluments reduced until the Minister has notified to the local authority his approval: Provided that any local authority may suspend any such sanitary inspector from the duties and emoluments of his office for incapacity, neglect or misconduct pending the sanction of the Minister as to his dismissal, and in the event of such sanction being granted the said sanitary inspector shall be deemed to have been removed from office from the date of such suspension.

When any local authority fails to appoint a medical officer of health or sanitary inspector the Minister may make such appointment.

15. (1) If any local authority fails to appoint to the satisfaction of the Minister a medical officer of health or a sanitary inspector, as the case may be, within three months after having been required by the Minister so to do, the Minister may appoint a medical officer of health or sanitary inspector, as the case may be, to act within the district of such local authority, and may fix the duties of, and the remuneration to be paid by such local authority to, such officer or inspector.

(2) In default of payment by the local authority, the amount due to any officer or inspector so appointed shall be paid out of the Consolidated Revenue Fund, and the Minister may recover such amount from the local authority concerned or may deduct the amount from any subsidy or other moneys payable out of the Consolidated Revenue Fund to such local authority.

(3) Provided that any such appointment shall cease immediately upon the appointment by such local authority of a medical officer of health or sanitary inspector, as the case may be, under this Act.

Refund of part salary of wholetime medical officers of health and certificated sanitary inspectors.

16. (1) Where the Minister is of opinion that the interests of the public health within the district of a local authority, or within the districts of any two or more local authorities, require the employment of a medical officer of health devoting the whole of his time to the duties of his office, or the employment of a certificated sanitary inspector on a similar basis, and where, with the approval of the Minister and in accordance with the provisions of this Act, a medical officer of health or certificated sanitary inspector is appointed and employed accordingly, it shall be lawful for the Minister to refund out of the Consolidated Revenue Fund to the local authority or authorities concerned a proportion not exceeding one-third of the amount paid by the local authority by way of salary to any such officer or inspector: Provided that not more than seven hundred and fifty pounds shall be refunded under this section to any local authority, or to any group of local authorities acting jointly, in respect of any one year, and that no such refund shall be payable unless the chief

health officer certifies that the arrangements in respect of the appointment are suitable and the best practicable and that the duties have been satisfactorily performed.

(2) The provisions of this section shall apply in respect of any medical officer of health or certificated sanitary inspector who was appointed before the commencement of this Act and devotes the whole of his time to the duties of his office.

17. The Minister may co-operate with any local authority or with any two or more local authorities for the purpose of jointly appointing a medical practitioner as medical officer of health and district surgeon or government medical officer, who will devote the whole of his time to the duties of these offices.

CHAPTER II.

NOTIFICATION OF INFECTIOUS DISEASES.

18. (1) The provisions of this Act, unless otherwise expressed, shall, in so far as they concern notifiable infectious diseases, apply to small-pox (which term shall be deemed to include the form known as "amaas" or kafir-pox and any disease resembling small-pox, except chicken-pox), scarlatina or scarlet fever, typhus fever, diphtheria or membranous croup, erysipelas, puerperal fever (including septicaemia, pyaemia, septic pelvic cellulitis, or other serious septic condition occurring during the puerperal state), asiatic cholera, enteric or typhoid fever (including para-typhoid fever), epidemic cerebro-spinal meningitis or cerebro-spinal fever, acute poliomyelitis, leprosy, plague, anthrax, glanders, rabies, Malta fever, sleeping sickness or human trypanosomiasis, and all forms of tuberculosis which are clinically recognisable apart from reaction to the tuberculin test.

(2) The Minister may by notice in the *Gazette*—

- (a) declare that any infectious disease other than those specified in sub-section (1) shall be a notifiable disease under this Act;
- (b) declare that only such provisions of this Act as are mentioned in such notice shall apply to any notifiable infectious disease;
- (c) restrict the provisions of this Act, as regards the notification of any disease, to the district of any local authority or to any other area defined in such notice;
- (d) declare, on the application of a local authority, that any infectious disease other than those specified in sub-section (1), shall be a notifiable disease within the district of that local authority for a period specified in such notice or until the notice has been withdrawn.

A copy of every notice under this sub-section shall, within fourteen days after its publication, be laid upon the Tables of both Houses of Parliament if Parliament is then in session, or if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.

19. (1) Where any person (hereinafter called the patient) is suffering from any notifiable infectious disease, it shall, subject to regulations, be the duty of the head of the family to which such patient belongs, or, in his default or absence, the nearest adult relative of the patient present on the premises, or, in default or the absence of such relative, the person in charge of or in attendance on the patient, or, in default of any such person, the occupier of the premises, immediately on becoming aware that the patient is so suffering, to give notice thereof to the local authority.

(2) Any person who fails to give the notice required by this section shall be guilty of an offence, and in any prosecution under this section the onus shall be on the person charged of showing that he was unaware that the patient was suffering from a notifiable infectious disease: Provided that if a person is not required to give notice in the first instance but only in default of some other person, he shall not be guilty of an offence if he satisfies the court that he had reasonable grounds for believing that notice had been given.

Notification
by medical
practitioner.

20. (1) Every medical practitioner who becomes aware that any person visited or professionally attended by him is suffering from, or who by *post mortem* examination or otherwise becomes aware that any person has died of, a notifiable infectious disease, shall, subject to regulations, immediately furnish a written certificate of notification thereof to the local authority of the district in which such person is discovered or has died, and shall also inform the head of the household or the occupier of the premises and any person nursing or in immediate attendance on the patient of the infectious nature of the disease and the precautions to be taken to prevent its conveyance to others.

(2) Any medical practitioner who fails to furnish a certificate of notification as required by this section, or to inform the head of the household or the occupier of the premises or the person nursing or in attendance on the patient as aforesaid, shall be guilty of an offence, and in any prosecution under this section the onus shall be on the medical practitioner charged to show that he was unaware that the patient was suffering from or had died of a notifiable infectious disease.

Local
authorities
to transmit
returns of
notifications.

21. Every local authority shall, promptly at the end of each week and on a form to be prescribed, transmit to the chief health officer particulars of all cases of infectious disease notified to it during the week and all information which it may possess as to the outbreak or prevalence of any infectious, communicable or preventable disease in its district.

Minister may
make regulations
regarding
the notification
of
infectious
diseases.

22. The Minister may, in respect of the notification of infectious disease, make regulations as to—

- (a) the duties of the person in charge of any school, orphanage or similar institution in regard to reporting the occurrence of any such disease, or of any other communicable disease specified in the regulations, to the local authority;
- (b) the duties of owners or occupiers of land on which natives or coloured persons reside, of employers of labour, and of native chiefs or headmen or others in regard to reporting the occurrence of any such disease;
- (c) the circumstances in which the notification of particular infectious diseases shall not be required;
- (d) the fees payable to medical practitioners in respect of such notification and the circumstances in which such fees shall or shall not be payable;
- (e) the duties of local authorities in respect of the keeping of registers and records of such notifications;
- (f) the duties of registrars of deaths in respect of the furnishing to the local authority of notifications or returns of deaths registered with such registrars;
- (g) the forms to be used and the particulars to be furnished by medical practitioners when making such notifications to the local authority;

(A) the forms to be used and the particulars to be furnished by local authorities when transmitting returns and reports to the chief health officer,

and generally for better carrying out the provisions and attaining the objects and purposes of this Chapter.

Any person who contravenes or fails to comply with any such regulation shall be guilty of an offence.

CHAPTER III.

PREVENTION AND SUPPRESSION OF INFECTIOUS DISEASE.

Part I.—General Provisions.

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

23. The medical officer of health or, any medical practitioner duly authorized thereto by, the local authority may at any reasonable 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.

Local authorities may provide isolation hospitals, mortuaries, disinfecting and cleansing stations and ambulances.

24. Any local authority may, and if required by the Minister after enquiry (at which the local authority shall have an opportunity of being heard) shall, provide and maintain, either separately or jointly with another local authority or with hospital authority—

- (a) suitable hospitals or places of isolation for the accommodation and treatment of persons suffering from infectious disease;
- (b) mortuaries or places for the reception of dead bodies pending the carrying out of any *post-mortem* examination ordered by a lawful authority, or until removal for interment;
- (c) disinfecting and cleansing stations, plant and equipment for the cleansing of persons and the disinfection of bedding, clothing or other articles which have been exposed to, or are believed to be contaminated with, the infection of any infectious disease, or which are dirty or verminous;
- (d) vehicles for the conveyance of persons suffering from any infectious disease or for the removal of any infected bedding, clothing or other articles;
- (e) any other accommodation, equipment or articles required for dealing with any outbreak of infectious disease.

Removal to hospital of infected persons.

25. (1) Where in the opinion of the medical officer of health any person certified by a medical practitioner to be suffering from an infectious disease is not accommodated or is not being treated or nursed 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 suitable hospital or place of isolation and there detained until such medical officer of health or any medical practitioner duly authorized thereto by the local authority or by the Minister is satisfied that he is free from infection or can be discharged without danger to the public health.

(2) The term "hospital or place of isolation," as used in this Act, shall be deemed to comprise any special hospital or any premises or portion thereof set apart and used solely for the admission and accommodation of persons suffering from infectious disease.

Measures by local authority.

26. Where a person suffering from a notifiable infectious disease is within the district of a local authority, it shall be the duty of that authority to ensure that adequate measures are taken for preventing the spread of the disease, including

where necessary, provision for the accommodation, maintenance, nursing and medical treatment of the patient in a hospital or place of isolation until he has recovered or is no longer a danger to the public health, or, in the event of the death of the patient, provision for the removal and burial of the body:

Provided that if the patient has been sent into the district of such local authority by or on behalf of another local authority, such first-mentioned local authority may recover from the other local authority the cost of maintenance, nursing and treatment of the patient and the cost of burial in the event of the death of the patient:

Provided further that where under any law powers are conferred or duties are imposed upon the Government or any of its officers in relation to persons infected with leprosy, the powers and duties of the local authority under this Act shall be exercised so as to supplement the powers and duties of the Government or its officers under such law.

Power of local authority to order or carry out disinfection.

27. (1) When it appears from the certificate of the medical officer of health or a health officer or any medical practitioner that the cleansing or disinfection of any premises or any article is necessary for preventing the spread or eradicating the infection of any infectious disease or otherwise for preventing danger to health, the local authority may give written notice to the owner or occupier of such premises, or to the owner or person in charge of such article, requiring him to cleanse or disinfect such premises or article in such manner and within such time as may be specified in and to the satisfaction of the local authority giving such notice.

(2) If the person to whom such notice is given fails to comply therewith the local authority shall cause such premises or article to be cleansed or disinfected, and the costs thereby entailed shall be deemed to be a debt due to the local authority by the person in default.

(3) Where the owner or occupier of any such premises, or the owner or person in charge of any such article, is from poverty or otherwise unable, in the opinion of the local authority, to carry out properly the cleansing or disinfection of such premises or article, the local authority may itself carry out any necessary cleansing or disinfection free of charge.

(4) Where any article dealt with by a local authority under this section is of such a nature that it cannot be disinfected, the local authority may, on the order of a magistrate or justice of the peace, cause such article to be destroyed, and no compensation shall be payable in respect of any article so destroyed.

(5) When any article is damaged during disinfection by the local authority no compensation shall be payable by the local authority if suitable methods of disinfection have been employed and due care and all reasonable precautions have been taken to prevent unnecessary or avoidable damage.

(6) Compensation shall not be payable in respect of the deprivation of the occupation or use of any premises or the use of any article occasioned by disinfection, if no undue delay has occurred.

Removal to cleansing stations of dirty and verminous persons.

28. Where a cleansing station is provided within the district of a local authority or within a reasonable distance therefrom, any person within that district certified by a medical officer of health, school medical inspector or other medical practitioner, or by a certificated sanitary inspector, to be dirty or verminous, may, on the order of the medical officer of health, be removed, together with his clothing and bedding, to such cleansing station and be cleansed therein.

Removal
orders.

29. An order made under section *twenty-five* or section *twenty-eight* may be addressed to any duly authorized office of a local authority or any member of the police.

Any person who wilfully obstructs the execution of, or fails or refuses to comply with, any such order shall be guilty of an offence.

Penalty for
exposure of
infected
persons or
things.

30. Any person who—

(a) while knowingly suffering from any notifiable infectious disease, or such other infectious disease as the Minister may declare by notice in the *Gazette* to be a disease for the purposes of this section, wilfully or negligently exposes himself in such manner as to be likely or liable to spread such disease, in any street, public place, public building, shop, inn, hotel, church, or other place used, frequented or occupied in common by persons other than the members of the family or household to which such infected person belongs or

(b) being in charge of any person and knowing that such person is so suffering, so exposes such sufferer; or

(c) knowingly gives, lends, sells, pawns, transmits, removes or exposes, or sends to or permits to be washed or exposed in any public wash-house or washing-place, or in any laundry or other place at which articles are washed, cleansed or dyed, without previous effective disinfection to the satisfaction of the local authority and in accordance with any regulations in force in the district, any clothing, bedding, rags, or other articles or things of any kind whatsoever which have been exposed to, or are contaminated with the infection of any such disease; or

(d) while knowingly suffering from any such disease, handles, conveys or otherwise comes in contact with any food, dairy produce, aerated water or other articles intended for consumption by man, or carries on any trade or occupation in such manner as to be likely or liable to spread such disease,

shall be guilty of an offence: Provided that nothing in this section contained shall apply to any person transmitting, with proper precautions and in accordance with the instructions of the local authority, any bedding, clothing or other article or thing for the purpose of having the same disinfected.

Infected
wellings
not to be
vacuated or
left without
previous
disinfection.

31. No person shall cease to occupy or shall let any dwelling or premises or part thereof in which to his knowledge there is or has recently been any person suffering from any infectious disease without having the same, and all articles therein which are liable to retain infection, efficiently disinfected to the satisfaction of the local authority and in accordance with any regulations in force in the district. The provisions of this section shall apply to any owner or keeper of a hotel or boarding house who lets any room or part thereof to any person.

Persons suf-
fering from
infectious
disease not
to enter any
public conveyance
without the
driver's con-
sent.

32. (1) No person knowing that he is suffering from any notifiable infectious disease, or from such other infectious disease as the Minister may declare by notice in the *Gazette* to be a disease for the purposes of this section, shall enter any public conveyance and no person in charge of any person whom he knows to be so suffering or of the body of any person who to his knowledge has died of any such disease or in charge of anything which to his knowledge has been exposed to or is contaminated with the infection of any such disease shall place in any such conveyance any such person, body, article or thing, which to his knowledge has been so exposed or is so contaminated (except in the case of a hearse used for the removal of a dead body) without first informing and obtaining the consent of the owner or driver or conductor of such conveyance of the fact of such infection. The

owner, driver or conductor thereof shall, as soon as possible after such conveyance has been so used and before permitting the use thereof by any other person, cause it to be efficiently disinfected to the satisfaction of the local authority and in accordance with any regulations in force in the district.

