

LAWS OF FIJI

CHAPTER 111

PUBLIC HEALTH ACT

ARRANGEMENT OF SECTIONS

PART I - PRELIMINARY

SECTION.

1. Short title.
2. Interpretation.

PART II - CONSTITUTION OF BOARD OF HEALTH AND LOCAL AUTHORITIES

3. Formation of Board of Health.
4. Members of the Board.
5. Board to be a body corporate and to have a common seal.
6. Regulations.
7. Medical officers of health.
8. Secretary and officers of Board.
9. Urban and rural sanitary districts.
10. Local authorities.
11. Powers of local authorities.
12. General Powers of supervision.
13. Regulations.
14. Inquiries as to public health matters.
15. Board may exercise powers of local authority.
16. Power to inspect water and sewerage works.

PART III - BUILDINGS

17. Application of Part.
18. Building lots to be filled in and drained.
19. Notice to be given and plan furnished.
20. Building sites not to be filled in with refuse matter.
21. Closing orders.
22. Examination of premises.
23. Notice of closing order.
24. Resolution to order demolition.
25. Notice of resolution.
26. Demolition order.
27. Execution of work by owner.

28. Removal of buildings.
29. Appeal against order.
30. Existing buildings to be provided with privies, etc.
31. New buildings to be provided with privies, etc.
32. When privy or dustbin sufficient.
33. Main drains.
34. Privies and drains to be properly constructed and maintained.
35. Public privies and dustbins.
36. Local authority may enforce provision of privy accommodation.
37. Provision for filling up of cesspits.
38. Offence.
39. Regulations.

PART IV - PREMISES FOR THE PRODUCTION, MANUFACTURE, PREPARATION, STORAGE, DISTRIBUTION, SALE OR CONSUMPTION OF FOOD

40. Protection of food from contamination.

Bakehouses

41. Application to use place as bakehouse.
42. Painting and washing premises.
43. Conditions to be observed in structural arrangements of bakehouses.
44. Penalty for using insanitary premises.
45. Sleeping places.
46. Persons suffering from diseases.
47. Powers of entry and inspection.

Butchers' shops and distribution of meat

48. Regulations.

Hairdressers

49. Control of hairdressers' shops and other establishments.

PART V - SANITARY SERVICES

50. Sanitary services to be approved by Board.
51. Permit from local authority.
52. Regulations and by-laws.
53. Application.

PART VI - NUISANCES

54. Local authority to inspect district for detection of nuisance.

55. Penalty for certain nuisances about premises.
56. Certain nuisances may be abated summarily.
57. Notice requiring abatement of nuisance.
58. On non-compliance with notice order to be made.
59. Nuisance order.
60. Appeal against nuisance order.
61. When order may be addressed to local authority.
62. Sale of matter of thing removed in abating nuisance.
63. Power of entry.
64. Recovery of costs and expenses.
65. Power of individual to complain to magistrate.
66. Penalty for injuring drain, etc., so as to cause nuisance.

PART VII - INFECTIOUS DISEASES

Administration

67. Administration of Part.
68. Infectious diseases may be added to or deleted from First Schedule.

Powers

69. Powers.
70. Penalty for obstructing Permanent Secretary, etc.
71. Notification of infectious diseases.
72. Ships, tents, etc.
73. Notice of death from infectious disease to be given.
74. Offences with respect to infectious diseases.
75. Further offences with respect to infectious diseases.
76. Bodies of persons dying of infectious diseases in hospital, etc., to be removed only for burial.

General provisions

77. Unauthorised entry into or departure from place of isolation.
78. Apprehension of person liable to isolation.
79. Infected goods may be removed and dealt with.
80. Expenditure by Board and local authorities.

Expenses of isolation and disinfection

81. Expenses of isolation, how borne.
82. Persons injuriously affected by order entitled to compensation.
83. Regulations.

PART VIII - VENEREAL DISEASES

84. Persons suffering from venereal disease to be treated until cured.
85. Compulsory examination and treatment of venereal disease.
86. Duties of parents or guardians of infected children.
87. Infection by employees.
88. Conveyance of infection an offence.
89. Penalty.

