

CONSOLIDATED TO 30 JUNE 2012

LAWS OF SEYCHELLES

CHAPTER 189

PUBLIC HEALTH ACT

[18th January, 1960]

Act 25 of 1959.
G.N.17 of 1960.
Act 18 of 1960.
Act 3 of 1963.
Act 15 of 1964.
Act 13 of 1968.
S.I.95 of 1975.
Act 23 of 1976.
Act 8 of 1980.
Act 14 of 1987.
S.I. 5 of 2003
S.I. 6 of 2003

ARRANGEMENT OF SECTIONS

1. Short title.

PART I

Interpretation.

2. Interpretation.

PART II

Administration

3. Duties of Medical Officer of Health.
4. Cooperation with the medical officer of health.

PART III

Protection of Water Supplies

5. Duty of Medical Officers of Health to protect water supplies.
6. Power to make regulations for examination of water.
7. Power to make regulations for drainage and irrigation.

PART IV

Extirpation of Mosquitoes

8. Obligation of occupiers to prevent infestation.

Notice to take measures.

Penalty

PART V

Unhealthy Dwellings

9. Notice to remedy defects.
10. Procedure where dwelling is unfit and considered beyond repair.
11. Effect of notice prohibiting occupation.
12. Application to Supreme Court to vary decision under this Part.
13. Penalty for occupying after prohibition.

14. Demolition.
15. Procedure where part of dwelling unhealthy.

PART VI

Nuisances

16. Definitions.
17. Power to investigate.
18. Notice to abate nuisance.

Procedure in case of non-compliance.

19. Procedure at instance of private complainant.
20. procedure after summons for failure to abate.
21. Order of Court.
22. Joint and several respondents.
23. Proceedings against other parties may lie.
24. Procedure where title in question.
25. Abatement order.
26. Powers of Court.
27. Penalty respecting nuisances.
28. Instalments.
29. Enforcement of orders.
30. Grounds of dismissal to be stated.
31. Appeal.

PART VII

Notification of infectious Disease

32. Notifiable disease regulations.
 33. Occurrence of notifiable disease to be reported.
- Duty of medical practitioner.
- Fees.
- Penalty.

PART VIII

Prevention and Suppression of infectious Disease.

34. Prevention of introduction of infectious diseases.
35. Medical examination of persons and corpses.
36. Removal and isolation of infectious patients.
37. Removal and isolation of persons likely to be infected.
38. Disinfection of premises.
39. Destruction of infected bedding, etc.

40. Vacation and destruction of infected buildings.
41. Exposure of infected persons and materials prohibited.
42. Disinfection of vehicles and vessels.
43. Letting of infected rooms prohibited.
44. Obligation of landlords to give information.
45. Death from infectious disease to be reported.
46. Power to make regulations regarding infectious diseases.

PART IX

Control of Formidable Epidemic Diseases

47. Formidable epidemic diseases defined.
48. Power to make regulations regarding formidable epidemic diseases.
49. Epidemic orders bringing regulations into operation.
50. Director to concentrate resources on epidemic measures.
51. Power to requisition equipment and unoccupied buildings, etc.
52. Power to requisition occupied premises.
53. Penalty for non-compliance with requisition.
54. Penalty for obstruction, etc.
55. Power to make forcible entry.
56. Compensation.

PART X

Venereal Diseases

57. Definition.
58. Power to make regulations
59. Prohibition of treatment by unqualified persons.
60. Prohibition of unauthorised advertisement.

Definition of "publish".

Scientific material exempted.

Sanction for prosecution.

Statutory defence.

PART XI

Leprosy

61. Power to make regulations for segregational treatment.

PART XII

Cemeteries and Crematoria

62. Definition.
63. Power to close cemeteries.

64. Power to establish new cemeteries.
65. License for private burial ground.
66. Power to make regulations for authorised cemeteries.
67. Cremation and burial at sea.
68. Penalty for unauthorised burial.
69. License for exhumation for private reasons.
70. Order for exhumation for public interests.
71. Procedure where human remains are disturbed.
72. Saving of epidemic regulations.

PART XIII

Powers of Officers

SECTION

73. Emergency powers of Director.
74. Powers of officers to examine persons and articles.
Power to direct removal.
Power to direct disinfection, etc.
75. Power to order disinfection of bedding, etc. and surveillance of persons.
76. Powers of entry and inspection.
Power of forcible entry.
77. Power to require information.

PART XIV

Legal Proceedings

78. Procedure in prosecutions.
79. Joint and several responsibility of employer and employee.
80. Proceedings against firms, unincorporated associations, executors, etc.
81. Proceedings against corporations.
82. Proceedings for nuisance to be conducted by authorised persons.
83. Conduct of proceedings in Supreme Court.
84. Costs.

PART XV

Miscellaneous Provisions

85. Washing places.
86. Burial by local authority.
87. Obligation to report sickness of dogs, rats, etc.
88. Penalty for obstruction.
89. Penalty for non-compliance with notice, etc.

90. Amendments.
91. Service of process.
92. Effect of irregularity of form.
Effect of irregularity of service.
93. Power to make regulations for nursing homes and other institutions.
Penalty for managing institution without licence.
Special powers to Director.
94. Power to make regulations regarding drugs, etc.
95. Power to make regulations for health and sanitation.
96. General power to make regulations.
97. Power to amend first schedule.

-
1. This Act may be cited as the Public Health Act.

PART I

Interpretation

2. In this Act-

"adult" means a person who has attained the age of eighteen years;

"advocate" means a barrister or attorney admitted to practice in the Supreme Court;

"building" includes any house, hut, shed, or roofed enclosure, whether used for human habitation or not, and also any wall;

"burial" includes burial in earth or sea and any other mode of disposal of a dead body except cremation;

"carrier" means a person who, although not presenting signs or symptoms of an infectious disease, yet carries in his body organisms which can produce such a disease in an active form in others;

"child" means a person who has not attained the age of eighteen years;

"dairy" includes any farm, shed, milkshop or other place from which milk is supplied;

"dairyman" includes any producer or purveyor of milk or occupier of a dairy;

"Director" means the Chief Medical Officer;

"dwelling" means a house, shed, hut, tent, vehicle, vessel, boat, cave or any other structure or place whatsoever, in which, or in any portion of which, any human being sleeps or resides;

"epidemic order" means an order of the Minister under subsection (1) or subsection (3) of section 49;

"food" includes any article ordinarily used as food or drink, or as a component or ingredient of food or drink, and in particular includes alcoholic drinks, condiments and ice and in relation to any person who knows that an article not ordinarily used as aforesaid is intended to be so used, includes such article but does not include water;

"guardian" means any person other than a parent having the actual custody of a child;

"health inspector" means a health inspector of the medical department and includes any other member of the medical department authorised by the Director to make any inspection or perform any other duty pursuant to this Act;

"infectious disease" means any disease 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 disease;

"isolation" means separation and segregation from and interdiction of communication with others of persons who are, or are suspected of being infected;

"latrine" means a water-closet or a privy of any other type and includes a urinal;

"master" means the person in charge of a vessel or aircraft;

"medical observation" means the segregation or detention of persons under medical supervision for the purpose of medical examination;

"medical officer" means a registered medical practitioner in the employment of the government;

"medical officer of health" means a medical officer assigned for duty in carrying out the provisions of this Act and includes the Director and any medical practitioner authorized by him to perform any function pursuant to this Act;

"medical practitioner" means a person registered as a medical practitioner under the Medical Practitioners and Dentists Act;

"medical surveillance" means the requirement that persons who are not detained but allowed to move about freely attend for medical examination at times and places prescribed by the medical officer of health;

"notifiable disease" means any disease mentioned in the First Schedule;

"occupier" means a person in actual occupation of any premises or part thereof and includes the owner of such premises when such owner is in actual occupation thereof and a person having the charge, management or control of any premises or part thereof and, in the case of premises the whole or any part of which is let to tenants or lodgers, the person receiving or entitled to receive the rent payable by the tenants or lodgers, either on his own account or as agent of another person, and in the case of a vessel or aircraft the master thereof;

"offensive trade" includes the trade of blood-boiler, bone-boiler, fell-monger, soap-boiler, tallow-melter, tripe-boiler, tanner, preparer or storer of hides, manure-maker, and any other trade declared by regulation or notice in the Gazette to be an offensive trade;

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

"premises" means any building or dwelling, the land forming the site thereof and any adjoining land used in connection therewith and includes any vessel or aircraft;

"public building" includes -

- (a) any church, chapel, meeting-house or other building used for divine worship;
- (b) any hall or other building or tent used or adapted for any kind of exhibition or entertainment open to members of the public, whether with or without payment;
- (c) any hotel, lodging house or restaurant in which five or more persons, exclusive of the occupier, his family and servants, may at one time obtain sleeping accommodation or meals;

"public health nurse" means any qualified nurse authorised by the Director to perform health duties pursuant to this Act and includes a health visitor or district nurse, so authorised;

"public latrine" means any latrine to which the public are admitted, whether with or without payment;

"school" means any public or private establishment for primary, secondary or higher education and includes a hostel or boarding house for the pupils at any such establishment and includes also a Sunday school;

"street" means any highway, road or sanitary lane and includes any strip of land reserved for a highway, road or sanitary lane and includes also any bridge, footway, square, court, alley or passage open to the public whether a thoroughfare or not;

"trade premises" means any premises used or intended to be used for carrying on any trade or business;

"vehicle" means anything constructed or used for the conveyance of persons or goods on land, in whatever way

driven, propelled or towed but does not include any gun-carriage, tank or other armed conveyance belonging to the Forces of the Republic;

"vessel" includes any marine craft however propelled and whether sea-going or not but does not include a naval craft or transport of any nation;

"whatsoever" in the expression "food, equipment and other materials whatsoever" and in similar expressions means that any materials and things compatible with the purpose of the provision in which such expression occurs are included, whether such other materials or things are of the same kind as those previously mentioned or of different

kinds and the doctrine called *ejusdem generis* shall not apply to the construction of such expression.