For the purposes of this section "public conveyance" includes any railway coach, tramcar, omnibus, cab, motor car or any vehicle whatsoever or any boat or other vessel or any aircraft, if the conveyance plies for hire or is used by members of the public.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds and may in addition be ordered by the court to pay to the owner or driver of the conveyance concerned the amount of any loss or expense necessarily entailed by the disinfection of such vehicle.

Removal of bodies of persons dying of infectious disease.

33. (1) In every case of death from an infectious disease it shall be the duty of the occupier of the premises in which the death has occurred immediately to notify the local authority of the death and the cause thereof and to make the best arrangements practicable, pending the removal of the body and the carrying out of thorough disinfection, for preventing the spread of such disease.

(2) It shall be an offence against this Act for the occupier of any premises to keep any dead body in any room in which any person lives, sleeps or works, or in which food is kept or prepared or eaten, or to keep the body of any person who is known to the occupier to have died of an infectious disease, for more than twenty-four hours in any place other than a mortuary or other place set apart for the keeping of dead bodies, except with the sanction in writing of the local authority first obtained.

(3) Where any person dies of an infectious disease in any hospital or place of isolation, it shall be an offence against this Act to remove the body therefrom except for the purpose of immediate burial; and it shall be the duty of any person who removes the body from such hospital or place forthwith to take it direct to the place of interment for burial.

(4) Nothing in this section shall be deemed to prevent the removal by due authority of any dead body from a hospital to a mortuary.

Post-mortem examinations of persons suspected of having died of infectious disease.

34. Whenever the death of any person is suspected of having been due to an infectious disease and the facts relating to the death cannot with certainty be ascertained without a *post-mortem* examination, or whenever it is desirable that, for preventing the occurrence or spread of an infectious disease, the facts relating to the death of any person should be ascertained, the magistrate or any health officer of the department of Public Health may order a *post-mortem* examination of the body of the deceased person to be made by a medical practitioner and, for the purpose of such examination, may further order that the body, if already buried, shall be disinterred.

Removal and burial of bodies of persons who have died of an infectious disease.

35. (1) When—

- (a) the body of a person who has died of an infectious disease is retained in a room in which any person lives, sleeps or works, or in which food is kept or prepared or eaten; or
- (b) the body of a person who has died of an infectious disease is retained without the sanction of the local authority for more than twenty-four hours elsewhere than in a mortuary or other place reserved for the keeping of dead bodies; or
- (c) any dead body is retained in any dwelling or place under circumstances which in the opinion of the local authority are likely to endanger health; or
- (d) any dead body found within the district is unclaimed, or where no competent person undertakes to bury it,

any magistrate, justice of the peace, medical officer of health or member of the police of or above the rank of sergeant may, on a certificate signed by a medical practitioner,

direct that the body be removed to a mortuary and be buried within a time to be specified in such order. or if the body is that of a person certified to have died of an infectious disease, may order that the body be buried immediately without removal to a mortuary. Unless the friends or relatives of the deceased undertake to, and do, bury the body within the time so specified, the cost of so doing shall be defrayed by the local authority and may be recovered by it by action in any competent court from any person legally liable to pay the expenses of interment.

(2) Any person who obstructs the execution of any order or direction given under this section shall be guilty of an offence.

Minister may
make
regulations
regarding
infectious
disease.

36. The Minister may make regulations applicable to all infectious diseases or only to such infectious diseases as may be specified therein, regarding the following matters:—

- (a) The closing of any school or any place of public entertainment, where deemed necessary for the purpose of preventing the spread of any infectious disease, and the regulation and restriction of school attendance;
- (b) the duties of parents or guardians of school children who are suffering or have recently suffered from or been exposed to the infection of any infectious disease, and the duties of persons in charge of schools in respect of such children;
- (c) the establishment, maintenance, management and inspection of isolation hospitals, convalescent homes, farm colonies or other institutions for the accommodation or treatment of persons suffering from, or who have recently suffered from, any infectious disease, the removal of persons to such institutions and their discharge therefrom, the classification and control of the patients and staff of such institutions, and, in the case of convalescent homes, farm colonies and similar institutions, compulsory work for the inmates where deemed desirable;
- (d) the imposition and enforcement of quarantine or of medical observation and surveillance in respect of persons suffering or suspected to be suffering from infectious disease who are not removed to a hospital or place of isolation, the premises in which such persons are accommodated, those in charge of or in attendance on such persons, and other persons living in or visiting such premises or who may otherwise have been exposed to the infection of any such disease;
- (e) the duties, in respect of the prevention of infectious disease and in respect of persons suffering or suspected to be suffering therefrom, of owners of land on which natives or coloured persons reside and of employers of labour, and of native chiefs or headmen and others;
- (f) the measures to be taken for preventing the spread of or eradicating cholera, typhoid fever, plague, acute poliomyelitis, tuberculosis or any other infectious disease requiring to be dealt with in a special manner;
- (g) the conveyance by rail or otherwise of persons suffering from, or the bodies of persons who have died of, an infectious disease;
- (h) the prevention of the spread from any animal, or the carcase or product of any animal, to man of rabies, glanders, anthrax, plague, tuberculosis, trichinosis or any other disease communicable by any animal or the carcase or product of any animal to man;

- (i) the prevention of the spread and the eradication of malaria, the destruction of mosquitoes and the removal or improvement of conditions permitting or favouring the multiplication or prevalence of mosquitoes;
- (j) the prevention of the spread of disease by flies or other insects and the destruction of and the removal or improvement of conditions permitting or favouring the prevalence or multiplication of such insects;
- (k) the destruction of rodents and other vermin and the removal or improvement of conditions permitting or favouring the harbourage or multiplication thereof;
- (l) the prevention of the spread of anchylostomiasis, bilharziosis or other disease in man caused by any animal or vegetable parasite;
- (m) the prevention of the spread of any infectious, contagious or loathsome disease by the carrying on of any business, trade or occupation;
- (n) the prevention of the spread of any infectious disease by persons who, though not at the time suffering from such disease, are "carriers" of and liable to disseminate the infection thereof, and the keeping under medical surveillance and the restriction of the movements of such persons;
- (o) the prohibition of spitting in public places or in public conveyances, except into receptacles provided for the purpose;
- (p) the regulation and restriction of any trade or occupation entailing special danger to the health of those engaged therein, whether from infectious disease or otherwise, and the institution of measures for preventing or limiting such danger;
- (q) cleansing stations and the cleansing of dirty or verminous persons, the disinfection or fumigation of premises, clothing or other articles which have been exposed to or are believed to be contaminated with the infection of any infectious disease, or which are dirty or verminous, and prohibiting the carrying out of any fumigation which involves the use of poisonous gas except under licence;
- (r) rag flock manufacture and the trade in rags and in bones and in second-hand clothing, bedding or any similar article and requiring the disinfection of any such article before its importation, removal, sale or exposure for sale, or use in any manufacturing process;
- (s) the disposal of any refuse, waste matters or other matter or thing which has been contaminated with or exposed to the infection of any infectious disease;
- (t) the regulation or restriction and, where deemed necessary, the prohibition, of the keeping, transmission or use within, or the conveyance or transmission into or out of, the Union of cultures or preparations of pathogenic micro-organisms or other material capable of causing disease in man;
- (u) the giving compulsorily of any information or the production compulsorily of any documentary or other evidence required for the purpose of tracing the source or preventing the spread of any infectious disease;

and generally for better carrying out the provisions and attaining the objects and purposes of this Chapter.

Part II.—Special Provisions regarding Formidable Epidemic Diseases.

Formidable epidemic diseases.

37. The provisions of this Act, unless otherwise expressed, in so far as they concern formidable epidemic diseases, shall be deemed to apply to small-pox, plague, asiatic cholera,

yellow fever, sleeping sickness or human trypanosomiasis and any other disease which the Governor-General may, and is hereby authorized to, declare, by proclamation, to be a formidable epidemic disease for the purposes of this Act.

Notification of suspected cases of any formidable epidemic disease.

38. (1) The Minister may make regulations extending the provisions of this Act in regard to the notification of infectious diseases so as to require medical practitioners, principals of schools, heads of families or households, employers of labour, owners or occupiers of land or premises, native chiefs, headmen of locations or others to report, with particulars of the patient and his symptoms, to the local authority or magistrate as the case may be, the occurrence of any case of illness or any death coming to their notice and suspected to be due to any formidable epidemic disease or with a history or presenting symptoms, or post-mortem appearances, to be described in such regulations, which might reasonably give grounds for such suspicion.

(2) Any person who fails to comply with any requirement of any such regulation shall be guilty of an offence.

Notification of sickness or mortality in animals susceptible to plague.

39. (1) Every person who becomes aware of any unusual sickness or mortality among rats, mice, cats, dogs or other animals susceptible to plague or other formidable epidemic disease, not due to poison or other obvious cause, shall immediately report the fact to the local authority.

(2) Any person who fails so to report shall be guilty of an offence.

Local authorities to report notification of formidable epidemic diseases by telegraph.

40. Every local authority shall immediately report to the chief health officer or the nearest assistant health officer, by telegraph or other expeditious means, particulars of every notification received by such authority of a case or suspected case of any formidable epidemic disease, or of any unusual sickness or mortality in animals made under the last preceding section.

Powers of Minister where a local authority fails to adequately deal with any formidable epidemic disease.

41. Whenever upon the report of the chief health officer it appears to the Minister that an outbreak of a formidable epidemic disease or a disease suspected of being such has occurred or is threatened within the district of a local authority and is not being investigated or dealt with efficiently and so as adequately to safeguard public health the Minister, notwithstanding any other provision of this Act, may inform the local authority of the measures which he considers should be taken in connection therewith, and if the local authority fails or is for any reason unable forthwith to carry out such measures to his satisfaction, may authorize the chief health officer or any other local authority to take all necessary steps for dealing with the outbreak, and thereupon such officer or local authority shall, for the said purpose, possess all the rights and powers of the local authority in default, subject to the obligations attaching to the exercise thereof.

Expenditure under section forty-one.

42. (1) Any expenditure incurred by the Minister under section forty-one shall be defrayed in the first instance out of the Consolidated Revenue Fund, but the excess over the amount which would have been payable out of that fund by way of part-refund or subsidy if the expenditure had been incurred by the local authority may be recovered from the local authority, by the Minister in manner described in sub-section (1) (d) of section eleven.

(2) The certificate of the Minister shall be conclusive evidence of the amount due by a local authority under this section.

Minister may requisition buildings, equipment or other articles.

43. (1) Where an outbreak of any formidable epidemic disease exists or is threatened it shall be lawful for the Minister to require any person owning or having charge of any land or any buildings not occupied as dwellings, or any person owning or having charge of tents, transport, bedding, hospital equipment, drugs, food, or other appliances, materials or articles urgently required in connection with the outbreak, to

hand over the use of any such land or building or to supply or make available any such article, subject to the payment of a reasonable amount as hire or purchase price.

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

Minister may make regulations regarding formidable epidemic disease.

44. In the case of the occurrence or threatened outbreak in any part of the Union of any formidable epidemic disease the Minister may make regulations as to all or any of the following matters, namely:—

- (a) The imposition and enforcement of quarantine and the regulation and restriction of public traffic and of the movements of persons;
- (b) the closing of schools or the regulation and restriction of school attendance;
- (c) the regulation or restriction, or, where deemed necessary, the closing, of any place or places of public entertainment, recreation or amusement or where intoxicating liquor is sold by retail and the regulation or restriction, or, where deemed necessary, the prohibition, of the convening, holding or attending of entertainments, assemblies, meetings or other public gatherings;
- (d) the prevention and remedying of overcrowding or the keeping of any dwelling or other building, or the contents thereof, in a dirty or insanitary or verminous condition;
- (e) the medical examination of persons who are suspected of being infected with, or who may have recently been exposed to the infection of, such disease, and of persons about to depart from any infected area or from the Union and the disinfection of the baggage and personal effects, and the detention of such persons until they have after such examination been certified to be free from any infectious disease and until their baggage and personal effects have been disinfected;
- (f) the keeping under medical observation or surveillance or the removal, detention and isolation of persons who may have recently been exposed to the infection of, and who may be in the incubation stage of, such disease; the detention and isolation of such persons until released by due authority, the use of guard and force for that purpose, and, in case of absolute necessity, the use of firearms or other weapons at the arrest without warrant of any person who has escaped from such detention or isolation;
- (g) the establishment of isolation hospitals and the removal and isolation of persons who are or are suspected to be suffering from any such disease, the accommodation, classification, care and control of such persons and their detention until discharged by due authority as recovered and free from infection and the establishment, management and control of convalescent homes or similar institutions for the accommodation of persons who have recovered from any such disease;
- (h) enquiries into the cause of death of any person (apart from any enquiry by a magistrate under any other law); the ordering, when deemed necessary, of post-mortem examinations or of exhumations; the prohibition, in special circumstances, of the burial of any dead body except on a certificate by a medical officer appointed to grant such certificates or after compliance with any other specified conditions, and the regulation of the mode of disposal and the time and places of burial of dead bodies and the manner of conducting removals and burials thereof;

- 65
- (i) the regulation and restriction and, if deemed necessary, the prohibition of the removal of merchandise or any article or thing into, out of, or within any specified or defined area;
 - (j) the provision of disinfecting plant and equipment and the disinfection, or where disinfection is impossible, the destruction, of any article or thing, or the disinfection of any premises which are or are believed to be contaminated with the infection of such disease;
 - (k) the inspection of premises and articles and the discovery and remedying of sanitary or other defects likely to favour the spread or render more difficult the eradication of such disease;
 - (l) the evacuation, closing, alteration or, if deemed necessary, the demolition or destruction of any premises the occupation or use of which is considered likely to favour the spread or render more difficult the eradication of such disease, and the definition of the circumstances under which compensation may be paid in respect of any premises so demolished or destroyed and the manner of fixing such compensation;
 - (m) in the case of plague, the destruction of rodents and the removal or improvement of conditions likely to favour the harbourage or multiplication of rodents, and the disposal of the carcasses of rodents or other animals believed or suspected to have died of plague;
 - (n) the relief, during the continuance of the epidemic, of acute distress directly due thereto, including the maintenance of children whose parents or guardians are suffering from or have died of such disease;
 - (o) the manner of requisitioning accommodation, equipment or other articles under section *forty-three* and the manner of fixing rates of hire or purchase price and the conditions of payment;

and such other matters as the Minister may deem necessary for preventing the occurrence of such disease or limiting or preventing the spread thereof or for its eradication, and generally for better carrying out the provisions and attaining the objects and purposes of this Chapter.