PART IX - OFFENSIVE TRADES

90. Permission by Board to carry on offensive trades.
91. Regulations.

PART X - COMMON LODGING - HOUSES AND HOUSES LET AS LODGINGS

92. Register of common lodging-houses.
93. Lodging-house not to be occupied unless registered.
94. Premises to be inspected before registration.
95. Local authority to have free access.
96. Penalty for using unregistered premises.
97. Burden of proof as to persons being of same family.
98. Regulations.
99. Default in complying with regulations.
100. Cancelling of registration.
101. Register of houses let as lodgings.
102. Regulations.

PART XI - MOSQUITOES

103. Breeding places of mosquitoes to be nuisances.
104. Premises to be kept free from bottles, etc.
105. Premises to be kept free from bush and long grass.
106. Wells, etc., to be covered.
107. Gutters may be required to be perforated.
108. Larvae may be destroyed.
109. Mere presence of mosquito larvae an offence.
110. Penalty.
111. Powers of sanitary inspector may be exercised by authorised person.

PART XII - SHIPS

112. Interpretation.
113. Sanitary accommodation on passenger vessels.
114. Power to enter and inspect ships.
115. Removal of nuisance.
116. What the order may require.
117. Penalty.

118. Power of medical officer of health or sanitary inspector to execute order.
119. Application of Parts VII and VIII to ships.

PART XIII - WATER SUPPLY

120. Houses to be supplied with water supply.
121. Local authority may enforce provision of water supply.
122. In default local authority may order building be not occupied.
123. Penalty.
124. Well to be fitted with raised parapet, etc.
125. Tank, etc., to be kept clean.
126. Penalty.

PART XIV - LAUNDRIES

127. Regulations.

PART XV - BY-LAWS AND REGULATIONS

128. Penalties for breaches of by-laws and regulations.
129. Confirmation of by-laws and regulations.

PART XVI - LEGAL PROCEEDINGS

130. Recovery of costs and expenses.
131. Recovery of penalties.
132. Appearance of local authority in legal proceedings.
133. Fines, etc., recovered by city or town council.
134. Service of notices and orders.
135. Nuisance caused by or existing on premises of two or more owners.
136. Proceedings not to abate by reason of death.
137. Owner of premises need not be further designated.
138. Right of appeal.
139. Forms.
140. Act not to apply to Fijian villages.
141. General penalty.

CHAPTER 111

PUBLIC HEALTH

Ordinances Nos. 29 of 1935, 14 of 1939, 17 of 1942, 2 of 1945, 27 of 1947, 9 of 1948, 4 of 1954, 9 of 1955, 27 of 1957, 31 of 1961, 10 of 1964, 27 of 1965, 12 of 1966, 37 of 1966, Acts No. 3 of 1972, 14 of 1975, 13 of 1977

An Act relating to public health

[1st January, 1936.]

PART I - PRELIMINARY

Short title

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

Interpretation

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

"animal" includes any horse, mare, gelding, ass, mule, bull, cow, ox, steer, swine, goat or sheep and the young thereof;

"bakehouse" means any place in which are prepared or baked for sale for human consumption bread, biscuits, cakes or confectionery;

"Board" means the Central Board of Health constituted under this Act;

"Cattle" means bovine cattle and includes goats;

"cesspit" means any receptacle for nightsoil or for offensive matter;

"common lodging-house" means that class of lodging house not being an hotel, inn or public-house in which persons of the poorer class are received for short periods and though strangers to one another, are allowed to inhabit one common room and includes, in any case in which only part of a house is used as a common lodging-house, the part so used of that house;

"conveniences" includes water supply, privies, surface and other drains;

"district" means the district of a local authority;

"drain" means a drain used solely in connexion with any building or premises within the same curtilage and "main drain" means every other drain;

"employed" as applied to any person includes any person working in a bakehouse whether he receives wages or not;

"food" means every article which is used for food or drink by man, or which enters into or is used in the composition or preparation of any such article, and includes flavouring matters, colouring matters, essences, condiments, spices, confectionery, ice and ice cream.

(Substituted by 27 of 1947, s. 2.)