PART II

Administration

3. Every medical officer of health shall take all practicable measures for ensuring cleanliness and sanitation and for the prevention of disease and for the maintenance and improvement of the health of members of the public and in particular shall administer and enforce, as far as practicable all the provisions of this and any other Act relating to public health.

4. The members and employees of the office of the medical officer of health shall act in cooperation with the medical officer of health and shall be guided by his advice.

PART III

Protection of Water Supplies

5. (1) Every medical officer of health shall, by all practicable means guard against and prevent the pollution of any supply of water which is used or may be used for drinking or domestic purposes and where any such supply has been polluted or exposed to risk of pollution, the medical officer of health shall take all practicable measures to purify the water.

6. The Minister may make regulations intituled the Water Supplies (Examination) Regulations to provide for the chemical and bacteriological examination of any supply or source of supply of water which is or may be used for drinking or domestic purposes.

7. The Minister may make regulations intituled the Public Health (Drainage and Irrigation) Regulations to provide for the control and administration of the flow of water in any natural or artificial watercourse which is or may be used for irrigation or agricultural drainage, and to prohibit, restrict or control the irrigation of land and to confer powers and impose duties on the Director, and on medical officers of health and on the Public Works Manager and to impose duties on landowners and cultivators and by all other practicable means to minimise danger of the spreading of disease by water-borne organisms.

PART IV

Extirpation of Mosquitoes

8. (1) Every occupier of land or premises shall at all times keep all parts of such land or premises free from any collection of water, or animal or vegetable matter conducive to the infestation of such land or premises by mosquitoes.

(2) Where mosquitoes are found to be breeding or developing on any land or premises and where any means of storing or draining water or any vessel or other thing whether serviceable or unserviceable and whether large or small, is so situated or constructed as to facilitate the propagation or development of mosquitoes the medical officer of health may cause to be served upon the owner or occupier of the land or premises where such conditions or things exist a notice specifying the measures necessary to avert the danger of development of, or infestation by, mosquitoes and requiring the person served to adopt those measures within a period specified in the notice.

(3) Any person who makes default in complying with a notice under this section is liable on first conviction to a fine not exceeding Rs.200 and on a subsequent conviction to a fine not exceeding Rs.500.

PART V

Unhealthy Dwellings

9. (1) Where a medical officer of health considers that a dwelling is unfit for human habitation the medical officer of health shall serve on the owner and on the occupier of the dwelling a notice to remedy the defects, by making such repairs, alterations or additions as the medical officer of health considers reasonably practicable and necessary to render the dwelling fit for human habitation. Such works shall be specified in the notice, or in a schedule attached thereto, with particulars sufficient to enable the owner or occupier to appreciate the requirements and to ascertain the probable cost of compliance with the notice.

(2) The owner or occupier may, within one month of service of the notice, submit to the medical officer of health proposals for remedying the defects. Such proposals shall consist of, or include plans showing clearly the scope and effect of the proposals with particulars of dimensions and quantities, sufficiently detailed to enable the cost to be estimated. Such proposals must constitute an effective mode of remedying the defects specified in the notice but they may differ from the mode indicated in the notice.

(3) The medical officer of health shall examine the proposals and if it appears to him that amendments are desirable he shall negotiate with the proposer for such amendments.

(4) If the proposals are accepted with or without amendments, the medical officer of health shall serve on the owner and on the occupier an amended notice to remedy the defects, substituting the proposals, with any negotiated amendments, for the original requirements and specifying a reasonable time within which the work is to be completed.

(5) If the medical officer of health considers it necessary that the dwelling should be vacated while the proposals are carried out or until they have been completed the medical officer of health may, at any stage, serve upon the owner and upon the occupier, a notice requiring that the dwelling be vacated within seven days from the date of service of the notice and kept unoccupied thereafter until the medical officer of health has certified that the dwelling has been rendered fit for human habitation.

(6) If no proposals are submitted within the period allowed or if the proposals are rejected or if accepted proposals are not carried out within a reasonable time the medical officer of health shall serve upon the owner and upon the occupier a notice requiring the dwelling to be vacated within fourteen days from the date of service of the notice and prohibiting the occupation of the dwelling thereafter until the medical officer of health has certified that the dwelling has been rendered fit for human habitation.

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

(2) Either the owner or the occupier may show cause by submitting proposals for alterations and repairs.

Such proposals shall consist of, or include, plans showing clearly the scope and effect of the proposals with particulars of dimensions and quantities, sufficiently detailed to enable the cost to be estimated.

(3) On submission of proposals under this section the period of the notice shall be extended for such time as may be necessary for the medical officer of health to examine the proposals and to negotiate with the proposer for any amendments which may be required.

(4) If the medical officer of health considers that the proposals are impracticable, or that if carried out they would not render the dwelling reasonably fit for human habitation, or if no proposals are submitted within the period allowed, the medical officer of health shall serve upon the owner and upon the occupier a notice stating his decision and prohibiting the occupation of the dwelling after the date specified in the notice. The date shall be fixed so as to extend the period of the original notice by a period not less than the interval between the receipt of the proposals and the date of the final notice.

11. The service of a notice prohibiting occupation shall terminate all tenancies and sub-tenancies of the dwelling or any part of it and any person who receives or attempts to obtain any payment or valuable thing as or in respect of rent of the dwelling or any part of it for any period during which such notice is in force is liable to a fine not exceeding Rs.500 or to imprisonment not exceeding three months.

12. Any party aggrieved by a notice prohibiting occupation under this Part may apply to the Supreme Court to set aside or vary the notice. Such an application shall be by originating motion and shall be served at least four days before the hearing. Such an application shall not operate as an extension of the period of the notice or as a stay of proceedings but the Supreme Court may, if necessary by interim orders, extend the period or stay the proceedings on such terms as may be just.

13. Any person who remains in, or enters into, occupation of a dwelling in contravention of a notice prohibiting occupation or requiring vacation thereof, is liable to a fine not exceeding Rs.500 or to imprisonment not exceeding three months and on the conviction of any person of contravening a notice under section 10(4) (being a notice of irremediable defects) the court may, by warrant, authorise the medical officer of health to take possession of and demolish the dwelling.

14. Where a dwelling has been vacated after proceedings under section 9 or 10, the owner may demolish the building and dispose of the material and if he has not done so within one month from the expiration of the notice prohibiting occupation the medical officer of health may do so and the materials or the proceeds of sale thereof shall belong to the Republic.

15. Where a medical officer of health considers that any part of a dwelling which is used, or is likely to be used, for sleeping or for preparation of food is unfit for such purpose the medical officer of health shall serve on the owner and on the occupier of the dwelling a notice to make such alterations and repairs as are specified in the notice and to discontinue and prevent the use of such part for such purpose until such alterations and repairs have been completed to the satisfaction of the medical officer of health.

If any person makes default in complying with a notice under this section the medical officer of health may prohibit the occupation of the whole dwelling until such alterations and repairs have been completed to the satisfaction of the medical officer of health.