45. Any person who contravenes any regulation made under section *thirty-six*, *thirty-eight* or *forty-four* shall be liable on conviction to a fine not exceeding fifty pounds, and in the case of a continuing offence, to a further fine not exceeding five pounds for every day during which such contravention continues after the date fixed in any written notice in respect thereof from the local authority or the Minister or any duly authorized officer.

46. (1) Where it is deemed desirable for the purpose of co-ordinating effort or otherwise for more effectively dealing with or preventing an outbreak of any formidable epidemic disease the Minister may, by notice in the *Gazette*, constitute a committee to be termed an "epidemic committee" for a defined area to discharge such functions and carry out such duties in connection with such outbreak and to administer so much of this Act and the regulations thereunder as may be prescribed in such notice, and may, in like manner, make regulations regarding the appointment of officers of such committee, the conduct of its proceedings, the manner in which accounts shall be kept, or any other matter relative to such committee.

(2) Where the area so defined includes wholly or partly the district or districts of one or more local authorities the composition of such committee, and the manner of allocating and defraying expenditure incurred by it, shall be such as may be mutually agreed in advance between the Minister and local

authority or authorities concerned, or, failing such agreement, as the Minister may, subject to the provisions of this Act, fix and determine.

(3) In the event of the occurrence or threatened outbreak of any formidable epidemic disease in any district for which the magistrate is the local authority, the Minister may constitute an advisory committee of three or more persons resident in the district to advise and assist the magistrate in connection therewith.

Part III.—Financial provisions regarding infectious disease (other than tuberculosis)

47. (1) The Minister may authorize the making of advances on such terms and conditions as may be fixed by the Treasury out of the Consolidated Revenue Fund to any local authority or epidemic committee for the purpose of dealing with any outbreak of any infectious disease and may enter into an agreement with any local authority whereby the whole of the expenditure incurred in dealing with any such outbreak, or the whole of the expenditure entailed by any specified measures in connection therewith, may in the first instance be paid out of the Consolidated Revenue Fund, and whereby the whole of such expenditure or, where the outbreak has been of a formidable epidemic disease, the proportion thereof which in the absence of any such agreement would have been defrayed by the local authority, will be subsequently refunded to the Minister by such local authority. In default of repayment any such advance or any amount so expended on behalf of a local authority may be recovered by the Minister from such local authority in manner described in sub-section (1) (d) of section eleven.

(2) The Minister may also authorize the making of advances on such terms and conditions as may be fixed by the Treasury out of the Consolidated Revenue Fund to any local authority to enable it to pay any portion of the capital expenditure incurred by it in providing suitable hospitals or places of isolation for persons suffering from an infectious disease other than tuberculosis and may in like manner recover any advances so made.

(3) The certificate of the Minister shall be conclusive evidence of the amount of any moneys advanced to or expended on behalf of a local authority under this section.

48. The Minister, subject to regulations which he is hereby authorized to make and which may deal with the procedure to be followed, the conditions to be complied with and any other matters necessary for the proper carrying out of the provisions of this section, shall—

(a) refund one-half of the approved net cost actually and necessarily incurred by a local authority, or by two or more local authorities acting jointly, in providing and equipping an isolation hospital or other isolation accommodation for persons suffering from any infectious disease other than tuberculosis, or detained under medical observation because of exposure to the infection of any formidable epidemic disease: Provided that the scheme as a whole and the plans, specifications and estimates in connection therewith shall be approved by the Minister before the expenditure or any liability therefor is incurred;

(b) refund one-half of the approved nett cost actually and necessarily incurred by a local authority, or by two or more local authorities acting jointly, in connection with the management and maintenance of an isolation hospital or other isolation accommodation, and the maintenance and treatment therein or in any other hospital or place of isolation of persons suffering or suspected to be suffering from any infectious disease or of persons detained therein under medical observation because of exposure to the infection of any formidable epidemic disease, such nett costs being determined after deduction of any revenue;

Advances to local authorities to meet expenditure incurred in connection with infectious disease.

Refunds to local authorities in respect of isolation hospitals and formidable epidemic diseases.

- (c) refund two-thirds of the approved nett cost actually and necessarily incurred by a local authority, or by two or more local authorities acting jointly, or by an epidemic committee, in preventing, investigating, dealing with or suppressing any outbreak of any formidable epidemic disease or any outbreak suspected on reasonable grounds to be of any such disease, including where necessary the provision of temporary isolation hospital accommodation.

Maintenance
of children
left desti-
tute.

49. The administrator of every Province in which no special provision exists under an Ordinance of the Provincial Council thereof for the maintenance of destitute children shall be responsible for the maintenance, up to the age of sixteen, of every child whose parents, parent or guardian has, while resident in that Province, died of a formidable epidemic disease and left such child destitute, and the administrator shall have the power to place or apprentice such children with persons and institutions on conditions to be fixed by the Minister by regulation.

Part IV.—Special provisions regarding tuberculosis.

Financial
provisions.

50. (1) The Minister, subject to regulations which he is hereby authorized to make and which may deal with the procedure to be followed, the conditions to be complied with and any other matters necessary for the proper carrying out of the provisions of this section, may—

- (a) provide in Government or other laboratories for the carrying out of bacteriological or other laboratory examinations for the purpose of ascertaining whether any person is suffering from or is cured of or free from tuberculosis. Such examinations shall be free of charge;
- (b) refund one-half of the approved nett cost actually and necessarily incurred by a local authority, or by two or more local authorities acting jointly, in providing and equipping any institution or accommodation for persons suffering from tuberculosis in a communicable form: Provided that the scheme as a whole and the plans, specifications and estimates in connection therewith shall be approved by the Minister before the expenditure or any liability therefor is incurred;
- (c) refund one-half of the approved nett cost actually and necessarily incurred by a local authority, or by two or more local authorities acting jointly, (after the deduction of any revenue,) in maintaining and managing any institution for the care and treatment of persons suffering from tuberculosis in a communicable form;
- (d) apart from expenditure a proportion of which may be refunded as aforesaid, refund one-half of the approved nett cost actually and necessarily incurred by a local authority in the treatment and care of persons suffering from tuberculosis in a communicable form;
- (e) make provision for the treatment and, where necessary, the accommodation and maintenance, of persons suffering from tuberculosis in a communicable form: Provided that where any such person is domiciled within the area of a local authority, one-half of the total cost of dealing with such person may be recovered by the Minister directly from such local authority in manner described in sub-section (1) (d) of section eleven.

- (f) make grants-in-aid, subject to such conditions as the Minister may in each case fix and determine, to local authorities or public bodies or voluntary societies or associations for the purpose of preventing the spread of, and securing proper treatment of persons suffering from, tuberculosis.

(2) Every contribution or refund under this section by the Government to a local authority shall be subject to such conditions and the due performance thereof as the Minister may in each case fix and determine; shall in every case be conditional on, and may be suspended or withheld by the Minister pending, the due carrying out by the local authority of such measures as the Minister may consider under the circumstances to be necessary and reasonably practicable for preventing or limiting the occurrence or spread, or for remedying conditions favouring the persistence, occurrence or spread, of tuberculosis within its district; and shall only be authorized after consideration by the Minister of a report thereon by the chief health officer.

(3) Where any person domiciled in a district other than that of the local authority which has made provision for the treatment of persons suffering from tuberculosis in an institution, is accommodated, maintained or treated in such institution, the local authority may recover the cost from the local authority in whose district such person is domiciled or from the magistrate where there is no local authority other than the magistrate for such district.

Administrators may provide accommodation for cases of tuberculosis. 51. It shall be the duty of the administrator when so requested by the Minister to make provision in connection with general or chronic sick hospitals or elsewhere for the treatment or accommodation, care and maintenance of persons suffering from tuberculosis in a communicable form, on the following conditions:—

- (a) Before any capital expenditure or liability is incurred the approval of the Minister and the local authority or authorities concerned (if any) shall be obtained as to the accommodation to be provided and the method of providing it.
- (b) The cost of providing, equipping and maintaining any special accommodation set apart for such persons and of their treatment shall, after the deduction of any revenue, be refunded to the administrator by the Minister out of the Consolidated Revenue Fund subject to any arrangement which may have been made between the Minister and any local authority under this Chapter.

Advances to local authorities. 52. The Minister may authorize the making of advances on such terms and conditions as may be fixed by the Treasury out of the Consolidated Revenue Fund to any local authority to enable it to pay its proportion of any capital expenditure involved in giving effect to any provision of this Act regarding tuberculosis. Any advance so made may be recovered by the Minister from the local authority in manner described in sub-section (1) (d) of section eleven.

CHAPTER IV.

VENEREAL DISEASES.

Veneraeal diseases. 53. The provisions of this Act, 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.

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

54. (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 such 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.

Duties of medical practitioners.

55. Every medical practitioner who attends or advises any 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 Act 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 relating to the treatment of venereal disease, and to the duties of persons suffering therefrom, as may be supplied to the medical practitioner by the department of Public Health.

Duties of parents or guardians of infected children.

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

(2) Every parent or guardian of any such child who fails or neglects to have that child treated as aforesaid shall be guilty of an offence.

Infection by employees.

57. (1) Every person who, while suffering from any venereal disease in a communicable form, accepts or continues in employment in or about any factory, shop, hotel, restaurant, house, or other place in any capacity entailing the care of children or the handling of food or food utensils intended for consumption or use by any other person shall be guilty of an offence, unless he proves that he did not know or suspect, and had no reasonable means of knowing or suspecting, that he was so suffering.

(2) Every person shall be guilty of an offence who employs or continues to employ any person suffering from any venereal disease in a communicable form if, by reason of such employment, such person is required or is permitted to have the care of children or to handle any food or food utensils intended for consumption or use by any person other than the person employed, unless the defendant proves that he did not know or suspect, and had no reasonable means of knowing or suspecting, that the person so employed by him was suffering from such disease.

Duties of medical officers of health and district surgeons, to report, and powers of magistrates.

58. (1) It shall be the duty of every medical officer of health and every district surgeon in their official capacity and of every Government medical officer who knows or has reason to believe that any person is suffering from any venereal disease in a communicable form and is not under treatment by a medical practitioner or is not attending for medical treatment regularly and as prescribed by such medical practitioner, to give written notice to such person of the requirements of this Act in regard to attendance for treatment of persons suffering from venereal disease and, if thereafter such person does not comply with those requirements, to report the matter to the magistrate.

(2) Upon receipt of any such report the magistrate 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 Chapter.

(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; or
- (b) to attend at a specified time and place for examination by a medical practitioner named in the order; or
- (c) to attend regularly for medical treatment at times and at a place specified in such order; or
- (d) to proceed or be removed to and to remain or be detained under treatment in a special hospital or place of accommodation provided or established under this Chapter, either for a specified time or until cured or free from the disease in a communicable form; or
- (e) to comply with such other requirements as the magistrate may deem necessary for the proper safeguarding of the health of such person and of the public health.

(4) Any person who fails to comply with any order made under this section, or who escapes or attempts to escape from any hospital in which he has been ordered to remain or to be detained, shall be guilty of an offence.

Conveyance of infection an offence.

59. Every person who, knowing that he is suffering from a venereal disease, wilfully or by culpable negligence infects any other person therewith, or does or permits or suffers any act likely to lead to the infection of any other person with any such disease, shall be guilty of an offence.

Detention in hospital of infected persons.

60. (1) Where any person sentenced to imprisonment under this Act or any other law is suffering from a venereal disease in a communicable form, he may, by order of the magistrate, be removed to a special hospital or place of accommodation provided or established under this Chapter and be detained under treatment therein until the expiry of his sentence, and the magistrate, on the representation of the district surgeon or medical practitioner treating such person, and if satisfied that the public health cannot otherwise adequately be safeguarded and that such person when released is unlikely to undergo treatment by a medical practitioner for such disease, may order that he be detained in such hospital or place either for a specified period after the expiry of his sentence or until he is cured or free from the disease in a communicable form.

(2) Any person so detained in a hospital or other place of accommodation who escapes or attempts to escape therefrom shall be guilty of an offence.

Medical examination of inhabitants of localities where venereal disease believed to be prevalent.

61. Where the Minister, on a report by the chief health officer, has reason to believe that venereal disease is prevalent amongst the residents in any premises or locality he may issue an order requiring the examination by a medical practitioner of any person or of persons of any specified class or description residing therein. Any person who refuses to comply with such order or with any lawful instructions given thereunder or who obstructs any medical practitioner or other duly authorized officer in the carrying out of such order shall be guilty of an offence.

Examination of females by women medical practitioners.

62. Where any order is made under this Chapter requiring the medical examination of any female over the age of twelve years and such female desires to be examined by a woman medical practitioner, such examination shall be made by a woman medical practitioner if one is reasonably available.

Rights of persons detained in hospital.

63. Any person detained in hospital under this Chapter shall be entitled to arrange, at his own expense, for his examination by any medical practitioner, and a report of such examination shall be furnished to the magistrate who may thereupon cause to be made any further examination of such person which he may deem necessary. No person shall be detained in hospital under this Chapter who is not, or is no longer, suffering from a venereal disease in a communicable form.

Proceedings to be in camera and reports, etc., not to be published.

64. Enquiries and proceedings before a magistrate or any court of law under this Chapter shall be secret and conducted in camera and the records thereof shall be kept in the manner and form prescribed by regulation, anything to the contrary notwithstanding in any other law. Any person publishing or divulging the name of any person dealt with under this Chapter or the nature of the charge or evidence or the results of such enquiries or proceedings or the contents of any report, certificate, document or order in connection therewith or any other matter coming to his knowledge in connection with anything arising under this Chapter to any unauthorized person, and any person who without lawful justification or excuse falsely alleges that any person is suffering or has suffered from venereal disease, shall be guilty of an offence.

Publication of advertisements of cures.

65. (1) No person shall publish any advertisement or statement intended to promote the sale of any medicine, appliance or article for the alleviation or cure of any venereal disease or disease affecting the generative organs or functions, or of sexual impotence, or of any complaint or infirmity arising from or relating to sexual intercourse.

(2) Any person who publishes any such advertisement or statement by printing it in any newspaper or exhibiting it to public view in any place or delivering or offering or exhibiting it to any person in any street or public place or in any public conveyance, or who sells, offers or shows it or sends it by post to any person, shall be guilty of an offence. For the purposes of this section "advertisement" or "statement" includes any paper, document or book containing any such advertisement or statement.

(3) This section shall not apply to publications by the department of Public Health or by any local authority, public hospital, or other public body in the discharge of its lawful duties, or by any society or person acting with the authority of the Minister first obtained, or to any books, documents or papers published in good faith for the advancement of medical science.