"house", "dwelling-house" or "building" respectively include the curtilage of a house, dwelling-house or building;

"house let as lodgings" includes an hotel and any building or part of a house including the verandah thereof, if any, which is let or sublet in lodging or otherwise, either by stories, by flats, by rooms, or by portions of a room or a verandah;

(Substituted by 14 of 1939, s. 2.)

"infectious disease" means any disease enumerated in the First Schedule and any other disease which the Minister may declare temporarily or permanently to be an infectious disease within the meaning of this Act;

"injurious" includes dangerous;

"launderer" means any person working in connexion with a laundry and includes any person conveying to and from a laundry articles to be laundered or which have been laundered;

"laundry" means any room or rooms in which wearing apparel, household and domestic linen and linen from shipping or similar things are laundered for profit;

"local authority" means a local authority constituted under this Act;

"medical officer of health" includes any person duly authorised temporarily to act as medical officer of health;

"medical practitioner" means a person registered as a medical practitioner under the provisions of the Medical and Dental Practitioners Act;

(Substituted by 37 of 1966, s. 36, and amended by 14 of 1975, s. 23.) (cap. 255)

"occupier" includes any person in possession;

"offensive trade" means any trade specified in the Second Schedule or which may from time to time be added to that Schedule by resolution of the Board and published in the Gazette;

"owner" applies to every person in possession of or in receipt either of the whole or of any part of the rents or profits of any land or tenement or in the occupation of that land or tenement other than as a tenant from year to year or for any less term or as a tenant at will;

"Permanent Secretary" means the Permanent Secretary for Health;

"personal effects, goods, premises, drains, vehicles and local vessels subject to isolation" means personal effects, goods, premises, drains, vehicles and local vessels which in the opinion of the Permanent Secretary or of a medical officer of health have been contaminated by any person subject to isolation or by anything infected with the virus of an infectious disease;

"persons subject to isolation" means persons suffering or suspected to be suffering from any infectious disease or who may otherwise in the opinion of the Permanent Secretary or of a medical officer of health be or become sources of infection with an infectious disease;

"premises" includes messuages and buildings and lands, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;

"privy" includes earth-closet, water-closet, urinal and every place for the reception of faecal matter and includes septic tanks;

"privy accommodation" means any privy or other sanitary convenience;

"proprietor" means the owner or occupier as registered;

"proprietor" means, in relation to a laundry, any person who owns, controls or manages a laundry;

"to sell" includes to barter and also includes to offer or attempt to sell or receive for sale or have in possession for sale or expose for sale or send forward for sale or deliver for sale or cause or suffer or allow to be sold, offered or exposed for sale, but refers only to selling for consumption or use by man, and to sell food includes to supply meals at any hotel, restaurant or boarding-house;

"selling", "sale" and "sold" are to be construed in relation to the definition of the expression "to sell";

"street" means any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

"venereal disease" means gonorrhoea, granuloma venereum, gonorrhoeal ophthalmia, lymphogranuloma inguinale, soft chancre, syphilis and venereal warts;

(Substituted by 10 of 1964, s. 2.)

"washing" means the washing and ironing of wearing apparel, household and domestic linen and linen from shipping and other textile fabrics and any process incidental thereto.

PART II - CONSTITUTION OF BOARD OF HEALTH AND LOCAL AUTHORITIES

Formation of Board of Health

3. For the purposes of this Act, there is hereby constituted an authority to be called the "Central Board of Health".

Members of the Board

4. (1) The Board shall consist of a Chairman, who shall be the Permanent Secretary, and six other members appointed by the Minister of whom at least four shall not be public officers on the date of their appointment to the Board.

(2) A quorum of the Board shall be three members.

(3) At all meetings of the Board, the Chairman, or in his absence such member as the other members present may elect, shall preside.

(4) At all meetings of the Board, the decision of the majority of members present shall prevail. In the case of an equality of votes on any decision, the person presiding shall have a casting vote. *(Substituted by 10 of 1964, s. 3.)*

Board to be a body corporate and to have a common seal

5. (1) The Board shall be a body corporate with the name of the Central Board of Health and may sue and be sued under that name and shall have perpetual succession and a common seal.

(2) All courts of law, judges, justices of the peace and persons acting judicially shall take judicial notice of the common seal of the Board when affixed to any documents and shall presume that it was duly affixed.