PART VI

Nuisances

16. In this part-

"to abate" includes to take all reasonably practicable measures to prevent recurrence;

"nuisance" means—

- (a) any premises or part thereof so situated or so constructed or so dilapidated or so damp or so defective in lighting or ventilation as to be injurious or dangerous to health;
- (b) any premises which are occupied whether by day or by night and not provided with, or so situated or constructed that they cannot be provided with, sufficient and sanitary latrines;
- (c) any premises or part thereof so overcrowded or so verminous or so dirty as to be injurious or dangerous to health;
- (d) any well or cistern or other source or means of storing water, whether public or private, the water from which is used or likely to be used by human beings for drinking or domestic purposes or in connection with any dairy or place where food intended for human consumption is made or prepared, which is in a condition liable to render such water injurious or dangerous to health;
- (e) any wash-house, bath-house, latrine or refuse pit harbouring mosquitoes in any state of development;
- (f) any gutter, drain, chute, stack, pipe, downspout, water-tank or cistern which causes damp in any dwelling so as to be injurious or dangerous to health;
- (g) any deposit of material in or on any building or street which causes damp in any building so as to be injurious or dangerous to health;
- (h) any street or part thereof, any stream, water-course, ditch, gutter, drain, soakaway, pit, well, pool, cistern, water-tank, sink, waste-pipe, slop-tank, dust-bin, garbage receptacle, ash-pit, refuse-pit, soil-pipe, septic-tank, latrine, sewer, cess-pool, cess-pit, dung-pit or manure heap, so foul or in such a state or so situated or constructed as to be offensive or injurious or dangerous to health;
- (i) any noxious matter or waste water flowing or discharged from any premises into any street, or into the gutter or side-channel of any street, or into any gully, swamp, water-course irrigation channel or bed thereof, not approved by the medical officer of health for the reception of such flow or discharge;
- (j) any chimney emitting smoke in such quantity or in such manner as to be offensive or injurious or dangerous to health;
- (k) any growth of weeds, long grass, trees, bushes, hedge or vegetation of any other kind which is injurious or dangerous to health and any vegetable that is of itself dangerous to children or others either by its effluvia or owing to any part of it being eaten;

- (l) any collection of water in any well, pool, watercourse, gutter, depression or excavation or any barrel, bucket, bottle, tin, coconut-shell or other article whether serviceable or useless, which contains or is likely to collect and hold water in which mosquitoes are likely to multiply or develop;
- (m) any collection of water, sewage, rubbish, refuse, garbage, or other fluid solid matter which permits or facilitates the multiplication of parasites of man or animals or of organisms which carry parasites or which may otherwise cause or facilitate the infection of man or animals by such parasites;
- (n) any area of land kept or permitted to remain in such a state as to be offensive, or injurious or dangerous to health;
- (o) any animal so kept as to be offensive or injurious or dangerous to the health of other animals or of mankind;
- (p) any stable, cowshed or other premises used for keeping animals or birds which is offensive or injurious or dangerous to the health of mankind or animals;
- (q) any accumulation or deposit of refuse, offal, manure or other matter whatsoever which is injurious or dangerous to health;
- (r) any building so constructed or any premises in such a state or condition as to be likely to harbour rats;
- (s) any accumulation of stones, timber or other materials whatsoever which is likely to harbour rats;
- (t) any factory, workshop, or other premises causing or emitting effluvia, gases, vapours, dust or smoke in such a manner as to be offensive or injurious or dangerous to the health of persons either within or outside such premises;
- (u) any factory workshop or other trade premises not kept clean and free from offensive smells arising from their operation, latrines or drains or so overcrowded, ill-lit or ill-ventilated as to be injurious or dangerous to health;
- (v) any vehicle, vessel, or aircraft, in such a condition as to be offensive, injurious or dangerous to health.

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

(2) Where practicable the consent of the owner or occupier of the land or premises shall be obtained before any such work is executed but if no person authorised to consent can be found within a reasonable time such consent shall be Government.

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

18. (1) Where as result of inspection the medical officer of health believes that a nuisance exists the medical officer of health shall cause to be served upon the author of the nuisance or, if the author cannot be found, upon the occupier or owner of the land or premises on which the nuisance arises a notice setting out short particulars of the nature of the nuisance, referring to the relevant paragraph of section 16, requiring the addressee of the notice to abate the nuisance, setting out short particulars of the measures which in opinion of the medical officer of health are the most practicable and expeditious means of abating the nuisance, having regard to the means of the addressee is required to comply with the notice.

(2) On the expiration of the specified time the medical officer of health shall cause the site of the alleged nuisance to be reinspected.

(3) If on the expiration of the specified time the nuisance has not been abated, the medical officer of health or an officer in the office of the medical officer of health shall lodge in the magistrates' court a complaint in duplicate, stating the name and address of the person alleged to have made default in complying with the notice and the date of service of the notice. A copy of the notice shall be attached to the original complaint. In subsequent proceedings the medical officer of health shall be termed the complainant and the person named, the respondent.

(4) If the complaint appears to be in order the court shall cause to be served upon the respondent a summons with the duplicate complaint attached.

(5) When the summons has been served the court shall, in writing, inform the complainant of the date fixed for the respondent to appear.

19. (1) Any person who alleges that a nuisance exists and that it is offensive to, or injurious or dangerous to the health of, himself, his family, servants or tenants may report the matter to the medical officer of health and if the nuisance is not abated within a reasonable time such person may proceed by notice and if necessary by complaint and the provisions of this part relating to proceedings after notice by a medical officer of health shall apply, *mutatis mutandis*, to proceedings after notice by such person.

(2) A complainant taking proceedings in the magistrates' court in pursuance of this section may with the permission of the court conduct such proceedings in person but such permission may be withdrawn at the discretion of the court at any stage in which event the proceedings shall be stayed until the complainant is represented by an advocate.

20. (1) The complainant shall cause the site of the alleged nuisance to be inspected on the working day next preceding the return day of the summons and the person who made such inspection shall be available to give evidence at the hearing if required by the court.

(2) On the hearing of a summons under section 18 the court shall first require the complainant to prove that a nuisance existed at the date issue of the notice under section 18, that such notice was served, that the respondent was responsible for the nuisance and that the respondent had not complied with the notice at the date of the complaint. If these facts are not proved the summons shall be dismissed.

(3) If it appears that the respondent fully complied with the notice after the date of the complaint, but before the hearing, the summons may be withdrawn unconditionally or on such terms as the court thinks fit.

(4) If the facts aforesaid are proved the court shall call upon the respondent, if present or represented, to show cause why he should not be ordered to abate the nuisance.

(5) The respondent may without adducing any evidence, show cause on a point of law.

(6) If the respondent does not proceed, or does not succeed, under subsection (5) he may—

(a) make an unsworn statement, in which case he shall not be cross-examined; or

(b) give evidence, and after he has done so, or elected to do neither, he may adduce evidence other than his own and may address the court on the law or the facts or both.

The complainant may reply and may, with the permission of the court, call evidence in rebuttal.

21. (1) If the court finds that the respondent has shown cause the summons shall be dismissed unconditionally or on such terms as the court thinks fit.

(2) If the respondent has not appeared, though served, or if the court finds that he has not shown any cause, the court shall make an order on the respondent requiring him to comply with all or any of the requirements of the notice or otherwise to abate the nuisance within a time specified in the order.

(3) A respondent may show cause in part by showing that he is not solely responsible for the nuisance.

22. If it is contended by or on behalf of the respondent that any other person is jointly or severally liable for the same nuisance the court may adjourn the proceedings and cause such person to be summoned and after hearing such person and if necessary further hearing the original respondent and the complainant the court shall make such orders as the circumstances require.

23. No order under section 21 shall debar the complainant from proceeding against any other person who may be jointly or severally liable in respect of the same nuisance.

24. (1) No question of title shall be litigated under this part.

(2) If any such question is raised the court may decide as a question of fact whether at the material time, a respondent was the occupier of the land or premises in question and if the respondent was neither the occupier, nor the author of the nuisance and denies that he is the owner, the proceedings shall be stayed as against him.

25. Every order for the abatement, or partial abatement of a nuisance shall specify the work to be done and the time within which it is to be completed and the order shall be drawn up by the court and served on the respondent and the court may require the respondent to remain in attendance until the close of business on the day of the hearing to accept service thereof. If a respondent fail to comply with such requirement the fact shall be recorded and a copy of the order shall be sent to the respondent by post and he shall be deemed to have been served on the day of the hearing.

26. In making orders under this Part the court shall not be limited by the terms of the notice or complaint but may require any nuisance proved to exist to be abated in such manner and within such time as the court, after hearing all parties concerned, thinks fit.

27. (1) Any person who fails to obey an order of the court to comply with the requirements of a medical officer of health or otherwise to abate the nuisance shall, be guilty of an offence and liable to a fine not exceeding Rs.500 and the court may in addition impose a fine not exceeding Rs.20 for every day during which default continues after the expiry of the time fixed by the court under section 25.

(2) The medical officer of health or an officer of the office of the medical officer of health thereof may in such case enter the premises to which any such order relates and abate the nuisance and do whatever may be necessary in the execution of such order and recover before the court the expenses incurred from the person on whom the order is made.

28. Any costs or expenses payable under an order of court may be made payable by instalments.

29. (1) Every order of court under this Part for the payment of money, whether for expenses, or costs, shall state the time with-which, or the instalments by which, the money is to be paid.

(2) If default be made in paying any such amount or installment in accordance with the order the whole amount remaining unpaid shall immediately become due and payable and may be levied, or payment thereof may be enforced, in accordance with the Courts Act or the Criminal Procedure Code.

30. Where a summons under this Part has been dismissed the order shall, on the written request of the complainant, be drawn up by the court and shall state the finding of the court on so many of the following matters as are applicable:-

- (a) whether any and what nuisance existed at the date of the complaint or at the date of the hearing;
- (b) whether the respondent was the author of the nuisance;
- (c) whether the respondent was wholly or partly responsible for the nuisance;
- (d) whether the respondent was the owner or occupier of the land or premises concerned;
- (e) any other special matter material to the decision.