Minister may make contributions and provide facilities for the diagnosis and treatment of venereal diseases.

66. The Minister, subject to regulations which he is hereby authorized to make and which may deal with the procedure to be followed, the conditions to be complied with and any other matters necessary for the proper carrying out of the provisions of this section, may—

- (a) provide in Government or other laboratories for the carrying out of bacteriological or other laboratory examinations for the purpose of ascertaining whether any person is suffering from or is cured of any venereal disease, or is free from any such disease in a communicable form. Such examinations shall be free of charge;
- (b) make provision for the free treatment and, where necessary, the accommodation and maintenance, of persons suffering from venereal disease. Such provision shall be made as far as practicable in connection with general or isolation hospitals or similar institutions by arrangement with the administrator or the hospital, local or other authority concerned;
- (c) supply, free of charge, such remedies as may be specified from time to time in the *Gazette*, for use in the treatment of persons suffering from venereal disease who are treated as free patients at any public institution;
- (d) refund to any local authority, or to two or more local authorities acting jointly, two-thirds of the nett cost of any approved scheme for providing treatment (including maintenance and accommodation where necessary), for persons who are suffering from venereal disease;

- (e) establish and maintain special accommodation for the maintenance and treatment of persons suffering from venereal disease who are liable to detention;
- (f) make grants-in-aid, subject to such conditions as the Minister may in each case fix and determine, to local authorities or other public bodies or voluntary societies or associations for the purpose of preventing the spread of, or securing the proper treatment of persons suffering from, venereal disease.

Provision for treatment of venereal disease may be made in connection with general hospitals.

67. It shall be the duty of the administrator, when so requested by the Minister, to make provision in connection with general hospitals or elsewhere for the treatment of persons suffering from venereal disease:

Provided that—

- (a) before any capital expenditure or liability is incurred the approval of the Minister and the local authority or authorities concerned (if any) shall be obtained as to the accommodation to be provided and the method of providing it;
- (b) the cost of providing, equipping and maintaining any special accommodation set apart for such persons and of their treatment shall, after deducting any amounts received, be refunded to the administrator by the Minister out of the Consolidated Revenue Fund, subject to any arrangement which may have been made between the Minister and any local authority under this Chapter.

Minister may authorize advances to local authorities.

68. The Minister may authorize the making of advances on such terms and conditions as may be fixed by the Treasury out of the Consolidated Revenue Fund to any local authority to enable it to pay its proportion of any capital expenditure involved in giving effect to this Chapter. Any advance so made may be recovered by the Minister from the local authority in manner described in sub-section (1) (d) of section eleven.

Minister may make regulations.

69. (1) The Minister may make regulations—

- (a) prescribing forms of certificate, notices, orders, or returns and books of record to be used in connection with venereal disease, and defining the information to be furnished therein, and requiring the furnishing and prescribing the manner of use thereof by magistrates, district surgeons, local authorities, medical officers of health and others;
- (b) conferring powers and imposing duties in connection with venereal disease on magistrates, district surgeons and other Government medical or other officers, local authorities, medical officers of health, employers of labour, owners of land on which reside natives or coloured persons, and native chiefs or headmen;
- (c) adapting, within such area as may be defined, the provisions of this Chapter and the procedure thereunder to the understanding and special circumstances of persons of particular races or different classes of persons;
- (d) providing for the effective enforcement of this Chapter as regards persons of particular races or different classes of persons and assigning, where deemed desirable, responsibility in connection therewith to local authorities or employers of labour;
- (e) as to the management, maintenance and inspection of hospitals or other institutions for the purposes of this Chapter and the appointment and duties of

persons employed therein or otherwise in connection with the carrying out or enforcement of this Chapter :

(f) as to the classification, treatment, control and discipline of persons treated or detained in such hospitals or institutions and prescribing compulsory work for such persons where deemed desirable ;

(g) prescribing the precautions to be taken by persons suffering from, or attending on or having the care or charge of persons suffering from, venereal disease; and generally for better carrying out the provisions and attaining the objects and purposes of this Chapter.

(2) Any person who contravenes or fails to comply with any regulation made under this section shall be guilty of an offence.

CHAPTER V.

PORTS AND INLAND BORDERS OF THE UNION.

70. The provisions of this Act as regards vessels, except where otherwise expressly stated, shall apply to every vessel of whatsoever kind anchoring off or arriving in any port or being elsewhere within the territorial waters of the Union : Provided that the Minister may, subject to such conditions or limitations as may be prescribed by him, exempt from any such provision any of His Majesty's warships or any warship of any foreign country, or any vessel engaged solely in the coasting trade and plying only between ports of the Union.

71. (1) Except in case of danger, no master of a vessel arriving at any port or place in the Union and no person on board thereof shall communicate or attempt to communicate with the shore or with any other vessel or any boat, and no person from the shore or from any other vessel or boat shall communicate with such vessel, otherwise than by signal, until pratique has been granted to such vessel in accordance with regulations made under this Chapter : Provided that nothing in this sub-section shall prevent any port officer, pilot, or other duly authorized officer from coming alongside or boarding any such vessel.

(2) No fee shall be payable in respect of the examination by the port health officer of, and the granting of pratique to, any vessel arriving at any port or place in the Union.

72. (1) The provisions of this Act in respect of the notification of the occurrence of cases of infectious disease in man, or of sickness or mortality in rodents or other animals susceptible to plague, shall apply to every vessel at any port or place in the Union, but wherever it is therein required that notification be made to the local authority such notification shall be made to the port health officer.

(2) No fee shall be payable to any ship surgeon or other medical officer of a vessel or shipping company in respect of the notification of any case of infectious disease on board of any vessel.

(3) For all purposes of this Act every vessel shall be deemed to be a dwelling or premises and the master thereof shall be deemed to be the head of the household or the owner or occupier of the premises.

(4) It shall be the duty of the master to report to the port health officer the death of any person who has died from any cause whatever on the vessel during the voyage just completed or while the vessel is in port and also the cause of death.

73. (1) The port health officer may at any time board any vessel and inspect any part thereof or anything therein, and may medically examine any person on board and require any such person to answer any question for the purpose of ascertaining whether or not infection exists or has recently existed on board.

(2) Any person who refuses to allow any such officer to board any vessel or to make any inspection or medical examination as aforesaid or otherwise obstructs or hinders any such officer in the execution of his duty, or who fails or re-

Application of provisions.

Prohibition of communication between vessels and the shore before granting of pratique.

Notification of occurrence of infectious disease or deaths on board of vessels.

Port health officer may inspect vessels and persons on board for the purpose of ascertaining whether infection exists on board.

fuses to give any information which he may lawfully be required to give, or who gives false or misleading information to any such officer knowing it to be false or misleading, shall be guilty of an offence.

Notifications to local authorities at ports.

74. Upon the occurrence on any vessel of any case of or death from any notifiable infectious disease, or of such other disease as the Minister may prescribe, or of any sickness or mortality among rodents or other animals on any vessel or within the harbour area suspected to be due to any formidable epidemic disease, the port health officer shall forthwith inform the local authority of the district in or adjoining which the port is situated of the occurrence and the measures taken or intended to be taken in connection therewith.

Granting of restricted or conditional pratique to and quarantining of vessels.

75. In the case of any vessel having, or suspected on reasonable grounds of having, on board in any person, animal or thing the infection of any infectious disease, the port health officer, acting in accordance with instructions and with regulations made under this Chapter, may grant or continue pratique to such vessel subject to such conditions or restrictions as may be deemed necessary, or, if he deems it necessary so to do, may withhold or withdraw pratique and place the vessel in quarantine: Provided that when pratique restrictions are imposed or any vessel is placed in quarantine or when any person on board of or landed from any vessel is compulsorily detained, isolated or removed, the port health officer shall immediately report, by telegraph or other expeditious means, the action taken by him and the reasons therefor to the chief health officer and the nearest assistant health officer.

Proclamation of infected places, ports of entry, etc.

76. (1) The Governor-General may, by proclamation—

- (a) declare that any place beyond or within the Union is infected with a formidable epidemic disease, or that a formidable epidemic disease is liable to be brought or carried from or through that place, and thereupon, and for so long as such proclamation remains in force, that place shall be a proclaimed place within the meaning of this Act;
- (b) declare any port in the Union to be a first port of entry for all, or for any particular class or description of, oversea vessels, and require masters of such vessels bound for the Union to enter a port so proclaimed before entering any other Union port, except in case of danger or for other sufficient reason;
- (c) prohibit, restrict or regulate the importation into the Union of any animal, article or thing likely, in his opinion, to introduce any infectious disease, or impose restrictions or conditions as regards the examination, detention, disinfection or otherwise of any such animal, article or thing.

(2) Any person who contravenes or fails to comply with any such proclamation shall be guilty of an offence.

Master of a vessel from a proclaimed place to take precautionary measures to prevent infection.

77. (1) The master of any vessel bound for any port or place in the Union which comes from or calls or touches at any proclaimed place, shall, while his vessel is at that place and during the voyage to the Union, take in respect of the vessel, her crew, passengers and cargo, all such precautionary measures as may be prescribed by regulation.

(2) Any master of a vessel failing so to do and thereafter entering any Union port shall be guilty of an offence unless he satisfies the court that he was unaware of the measures required to be taken by him and that he took all reasonable means to ascertain whether it was his duty to take any such measures.

(3) Where a vessel has arrived from a proclaimed place and the prescribed precautionary measures have not been taken,

any measures considered necessary by the port health officer, acting on the instructions of the chief health officer, may be carried out with respect to the vessel, her crew, passengers and cargo, at the expense of the owner of the vessel.

78. Where a vessel has been placed in quarantine at any port or place in the Union, the Minister may, for the purpose of more effectually dealing with the infection on board, require the master thereof to remove such vessel, at his own risk and expense, to any other port or place within the territorial waters of the Union.

79. (1) Where the master of a vessel has been informed by the port health officer or other duly authorized officer of the intention of placing that vessel in quarantine or of requiring him to remove that vessel in quarantine to another port or place in the Union, and where such master declines to submit to quarantine or refuses to remove the vessel as aforesaid, he shall immediately inform such officer accordingly and shall forthwith hoist the quarantine signal, as defined in regulations made under this Chapter, on the vessel and remove the vessel from the neighbourhood of any wharf or landing place or any other vessel and shall leave the port with all possible dispatch after notifying the port health officer of the next intended port of call of the vessel.

(2) Any vessel dealt with in the manner described in subsection (1) may, before leaving the port, take on board, subject to such precautions as may be prescribed by the port health officer or other duly authorized officer, any coal, water, provisions or stores.

80. (1) Where any person on board of any vessel is suffering from any infectious or other disease and, in the opinion of the port health officer, is not accommodated or is not being nursed or treated in such manner as to guard adequately against the spread of the disease or to promote recovery, the port health officer may cause such person to be removed to a hospital or place of isolation on shore and there accommodated and treated for such period as may be considered necessary in the interests of the patient or to prevent spread of infection.

(2) All reasonable expenses necessarily incurred in dealing with a patient under this section will be a charge against the master or agent of the vessel, and may be recovered from either or both of them by the Minister.

81. (1) Where any person on board of any vessel is believed to have been recently exposed to the infection, and may be in the incubation stage, of any notifiable infectious disease, the port health officer may require such person to remain on board such vessel, or alternatively to land and proceed direct to his place of destination and there report himself to the local authority for medical surveillance by such local authority until considered to be free from infection. Where in the opinion of the port health officer any such person cannot otherwise be properly kept under medical surveillance or the public health cannot be otherwise adequately safeguarded, such person may be removed to a place of isolation on shore and there detained until considered free from infection.

(2) The port health officer shall notify to the local authority of the district in or adjoining which the port is situated, and to the local authority of the district where such person's place of destination is, the fact that such person is believed to have been

recently exposed to infection and has been allowed to land and proceed to his destination.

(3) Any person who refuses or fails to comply with, or wilfully obstructs the execution of, any requirement lawfully made under this section shall be guilty of an offence.

Burial of the bodies of persons dying on board of vessels.

82. Where there is any dead body on board any vessel at any port or place in the Union, it shall be the duty of the master of such vessel to cause such body to be properly buried; any reasonable and necessary expenses thereby incurred may be recovered by the master from any person legally liable for the same.

Clearance papers may be withheld from vessels pending inquiry into offence.

83. Whenever the Minister has reasonable grounds for believing that the master of any vessel has committed an offence against this Act or fails or refuses to pay any charges lawfully made thereunder, the commissioner of Customs or any officer authorized thereto by the commissioner may, on the request of the Minister, withhold clearance papers from such vessel pending the institution of proceedings in any competent court: Provided that clearance papers shall not be withheld for more than thirty-six hours (Sundays and holidays always excepted), unless such proceedings have been commenced before the expiry of that period.

Powers to enforce precautions at inland borders of Union.

84. (1) When it is considered necessary for the purpose of preventing the introduction of infectious disease into the Union the Governor-General may, by proclamation—

- (a) regulate, restrict or prohibit the entry into the Union at its inland borders or any part thereof of any persons, or of persons of any specified class or description or from any specified locality or area;
- (b) regulate, restrict or prohibit the introduction into the Union, at 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 surveillance 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 Union at its inland borders or any part thereof;
- (d) apply with or without modifications any particular provisions of this Chapter to persons, animals, articles or things entering or introduced into or departing or removed from the Union by means of aircraft.

(2) Any person who contravenes or fails to comply with any such proclamation shall be guilty of an offence.

Agreements with other Governments regarding reciprocal notification of outbreaks.

85. The Governor-General 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 relations of the Union with other countries. The terms or a summary of every such agreement shall be notified in the *Gazette*.

Minister may make regulations regarding certain port health matters.

86. The Minister may make regulations—

- (a) prescribing the powers and duties of port health officers and the procedure to be followed in the examination of, and the granting of pratique to, vessels, and requiring every master of a vessel on arrival at any port or place in the Union to furnish a declaration of health in respect of the existence or suspected existence on board, in any person, animal or thing, of any infectious disease or of scurvy, beri-beri, dysentery, or any other disease which the Minister may notify in the *Gazette*, prescribing 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 bath; such regulations may prescribe modified requirements or procedure in respect of vessels arriving at a second or subsequent Union port of call on the same voyage;

- (b) requiring the master of any vessel having 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 formidable epidemic disease or is situated near any place which is so infected, to furnish lists of passengers, crew or cargo, and prescribing the information to be given in any such list;
- (c) prescribing the measures which shall be taken by masters of vessels to prevent the migration of rodents to or 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 cleansing of vessels, the provision of a supply of pure water on board, and for preventing the pollution of the waters of the port with excreta and manure or any infective or offensive matter;
- (e) as to the grant, refusal or withdrawal of pratique to vessels and the detention in quarantine of vessels having 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 or 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) 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 -
 - (i) 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 scurvy, beri-beri, dysentery or other disease which the Minister may notify in the *Gazette*;
 - (ii) 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 Union under any law relating to immigration;

- (iii) in eradicating the infection 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 therefrom, was infected before it was landed.