Regulations

6. The Board may from time to time make regulations as to its own proceedings under this Act and as to the performance by its officers of their duties and the carrying out of the powers vested in the Board by this Act or any by-laws or regulations made thereunder.

Medical officers of health

7. For the purposes of this Act, the Minister may appoint fit persons to be medical officers of health who shall have such functions and duties as are prescribed by this Act or by by-laws or regulations made thereunder.

Secretary and officers of Board

8. The Minister may from time to time appoint a secretary to the Board and such officers and servants as may be necessary.

Urban, and rural sanitary districts

9. (1) For the purposes of this Act, Fiji shall be divided into urban and rural sanitary districts.

(2) Any city or town shall be an urban sanitary district.
(Substituted by 9 of 1955, s. 13.)

(3) Rural sanitary districts shall be such districts as may from time to time be fixed and defined by the Board by resolution and approved by the Minister.

(4) Urban and rural sanitary districts shall respectively be subject to the jurisdiction of the local authorities invested with the powers in this Act mentioned.
(Section amended by 14 of 1975, s. 23)

Local authorities

10. (1) The following shall be local authorities for the purposes of this Act: -

(a) in a city or town the city or town council;

(b) in the rural districts, such person or body as may from time to time be appointed by the *Minister;

(c) for any part of Fiji which is not included in either an urban or rural sanitary district the Board shall be the local authority for the part.
(Amended by 9 of 1948, s. 2, 9 of 1955, s. 13 and 14 of 1975, s. 23)

*Delegated to Commissioners of Division by Notice 11th November 1965.

(2) All references in this Act to a local authority are made to the local authority of the district in which the subject-matter of the particular reference arises or occurs.

Powers of local authorities

11. (1) The local authority in every district shall, subject to the approval of the Board, appoint such sanitary inspectors as may be necessary.

(2) The local authority in every district may frame regulations for submission to the Board and for the approval of the Minister in accordance with this Act.

(3) A quorum of a local authority shall, unless otherwise provided for, consist of three members of the local authority. Where a medical officer of health or a sanitary inspector is a member of the local authority, one of the members forming the quorum aforesaid shall be either a medical officer of health or a sanitary inspector. *(Substituted by 4 of 1954, s. 2.)*

General powers of supervision

12. (1) Subject to the provisions of this Act and of the regulations and by-laws made thereunder the Board shall have and exercise general powers of supervision and inspection over the several local authorities and may from time to time give such directions and make such orders for the due compliance with its directions as may from time to time to the Board seem fit.

(2) The Board, on its being proved to its satisfaction that any local authority has made default in doing its duty under this Act with respect to the removal of any nuisance, the institution of any proceedings or the enforcement of any regulation or by-law, shall make an order limiting the time for the performance of the duty in the matter of the default. If the duty is not performed within the time limited the Board may appoint some person to perform it or may institute any proceedings and do any act which the local authority might have instituted or done for that purpose, and shall be entitled to recover from the local authority in default such expenses in and about the said proceedings or act as the Board shall incur and are not recovered from any other person and have not been incurred in any unsuccessful proceeding.

Regulations

13. The Board may, subject to the approval of the Minister, from time to time make regulations for –

(a) the definition and regulation of the powers and duties of local authorities and of the officers thereof;

(b) the proceedings and place of meeting of local authorities and of committees thereof.

Inquiries as to public health matters

14. The Board may cause to be made such inquiries as it thinks fit in relation to any matters concerning the public health or in relation to any matters with respect to which its sanction, approval or consent is required by this Act and for that purpose any person authorised in writing by the Board may at any reasonable time enter any premises.

Board may exercise powers of local authority

15. The Board may, in addition to the powers and authorities conferred on it by this Act exercise all the powers and authorities vested in a local authority by this Act within the district of that local authority.