31. Any party aggrieved by a final order of the Magistrates' court under this Part may appeal to the Supreme Court.

PART VII

Notification of Notifiable Disease

32. The Minister may make regulations intituled the Notifiable Disease (Remote Area) Regulations to provide for the notification of notifiable disease in remote parts of Seychelles.

33. (1) Where, except in a remote area referred to in section 32, an inmate of any dwelling, other than a hospital in which persons suffering from notifiable diseases are received, is suffering from a notifiable disease—

- (a) the head of the family of such inmate; or
- (b) if the head of the family is absent or unable to act, the other adult members of the family; or
- (c) if no adult member of the family is present and able to act, the person having charge of or in attendance on such inmate; or
- (d) if there is no such person able to act, the occupier of the dwelling,

shall, as soon as he becomes aware that such inmate is suffering from a notifiable disease, give or send notice of the fact to the medical officer of health.

(2) A notice under subsection (1) must be given personally and at the earliest possible opportunity and may be given to the medical officer of health or to a health inspector or public health nurse or, if none of these can be found without delay, to the nearest police station.

(3) Every police officer who receives a report under subsection (2) shall forthwith communicate the substance of the report to the medical officer of health by telephone or telegraph or by special messenger.

(4) Every medical practitioner attending or called in to visit a patient shall on becoming aware that the patient is suffering from any notifiable disease forthwith send to the medical officer of health a certificate stating the name of the patient, the situation of his dwelling and the notifiable disease from which, in the opinion of the medical practitioner, the patient is suffering and shall also inform the person having charge of or in attendance on the patient and the occupier of the premises in which the patient is found or dwells of the nature of the disease and the precautions to be taken to prevent the infection of others.

(5) The Government shall pay to every medical practitioner, other than a Government medical officer, for each certificate duly sent by him in accordance with subsection (4) the prescribed fee if the case occurs in his private practice.

(6) Every person required by this section to give a notice or certificate who fails to give the same is liable to a fine not exceeding Rs.200.

PART VIII

Prevention and Suppression of Infectious Disease

34. (1) For the purpose of minimising danger of the introduction of infectious diseases into Seychelles the Minister may, by order published in the Gazette—

- (a) regulate, restrict, or prohibit the entry into Seychelles or any part thereof of any person or of persons of any specified class or description or from any specified country, locality or area;

- (b) regulate, restrict, or prohibit the importation into Seychelles or any part thereof of any animal, article or thing or of any class of animals, articles or things;
- (c) impose requirements or conditions regarding medical examination, detention, quarantine, disinfection, vaccination, isolation, medical observation and medical surveillance of persons entering Seychelles, the veterinary examination, inoculation, vaccination, segregation and quarantine of animals and the examination disinfection and detention of articles or things imported into Seychelles.

(2) Any person who contravenes or fails to comply with the provisions of any such order is liable to a fine not exceeding Rs.1,000 or to imprisonment not exceeding six months or to both.

35. A medical officer of health inspecting any premises in which he has reason to believe that any person suffering or who has recently suffered from any infectious disease or has recently been present or any inmate of which has recently been exposed to the infection of any infectious disease may immediately examine any person in such premises for the purpose of ascertaining whether such person is suffering or has recently suffered from or is a carrier of such disease and may cause any corpse to be examined for the purpose of ascertaining if the cause of death was an infectious disease.

36. Where in the opinion of a medical officer of health any person is suffering from an infectious disease and is not accommodated or is not being treated or nursed in such manner as adequately to guard against the spread of disease such medical officer of health may cause such person to be removed, if necessary without his consent or without the consent of his parent or guardian, to a hospital or other place which in the opinion of the medical officer of health is suitable for the reception of infectious sick and a person so removed shall be detained in such hospital or place until the medical officer of health or medical practitioner authorised in that behalf by the Director certifies that he can be discharged without danger to the public health.

37. Where in the opinion of a medical officer of health any person has recently been exposed to the infection of and may be in the incubation stage of any infectious disease and is not accommodated in such manner as adequately to guard against the spread of disease, such person may, on a certificate signed by the medical officer of health, be removed, at the expense of the Government to a place of isolation and there detained until, in the opinion of the medical officer of health, he can be discharged without danger to the public health.

38. (1) Where a medical officer of health is of opinion that the cleansing and disinfecting of any premises or part thereof, and of any articles therein likely to retain infections, would guard against the spread of infectious disease, he shall give notice in writing to the owner or occupier of such premises or part thereof specifying the steps to be taken to cleanse and disinfect such premises or part thereof and such articles, within a time specified in such notice.

(2) If the person to whom such notice is given makes default in complying therewith, he is liable to fine not exceeding Rs.200 for every day during which the default continues and the medical officer of health may cause such building or part thereof and articles to be cleansed and disinfected and may recover the expenses of so doing from the defaulter.

(3) Where the owner or occupier of any such premises or part thereof is from poverty or otherwise unable, in the opinion of the medical officer of health, effectually to carry

out the requirements of this section, such officer may, without enforcing such requirements on such owner or occupier, with or without his consent enter, cleanse and disinfect such premises or part thereof and such articles at the expense of the Government.

39. A medical officer of health may in writing direct the destruction of any bedding, clothing or other articles which have been exposed to infection from any infectious disease and which cannot reasonably be disinfected and such direction shall be sufficient authority for a person designated therein to destroy such articles.

The medical officer of health at the expense of the Government shall, at the time of destruction or as soon as possible thereafter, give to the owner as many articles of the same kinds, as shall, as nearly as practicable, suffice to replace those destroyed.

40. Where in the opinion of the medical officer of health a building or any part thereof which is likely to retain infection cannot be efficiently disinfected he shall give to the occupier thereof a notice in writing requiring the immediate vacation of such building or part and all persons therein shall forthwith vacate the same under the supervision of the medical officer of health, or of some other person deputed by him to supervise the vacation, who shall permit the removal of such articles as can be efficiently disinfected under his supervision. Such building or part and articles remaining therein shall be appraised in accordance with regulations and shall be destroyed as speedily as possible in accordance with the directions of and subject to precautions prescribed by the medical officer of health.

Compensation for property destroyed under this section shall be assessed and paid in accordance with regulations.

41. (1) Any person who-

- (a) while knowingly suffering from any infectious disease exposes himself without proper precautions against spreading such disease in any street, or in any shop, public building, public vehicle or vessel without previously informing the person in charge thereof that he is so suffering; or
- (b) being in charge of any person whom he knows to be so suffering so exposes such sufferer; or
- (c) gives, lends, sells, transmits or exposes, without previous disinfection, any bedding, clothing, rags or other things which have to his knowledge been exposed to infection from infectious disease,

is liable to a fine not exceeding Rs. 500 or to imprisonment not exceeding three months or to both.

(2) Any person who commits an offence under subsection (1) in respect of a vehicle or vessel which plies for hire is liable, in addition to a fine to pay to the owner or person in charge of vehicle or vessel the amount of any fees and compensation payable in respect of the disinfection thereof and payment of such amount may be enforced in the same manner as payment of a fine and in so far as such amount is paid into court it shall be paid out to the owner or person in charge of the vehicle or vessel.

A prosecution under this subsection may be instituted by the police or by the owner or the person in charge of the vehicle or vessel.

(3) No proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags or other things for the purpose of having the same disinfected or destroyed.

42. (1) Where it comes to the knowledge of the owner or person in charge of any public vehicle or vessel that his vehicle or vessel has conveyed any person believed to be suffering from an infectious disease or any articles likely to be infected such owner or person shall forthwith take all practicable means to prevent any person from entering such vehicle or vessel and shall report the circumstances to the medical officer of health or to a health inspector or public nurse, or if none of them can be found without delay, to the officer in charge in the nearest police station.

(2) Every police officer who receives a report under this section shall forthwith communicate the substance of the report to the medical officer of health by telephone or telegraph or by a special messenger.

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

(4) Any person who makes default in compliance with subsection (1) or (3) is liable to a fine not exceeding Rs.200.

43. Any person who lets for hire any dwelling or premises or part thereof which has to his knowledge, been used within six weeks prior to such letting by any person suffering from an infectious disease without having the same, and all articles therein liable to retain infection, efficiently disinfected to the satisfaction of the medical officer of health as testified by a certificate signed by him is liable to a fine not exceeding Rs.500.

This section applies to a person in charge of an hotel or lodging-house.

44. Any person letting for hire or showing for the purpose of letting for hire any dwelling or part thereof who on being questioned by any person negotiating for the hire of such dwelling as to the fact of there being or within six weeks previously having been therein any person suffering from any infectious disease knowingly makes a false answer to such question is liable to a fine not exceeding Rs.500.

This section applies to a person in charge of an hotel or lodging house.

