

EXTERMINATION OF MOSQUITOES

An Act to prescribe measures for the extermination of mosquitoes; and to provide for matters incidental thereto.

13 of 1944
2 of 1945
31 of 1949
55 of 1963
69 of 1965
24 of 1966
13 of 1994
[18th August, 1944]
Government
Notices
291 of 1964
497 of 1964

1. This Act may be cited as the Extermination of Mosquitoes Act, and shall apply to every municipality, mine township and township and, if the Minister so directs, to any area within eight kilometres of the boundaries of a municipality or township and, if the Minister is satisfied that a source of infection to a populated area is situated outside such limit of eight kilometres, to the area in which such source is situated.

(As amended by No. 31 of 1949, G.N. No. 291 of 1964 and No. 69 of 1965)

2. In this Act, unless the context otherwise requires- Interpretation

"approved scheme" means a scheme approved by the Minister in pursuance of the provisions of section *six*;

"local authority" means-

(a) in the area of a municipal council, township council, such

council;

(b) in any other area, the District Secretary for the District in which the area is situate;

"Medical Officer of Health" means any Government Medical Officer, any medical practitioner appointed by the Director of Medical Services to act as Medical Officer of Health in any area specified in such appointment, and the Medical Officer of Health of a municipal council or township council;

"occupier" means, with reference to the particular premises in respect of which the word is used, any person occupying or residing in such premises, and includes any tenant, lodger or licensee;

"owner" shall, as regards land or any interest therein, include any person, other than the President, receiving the rent or profits of any lands or premises from any tenant or occupier thereof or who would receive such rent or profits if such land or premises were let whether on his own account or as agent for any person, other than the President, entitled thereto or interested therein. The term includes any lessee or licensee from the President and any superintendent, overseer or manager of such lessee or licensee residing on the holding.

(As amended by No. 2 of 1945, No. 55 of 1963, G.N. No. 291 of 1964 and No. 69 of 1965)

3. The Minister may, by statutory instrument, make rules prescribing the measures to be taken for the extermination of mosquitoes (in this Act referred to as the "prescribed measures") within any of the areas to which this Act applies.

Power to prescribe measures for extermination of mosquitoes

(As amended by No. 31 of 1949 and G.N. No. 291 of 1964)

4. (1) Every occupier or, in the absence of the occupier, every owner of a building or land within any of the areas to which this Act applies shall take all the prescribed measures and in addition all such other measures as are reasonably necessary to prevent the breeding of mosquitoes in or on such building or land which the local authority may by notice in writing order him to take, not involving in the case of buildings or lands outside municipalities or townships the expenditure of a sum exceeding three thousand penalty units on the same building or land during a period of twelve months:

Duties of occupiers

Provided that, where such occupier is a lodger merely, he shall not be required to take any of the measures mentioned in this subsection which necessarily involve any structural alteration of the premises occupied by him or any expenditure of money.

(2) In the case of two or more persons being joint occupiers or joint owners, each of them shall be deemed an occupier or owner for the purposes of this section.

(3) Where any such occupier or owner fails to take any of the measures which he is required to take under subsection (1), the local authority may, on giving not less than fourteen days' notice in writing of its intention so to do, cause such measures to be taken; and thereupon such occupier or owner shall, without prejudice to any penalty which he has incurred through such failure, be liable to pay all the costs of such undertaking not exceeding the limit of expenditure mentioned in subsection (1), which shall be recoverable as a debt by the local authority.

*(As amended by No. 69 of 1965 and No. 24 of 1966
and Act No. 13 of 1994)*

5. The Medical Officer of Health, and any person authorised by him in writing in that behalf, may, at any time between the hours of seven in the morning and six in the evening, enter upon any land or building within any of the areas to which this Act applies for all or any of the following purposes, that is to say:

Right of entry

(a) of ascertaining whether the measures required to be taken under this Act are being taken;

(b) of causing any measure to be taken in pursuance of the provisions of subsection (3) of section *four*;

(c) of determining whether any measures for the extermination of mosquitoes on such land, other than those prescribed or ordered under this Act, are desirable in the interests of public health in the vicinity thereof; and

(d) of preparing a scheme in pursuance of the provisions of subsection (1) of section *six*:

Provided that no entry shall be made into a dwelling-house without the

consent of the occupier or an order of a magistrate who is hereby authorised to issue such an order.

6. (1) Where the Director of Medical Services is satisfied that any measures of the kind mentioned in paragraph (c) of section *five* are desirable in the interests of public health in the vicinity of the land on which such measures are to be taken, he shall cause a scheme to be prepared for the prosecution of such measures, and the plans and specifications incidental thereto, for the consideration of the Minister.