Power to inspect water and sewerage works

16. (1) The Board whenever it deems it necessary in the interests of the public health or the health of any persons, may, on giving due notice, enter any premises vested in or under the control of any local authority or of any other person for the purposes of water supply or sewerage

or the disposal of sewage and inspect the same and any works thereon or therein constructed or used for the said purposes. (*Amended by 37 of 1966, s. 36.*)

(2) Any local authority or person aforesaid on receiving the notice aforesaid shall instruct its officers and servants to aid and assist the Board in making the inspection and shall permit the Board to inspect any apparatus and things used in connexion with any works of water supply or sewerage or the disposal of sewage of the local authority or person and any records, books or plans relating to those works or to any works connected therewith. (*Amended by 37 of 1966, s. 36.*)

PART III - BUILDINGS

Application of Part

17. The provisions of this Part shall apply only to places outside the boundaries of a town constituted under the provisions of the Local Government Act with the exception of sections **21** to **29** inclusive which shall apply to the whole of Fiji.

(*Cap. 125*)

Building lots to be filled in and drained

18. No dwelling-house or building for business purposes shall be erected on any area of land unless and until the owner or lessee thereof has filled in and levelled the area to the satisfaction of the local authority and taken such measures for the general drainage of the area as may be required by the local authority.

Notice to be given and plan furnished

19. Every owner or lessee intending to utilize any area of land for the erection of a dwelling-house or building for business purposes shall give notice accordingly in writing to the local authority and shall together with the notice, furnish a plan of the site showing the access thereto and the course of the proposed drainage for the approval of the local authority.

Building sites not to be filled in with refuse matter

20. (1) Except with the sanction of a local authority it shall not be lawful to fill up or to raise the level of any land to be used as a building site with refuse matter containing or impregnated with faecal, animal or vegetable matter.

(2) It shall not be lawful to erect any new building on any ground which has been filled up with any such refuse matter as aforesaid or upon which it has been deposited unless and until the refuse matter shall have been properly removed by excavation or otherwise or shall have been rendered or shall have become innocuous to the satisfaction of the local authority.

Closing orders

21. (1) Where a medical officer of health, assistant medical officer of health or any officer of the Board or of the local authority serves notice in writing on the local authority that any house or other building within its area is unfit or unsafe for human habitation or occupation, such local authority may by an order in writing, hereinafter referred to as a closing order, declare that such house or building or any part thereof is not fit for human habitation or occupation and direct that such house or building or part thereof shall not after the time specified in such order be inhabited or occupied by any person.

(2) Such order may provide that such direction shall not have effect if the repairs or alterations specified therein are made in the house or building so as to render it fit for human habitation or occupation to the satisfaction of the local authority or of the Board.

(3) Such order shall be served on the owner or occupier of the house or building or, if neither the occupier nor the owner can be found, such service may be effected by affixing a copy of such order on a conspicuous part of such house or building.

Examination of premises

22. The Board or local authority may upon satisfactory evidence open any ground and remove any flooring and take such measures as may be deemed necessary to ascertain the construction and condition of the house or building and all pipes, drains and fittings in connexion therewith:

Provided that if the house or building or any pipe, drain or fitting in connexion therewith on such examination is found to be in proper condition, the local authority shall cause the ground to be closed or the flooring replaced and any damage done to be made good as soon as can be and the expenses of the works shall be defrayed by the local authority.

Notice of closing order

23. Where a closing order has been made in respect of a building, the local authority or the Board shall serve a notice of the order on every occupying tenant of the building and within such period as is specified in the notice, not being less than seven days after the service of the notice, the order shall be obeyed by him and he and his family shall cease to inhabit the building, and in default he shall be liable to a fine not exceeding two dollars a day during his disobedience to the order.

Resolution to order demolition

24. Where a closing order has been made in respect of any house or building and has not been determined by any subsequent order, then the local authority or Board, if of opinion that the house or building has not been rendered fit for human habitation or occupation and if the necessary steps are not being taken to render it so fit, shall pass a resolution that it is expedient to order the demolition of the house or building or any part thereof.

Notice of resolution

25. The local authority or Board shall cause notice of such resolution to be served on the owner of the house or building and such notice shall specify the time and place appointed by the local authority or Board for the further consideration of the resolution, not being less than one month after service of the notice, and any owner of the house or building shall be at liberty to attend and state his objections to the demolition.