45. (1) Where any person has died from an infectious disease the occupier of the dwelling in which the death occurred shall immediately report the death to the medical officer of health or a health inspector, or public health nurse or, if none of them can be found without delay, to the officer in charge of the nearest police station.

Any person who makes default in complying with the provisions of this subsection is liable to a fine not exceeding Rs.500.

(2) Every police officer who receives a report under this section shall forthwith communicate the substance of the report to the medical officer of health by telephone or telegraph or by a special messenger.

46. The Minister may make regulations intituled the Infectious Diseases Regulations for guarding against the spread of infectious diseases. Such regulations may be applicable to all

infectious diseases or to such infectious diseases only as may be specified. Such regulations may provide, inter alia, for all or any of the following measures:-

- (a) closing of schools or restriction or control of attendance at schools;
- (b) closing of places of public entertainment;
- (c) prohibition or restriction or control of attendance at sporting, athletic and social events;
- (d) quarantine, medical observation and surveillance;
- (e) establishment and administration of isolation hospitals, convalescent homes and other places for the treatment and aftercare of sufferers from infectious disease;
- (f) removal and isolation of persons infected or likely to be infected;
- (g) antiseptic ablution of persons recently exposed to infection;
- (h) medical observation and surveillance of carriers;
- (i) control of transport and movement of persons infected;
- (j) control of transport and disposal of the bodies of persons who appear to have died of infectious diseases;
- (k) provision and use of means to disinfect and fumigate premises;
- (l) vacation, appraisal and destruction of infected buildings and compensation therefor;
- (m) disinfection of infected bedding and other articles;
- (n) destruction of infected articles and their replacement;
- (o) provision and use of means to disinfect and fumigate vehicles and vessels;
- (p) prescribing fees for disinfection and fumigation of vehicles and vessels and prescribing rates of compensation for loss of earnings of vehicles and vessels which ply for hire during the time occupied by disinfection or fumigation thereof and prescribing circumstances in which such compensation shall be payable by the Government or by the owners of the vehicles or vessels concerned, or by other persons;
- (q) prohibition of spitting in public places and public vehicles except into receptacles provided for the purpose;
- (r) imposing on owners of land, employers and other persons in authority duties in regard to measures for the prevention of the spread of infection;
- (s) control of the movement of animals and the transport and disposal of carcasses and other animal matter likely to be infected;

- (t) control of transport of material infected or likely to be infected;
- (u) extirpation of rodents and other vermin and of flies and other insects likely to spread infection;
- (v) prevention or reduction of infestation of premises by vermin or insects likely to spread infection;
- (w) prevention of the spread of any helminthic or other disease communicable by parasites;
- (x) prohibition, restriction or control of the carrying on of any particular trade or business in so far as such carrying on would otherwise be conducive to the spread of infection;
- (y) special measures for the prevention of the spread of particular infectious diseases;
- (z) disposal of waste material which is or is likely to be infected;
 - (aa) compulsory disclosure of information as to possible sources of infection;
 - (bb) establishment and administration of places for disinfection and cleansing of dirty or verminous persons and articles;
 - (cc) prescribing conditions subject to which persons suffering from or suspected of being infected with any infectious disease may be medically treated, without removal to a hospital, in their own homes or elsewhere;
 - (dd) control, partial isolation, limitation of movement and association with other persons, medical examination, medical supervision, surveillance, medication, nursing, maintenance, diet, instruction, employment and recreation of persons treated under paragraph (cc).

PART IX

CONTROL OF FORMIDABLE EPIDEMIC DISEASE

47. This part applies to cerebro-spinal meningitis, cholera, plague, smallpox, typhus, yellow fever and any other disease declared by notice in the Gazette to be a formidable epidemic disease.

48. The Minister may make regulations intituled Epidemic Regulations to provide for all or any of the following measures in respect of formidable epidemic disease:-

- (a) conferring powers and imposing duties on medical officers of health;
- (b) speedy burial or cremation of the dead;
- (c) administration of hospitals used for the reception of persons suffering from infectious disease;
- (d) establishment and administration of additional and auxiliary hospitals;

- (e) establishment and administration of medical observation camps;
- (f) establishment and administration of stations for medical examination, immunization and disinfection;
- (g) requisition of property;
- (h) administration of establishments provided pursuant to the regulations;
- (i) compulsory attendance at and detention in medical examination, immunisation and disinfection centres and medical observation centres and camps of persons in infected areas and of other persons believed to have been exposed to infection;
- (j) compulsory vaccination, revaccination and inoculation;
- (k) removal to and detention in medical observation camps and hospitals of persons infected or recently exposed to infection;
- (l) prohibition and control of the movement of persons into and out of infected areas;
- (m) house to house visitation;
- (n) provision of medical aid;
- (o) provision of shelter, clothing and food for persons in distress in infected areas;
- (p) disinfection and destruction of buildings, furniture, clothing, effects and goods likely to spread infection;
- (q) prohibition or restriction of the occupation or use of any building for such period or subject to such conditions as may be necessary to guard against danger of the spread of infection;
- (r) extirpation of rats, precautions on board vessels and on shore against the movement of rats between vessels and the shore and precautions against the spread of infection by rats in infected and in other areas;
- (s) any other measures whatsoever conducive to the prevention, control and treatment of formidable epidemic disease.

49. (1) If it appears to the Minister that a formidable epidemic disease exists, either within or outside Seychelles, and that it is expedient that the Epidemic Regulations or any of them should be brought into operation, either by way of precaution or remedially or both, he shall, by order in writing specifying the disease, direct that the Epidemic Regulations or such of them as are specified in the Order shall come into operation throughout Seychelles or in such areas as are specified in the order. Different regulations may be brought into operation in different areas.

(2) So far as is practicable areas specified in orders under subsection (1) shall be either epidemic precaution areas or infected areas.

(3) The Minister may by further orders direct that any or all of the Epidemic Regulations not previously applied shall apply to areas previously specified or to further areas specified in such further orders and may re-define areas previously specified.

(4) Every order under subsections (1) and (3) shall come into full force and effect on signature by the Minister and shall be published in the Gazette as soon as practicable thereafter.

(5) In orders under this section areas may be specified with reference to local areas defined by or pursuant to this or any other Act or with reference to boundaries stated or described in such orders, as may be deemed expedient.

(6) Areas specified in orders under this section may include inland waters and the territorial waters of Seychelles or portions thereof and in such cases the provisions of the Epidemic Regulations which are applicable to vessels shall apply to all vessels within such areas.

(7) If by any mistake or misunderstanding with regard to the position of a boundary any act is done at a place outside a specified area in the belief that such act is authorised by or under the Epidemic Regulations and that such place is within a specified area and if such act would have been lawful if done within such area then such act shall be deemed to have been lawfully done.

(8) When it appears to the Minister that such of the Epidemic Regulations as apply to any area are no longer required for the purpose of controlling or preventing the spread of the epidemic he shall by order direct that such regulations shall cease to apply to that area.

(9) Every order under subsection (8) shall come into force on publication in the Gazette.

50. On the making of an epidemic order, the Director shall forthwith devote all members of his office who can be spared from other duties and all the material resources which are or can be made available and are adaptable to the purpose, to the enforcement and carrying into effect of all the provisions of the Epidemic Regulations and shall apply the Principal Secretary to the Ministry for any additional staff or material which may be or become necessary for such purpose. In enforcing and carrying into effect such provisions all personnel shall act under the guidance of medical officers of health and shall do everything in their power to comply with the advice tendered to them by such officers.

51. When an epidemic order is in operation the Director may require any person owning or having charge of any vacant land or unoccupied building or of any vehicles, tents, bedding, hospital equipment, drugs, food or other equipment or materials whatsoever, to permit and facilitate the use of such land or building by the Director or to deliver to the Director or his agent any such tents or other things as aforesaid, whether situated in an epidemic area or not. A requisition in writing, specifying such property and signed by the Director, shall be conclusive proof that the property so specified is needed for the purposes of the Epidemic Regulations and shall be sufficient authority to any agent or other person having custody or control of such property to give possession or delivery thereof to the Director or his agent in accordance with such requisition.

52. When an epidemic order is in operation the Minister may by requisition in writing, require the owner or occupier of any occupied premises, whether situated in an epidemic area or not, to vacate the whole or such part thereof as may be specified in the requisition and to facilitate the use thereof and of any equipment or other materials whatsoever therein for the

purposes of the Epidemic Regulations and the owner, occupier, and every other person having charge of or being within such premises or part thereof shall forthwith comply with such requisition which shall be sufficient authority for any agent or other person having custody or control of such premises, equipment or materials or any part thereof to give possession or delivery thereof in accordance with such requisition.

53. Any person failing or delaying to comply with a requisition under this Part, of which he has notice shall be liable to a fine not exceeding Rs.1,000 or to imprisonment not exceeding six months or to both.

54. Any person who offers or in any manner whatsoever threatens any resistance or obstruction to the Director or any other person taking or attempting to take possession of any property requisitioned under this Part may be arrested without warrant by any police officer and is liable to a fine not exceeding Rs.1,000 or to imprisonment not exceeding six months or to both.