The Minister may, by notice in the *Gazette*, prescribe tariffs of charges which shall be payable by masters or owners or agents of vessels in respect of any of the services aforesaid, but every such tariff shall be fixed as nearly as may be on the basis of average cost;

- (j) as to the departure from the Union, whether by land or sea, of all persons or of persons of any specified class or description, or of persons from any specified locality or place, and as to the restrictions to be imposed on persons leaving the Union, in relation to medical examination, disinfection or otherwise;
- (k) as to the exportation or removal from the Union, whether by land or sea, of any article or thing considered likely to convey the infection of any infectious disease, and the examination, detention, disinfection or otherwise of any such article;
- (l) for securing and maintaining cleanliness and efficient sanitation and preventing or remedying any nuisance or danger to health from overcrowding or otherwise on board of any vessel or within any port or harbour;
- (m) as to the inspection of food on board vessels or at any port of the Union and the destruction or safe disposal of any diseased or unsound or unwholesome meat or food intended for human consumption, or of any article of food or drink likely to convey any infectious disease, if such article is on board of any vessel or within any port or harbour, and providing for the recovery of any expense incurred by Government in so doing;
- (n) as to the disinfection of any second-hand clothing, bedding, rags or any similar article imported by sea into the Union and the recovery from the owner thereof or his agent of all expenses incurred by Government in connection therewith,

and generally for better carrying out the provisions and attaining the objects and purposes of this Chapter.

Proclamations, regulations and penalties under this Chapter

87. (1) Any proclamation or regulation made under this Chapter may provide exemptions therefrom, may define the disease to which any particular provision shall apply and may impose duties in connection therewith on masters or owners or agents of vessels or on persons in charge of railway trains or of vehicles, or on employers of native, coloured or asiatic labour, labour recruiting agents or others.

(2) Any person contravening or failing to comply with any provision of this Chapter, or of any proclamation or regulation thereunder, shall be liable, save as is in sub-section (3) provided, to a fine not exceeding fifty pounds or to imprisonment without the option of a fine for a period not exceeding three months, or to both such fine and imprisonment.

(3) If the master of a vessel contravenes or fails to comply with any provision of this Act or any regulation thereunder relating to pratique or quarantine, or makes any false statement or false answer to any question in any declaration of health, knowing the same to be false, he shall be liable to a

fine not exceeding two hundred pounds or to imprisonment without the option of a fine for a period not exceeding twelve months, or to both such fine and imprisonment.

Minister not to be liable to pay compensation in exercise of powers of Act if reasonable precautions used.

88. Whenever under this Chapter powers are exercised by the Governor-General or the Minister in accordance therewith and with the regulations and by reason of the exercise of such powers—

- (a) any vessel, person, article or thing is delayed or removed or detained; or
- (b) any article or thing is damaged or destroyed; or
- (c) any person is deprived of the use of any article or thing,

the Government shall not be liable to pay compensation, provided due care and reasonable precautions have been taken to avoid unnecessary delay or damage or destruction.

Definition of terms used in this Chapter.

89. For the purposes of this Chapter—

- “master” in relation to any vessel means the person (other than a pilot) having at the time command or charge of that vessel;
- “oversea vessel” means a vessel other than one plying only between ports or places in the Union;
- “port health officer” means any medical practitioner appointed by, or acting as such under the authority and instructions of, the Minister.

CHAPTER VI.

VACCINATION AGAINST SMALL-POX.

Duties of registrars of vaccination and vaccination inspectors.

90. The Minister may designate any officer in the public service to carry out the duties of registrar of vaccination or vaccination inspector for any defined area.

Duties of registrars of births.

91. Every registrar of births who registers the birth of a child shall transmit to the parent or guardian of the child, or hand to the person reporting the birth, a notice, on a form prescribed, stating the requirements of the next succeeding section, together with such forms relating to vaccination as the Minister may prescribe.

Duties of parents or guardians in respect of vaccination of infants.

92. The parent or guardian of every child in the Union shall, unless such child is insusceptible or unfit or has suffered from small-pox, cause such child to be successfully vaccinated with pure and tested calf vaccine lymph by a district surgeon, public vaccinator or other medical practitioner, and the parent or guardian of every such child shall procure and transmit to the registrar of vaccination one of the following certificates on the form prescribed, signed by a district surgeon, public vaccinator or other medical practitioner:—

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

The proof of the transmission of such certificate shall be the entry of the particulars in the official register kept by the registrar of vaccination.

Such certificates shall be transmitted so as to reach the registrar of vaccination within thirteen months after the birth of a child or, in the case of a child who is unvaccinated at the commencement of this Act, within twelve months after such commencement.

Insusceptibility to vaccination.

93. A certificate of insusceptibility to vaccination shall only be given by a district surgeon, public vaccinator or other medical practitioner after three unsuccessful attempts at vaccination at intervals of not less than one month have been made by him with pure and tested calf vaccine lymph.

Unfitness for vaccination.

94. A certificate of unfitness may postpone vaccination for any period not exceeding three months, but a like certificate transmitted to the registrar of vaccination may postpone vaccination for a further period of three months. In special cases where a certificate signed by a medical practitioner is furnished to the registrar of vaccination that a child or person is suffering from some chronic complaint or disability the nature of which is detailed in the certificate and that the child or person is unlikely to be fit to undergo vaccination before a specified date, the Minister may postpone vaccination for a specified period exceeding three months.

Re-vaccination of children at twelve years of age.

95. The Governor-General may, by proclamation applicable to such area and to such particular races or classes of persons as may be specified therein, extend the provisions of section ninety-two as regards the vaccination of infants so as to provide for the vaccination or re-vaccination of children who have attained the age of twelve years; and the parent or guardian of every child to which such proclamation applies shall, subject to the conditions and exceptions contained in section ninety-two, cause such child to be successfully vaccinated or re-vaccinated before he attains the age of thirteen years and shall, before the child attains that age, procure and transmit one of the certificates prescribed by section ninety-two. Provided that the furnishing of a certificate as prescribed to the effect that the child has been successfully vaccinated within a period of five years before the child had attained the age of twelve years shall exempt such child from vaccination. A copy of such proclamation shall be published in at least two newspapers circulating in such area, and in such other manner as the Minister shall prescribe.

Vaccination of persons entering the Union and of un-vaccinated persons in the Union.

96. Every unvaccinated adult person, or the parent or guardian of every unvaccinated child, in or entering the Union shall cause himself or such child to be successfully vaccinated within twelve months after the commencement of this Act or after entering the Union as the case may be, and shall, within the same period, transmit to a registrar of vaccination the appropriate certificate signed by a district surgeon, public vaccinator or other medical practitioner.

The conditions and exceptions described in section ninety-two 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.

Evidence of vaccination in special circumstances.

97. Where emergency vaccination or re-vaccination of children or adults has been carried out to prevent the spread of small-pox, or in the case of the public vaccination of illiterate persons, a list or register of those vaccinated, kept by the vaccinator and duly certified by him, may be accepted as evidence of vaccination or re-vaccination and may exempt the persons concerned from the requirement of furnishing the certificates prescribed in sections ninety-two or ninety-five.

Inspection subsequent to vaccination.

98. Any person, or the parent or guardian of any child, who has been vaccinated or re-vaccinated by a district surgeon or public vaccinator under this Act may be required to present himself or such child (as the case may be) at the same place on the same day in the following week or at such other time or place as the district surgeon or public vaccinator may appoint for the purpose of inspection and for repetition of the operation if deemed necessary.

Any person who fails to comply with such requirement shall be guilty of an offence.

Charges for vaccination.

99. No charge shall be made to any person, or to the parent or guardian of any child, when such person or child is vaccinated or re-vaccinated by a district surgeon, port health officer or public vaccinator in his official capacity, either in respect of the operation or of any certificate furnished under this Chapter.

Emergency vaccination of population in areas threatened with small-pox.

100. In the event of the occurrence or threatened outbreak of small-pox in any area—

- (1) the local authority or its medical officer of health or the district surgeon or other Government medical officer may require any person to be forthwith vaccinated or re-vaccinated who has or is suspected to have been in any way recently exposed to small-pox infection, or may require the parent or guardian of any child who has or is suspected to have been so exposed to have such child vaccinated or re-vaccinated forthwith. Any person failing to comply with such requirement shall be guilty of an offence;
- (2) the local authority may, or when instructed by the Minister so to do shall, require all persons, or specified classes of persons within an area defined to attend at centres according to instructions issued and to undergo inspection, vaccination or re-vaccination as circumstances may require. Such instructions may be issued by notice in the press, or by notices posted in public places or otherwise as may be deemed sufficient by the local authority. Non-attendance shall be deemed to be an offence;
- (3) any district surgeon, public vaccinator or medical practitioner duly authorized by the Minister or the local authority may require any person in such area to furnish satisfactory proof (including the exhibition of vaccination scars) that he has been successfully vaccinated within five years immediately preceding the date of such requirement. Any person who fails to furnish such proof as regards himself or as regards any child of which he is the parent or guardian, and refuses to allow himself or such child to be vaccinated, shall be guilty of an offence.

Obtaining of copies of certificates.

101. Any person shall be entitled, on payment of such fee as may be prescribed, to be supplied by a registrar of vaccination with a copy of any certificate which has been furnished to the registrar concerning such person or any child of which he is the parent or guardian.

Vaccination of inmates of institutions.

102. Every superintendent or person in charge of a leper institution or mental hospital or chronic sick hospital, gaol, prison, reformatory, 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; if such person is at the time unfit to undergo vaccination he shall be vaccinated as soon as he is so fit.

School attendance.

103. (1) No child shall be admitted to or attend any school until there has been produced to the person in charge thereof a certificate or other satisfactory evidence that the provisions of this Chapter in respect of such child have been complied with.

(2) For the purpose of ascertaining whether the provisions of sub-section (1) are being observed, every district surgeon, public vaccinator or other Government medical officer is hereby authorized and required whenever instructed by the chief health officer to visit any school, and make therein such inspection of the children attending thereat as will enable him to furnish prescribed particulars to the chief health officer as to the children who are unvaccinated.

(3) The administrator shall furnish an annual return to the department of Public Health showing the numbers of and particulars as to unvaccinated children attending schools in his Province, as far as he possesses such information.

Members of public service, police or defence to be vaccinated or re-vaccinated.

104. No person shall be appointed to any post in the public service or in the railway and harbour administration, or enrolled in any police or defence force, or appointed to the post of sanitary inspector or any similar post by any local authority, who does not produce satisfactory proof that he has—

- (a) been successfully vaccinated; or
- (b) been found to be insusceptible to vaccination in the manner described in section ninety-three; or
- (c) has already suffered from small-pox,

or who does not undertake within one month to submit himself to vaccination and to produce proof of successful vaccination, or within three months to produce proof of insusceptibility to vaccination.

Supplies of vaccine lymph, and inoculation from arm to arm, etc., forbidden.

105. (1) The Minister shall provide and cause to be kept at all times, in places to be specified by notice in the *Gazette*, a supply of pure and tested calf vaccine lymph, and issues thereof may be made to local authorities, medical practitioners and others free of charge, subject to regulations made by the Minister in that behalf.

(2) 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, shall be guilty of an offence.

Minister may make regulations.

106 (1) The Minister may make regulations—

- (a) prescribing forms of certificate, notices, returns, and books of record to be used in connection with vaccination, and defining the information to be furnished therein, and requiring the furnishing and prescribing the manner of use thereof by registrars of births, registrars of vaccination, district surgeons, public vaccinators, local authorities, medical practitioners, parents or guardians of children, persons in charge of schools, employers of labour and others;
- (b) prescribing and defining the duties, in connection with vaccination, of district surgeons, public vaccinators, port health officers and others employed by the Government;
- (c) 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 the 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;
- (d) prescribing the conditions under which vaccine lymph may be supplied free of charge to medical practitioners, local authorities and others;
- (e) prescribing the manner in which vaccination shall be performed and the precautions to be observed by those performing it and by the persons or the parents or guardians of children vaccinated;
- (f) as to the appointment of places and times for the performance of public vaccination and the notification to the public thereof. The times so appointed shall not be less frequent than once in every six months in urban areas and once in every twelve months in rural areas;
- (g) prescribing the special provisions which shall be observed relating to the vaccination and re-vaccination of persons of particular races in lieu of the provisions elsewhere contained in this Chapter;
- (h) providing for the vaccination or re-vaccination of persons of particular races or different classes 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;

- (i) as to the application and enforcement of the provisions of this Chapter to persons entering the Union, whether by land or sea, and for requiring, where deemed necessary, the vaccination or re-vaccination of any person before so entering;

and generally for better carrying out the provisions and attaining the objects and purposes of this Chapter.

(2) Any person who contravenes or fails to comply with any regulation made under this section shall be guilty of an offence.

Certificates to be admitted as evidence.

107. In any prosecution under this Chapter the production of a certificate or of an extract from an official record signed by a district surgeon, public vaccinator, port health officer, registrar of vaccination, or other officer appointed under this Chapter shall be evidence of the facts therein stated, until the contrary is proved.

Penalties in respect of false certificates or false statements.

108. Any person who, not being authorized under this Chapter, signs or issues any certificate or statement in respect of the vaccination of any person, and any person who makes any false entry in any register, record, or certificate, under this Chapter, knowing it to be false, shall be guilty of an offence.

Vaccination by lay vaccinators.

109. Public vaccination under this Act shall be carried out by district surgeons, public vaccinators or other medical officers but where deemed necessary under special circumstances, and subject to such regulations as may be made by the Minister in that behalf, the Minister may authorize the employment of lay vaccinators who have been certified by a medical practitioner as competent to perform vaccination. No person shall be so certified until he has vaccinated twenty persons under the personal supervision of the medical practitioner. Such vaccinators shall, as far as possible, only be employed under the supervision of a medical practitioner and submission for vaccination by any such vaccinator shall be voluntary.

Definitions in this Chapter.

110. For the purposes of this Chapter—

“public vaccinator” means a medical practitioner appointed under this Act to perform vaccination; the district surgeon shall be a public vaccinator within his district;

“successful vaccination” or “successfully vaccinated” means the production in a person not previously successfully vaccinated of a total area of vesiculation of not less than three-quarters of a square inch by vaccination of the skin at three or more points not less than one inch apart;

“successful re-vaccination” or “successfully re-vaccinated” means the production by vaccination of one or more vesicles in a person who has previously been successfully vaccinated;

“vaccination” means the inoculation of the skin with calf vaccine lymph; and “re-vaccination” means the vaccination of a person who has previously been successfully vaccinated.