Demolition order

26. If upon consideration of the resolution and objections the local authority or Board decide it is expedient so to do, then, unless the owner undertakes to execute forthwith the works necessary to render the house or building fit for human habitation or occupation, the local authority or Board shall order the demolition of the house or building or any part thereof.

Execution of work by owner

27. If the owner undertakes as aforesaid to execute the said works, the local authority or Board may order the execution of the works within such reasonable time as is specified in the order and if the works are not completed within the time or any extended time allowed by the local authority or Board the local authority or Board shall order the demolition of the said house or building or any part thereof.

Removal of buildings

28. Where an order for the demolition of a house or building or any part thereof has been given, the owner thereof shall, within three months after service of the order, proceed to take down and remove the said house or building or the said part thereof and, if the owner fails therein the local authority or Board shall proceed at his risk and expense to take down and remove the same and shall sell the material and, after deducting the expenses incidental to such taking down and removal, shall pay over the balance, if any, to the owner. If such proceeds do not cover the expenses the amount of the deficiency may be recovered by the local authority or Board from the owner.

Appeal against order

29. (1) Any person aggrieved by an order of the local authority or Board under the provisions of section **26** may within ten days of the service of such order require by summons the local authority or Board to appear before a magistrate to show cause why the order should not be set aside.

(2) An appeal shall lie to the Supreme Court from the decision of a magistrate under the provisions of subsection (1) and the provisions of Part X of the Criminal Procedure Code shall apply mutatis mutandis to such appeals.

(Cap. 21)

Existing buildings to be provided with privies, etc.

30. Every building intended for human occupation shall be provided with a sufficient privy and

dustbin and with proper drains for the efficient carrying off of storm and slop water to the satisfaction of the local authority:

Provided always that if in the opinion of the local authority, having regard to the number and description of the persons occupying or using such building, more than one such privy or dustbin shall be provided, the local authority may by written notice require the owner or occupier of the building within a reasonable time therein specified to provide such additional number of privies and dustbins or either of them as the case may require.

New buildings to be provided with privies, etc.

31. Every such building erected or re-built or any building converted into a dwelling-house shall be provided with a sufficient privy and dustbin and with proper drains for the efficient carrying off of storm water and slop water to the satisfaction of the local authority.

When privy or dustbin sufficient

32. A privy or dustbin shall not be deemed to be sufficient within the meaning of this Act unless it be of such type or description and be furnished with such coverings, fittings and connexions as may be required by regulations made under this Act.

Main drains

33. It shall be lawful for the local authority to call upon the proper authority or person to provide and maintain the necessary main drains for the carrying off of all storm and (except within a sewered district) slop water flowing from buildings and the lands occupied therewith.

Privies and drains to be properly constructed and maintained

34. It shall be the duty of the local authority to provide to the satisfaction of the Board that all privies and drains within its district are so constructed and maintained as not to be likely to become a nuisance or injurious to health.

Public privies and dustbins

35. The local authority may, and when so directed by the Board shall, provide and maintain in proper and convenient situations in its district sufficient privies and dustbins for the public use.

Local authority may enforce provision of privy accommodation

36. (1) If a house or building within the district of a local authority appears to that authority by the report of a medical officer of health or sanitary inspector to be without a sufficient privy and dustbin furnished with proper doors and coverings respectively, the local authority shall by written notice require the owner or occupier of the house or building within a reasonable time therein specified to provide a sufficient privy and dustbin furnished as aforesaid or either of them as the case may require.

Default

(2) In default of compliance with the notice the local authority may at the expiration of the time specified in the notice do the work thereby required to be done and may recover from the owner the expenses incurred by it in so doing.

(Amended by 2 of 1945, s. 103.)

(3) Provided that where a privy has been and is used in common by the inmates of two or more houses and if in the opinion of the local authority a privy may be so used it need not require the same to be provided for each house.