55. If any property is requisitioned under this Part and the owner or other person having charge thereof refuses or delays to comply with the requisition or if no person able to comply therewith can be found within a reasonable time, such requisition shall be sufficient warrant and authority to any police officer, on the request of the Director, to break open any outer or inner door or other means of access and to enter the premises to which the requisition relates, doing no more damage than is necessary for the purpose, and to give effect to such requisition, provided that such officer shall take all practicable measures to safeguard any part of such premises and any property therein which are not comprised in such requisition.

56. (1) Compensation for all property requisitioned under the powers conferred by this Part shall be paid out of general revenues.

(2) Such compensation shall be assessed in accordance with regulations to be made under this Act and intituled the Requisition and Compensation Regulations.

PART X

Venereal Disease

57. In this Act, "venereal disease" means primary or secondary syphilis in contagious form or acute or chronic gonorrhoea or gonorrhoeal ophthalmia or soft chancre or lymphogranuloma inguinale or granuloma venereum or any other disease declared by the Minister by notice in the Gazette to be venereal disease.

58. The Minister may make regulations intituled the Venereal Diseases Regulations to provide for:-

- (a) medical examination, classification, temporary isolation and treatment of persons suffering from or suspected of being infected with venereal disease;
- (b) prescribing conditions subject to which such persons may be medically treated without removal to a hospital in their own homes or elsewhere;
- (c) control, partial isolation, limitation of movement and association with other persons, medical examination, medical supervision, serveillance, medication, nursing, maintenance, diet and instruction of persons treated under paragraph (b);

- (d) establishment and administration of a special hospital for venereal diseases or other place of accommodation;
- (e) removal of classified persons to a special hospital or other place of accommodation;
- (f) classification, treatment, instruction, employment and control of inmates of a special hospital or other place of accommodation;
- (g) control of the association of inmates of special hospitals or other places of accommodation with each other and with other persons;
- (h) compulsory disclosure of names and address of contacts or other information as to possible sources of infection;
- (i) removal to and detention within a special hospital or other place of accommodation of any person serving or sentenced to a term of imprisonment who suffers from or is suspected of being infected with venereal disease;
- (j) control of employment of persons suffering from or suspected of being infected with venereal disease;
- (k) duties and obligations of parents and guardians of children suffering from or suspected of being infected with venereal disease;
- (l) prevention of persons knowing or having reason to believe that they are infected with venereal disease from infecting other persons.

59. (1) No person other than a medical practitioner shall treat or offer to treat any patient for venereal disease or prescribe or recommend any internal or external medicine or medicament or appliance for the cure or alleviation of venereal disease.

(2) Any person who contravenes subsection (1) is liable to a fine not exceeding Rs. 500 or to imprisonment not exceeding three months or both.

60. (1) No person shall print or publish any advertisement or statement tending to promote the sale of any medicine, appliance, or article for the alleviation or cure of any venereal disease or other 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) In this section "publish" includes –

- (a) cause to be published by supplying to the publisher of any magazine or newspaper, whether periodical or not, of any book or other document;
- (b) exhibit in any manner to public view;
- (c) sell, offer for sale, or exhibit for perusal or inspection, whether for reward or gratuitously, whether in public or in private, and send by post or deliver in person or by messenger.

(3) This section shall not apply to publications by the medical department of any Government or by any public hospital, or other public body in the discharge of its lawful

functions 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.

(4) No prosecution under this Act shall be instituted except on information laid with the written sanction of the Director.

(5) Any person who contravenes subsection (1) is guilty of an offence unless he shows -

- (a) that the subject-matter of the charge is contained in a book or other publication of a generally lawful character distributed by him in the ordinary course of his trade and that such subject-matter is not apparent on such examination as is usual on the part of the distributors in circumstances similar to those of the accused; and
- (b) when the matter was brought to his notice he gave all the assistance reasonably required of him by the Director and the police in tracing the source of the publication, and
- (c) he forthwith ceased distribution and took effective measures to prevent distribution of any undistributed stocks of the publication remaining under his control.

Any such person is liable on a first conviction to fine not exceeding Rs. 200 and on a second or subsequent conviction to a fine not exceeding Rs. 1,000 or to imprisonment not exceeding six months or to both.

PART XI

Leprosy

61. The Minister may make regulations, intituled the Leprosy Regulations to provide for -

- (a) medical examination, classification and temporaryisolation of persons suffering from or suspected of being infected with leprosy;
- (c) prescribing conditions subject to which such persons may be medically treated, without removal to a leproserly, in their own homes or elsewhere;
- (d) control, partial isolation, limitation of movement and association with other persons, medical examination, medical supervision, surveillance, medication, nursing, maintenance, diet, instruction, employment and recreation of persons treated under paragraph (b);
- (d) establishment and administration of leproseries;
- (e) removal of classified persons to a leproserly;
- (f) classification, treatment, instruction, employment, and control of inmates of leproseries;

- (g) control of the association of inmates of leproseries with each other and with other persons;
- (h) removal to and detention within a leproseries of any person serving or sentenced to a term of imprisonment if certified by a medical officer to be affected with leprosy.

PART XII

Cemeteries and Crematoria

62. In this part -

"authorised cemetery" means a plot of ground reserved for burials by virtue of a notice published in the Gazette and not subsequently closed by virtue of another such notice.

63. The Minister, may by notice in the Gazette order that any cemetery shall be closed with effect from a date specified in such notice and on that date such cemetery shall cease to be an authorised cemetery.

64. Where it appears to the Minister that a new authorised cemetery or crematorium is required he shall direct the medical officer of health to make recommendations as to where a suitable plot of ground is available or can be acquired and after considering such recommendations shall select the plot which he considers most suitable and cause the boundaries thereof to be marked and fenced in such manner as he shall think fit and shall then by notice in the Gazette declare such plot to be an authorised cemetery or crematorium.

65. (1) When it is desired that the body of any particular person be buried in any place other than an authorized cemetery application shall be made in writing addressed to the Principal Secretary to the Ministry. On receipt of such application the Minister shall cause the matter to be investigated and if he is satisfied -

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

he may, in his absolute discretion, grant a licence for private burial at such fee as he may fix.

(2) Only one body may be buried under any one licence but a subsequent licence may relate to the same site.

66. The Minister may make regulations intituled the Cemetery Regulations, for the control and management of authorised cemeteries, the registration of burials therein, the issue of certificates of burials therein, the charging of fees for burials and certificates and other matters incidental thereto.

67. The Minister may make regulations concerning cremation and burial at sea.

Subject to such regulations or until they are made section 65 shall apply, mutatis mutandis, to cremation and to burial at sea.

68. Any person who buries or cremates any human remains in any place other than an authorised cemetery, except in accordance with regulations under this Act or under a licence pursuant to section 65 or by order of a magistrate is liable to a fine not exceeding one thousand rupees or to imprisonment not exceeding six months or to both.

69. When it is desired that the body of a deceased person should be exhumed application shall be made in writing addressed to the Principal Secretary to the Ministry. The Minister shall cause the matter to be investigated and if he is satisfied that there are sufficient reasons for the application, that suitable arrangements have been made for the reburial or other disposal of the body, that the legal personal representative and the adult members of the family of the deceased, or so many of them as can reasonably be traced, have been consulted and that none of them have any sufficient objection he may, in his absolute discretion, grant a licence for such exhumation subject to such conditions as he may impose and at such fee as he may fix.

70. (1) When the Minister considers it necessary for the furtherance of any public work or otherwise in the public interest that any human remains should be exhumed he shall make an order in writing directing that such remains be exhumed and reburied or cremated under the supervision of an officer named in the order and in such manner as the Minister may direct.

(2) The officer named shall proceed to carry out the order and directions with all practicable regard to reverence and the wishes of the family of the deceased and on completion shall return the order to the Principal Secretary to the Ministry with an endorsement or report stating the fact and date of completion and with a certificate for the reburial annexed.

(3) When an exhumation under subsection (1) of this section necessitates the removal of any monument the Minister shall provide at the public expense for the re-erection thereof.

71. (1) Any person digging or excavating for the foundations of a building or for any other purpose whatsoever who exposes any human body or part thereof or anything which appears to be, or contain, human remains shall forthwith desist from such digging or excavating and take all practicable steps to prevent further disturbance of the ground and report the matter at the nearest police station.

(2) On receipt of such report a police officer shall forthwith investigate the matter and if it appears that human remains have been, or are likely to be, disturbed, he shall so inform the medical officer of health and the medical officer of health shall inspect the site and give such advice and directions to the police and to the other parties concerned as may be expedient and may himself apply for an exhumation order.

(3) Any person who contravenes the provisions of subsection (1) or knowingly disregards any direction given by a medical officer of health under subsection (2) is liable to a fine not exceeding Rs. 500 or to imprisonment not exceeding three months or to both.

72. This Part shall not invalidate or prevail against any epidemic regulations made in exercise of the powers conferred by section 48.