Prosecution of
measures on
lands

(2) The Minister may approve the scheme either in its entirety or with such modifications as he may consider necessary

(3) A copy of the approved scheme and the plans and specifications incidental thereto shall be deposited in such place as the Minister may direct, and shall be available for inspection without fee by the owner or occupier of any lands affected thereby; and notice shall be published in the *Gazette* to the effect that such a scheme has been approved and containing a short description of the locality in which such lands are situate.

(4) Notice shall be served upon the occupier or occupiers of the lands to which an approved scheme relates containing such particulars and accompanied by such plans, if any, as are necessary to furnish information as to the nature of the works authorised to be done on such land.

(5) On the expiration of twenty-eight days after service as provided in subsection (4), it shall be lawful for the Director of Medical Services and any persons authorised by him in that behalf to enter upon the said lands and to do thereon all such acts as are necessary for the execution of the works authorised by the approved scheme.

*(As amended by No. 55 of 1963
and G.N. No. 291 of 1964)*

7. (1) Where any person suffers injury by reason of the prosecution of an approved scheme and is unable to agree with the Director of Medical Services as to the amount of compensation to be paid in respect of such injury, the amount due, if any, shall be settled by the High Court, which shall have jurisdiction to hear and determine the same upon a summons

Compensation

taken out by the Attorney-General or the person affected in the form contained in the Schedule or to a like effect:

Provided that, in settling the amount of compensation, no regard shall be had to any injury occasioned by the acquisition of any land by the Government for the purposes of the approved scheme.

(2) Nothing in this Act shall be construed as enabling the Government to acquire any lands otherwise than in pursuance of the provisions of the Lands Acquisition Act, and where an approved scheme involves the acquisition of land, the approval of the Minister thereto shall be deemed to be a resolution of the President that such land is required for a public purpose within the meaning of section *five* of the said Act. Cap. 189

*(As amended by No. 55 of 1963
and G.N. No. 291 of 1964)*

8. (1) Any person who obstructs any officer empowered to carry out the provisions of this Act, in any act authorised by this Act, is guilty of an offence and is liable to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a term not exceeding three months. Penalties

(2) Any occupier or owner who contravenes any of the provisions of section *four* is guilty of an offence and is liable, in the case of a first offence, to a fine not exceeding one hundred and fifty penalty units or to imprisonment for a term not exceeding fifteen days, and, in the case of a second or subsequent offence, to a fine not exceeding four hundred and fifty penalty units or to imprisonment for a term not exceeding one month.

(As amended by Act No. 13 of 1994)

SCHEDULE

(Section 7 (1))

FORM OF SUMMONS

IN THE HIGH COURT FOR ZAMBIA

*In the matter of the Settlement of Compensation payable under
section 7 (1) of the Extermination of Mosquitoes Act*

Let all parties attend at
on the day of, 19
at 'clock in the noon on the hearing of an application
on the part of for the
determination of the amount of compensation payable to
in respect of injury suffered by him in consequence of the prosecution of the measures
authorised to be taken on the lands shown on the plan attached to the scheme approved by
the Minister on the day of, 19,
a copy of which is attached hereto.

When the summons is taken out by the Attorney-General, the following words shall be added:

The Attorney-General is willing to pay as compensation the sum of

N.B.-If the said is willing to
accept the compensation above mentioned, he shall notify his assent to the Attorney-
General on or before the day of, 19

If the said is unwilling
to accept such compensation, he shall on or before the said day inform the
Attorney-General of the amount which he is willing to accept.

If the said fail to comply
with these instructions, the Court may order him to pay the costs of the proceedings.

Dated day of, 19

This summons was taken out by:

Registrar of the High Court

To: (Insert names of the parties interested in the question to be decided.)

(As amended by G.N. No. 291 of 1964)

SUBSIDIARY LEGISLATION

EXTERMINATION OF MOSQUITOES SECTION 1-APPLICATION OF ACT

Notices by the Minister

The Act is hereby applied to-

- (a) The areas within eight kilometres of the boundaries of-
City of Lusaka (No. 78 of 1950)

City of Kitwe (*No. 326 of 1953*)

Kabwe Municipality (*No. 78 of 1950*)

Livingstone Municipality (*No. 78 of 1950*)

Mufulira Mine Township (*No. 235 of 1954*)

Mufulira Municipality (*No. 235 of 1954*)

(b) The area within a radius of 11.263 kilometres from the Post Office at Chingola.

(*No. 190 of 1956*)

(c) The area within eight kilometres of the boundaries of the City of Ndola, but excluding any part of a Reserve* which may be within such area.

* Now referred to as "customary area"; see definition under section 2 of the Lands Act, Cap. 184.

(*No. 252 of 1957*)