Provision for filling up of cesspits

37. (1) If it shall appear to a medical officer of health or sanitary inspector that any cesspit or other receptacle used or formerly used as a receptacle for excreta or other offensive matter or for the whole or any part of the drainage of a house or building or any dustbin or any well or disused well belonging to a house or building or part of a house or building is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to take away its objectionable character, the medical officer of health or sanitary inspector may, if he thinks fit, by notice in writing require the owner or occupier of that house or building or part of a house or building within a reasonable time to be specified in the notice to cause the cesspool, receptacle, dustbin or well to be filled up or removed and any drain communicating therewith to be effectually disconnected, destroyed or removed or to cause the cesspit, receptacle, dustbin or well to be so altered as to take away its objectionable character. *(Amended by 17 of 1942, s. 2.)*

(2) Where it appears that the cesspit, receptacle, dustbin or well aforesaid is used in common by the occupants of two or more houses or buildings or parts of houses or buildings, the notice for filling up or removal of the cesspit, receptacle, dustbin or well may be served on any one or more of the owners or occupiers of those houses or buildings and it shall not be necessary to serve the notice on all the owners or occupiers.

(3) If default is made in complying with the requisition of a notice under this section the local authority may itself carry out the requisition and may recover the expenses incurred by it in so doing from the owners or occupiers in default. *(Amended by 2 of 1945, s. 103.)*

Offence

38. Notwithstanding any of the provisions of this Part, whosoever fails to comply with a written notice issued under the provisions of sections **36** and **37** shall be guilty of an offence against this Part.

Regulations

39. (1) The Board may, with the approval of the Minister, from time to time make regulations

under this Part which may be applicable to the whole of Fiji or any defined part of Fiji in respect of -

(a) the type, position, construction and maintenance of privies and the number of privies to be provided in respect of any particular class of buildings;

(b) the construction of buildings including the sites, plans, building lines, air space, drainage, access, materials, workmanship, ventilation, overcrowding, maintenance and occupation thereof, and such matters relating to buildings as the Board may consider necessary.

(2) The Towns (Building) Regulations made under the Towns Ordinance, 1935 and continued in force by the Towns Ordinance, 1948 and by the Local Government Act shall be deemed to have been made under the powers contained in this section. (*Inserted by 13 of 1977, s. 10.*)

PART IV - PREMISES FOR THE PRODUCTION, MANUFACTURE, PREPARATION, STORAGE, DISTRIBUTION, SALE OR CONSUMPTION OF FOOD

Protection of food from contamination

40. (1) Every person who is engaged in the manufacture, preparation, storage, packing, carriage or delivery of foods for sale, shall, when so engaged, maintain his clothing and his body clean.

(2) No person who is suffering from any infectious or contagious disease, skin eruption, consumption (*phthisis*) or any loathsome or venereal disease or who is a proved carrier of any infectious disease or who is wearing unclean or medicated bandages, shall engage in the manufacture, preparation, storage, packing, carriage or delivery for sale of any food. (*Amended by 17 of 1942, s. 3.*)

(3) No person shall spit and no person shall smoke or chew tobacco while engaged in the manufacture, packing or storing of any food for sale and no person shall urinate, spit or smoke or chew tobacco in any place used for the manufacture or preparation of such food:

Provided that this subsection and the provisions of subsections (1) and (2) shall not apply to the packing, carriage or storing of any food which is enclosed in an hermetically sealed container.

(4) Food for sale and every receptacle, implement, vehicle, article, utensil, tool of trade, bench, fitting, machine or other appliance, and every place used for or in connexion with the manufacture, preparation, storage, packing, carriage or delivery of any food for sale shall at all times-

(a) be kept clean;

(b) be kept free from foul odours;

(c) be kept as far as practicable free from flies or insects; and

(d) be kept as far as practicable free from dust.

(5) No person shall manufacture, prepare, pack, store or offer or expose for sale any article of food in any place which is at any time used as a sleeping apartment or a living apartment, or which is in direct communication with a sleeping apartment or a living apartment or which is in direct communication with any stable, urinal, privy or water-closet or in any place in which any thing is kept or any animal is allowed to be or in which work is carried on which would be likely to contaminate such article of food or injuriously affect its wholesomeness or cleanliness. Every place used for or in connexion with the sale, manufacture, preparation, storage or packing of any food for sale shall, as far as practicable, be used for that purpose only. *(Amended by 14 of 1939, s. 4.)*

(6) Vehicles and receptacles which are used in the carriage or delivery of any food for sale shall be kept at all times clean and no such vehicle or receptacle shall at any time be used for the carriage of any matter whereby the wholesomeness, cleanliness and freedom from contamination of any food carried or usually carried therein would or might be endangered.