PART XIII

Powers of Officers

73. (1) In case of emergency the Director may, by order in writing require any persons to adopt any measures which he considers necessary to prevent, or avert danger of, the spread of disease.

Such an order shall specify the measures to be taken and shall be served personally by a medical officer of health or health inspector who shall explain the matter to the persons concerned and superintend and assist in the carrying out of the measures specified.

(2) Any person who makes default in complying with an order under this section or offers or threatens any resistance or obstruction to the carrying out of the order shall be liable to a fine not exceeding Rs. 1,000 or to imprisonment not exceeding six months.

74. (1) A medical officer of health, health inspector or public health nurse may at any time, by day or night, on such notice to the occupier as is practicable, enter any premises where any sick person is, or has recently been, present and may examine such person and remove for bacteriological examination any articles likely to afford evidence of his condition in order to ascertain whether the disease or ailment from which he is suffering is infectious.

(2) Such officer, inspector or nurse may direct that the patient be removed to a hospital either for treatment or for confirmation of a provisional opinion as to the nature of the disease.

(3) Such officer, inspector or nurse may direct that any bedding, clothing, utensil or any other article whatsoever which he considers likely to be a means of spreading infection be disinfected and that the premises be disinfected under the supervision of himself or some other officer or in such manner as he shall prescribe.

(4) Such officer, inspector or nurse may direct any persons in or near the premises whom he considers likely to have been exposed to danger of infection to submit themselves, and their clothing and any other articles whatsoever which he considers likely to be infected, to ablution with antiseptics, disinfection, fumigation or other precautionary measures under the supervision of himself or some other officer or in such manner as he shall prescribe.

75. Where any case of illness has been diagnosed as a case of infectious disease a medical officer of health may in writing order any bed, bedding, clothing and utensils, and any furniture whatsoever which he considers likely to carry the infection of such disease to be disinfected or destroyed, and any premises in which the patient has resided or been present to be disinfected and any persons who have been exposed to risk of infection to submit themselves to such precautionary treatment and medical supervision or surveillance as he may prescribe. Property destroyed under this section shall be replaced in accordance with regulations.

76. (1) A medical officer of health, health inspector or any person generally or specially authorised by a medical officer of health may at any time in daylight enter any land or premises and inspect the same in order to ascertain the existence, nature and extent of any nuisance or of any state or condition of such land or premises or part thereof or of anything thereon or therein which may be conducive to any nuisance or to the infestation of the place by vermin, parasites or noxious insects or organisms or in any way conducive to the spread of disease or which may be offensive or injurious or dangerous to health or to ascertain whether contravention of the provisions of this Act or of any other Act relating to public health or of any order or direction made or given pursuant thereto has occurred or is occurring or whether the requirements of any such provision, order or direction have been or are being fully implemented.

(2) Any such officer or person may for any such purpose enter and inspect any trade premises at any time, whether by day or night, when such premises are open to any other persons or when work or business is being carried on therein.

(3) When private or enclosed premises are to be inspected under this section the inspecting officer shall, if practicable, obtain the consent of the owner, occupier or an adult inmate of the premises but if no such person can be found within a reasonable time such consent shall be unnecessary.

(4) Where access to any enclosed premises or part thereof is necessary for an inspection under this section and the person having charge of such premises refuses or unreasonably delays to grant access, or if no such person can be found within a reasonable time, a written request for aid, signed by a medical officer of health shall be sufficient warrant for any police officer to break open any outer or inner door or other means of entry, doing no more damage than is necessary for the purposes of such inspection, provided that such officer shall take all practicable measures to safe-guard the premises and any property therein, after the inspection.

77. (1) Any officer authorised under or pursuant to section 76 to make an inspection and any public health nurse on duty may require any person to give information regarding the land or premises to be inspected or regarding the identity and whereabouts of the owner and occupier or regarding the identity and whereabouts of, and the signs or symptoms presented by, any patient and such person shall give such information as he possesses and shall give such aid as it is reasonable and practicable for him to give in furtherance of the inspection or intended inspection.

(2) Any person who refuses such information or aid or gives any information which he knows or believes to be false or does not believe to be true is liable to a fine not exceeding Rs. 500.

PART XIV

Legal Proceedings

78. Subject to this Part the procedure in prosecutions under this Act shall be the same as in other prosecutions.

79. Where an offence under this Act is alleged to have been committed by any employed person in the course of, or in connection with, his employment or pursuant to or in apparent or purported compliance with general or particular instructions given to him by his employer, or in exercise of any general or particular authority or discretion conferred upon him by his employer, whether in excess of the limits thereof or not, such employed person and his employer shall be jointly and severally responsible for the act or omission and may be charged together or separately and tried together or separately and the conviction or acquittal of one shall not be a bar to the prosecution of the other:

Provided that where one has been tried separately and convicted or acquitted proceedings shall not be instituted or continued against the other, save with the written consent of the Attorney-General.

80. (1) Where it is desired to serve a notice, or summons under this Act on a person trading under a name other than his own or on a firm or on a committee or other body of persons or on joint tenants, executors, administrators or any other plurality of persons as

owners of property or otherwise, such person or persons neither being nor claiming to be incorporated, the notice or summons may be directed on its face to such person or persons by the name, or collective name, style or title in which he or they carry on business or conduct affairs R hold property, as the case may be, and may be served by registered post in a cover directed to him or them by that name at the address of the place where they carry on their business or conduct affairs or if there is no such place at the address of the chairman, secretary or other officer or member of the committee or body of persons or at the address of any partner, joint owner, executor or administrator, as the case may be.

(2) In any case to which this section relates proceedings in court shall be deemed to be against the respondents or accused collectively. Any one of such persons may appear, and plead on behalf of all and, with the permission of the court, may conduct the defence on behalf of all but such permission may be withdrawn by the court at any stage and thereafter the defence must be conducted by an advocate unless the court is of opinion that in the circumstances of the case the person defending is solely or mainly responsible for the act or omission in which case he shall be treated as a sole respondent or accused but no amendment of the process shall be necessary.

(3) Where two or more persons are prosecuted collectively pursuant to this section, any fine imposed shall be deemed to be imposed primarily on the collective fund or joint property of the accused and may be levied accordingly but if such fine be not paid within seven days it shall be deemed to have been imposed on the person who pleaded and on all the others jointly and severally and any or all of them may be summoned to show cause why he or each of them should not be ordered to pay the whole, or such part of it as he is able to pay, or to be imprisoned in default and each such person shall be liable to be imprisoned in default of payment.

(4) The provisions of this section shall apply, *mutatis mutandis*, to the enforcement of payment of expenses, contribution and costs awarded in proceedings for abatement of nuisances.

81. (1) Where it is desired to serve a notice or summons under this Act on an association of persons who are, or claim to be, or have by their title, letterhead or any other means held themselves out as having been, incorporated, whether in Seychelles or elsewhere, the notice or summons shall be directed on its face to such persons by the name of the association, and may be served by registered post in a cover addressed to the person registered under the provisions of any Act relating to service of process on corporations as authorised to accept such service on behalf of the association or, if no such person is so registered, in a cover bearing the name of the association and the address of the registered office or place of business or of the person having apparent control or management of the business or affairs of the association.

(2) In a magistrates' court a director, the secretary or the person having general management of the business or affairs of such an association may with the permission of the court appear on behalf of the association and the court may in its discretion waive the requirement that a corporation plead under seal and allow such person to plead orally on behalf of the association and to give his own evidence and to address the court in explanation or mitigation but, if it is desired to call any other witness or to cross-examine witnesses called by the opposite party or to address the court on any point of law, the association must be represented by an advocate.

(3) In the Supreme Court any such association must be represented by an advocate.

82. Proceedings for abatement of nuisance instituted by a by a medical officer of health or any officer in his office shall be conducted by the Attorney-General or by an advocate or by a person generally or specially authorised by the Attorney-General.

83. All proceedings in the Supreme Court under this Act shall be conducted on behalf of the Director or a medical officer of health by the Attorney-General or by an advocate.

84. (1) Where a party who has been successful in proceedings under Part VI was represented in the magistrates' court by an advocate the court may, in its discretion, order the unsuccessful party or parties to pay, or contribute to the costs of the successful party or parties.

(2) The amount of a contribution shall be fixed by the court and specified in the order.

(3) Where such costs are to be taxed the order shall so provide and the costs shall be taxed by the magistrate or by the Registrar of the Supreme Court in the same manner as the costs of civil proceedings in the Supreme Court. For this purpose the value of the claim or subject matter shall ordinarily be deemed to be the lowest for which a fee is provided and in assessing fees for matters for which fees are not provided the taxing officer shall use his discretion, having regard to the fees provided for comparable matters.

(4) In lieu of taxation the court may, in its discretion, fix a sum to comprise all the costs allowed.

(5) Costs of proceedings under this Act in the Supreme Court shall be allowed and, if necessary, taxed in accordance with the law and practice applied in comparable matters.