CHAPTER VII.

PUBLIC WATER SUPPLIES, MEAT, MILK AND OTHER ARTICLES OF FOOD.

Duty of local authority as to pollution of water supplies.

111. It shall be the duty of every local authority to take all lawful, necessary and reasonably practicable measures—

(a) for preventing the pollution so as to endanger health of any supply of water which the public within its district has a right to use and does use for drinking or domestic purposes (whether such supply is derived from sources within or beyond its district); and

(b) for purifying any such supply which has become so polluted,

and to take measures (including, if necessary, proceedings at law) against any person so polluting any such supply or polluting any stream so as to be a nuisance or danger to health.

Regulations. : 112. (1) The Minister may make, and impose on local authorities and magistrates the duty of enforcing, regulations in respect of defined areas—

- (a) prohibiting bathing in, and prohibiting or regulating the washing of clothes or other articles or of animals in, or in any place draining into, any such water supply as is in the last preceding section mentioned;
- (b) prohibiting or regulating the erection of dwellings, sanitary conveniences, stables, cattle kraals, pig-styes, ostrich pens, dipping tanks, factories or other works likely to entail risk of harmful pollution of any such water supply, or prohibiting or regulating the deposit in the vicinity of, or in any place draining into, any such supply, of any manure, filth or noxious or offensive matter or thing.

and generally, for preventing the pollution so as to endanger health of any supply of water which the public within its district has a right to use and does use for drinking or domestic purposes and for purifying any such supply which has become so polluted, and for preventing the pollution of streams so as to be a nuisance or a danger to health.

(2) Regulations under this section shall be made with due regard to the interests of agricultural or any other industries.

Sale, etc., of unwholesome, diseased or contaminated articles of food prohibited. 113. No person shall sell, or shall prepare, keep, transmit or expose for sale, any milk, dairy produce, meat or other article of food which is not clean, wholesome, sound and free from any disease or infection or contamination; and no person shall collect, prepare, manufacture, keep, transmit or expose for sale any such article without taking adequate measures to guard against or prevent any infection or contamination thereof.

Tuberculosis in dairy cattle. 114. (1) Whenever it appears to an urban local authority, on the report of an approved veterinary surgeon or on the bacteriological report of a medical practitioner, that the public health is endangered by reason of the existence of tuberculosis in any herd of dairy cattle the milk of which is sold within its district, the local authority may, after furnishing copies of the report to the chief health officer and to the principal veterinary officer of the Union, make an order prohibiting the sale within its district of the milk, or dairy produce made from the milk, of such herd.

(2) The local authority shall rescind such order forthwith on being satisfied, from a report of the principal veterinary officer of the Union or an approved veterinary surgeon, that tuberculosis has been found not to exist in, or has been eradicated from, such herd.

(3) Any cow-keeper or dairyman who feels aggrieved by an order made by a local authority under this section may appeal to the Minister, who may confirm, modify or rescind such order.

Minister may make regulations regarding the sale, etc., of milk and articles of food. 115. The Minister may make regulations regarding all or any of the following matters:—

- (a) the inspection of dairy cattle and of animals intended for human consumption, and of dairies, cowsheds, milk-shops, milk vessels and slaughter houses, and of factories, stores, shops and other places where any article of food is manufactured or prepared or kept;
- (b) the taking and examination of samples of milk, dairy produce, meat or other article of food and the removal or detention, pending examination or enquiry, of animals or articles which are suspected of being diseased or unsound or unwholesome or unfit for human consumption, and the seizure and destruction or treatment or disposal so as not to endanger health, of any such article which is found to be unwholesome or unsound or diseased or infected or contaminated, and of diseased animals sold or intended or

ffered or exposed for sale for human consumption: such regulations may empower a medical officer of health or a medical practitioner, or (in the case of meat) an approved veterinary surgeon, to detain, seize or destroy any diseased, unsound or unwholesome article of food, but shall not confer on any other person any power beyond that of detention of such article for the purpose of examination by a medical officer of health, a medical practitioner or (in the case of meat) an approved veterinary surgeon;

- (c) fixing standards of cleanliness of milk and prescribing the warning to be given to any cow-keeper, dairyman or purveyor of milk that any milk sold or kept or transmitted or exposed for sale by him has been found to be below any such standard, and the issue of orders prohibiting the sale or the keeping or exposure for sale of milk from any cow, or requiring the closing of any dairy, cowshed or milk shop, the milk from which is found, after analysis and official warning, to be below any such standard;
- (d) the conveyance and distribution of milk and the labelling or marking of receptacles used for the conveyance of milk;
- (e) the veterinary inspection of dairy cattle, the sampling and bacteriological examination of milk and dairy produce and the prevention of the sale, or the keeping, transmission or exposure for sale, of tuberculous milk or tuberculous dairy produce, or of the milk or dairy produce made from the milk of any cow which has given tuberculous milk, or which is or appears to be suffering from tuberculosis, or from indurated udder or any chronic disease of the udder;
- (f) the duties of cow-keepers, dairymen and purveyors of milk in connection with the occurrence of infectious disease amongst persons residing or employed in or about their premises and the furnishing by them of the names and addresses of their customers, and of cow-keepers in connection with reporting the occurrence, in animals on the premises or any dairy cattle, of diseases which are communicable to man and of any disease of the udder;
- (g) the inspection and examination of, and the regulation, inspection and supervision of the manufacture, preparation, storage, keeping and transmission of, any article of food intended for sale or for export from the Union, and the prohibition of the manufacture, preparation, storage, keeping, transmission, sale or export from the Union of any such article which is, or contains an ingredient which is, diseased or unsound or unfit for human consumption, or which has been exposed to any infection or contamination;
- (h) the establishment, locality, supervision, equipment, maintenance and management of slaughter-houses and the disposal of the waste products of slaughtering and the inspection of slaughter-houses and the animals therein, and prohibiting, restricting or regulating the slaughtering of diseased animals;
- (i) prohibiting the importation into the Union of any article of food which is not clean, wholesome, sound and free from any disease or infection or contamination, and the seizure and disposal by destruction or otherwise of any such article so imported;
- (j) the preparation, manufacture or importation and the storage and sale of or trade in articles of food which are packed in air-tight receptacles or are otherwise preserved, and the marking of any such article with the date of manufacture or preparation;

- (k) prohibiting the importation, sale, possession or use of vessels which are intended to contain milk or any liquid or semi-solid article of food and which are rusty or defectively soldered or are made of material containing in any part likely to come in contact with the contents, lead or other poisonous or injurious substance in such proportion as to be likely to cause injury or danger to health, and fixing the maximum proportions of such substances which may be used in such vessels;
- (l) the keeping of swine and the limitation and suppression of the disease known as cysticercus disease or pig measles or any similar disease in animals,

and generally for better carrying out the provisions and attaining the objects and purposes of this Chapter.

116. The Minister may make orders—

- (a) requiring the medical examination of any person in any premises in which any milk or dairy produce or other article of food intended for sale is collected, kept, sold, or exposed for sale, or of any person who has been engaged in the collection, preparation, keeping, conveyance or distribution of any such milk or produce or article;
- (b) prohibiting the registration as cow-keeper, dairyman or purveyor of milk or the employment in connection with the collection, preparation, storage, distribution or sale of milk or dairy produce or any article of food of any person who has been proved to be a carrier of the infection of typhoid or enteric fever or other infectious disease;
- (c) requiring the closing of any cowshed, dairy or milkshop, or the exclusion from any cowshed or dairy premises of any animal, the milk from which there is reason to believe has conveyed or is liable to convey any infectious disease;
- (d) prohibiting the sale or exposure for sale of milk by any cow-keeper, dairyman or purveyor of milk who has been three times convicted of offences under any laws or regulations regarding the milk trade.

Minister's powers to make orders.

Offences.

117. Any person who contravenes or fails to comply with any provision or requirement of this Chapter or any regulations or order made thereunder shall be guilty of an offence.

Definitions.

118. For the purposes of this Chapter—

- “cow-keeper” means any person who keeps any cow;
- “cowshed” means any building or premises or part thereof in which cows are kept or milked, and includes also all appurtenances to any such building or premises;
- “dairy” means any place from which milk is sold or supplied or in which milk is kept for sale or disposal;
- “dairyman” means any person in possession or occupation of a dairy in which the trade or business appertaining to a dairy is carried on;
- “dairy produce” means milk, cream, butter, cheese or any other product of milk and includes also icecream or any similar substance containing milk or cream which, being intended for human consumption, is not sterilised and is not contained in hermetically closed receptacles;
- “food” or “article of food” means any animal product, fish, fruit, vegetables, condiments, confectionery, beverages, and any other article or thing whatsoever, (other than drugs or water) in any form, state or stage of preparation, which is intended or ordinarily used for human consumption;
- “milk” means every variety or kind of milk, whether derived from cows, goats, ewes, mares or asses, and includes also skim-milk, separated milk, buttermilk

and cream, but does not include dried milk or condensed or preserved milk contained in hermetically sealed receptacles;

"milk shop" means any building or premises or part thereof in which milk is sold or supplied or kept or deposited or exposed for sale or disposal, and includes also all appurtenances to any such building or premises;

"milk vessel" means every receptacle, vessel, utensil, measure, apparatus or any other thing whatsoever which is used for the collection, keeping, storage, preparation, conveyance, measurement, delivery or distribution of milk and includes also any lid, cover, stopper or other loose part likely or liable to come into contact with the contents of such receptacle, vessel, utensil, measure, apparatus or thing;

"purveyor of milk" means any person in possession or occupation of a milk shop, and includes any person who sells or disposes of milk, or offers or exposes milk for sale or disposal, whether in any premises or in any street or public place.

CHAPTER VIII.

SANITATION AND HOUSING.

Nuisances prohibited.

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

Duties of local authorities to maintain cleanliness and prevent nuisances.

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

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

121. 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 or premises 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 under the law or regulations in force in its district against any person causing or responsible for the continuance of any such condition.

What constitutes a nuisance.

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

- (a) Any dwelling or premises which is or are of such construction or in such a state or so situated or so dirty or so verminous as to be injurious or dangerous to health or which is or are liable to favour the spread of any infectious disease;
- (b) any stream, pool, lagoon, ditch, gutter, water-course, sink, cistern, watercloset, earthcloset, privy, urinal, cesspool, cesspit, drain, sewer, dungpit, slop-tank, ashpit or manure heap so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;
- (c) any well or other source of water supply or any cistern or other receptacle for water, whether public or private, the water from which is used or is likely to be used by man for drinking or domestic purposes or in connection with any dairy or milkshop or in, or in connection with the manufacture or preparation of, any article of food intended for human con-

sumption, which is polluted or otherwise liable to render any such water injurious or dangerous to health ;

- (d) any stable, kraal, cowshed, or other building or premises used for the keeping of animals or birds which is so constructed, situated, used or kept as to be offensive or injurious or dangerous to health ;
- (e) any accumulation or deposit of refuse, offal, manure or other matter whatsoever which is offensive or which is injurious or dangerous to health ;
- (f) any dwelling which is so overcrowded as to be injurious or dangerous to the health of the inmates or which does not conform with any regulations in force in the district as regards air-space, floor-space, lighting or ventilation ;
- (g) any public building which is so situated, constructed, used or kept as to be unsafe, or injurious or dangerous to health ;
- (h) any occupied dwelling for which such a proper, sufficient and wholesome water supply is not available within a reasonable distance as under the circumstances it is possible to obtain ;
- (i) any factory or trade premises not kept in a cleanly state and free from offensive smells arising from any drain, privy, watercloset, earthcloset, or urinal, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated, or so overcrowded or so badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein ;
- (j) any factory or trade premises causing or giving rise to smells or effluvia which are offensive or which are injurious or dangerous to health ;
- (k) any area of land kept or permitted to remain in such a state as to be offensive, or liable to cause any infectious, communicable or preventable disease or injury or danger to health ;
- (l) any chimney (not being the chimney of a private dwelling) sending forth smoke in such quantity or in such manner as to be offensive or injurious or dangerous to health ;
- (m) any cemetery, burial-place or place of sepulture so situated or so crowded or otherwise so conducted as to be offensive or injurious or dangerous to health ;
- or
- (n) any other condition whatever which is offensive, injurious or dangerous to health.

" Author of a nuisance " means the person by whose act, default or sufferance the nuisance is caused, exists or is continued, whether he is an owner or occupier or both owner and occupier, or any other person,

Notice to
remove
nuisance.

123. The local authority, 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 works and do such things as may be necessary for that purpose and if the local authority think it desirable (but not otherwise) specifying any works 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 structural character, or where 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 sufferance of the

occupier or owner of the dwelling or premises, the local authority shall itself remove the same and may do what is necessary to prevent the recurrence thereof.

procedure in
the owner
is to comply
with
notice.

124. (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, or if the nuisance, although removed since the service of the notice, is in the opinion of the local authority likely to recur on the same premises, the local authority shall cause a complaint relating to such nuisance to be made before a magistrate and such magistrate shall thereupon issue a summons requiring the person on whom the notice was served to appear before his court.

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

(3) The court may by such order impose a fine not exceeding ten pounds on the person on whom the order is made and may also give directions as to the payment of all costs incurred up to the time of the hearing or making of the order for the removal or prohibition of the nuisance.

(4) Before making any order the court may, if it thinks fit, adjourn the hearing or further hearing of the summons until an inspection, investigation or analysis in respect of the nuisance alleged has been made by some competent person.

(5) Where the nuisance proved to exist is such as to render a dwelling unfit, in the judgment of the court, for human habitation, the court may issue a closing order prohibiting the use thereof as a dwelling until in its judgment the dwelling is fit for that purpose; and may further order that no rent shall be due or payable by or on behalf of the occupier of that dwelling in respect of the period in which the closing order exists; and on the court being satisfied that it has been rendered fit for use as a dwelling the court may terminate the closing order and by a further order declare the dwelling habitable, and from the date thereof such dwelling may be let or inhabited.

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 or of the dwelling being again found to be unfit for human habitation.

penalties in
relation to
nuisances.

125. (1) Any person who fails to obey an order to comply with the requirements of the local authority, or otherwise to remove the nuisance, shall, unless he satisfies the court that he has used all diligence to carry out such order, be liable to a fine not exceeding forty shillings for every day during which the default continues; and 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 shillings for every day during which the contravention continues.

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

court may
order local
authority to
execute
works in cer-
tain cases.