PART XV

Miscellaneous Provisions

85. A medical officer of health may by public notice prohibit the washing of clothes for reward except at public wash-houses or at such other places as may be appointed for that purpose.

86. A medical officer of health shall cause the prompt removal and burial or cremation of the bodies of destitute persons and of unclaimed bodies in their respective areas.

87. (1) Any person who becomes aware of any unusual sickness or mortality among poultry, dogs, cats, rats or mice shall forthwith report the fact to the medical officer of health or health inspector or to the officer in charge of the nearest police station.

(2) Any person who fails so to report is liable to a fine not exceeding Rs. 200.

(3) Every police officer who receives a report under this section shall forthwith communicate the substance of the report to the medical officer of health by telephone or telegraph or by a special messenger.

88. Any person who offers or threatens any resistance or obstruction to any medical officer of health or other person performing a duty imposed on him by or pursuant to this Act is liable to a fine not exceeding Rs. 1,000 or to imprisonment not exceeding six months or to both.

89. Any person who makes default in complying punctually with any requirement of this Act or with any order, notice or direction served on or given to him in pursuance of this Act is liable to a fine not exceeding Rs. 1,000 or to imprisonment not exceeding six months or to both, unless some other penalty is provided for such default.

90. (1) Any notice, order or other instrument issued in pursuance of this Act may be amended or the time for compliance may be extended by the authority which issued the instrument at any time before proceedings relating thereto have been instituted in any court.

An instrument so amended after service shall be re-served. Where time is extended re-service shall not be necessary.

(2) Where such proceedings are pending the instrument may be amended by or by leave of the court, with or without re-service as the court directs.

91. (1) Any notice, order or other instrument to be served in pursuance of this Act may be served -

- (a) by delivery thereof to the person to whom it is addressed; or
- (b) by delivery thereof at the dwelling of the person to whom it is addressed to an adult inmate of the dwelling; or
- (c) by post, by sending the instrument in a prepaid cover addressed to the person to be served at his residence or place of business; such service shall be deemed to have been effected at the time when, in the ordinary course of the post, the cover would have reached the addressee; or
- (d) where the instrument is to be served on the occupier of premises and his name is not known by addressing it to the occupier of the premises and delivering it to the person appearing to be the occupier or, if such person cannot be found, to an adult inmate of the premises; or
- (e) if service cannot be effected otherwise, by affixing the instrument to some conspicuous part of the premises to which the instrument relates; or
- (f) in any other manner directed by a court in any particular case.

(2) Any such instrument may be served by a health inspector or clerk of the Medical Department acting in the ordinary course of his duty or specially instructed to effect service in a particular case.

(3) The serving officer shall, at the time of service or as soon as practicable thereafter, endorse on a duplicate of the instrument the hour, day and manner of service and his own name in full and verify the same with his ordinary signature or, where the service is by registered post, he shall affix the postal receipt to a duplicate of the instrument.

(4) A duplicate so endorsed shall be prima facie proof of service but a court may require further evidence and may direct re-service.

92. (1) No error, irregularity or want of due form shall invalid-date any notice, order or other instrument issued in pursuance of this Act unless the court before which objection to such

instrument is taken finds that the defect cannot, without injustice, be remedied by amendment, with or without re-service and with or without extension of time.

(2) No irregularity in the service of any such instrument shall invalidate the instrument.

(3) No irregularity in the service of any such instrument shall invalidate the service if the court before which objection to such service is taken finds that the party intended to be served had sufficient notice of the existence of the instrument and that it was intended for him, but in such a case service shall be deemed to have been effected at the time when the matter was brought to the notice of the party. In any other case the instrument shall be re-served in such manner as the court directs.

93. (1) The Minister may make regulations to provide for the establishment, equipment, administration, inspection and licensing of private hospitals, nursing homes, convalescent homes, clinics, private mental hospitals, maternity homes, infirmaries, hostels and other institutions where invalids, convalescents, or children are treated or received, whether for reward or otherwise. Such regulations may prescribe standards of attendance by medical practitioners and by trained and other staff and of space in relation to numbers of patients or inmates and of any other matters whatsoever which may affect the health or welfare of the patients or inmates.

(2) Any person who establishes or takes part in the management or control of an institution to which this section relates without both the premises and the matron or other person in actual control, howsoever styled, being licensed pursuant to this Act is liable to fine not exceeding Rs. 1,000 and all powers of control and management shall devolve upon the Director until a licence has been obtained or until all the patients or inmates have been removed from the premises and the premises shall be deemed to be charged and all the moveable property therein subjected to a lien to secure repayment to the Director of all the expenses incurred by him in exercising his powers under this section.

(3) Where there are no regulations applicable to an institution to which this relates or in any case of urgency or other special circumstances the Director may in his section discretion grant a licence to any person to control the institution in premises specified in the licence for such time and subject to such conditions as he thinks fit.

(4) The Director may at any time, in writing, authorise a medical officer or practitioner to inspect and report upon any institution to which this section relates, whether licensed or not, and any person who offers or threatens any obstruction to a medical officer or practitioner performing duties pursuant to such authorisation is liable to a fine not exceeding Rs. 1000.

(5) The Director may at any time withdraw or vary the conditions of a licence to use any premises as an institution to which this section relates and may withdraw the licence of any matron or controller. Any person aggrieved by a decision of the Director under this subsection may appeal to the Minister.

94. The Minister may make regulations intituled the Drugs and Pharmaceutical Preparation Regulations to provide for the inspection, sampling and examination of medicinal drugs and of vaccines, vaccine lymphs, sera, and other preparations imported into or manufactured in Seychelles and intended or used for the treatment or prevention of disease and to provide for the prohibition, restriction or licensing of the import or manufacture of any such materials.

95. The Minister may make regulations intituled the Health and Sanitation Regulations to provide for –

- (a) inspection of land and premises of all kinds;
- (b) measures to secure the keeping of land and premises of all kinds clean, free from refuse and material of any other kind whatsoever which is conducive to nuisance or in any other respect inimical to sanitation or health;
- (c) periodical cleansing, whitewashing or other treatment of trade premises of all kinds and the regular removal therefrom of refuse and waste material of all kinds;
- (d) construction, maintenance, cleansing and inspection of drains and sewers of all kinds;
- (e) declaration and enforcement of standards of purity of effluents from trade premises and purification works;
- (f) construction, maintenance, cleansing, inspection and control of the latrines and means of ablution of trade premises of all kinds;
- (g) siting, construction, maintenance, cleansing, inspection and control of places where any animals or birds are kept;
- (h) siting, construction, maintenance, cleansing, inspection and control of premises for offensive trades and of any other trade premises of a kind conducive to any nuisance;
- (i) maintenance, cleansing, inspection and control of lodging houses and specification of standards of adequacy of their floor-space, airspace, ventilation, latrines and means of ablution;
- (i) equipment, maintenance, cleansing, inspection and control of the premises of hair-dressers and barbers;
- (j) equipment, maintenance, cleansing, inspection and control of markets and market buildings;
- (k) maintenance, cleansing, inspection and control of public buildings and the adequacy of their latrines and means of ablution;
- (l) equipment, cleansing, inspection and control of laundries and washhouses.

96. In addition to regulations made in pursuance of other provisions of this Act the Minister may make regulations for carrying out the objects of this Act and in particular and without derogation from the generality of the power hereby conferred may by such regulations provide that contravention of or failure to comply with any such regulation shall be an offence and may prescribe the maximum penalty for such offence, in any case a fine not exceeding one thousand rupees and imprisonment not exceeding twelve months and may provide for the keeping of registers and records, the issue of licences and certificates, the forms of records, orders and any other instruments whatsoever, the payment of fees, expenses and costs and the disposal of moneys received.

97. The Minister may by notice in the Gazette amend the First Schedule.

FIRST SCHEDULE

[SECTIONS 2 AND 97 AND PART VII]

1. Anthrax
2. Beri-Beri
3. Cerebro-spinal fever
4. Cerebro-spinal meningitis (epidemic)
5. Cholera
6. Croup (membranous)
7. Diphtheria
8. Dysentery
9. Encephalitis
10. Enteric fever
11. Erysipelas
12. Food poisoning
13. Gastroenteritis
14. Gonorrhoea
15. Hepatitis (virus and amoebic)
16. Leprosy
17. Malta fever
18. Measles
19. Ophthalmia neonatorum
20. Paratyphoid fever
21. Plague
22. Poliomyelitis (acute)
23. Puerperal fever including any serious septic condition arising from the puerperal state.

24. Rabies
 25. Scarletina
 26. Scarlet fever
 27. Syphilis
 28. Smallpox
 29. Tetanus
 30. Tuberculosis (all forms clinically recognisable apart from reaction to the tuberculin test)
 31. Typhoid fever
 32. Typhus
 33. Whooping cough
 34. Yellow fever
-

LAW OF SEYCHELLES

PUBLIC HEALTH ACT

CHAPTER 189

G.N. 159/1931

149/1932

152/1932

162/1932

74/1933

140/1945

SI. 95/1975