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

Examination of premises. 127. The local authority or any of its officers or, on the order of a magistrate, any member of the police, may enter any building or premises for the purpose of examining as to the existence of any nuisance therein at all reasonable times; and the local authority or any of its officers may, if necessary, open up the ground of such premises and cause the drains to be tested or such other work to be done as may be necessary for the effectual examination of the said premises: Provided that if no nuisance is found to exist the local authority shall restore the premises at its own expense.

Persons making complaint of nuisance. 128. (1) Any three persons who allege that a nuisance exists may notify the allegation to the local authority supported by certificates of two medical practitioners, if two or more are resident in the district, otherwise by the certificate of one medical practitioner, and if the local authority fails within a reasonable time to cause the nuisance to be removed such persons may serve the notice referred to in section *one hundred and twenty-three* and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, penalties for disobedience of orders, and otherwise, as in the case of a complaint relating to a nuisance made by the local authority: Provided that the court may authorize any member of the police or any other person to do all the necessary acts for executing an order made under this section and to recover the expenses from the person on whom the order is made in a summary manner.

(2) Any member of the police or other person authorized under this section shall have the like powers as if he were an officer of the local authority.

(3) Where the court is satisfied that the persons making a complaint under this section had reasonable grounds for doing so, the court may, when making an order for the removal of the nuisance, also order the local authority to pay any expenses or costs incurred by such person instead of ordering the author of the nuisance to pay the same. The court may likewise order any persons whose complaint appears to it to be frivolous or vexatious to pay the costs and expenses incurred by the person who has answered the complaint.

Demolition of unfit dwellings. 129. (1) Where under section *one hundred and twenty-two* 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 repairs to or alterations of the same are not likely to remove the nuisance and make such dwelling fit for human habitation, the court may order the owner thereof to commence to demolish the dwelling and any other structures on the premises on or before a specified day, being at least one month from the date of issuing the order, and to complete the demolition and to remove the materials which comprised the same from the site before another specified day.

(2) The court shall give notice to the occupier of a dwelling in respect of which such an order has been issued requiring him to move therefrom within a time to be specified in such notice, and if any person fails to comply with such notice or enters the dwelling or premises after the date fixed by the court for the commencement of the demolition thereof, except for the purpose of demolition, he shall be guilty of an offence.

(3) If any person fails to comply with such an order for demolition he shall be guilty of an offence and be liable to pay the daily fine provided in section *one hundred and twenty-five*, and the local authority may cause the dwelling and any other structures on the premises to be demolished and may recover from the owner the expense incurred in doing so after deducting the nett proceeds of the sale of the materials, which the local authority may sell by auction.

(4) No compensation shall be payable by the local authority to the owner or occupier of any dwelling or other structures in respect of the demolition thereof as aforesaid, and from

the date of the demolition order no rent shall be due or payable by or on behalf of the occupier in respect of such dwelling or structure.

Prohibitions in respect of back-to-back dwellings, and rooms without through ventilation.

130. (1) Within every urban area, and within also any rural area to which the Minister may, by notice in the *Gazette*, apply the provisions of this section, it shall not be lawful for any person after the commencement of this Act—

- (a) to erect any dwelling constructed on the back-to-back system; or
- (b) to erect any room intended to be used as a sleeping or living or work room which is not sufficiently lighted by a window or windows of a total area of not less than one-twelfth of the floor area and sufficiently ventilated by two or more ventilation openings or by windows capable of being wholly or partly opened, such windows or openings being so placed as to secure through or cross ventilation; or
- (c) to erect any dwelling on made ground containing street sweepings, refuse, rubbish or other matter liable to decomposition until the approval of the local authority has been obtained and until also such measures for safeguarding health have been taken as the local authority may require; or
- (d) to let or use for habitation any dwelling or room erected anywhere after the commencement of this Act in contravention of paragraph (a), (b) or (c).

(2) Any person who contravenes any provision of this section shall be liable on conviction to a fine of not exceeding fifty pounds, and to a further fine of not exceeding two pounds for every day during which such contravention continues after the date fixed in any written notice in respect thereof from the local authority.

Duty of department in respect of overcrowding, etc.

131. (1) It shall be the duty of the department of Public Health—

- (a) to collect, investigate and consider the facts as to any overcrowding or bad or insufficient housing in the various urban districts of the Union;
- (b) to enquire into the best methods of dealing with any overcrowding or bad housing so ascertained to exist;
- (c) to make such recommendations as may seem necessary in respect of the result of any such investigation or enquiry.

(2) It shall be the duty of the medical officer of health of every urban local authority to make an annual report to the chief health officer in regard to the conditions of the district of such local authority in respect of overcrowding and bad and insufficient housing.

Regulations.

132. (1) The Minister may make regulations, and may confer powers and impose duties in connection with the carrying out and enforcement thereof on local authorities, magistrates, owners and others, as to—

- (a) the inspection of land, dwellings, public buildings, factories and trade 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 dwellings, the provision of proper lighting and ventilation, and the prevention of overcrowding;
- (c) the periodical cleansing and white-washing or other treatment of dwellings and the cleansing of land attached thereto and the removal of rubbish or refuse therefrom by the owners of the dwellings;
- (d) the drainage of land 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 the treatment of sewage or other offensive

matter 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 which are otherwise liable to be a nuisance or injurious or dangerous to health, and prohibiting the establishment or carrying on of such factories or trade premises in unsuitable localities or so as to be a nuisance or injurious or dangerous to health.
- (h) the sub-division and general lay-out of land intended to be used as building sites, the width and number of streets and thoroughfares, the limitation 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 limitations shall apply, and of zones within which may be prohibited the establishment or conduct of occupations or trades likely to cause nuisance or annoyance to persons residing in the neighbourhood.

(2) Any person contravening or failing to comply with any regulation made under this section shall be liable on conviction to a fine of not exceeding fifty pounds or, in the case of a continuing offence, to a fine of not exceeding forty shillings for every day during which the offence continues after the date fixed in any written notice in respect thereof from the local authority.

CHAPTER IX.

GENERAL AND SUPPLEMENTARY.

Reporting of births and registration and inspection of nursing homes. 133. (1) The Minister may, when so requested by a local authority, make regulations requiring the father of any child, if he is residing with the mother when the child is born, or, in his absence, the person attending on the mother at the time of or within six hours after the birth, to report forthwith the birth to the local authority, and as to the manner of furnishing and the information to be furnished in such reports.

(2) The Minister may make regulations as to the registration and inspection of nursing or maternity homes or other premises where nursing is carried on for gain, the registration of persons in charge of such homes or premises and the furnishing of returns or particulars of patients admitted thereto and of persons employed therein.

(3) Any person failing to comply with any regulation made under this section shall be guilty of an offence.

Supervision of vaccines, sera, etc. 134. (1) The Minister may provide for the inspection, sampling and examination, by officers of the department of Public Health, of vaccines, vaccine lymph, sera and similar substances imported into or manufactured in the Union 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.

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

Contributions to cost of laboratories, voluntary associations, etc., concerned with public health. 135. The Minister may, out of moneys specially voted by Parliament and subject to such conditions as he may in each case fix and determine—

- (a) contribute towards the cost of construction, equipment or maintenance of laboratories or other institutions

engaged in carrying out researches or investigations regarding human diseases or towards the cost of any such researches or investigations ;

- (b) contribute towards the costs incurred by any local authority or educational institution or any public voluntary society or association in connection with maternity welfare or child-welfare, the training of sanitary inspectors or health visitors, instruction in first-aid or home nursing, or any other matter relating to public health.

Powers and duties of chief and assistant health officers.

136. Every assistant health officer of the department of Public Health may, with the authority and on behalf of the chief health officer, discharge any of the duties or functions of the chief health officer, and any duties imposed or powers conferred by this Act on district surgeons, port health officers or other medical officers of the Government may be carried out or exercised by the chief health officer or any assistant health officer of the department.

Reciprocal notification and consultation between departments of Public Health and Agriculture.

137. (1) There shall be between the department of Public Health and the department of Agriculture a system of reciprocal notification as to outbreaks or threatened outbreaks of diseases liable to affect both man and animals, and of consultation as to the making of regulations or the taking of measures in connection therewith.

(2) There shall also be consultation between the said departments whenever the interests of public health are involved and it is proposed to make regulations or take other action either under Chapter VII of this Act or under any law which confers powers on the Minister of Agriculture in respect of articles of food or of animals intended for slaughter for food.

(3) Whenever under this Act it is necessary to determine the presence or absence of disease in any live animal otherwise than by the bacteriological examination of secretions, discharges or other material, only the certificate of an approved veterinary surgeon shall be evidence.

Restriction on Minister's power to make regulations.

138. Except on the request of the local authority concerned, the powers to make regulations conferred on the Minister by any paragraph of section *thirty-six* except paragraphs (g) and (f), or by section *one hundred and twelve* or by any paragraph of section *one hundred and fifteen* except paragraphs (g), (i), (j) and (k), or by any paragraph of section *one hundred and thirty-two* except paragraph (e) shall not be exercised—

- (a) in respect of the district of any urban local authority specified in or proclaimed under the First Schedule to this Act, unless the local authority has, after the expiry of three months from the date of a notice addressed to it by the Minister requiring it to make regulations to the satisfaction of the Minister as to matters dealt with in such paragraph or section, failed to make such regulations ;

- (b) in respect of the district of any other local authority, until three months have expired from the date of publication in the *Gazette* of a notice containing draft regulations to be made by the Minister under such paragraph or section, a statement of his intention to make them and inviting criticisms of the draft.

Meaning of "cost" or "expenditure" for purposes of this Act.

139. Where any question arises as to the domicile of any person for the purposes of this Act, it shall be referred to the Minister, whose decision thereon shall be final and conclusive.

Meaning of "cost" or "expenditure."

140. Wherever in this Act "cost" or "expenditure" is used in connection with the removal, detention, accommodation, maintenance or treatment of persons, it shall mean cost calculated in accordance with a tariff of charges approved

by the Minister and based as nearly as may be on average cost, or if there be no such tariff it shall mean actual cost.

Contracts in respect of dwellings not to be affected. 141. Except as specially provided in sub-section (5) of section one hundred and twenty-four and sub-section (4) of section one hundred and twenty-nine nothing in this Act shall prejudice the remedies of any owner or occupier of a dwelling or premises for the breach, non-observance or non-performance of any contract entered into by an owner or occupier in respect of which dwelling or premises an order has been made by the court or a local authority under this Act.

Saving clauses as to recovery of damage. 142. Subject to the provisions of the next succeeding section, nothing in this Act shall be construed as depriving any person of any right which he may possess to institute legal proceedings and to obtain damages in any court of law for loss or injury sustained through the neglect of any local authority or any person to perform any duty imposed by this Act or otherwise.

Protection of local authorities, etc. 143. Whenever in the exercise of any power conferred or in the performance of any duties imposed upon the Government or any officer thereof or an administrator or a local authority under this Act or any other law relating to public health, he or it is alleged to have caused injury to any person or damage to any property or otherwise to have detrimentally affected the rights of any person, whether in respect of property or otherwise, it shall be a defence in any legal proceedings founded on such an allegation and brought against the Government or its officer or the administrator or a local authority or its officer that the defendant or respondent has used the best known or the only or most practicable and available methods in the exercise of the powers or the performance of the duties aforesaid.

In the case of such proceedings against an administrator or a local authority a certificate signed by the chief health officer that the defendant or respondent has, when regard is had to all the circumstances, used the best known or the only or most practicable and available methods, shall be accepted by the court as *prima facie* evidence of that fact.

Protection of officers. 144. No report made or action taken or thing done by the Minister or by a health officer or port health officer or district surgeon or medical officer of health or approved veterinary surgeon or sanitary inspector or any generally or specially authorized officer of the Government or of a local authority in the exercise of any power conferred or the performance of any duty imposed by this Act shall subject him in his personal capacity to any legal proceedings whatsoever, provided such report was made or action was taken or thing was done in good faith and without negligence.

Employment of veterinary surgeons by local authorities. 145. Subject to the provisions of any law or regulations made under a law dealing with retirement on grounds of ill-health or on reaching a prescribed age, no approved veterinary surgeon employed by a local authority to carry out duties under this Act, whether appointed before or after the commencement of this Act, shall be dismissed or have his salary or emoluments reduced until the Minister has notified to the local authority his approval: Provided that any local authority may suspend the appointment of any such veterinary surgeon for gross incapacity, negligence or misconduct pending the sanction of the Minister as to his dismissal, and in the event of such sanction being granted the said veterinary surgeon shall be deemed to have been removed from office from the date of such suspension.

Powers of entry and inspection of premises and penalties for obstruction. 146. (1) Any health officer or medical or sanitary inspector of the department of Public Health, or any magistrate, district surgeon or port health officer, or any member of the police or any other person generally or specially authorized by the Minister, and any medical officer of health or sanitary inspector or other person generally or specially authorized by the local authority may, at any hour reasonable for the proper performance

of the duty, enter any land or premises to make any inspection or to perform any work or to do anything which he is required or authorized by this Act or any other law to do, if such inspection, work or thing is necessary for or incidental to the performance of his duties or the exercise of his powers.

(2) Any person who fails to give or refuses access to any officer, inspector or person mentioned in or authorized under sub-section (1) if he requests entrance on any land or premises, or obstructs or hinders him in the execution of his duties under this Act, or who fails or refuses to give information that he may lawfully be required to give to such officer, inspector or person, or who gives to such officer, inspector or person false or misleading information knowing it to be false or misleading, or who prevents the owner or any of his servants or workmen from entering any land or dwelling or premises for the purpose of complying with any requirement under this Act, shall be guilty of an offence.

Penalties for fraudulent conduct in connection with certificates under this Act.

147. Any person who—

- (a) for the purpose of obtaining any certificate under this Act makes any false statement or is a party to any false pretence or conduct, knowing it to be false; or
- (b) forges or falsifies any certificate under this Act or utters any such forged or falsified certificate, knowing it to be forged or falsified; or
- (c) uses or attempts to use any document as a certificate under this Act, knowing it to be a forged or falsified document or certificate,

shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of fraud.

Prosecutions by local authorities for contravention of his Act.

148. (1) A local authority may, by any of its officers or by any person generally or specially authorized in writing by the mayor or chairman thereof, prosecute for any contravention of, or offence against, or default in complying with, any provision of this Act or any regulation made thereunder, if the contravention, offence or default is alleged to have been committed within or to affect its district.

(2) Where an officer or person authorized by a local authority has under sub-section (1) prosecuted any person for any contravention of, offence against, or default in complying with, any provision of this Act or any regulation made thereunder and the accused has been convicted of that contravention, offence or default, all fines recovered from the accused by reason of the conviction or any amount forfeited under recognizances for failure of the accused to appear to answer the charge shall be paid to the local authority and by it paid into its revenues.

Penalties where not expressly provided.

149. Any person guilty of an offence against, or contravention of, or default in complying with, any provision of this Act shall, if no penalty is expressly provided for such offence, contravention or default, be liable on conviction to a fine not exceeding twenty-five pounds.

Burden of proof as to knowledge of infection.

150. In any legal proceedings, criminal or civil, under this Act relating to an infectious or communicable disease, or to any article or thing alleged to have been exposed to or contaminated with the infection thereof, whenever it is an issue in the proceedings that the accused or the defendant knew that he or any other person was infected with such disease or that such article or thing had been so exposed or was so contaminated, he shall be deemed to have had such knowledge unless he satisfies the court to the contrary.

Defect in form not to invalidate.

151. No defect in the form of any notice given or order made under this Act shall invalidate or render unlawful the administrative action, or be a ground for exception to any legal proceedings which may be taken in the matter to which such notice or order relates, provided the requirements thereof are substantially and intelligibly set forth.

Service of notices, etc.

152. Whenever under this Act any notice, order or other document is required to be given to any person, the same shall be deemed to be sufficiently served if sent by registered

post addressed to him at his last known place of abode or left thereat with him personally or with some adult inmate thereof; and in the case of a notice, order or other document required to be given to an owner or occupier of land or premises whose abode, after enquiry, is unknown, the same shall be deemed to be sufficiently served if posted up in some conspicuous place on such land or premises. It shall not be necessary in any notice, order or other document given to an owner or occupier of land or premises to name him but the notice, order or document shall describe him as the owner or occupier of the land or premises.

Saving as to Kimberley Board of Health.

153. Notwithstanding anything contained in section seven of this Act, the board of health for the division of Kimberley constituted under the Public Health Extension Act, 1884, of the Cape of Good Hope (Act No. 10 of 1884), shall be the local authority for the division of Kimberley under this Act except as to the provisions of Chapters VII. and VIII. In respect of those Chapters and any other provisions necessary for or incidental to the carrying out of those Chapters the municipal council of Kimberley and the divisional council of Kimberley shall, within their respective districts, be the local authority.

Powers of local authority outside its district.

154. 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 Act by reason only that in exercising such power or performing such duty it must do some act or thing or incur expenditure outside its district.

Regulations under repealed laws to remain in force until superseded.

155. Bye-laws or regulations made under any law repealed by this Act shall remain in force unless in conflict with this Act and be deemed to be made thereunder until superseded by regulations made under this Act.

Provisions of this Act in relation to other laws.

156. Save as is specially provided in this Act, the provisions of this Act shall be deemed to be in addition to and not in substitution for any provisions of any other law which are not in conflict or inconsistent with this Act. If the provisions of any other law are in conflict or inconsistent with this Act, the provisions of this Act shall prevail.

Scope and application of proclamations, regulations, etc.

157. (1) Any proclamation, regulation, notice or order issued under this Act may be expressed to be in addition to or in substitution for any like document issued by an administrator or by any local authority.

(2) Any proclamation, regulation, notice or order issued under this Act may be expressed to apply throughout the Union or any specified or defined part thereof.

(3) Any proclamation, regulation, notice or order issued under this Act may from time to time be modified, altered or rescinded by the authority which issued it.

Application of this Act to the Crown.

158. (1) Nothing in this Act contained shall be construed as conferring any powers or imposing any duties upon a local authority in respect of any land or premises owned or occupied by His Majesty in his Imperial Government for naval or military purposes, or in respect of land or premises owned or occupied by any department of the Union Government for public purposes; but in respect of such last-mentioned land or premises the Minister may exercise all the powers and shall perform all the duties which by this Act are conferred or imposed upon local authorities in respect of other land or premises; and the head of the department occupying land or premises for public purposes shall be regarded as the owner and occupier thereof. Further, whenever under this Act

powers are conferred or duties are imposed upon an employer, the head of the department in which a person is employed by the Union Government shall be regarded for the purposes of this Act as that person's employer.

(2) A dwelling or premises belonging to the Government and occupied as official residence or quarters by any person under the terms of his employment by the Union Government shall, for the purposes of this Act, be regarded as occupied for public purposes.

(3) In respect of land or premises owned or occupied by the railway and harbour administration, the Railways and Harbours Fund is hereby charged with the payment of such sums of money as may be necessary at any time to enable the Minister to exercise the rights conferred and to perform the duties and obligations imposed by this section, and in respect of any land or premises owned or occupied by any other department of the Government the Consolidated Revenue Fund is hereby similarly charged.

159. In this Act, unless inconsistent with the context—

Interpreta-
tion of terms.

- "administrator" means the administrator of a Province, acting on the advice of the executive committee thereof;
- "adult" means a person of sixteen years of age or over;
- "approved veterinary surgeon" means a veterinary surgeon approved by the principal veterinary officer of the Union;
- "building" includes any structure whatsoever for whatever purpose used;
- "burial" means burial in earth, interment or any other form of sepulture, or the cremation or any other mode of disposal of a dead body, and "buried" has a corresponding meaning;
- "carcase" includes any part of a carcase;
- "chief health officer" and "assistant health officer" mean respectively officers of the department of Public Health;
- "child" means a person under sixteen years of age;
- "district" means, in relation to a local authority, the area which is under the jurisdiction of that local authority; "urban district" means, in relation to an urban local authority, the area under the jurisdiction of that urban local authority; and "rural district" means, in relation to a rural local authority, any area outside an urban district which is under the jurisdiction of that rural local authority; "urban area" and "rural area" have corresponding meanings;
- "dwelling" means any house, room, shed, hut, cave, tent, vehicle, vessel or boat or any other structure or place whatsoever, any portion whereof is used by any human being for sleeping or in which any human being dwells;
- "factory" has the same meaning as is assigned to that expression in the Factories Act, 1918, or any amendment thereof;
- "guardian" means any person having by reason of the death, illness, absence or inability of the parent or any other cause, the custody of a child;
- "infectious disease" means any disease (not including any venereal disease except gonorrhoeal ophthalmia) which can be communicated directly or indirectly by any person suffering therefrom to any other person;
- "infected" means suffering from, or in the incubation stage of, or contaminated with the infection of, any infectious or communicable disease;

"isolated" means the segregation, and the separation from and interdiction of communication with others, of persons who are or are suspected of being infected; "isolation" has a corresponding meaning;

"land" includes any right over or in respect of land;

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

"medical officer of health" means any medical officer of health appointed by a local authority and includes any medical practitioner lawfully acting in that capacity;

"medical practitioner" means a person who is registered as such under any law in force in any Province of the Union governing the registration of medical practitioners;

"medical surveillance" means the keeping of a person under medical supervision. Persons under such surveillance may be required by the local authority or any duly authorized officer to remain within a specified area or to attend for medical examination at specified places and times;

"Minister" means the Minister holding the portfolio of Public Health;

"notifiable infectious disease" means any infectious disease the occurrence of any case whereof is required by this Act to be notified to a local authority;

"occupier," in relation to any premises, means and includes—

(a) any person in actual occupation of those premises; or

(b) any person legally entitled to occupy those premises; or

(c) any person having the charge or management of those premises, and includes the agent of any such person when he is absent from the Union or his whereabouts are unknown;

In the case of premises used as a school, the expression "occupier" includes the principal or person in charge of the school;

"owner" in relation to any premises, means—

(a) the person in whose name the title to those premises is registered, and includes the holder of the stand licence; or

(b) if such person or holder is dead, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's estate is vested, whether as executor, guardian or in any other capacity whatever; or

(c) if the premises are under lease, the registration whereof is in law necessary for the validity of such lease, the lessee.

When an owner as herein defined is absent from the Union or his whereabouts are unknown, the expression "owner" includes an agent of such owner or any person receiving or entitled to receive rent in respect of the premises;

"parent" means and includes the father and mother of a child, whether legitimate or not;

"police" means any body of persons carrying out under any law the powers, duties and functions of a police force in the Union;

“premises” means 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, ship or boat;

“public building” means and includes—

- (a) any church, chapel, meeting house or premises, used for divine worship;
- (b) any theatre, opera house, hall, exhibition buildings or premises open to members of the public whether with or without payment;
- (c) any hotel or boarding-house or lodging-house in which five persons or more (exclusive of members of the family or the servants of the owner or occupier) may obtain meals or sleeping accommodation for payment;
- (d) any hospital, school or institution in which five persons or more are or are intended to be gathered at one time;

“rateable property” means, in relation to a local authority property which under any law is liable to be assessed by that local authority for any general rate leviable by it;

“regulation” means a regulation made and in force under this Act;

“school” means any public or private establishment for primary or secondary or higher education and includes a hostel or boarding-house kept for housing the pupils at any such establishment and further includes a Sunday school;

“this Act” includes any proclamations, orders, notices or regulations lawfully issued, and for the time being in force, thereunder;

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

Any expression which is defined in and for the purposes of any particular Chapter of this Act shall, if used in any other Chapter or in any proclamation, order or regulation, bear the same meaning, unless another meaning is assigned to that expression or the context otherwise requires.

Repeal of laws.

160. The laws specified in the Second Schedule to this Act are hereby repealed to the extent set forth in the fourth column of that Schedule.

Short title and commencement of Act.

161. This Act may be cited for all purposes as the Public Health Act, 1919, and shall, except as to sections two to five inclusive, commence and come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*, not being later than the first day of January, 1920. The said sections two to five inclusive shall commence and come into operation on an earlier date which shall be fixed in like manner, not being later than the first day of August, 1919.

First Schedule.

Bloemfontein,
Cape Town,
Durban,
East London,
Johannesburg,
Pretoria,

and any other local authority which the Governor-General may by proclamation in the *Gazette* add to this Schedule.

Second Schedule.**LAWs REPEALED.**

Province or Union.	No. and year of law.	Long or short title or subject of law.	Extent of repeal.
Cape of Good Hope	Act No. 4 of 1883.	The Public Health Act, 1883	So much as is unrepealed.
"	Act No. 39 of 1885.	The Contagious Diseases Prevention Act, 1885.	The whole.
"	Act No. 23 of 1897.	The Public Health Amendment Act, 1897.	The whole, except those provisions relating to village management boards in respect of matters not dealt with by this Act and except also powers to regulate the use of native locations and to maintain good order therein and penalties for breach of the regulations.
Natal	Law No. 3 of 1858.	To amend the law relating to Quarantine.	The whole.
"	Law No. 10 of 1859.	To amend the Law No. 3 of 1858 entitled: "Law to amend the law relating to Quarantine".	The whole.
"	Law No. 4 of 1882.	To amend the Law No. 3 of 1858 relating to Quarantine and to give powers to the Governor to declare an infected Port or Ports.	The whole.
"	Law No. 11 of 1883.	To amend the Law No. 10 of 1859 relating to the exemption of Her Majesty's Ships of War from the operation of the Quarantine Law No. 3 of 1858.	The whole.
"	Law No. 2 of 1884.	To make provision for Enforcing Quarantine Regulations on the Inland Border of the Colony.	The whole.
"	Law No. 43 of 1884.	To extend the provisions of Law No. 4 of 1882 and to make provision for the payment of certain expenses incurred in connection with Quarantine at the Port.	The whole.
"	Act No. 2 of 1897.	To amend the Laws relating to Quarantine.	The whole.
"	Act No. 14 of 1899.	To amend and extend the provisions of Law No. 2 of 1884 entitled: "Law to make provision for enforcing Quarantine Regulations on the Inland Border of the Colony".	The whole.
"	Act No. 26 of 1899.	To amend the laws relating to Quarantine.	The whole.

Province or Union.	No. and year of law.	Long or short title or subject of law.	Extent of repeal.
Natal ..	Act No. 44 of 1901.	The Public Health Act, 1901.	The whole.
" ..	Act No. 43 of 1903.	To continue with certain amendments the Public Health Act, 1901.	The whole.
" ..	Act No. 9 of 1904.	To continue with amendments the operation of the Public Health Act, 1901.	The whole.
" ..	Act No. 8 of 1905.	To continue with amendments the Public Health Act, 1901.	The whole.
" ..	Act No. 24 of 1906.	The Vaccination Act, 1906.	The whole.
" ..	Act No. 39 of 1906.	To continue with amendments the Public Health Act, 1901.	The whole.
" ..	Act No. 16 of 1907.	To continue with amendments the Public Health Act, 1901.	The whole.
" ..	Act No. 35 of 1908.	To continue with amendments the Public Health Act, 1901.	The whole.
" ..	Act No. 40 of 1909.	To continue with amendments the Public Health Act, 1901.	The whole.
Transvaal	Law No. 12 of 1895.	Infectious or Contagious Diseases.	The whole.
" ..	Proclamation No. 21 of 1901.	Notification of Infectious Diseases.	The whole.
" ..	Proclamation No. 23 of 1901.	Vaccination of Natives.	The whole.
" ..	Ordinance No. 58 of 1903.	The Municipal Corporations Ordinance, 1903.	Section fifty-eight.
" ..	Ordinance No. 41 of 1904.	The Municipal Corporations Amendment Ordinance, 1904.	Section twenty-eight.
" ..	Ordinance No. 3 of 1905.	The Epidemic Diseases and Hospital Committees Ordinance, 1905.	Sections one and three, and section five except in so far as it relates to public hospital committees.
" ..	Ordinance No. 7 of 1906.	The Epidemic Diseases and Hospital Committees Amending Ordinance, 1906.	Sections one and two.
" ..	Act No. 22 of 1908.	The Infectious Diseases Notification Amendment Act, 1908.	The whole.
" ..	Act No. 18 of 1909.	The Urban Areas Native Pass Act, 1909.	So much of sub-section (1) (d) of section four as relates to the vaccination of natives.
Orange Free State	Law No. 7 of 1899.	Asiatic Pest, bubonic plague and other infectious diseases.	The whole.
" ..	Law No. 31 of 1899.	Contagious Diseases.	So much as is unrepealed.
" ..	Proclamation No. 2 of 1901 (D.A.).	Board of Health.	The whole.
" ..	Ordinance No. 29 of 1903.	The Vaccination Ordinance, 1903.	The whole.
" ..	Ordinance No. 31 of 1907.	The Public Health Ordinance, 1907.	The whole.
" ..	Act No. 5 of 1908.	The Public Health Ordinance Postponement Act, 1908.	The whole.
" ..	Act No. 9 of 1909.	The Public Health Ordinance Postponement Act, 1909.	The whole.
" ..	Act No. 25 of 1909.	The Vaccination Law Amendment Act, 1909.	The whole.
Union ..	Act No. 11 of 1914.	The Natal Public Health Acts (Re-enactment and Amendment) Act, 1914.	The whole.