(7) Every person who uses any room, compartment, premises or place for or in connexion with the manufacture, preparation, packing, storage, carriage or delivery for sale of any article of food shall keep such room, compartment, premises or place clean, free from foul odours and reasonably free from rats, mice, cockroaches, flies, bugs, moths and all other vermin, and shall cause the walls and all floors and ceilings to be properly constructed and kept in good repair.

(8) No person shall use any vessel or copper which is used for boiling clothes for the preparation of food for sale.

(9) No person shall use any receptacle, vessel, appliance or vehicle in connexion with the preparation, storage, packing, carriage or delivery of any food for sale unless such receptacle, vessel, appliance or vehicle is constructed of such material and in such a manner as to be easily cleansed and kept clean.

(Amended by 14 of 1939, s. 4.)

(10) The owner or occupier of premises used for the manufacture, preparation or storage of any food for sale which by reason of their situation, construction or disrepair are not such as to preserve such food as far as possible free from contamination, wholesome and clean shall, on receipt of notice in writing from the local authority requiring him to do so, cease to use or shall reconstruct or shall repair the premises as directed in, and within the time specified in, the notice.

(11)(a) The Board may, with the approval of the Minister, from time to time make regulations-

(i) for the regulation and licensing of hotels, restaurants, refreshment bars, eating houses, cafes, kava saloons, bars and any other premises in which food or drink are sold or supplied for consumption on the premises, and such regulations may provide for licences thereunder being required in addition to any licence required

under any other Act and for the suspension or cancellation of licences for a breach of any such regulations;

(ii) for securing the suitable construction, maintenance, decoration, lighting, ventilation, water supply, sanitation and cleanliness of any such premises and any premises or vehicles used for the manufacture, preparation, storage, packing, carriage or delivery of food or drink for sale, and for regulating the use of any such premises or vehicle or part thereof so far as is necessary or desirable in the interests of health, sanitation or cleanliness;

(iii) providing for the inspection of any such premises or vehicles as is mentioned in paragraphs (i) and (ii);

(iv) prescribing the fixtures, fittings, apparatus, utensils and equipment to be provided in any such premises or vehicles as aforesaid and the use or treatment thereof;

(v) for securing the freedom from infection and the cleanliness and hygienic conduct of persons employed or engaged therein or in connexion therewith;

(b) Regulations made under this subsection may provide for the imposition on offenders against the same of a fine not exceeding two hundred dollars or imprisonment for a term not exceeding six months or both such fine and imprisonment, and in the case of a continuing offence of a further fine not exceeding ten dollars for each day during which the offence continues. (*Subsection substituted by 27 of 1957, s. 2.*)

Bakehouses

Application to use place as bakehouse

41. (1) Every person who intends to use any place as a bakehouse shall make application in writing to the local authority setting out his full name and a correct description of the premises so used or intended to be used and, if the local authority is satisfied that the premises specified in the application are such as can properly be used as a bakehouse under this Act, it shall issue to the applicant an annual certificate to that effect.

Register

(2) The particulars of each application and certificate shall be entered in a book to be kept by the local authority and to be called "The Bakehouse Register".

(3) Any person who uses any place as a bakehouse without having first obtained a certificate as hereinbefore provided shall be liable to a fine not exceeding ten dollars and in default of payment to imprisonment for any term not exceeding twelve months. (*Amended by 2 of 1945, s. 103., and 14 of 1975, s. 23.*)

Painting and washing premises

42. (1) The inside walls of the rooms of a bakehouse and the ceilings or tops of those rooms, whether the walls, ceilings or tops be plastered or not, and all passages and staircases of a bakehouse shall either be painted with oil or varnish or be lime-washed. When painted with oil or varnish there shall be three coats of paint or varnish and the paint or varnish shall be renewed once at least in every four years and shall be washed with hot water and soap once at least in every six months, and when lime-washed the lime-washing shall be renewed at least once in every six months.

(2) The occupier of any bakehouse who fails to keep the same in the conformity with this section shall be liable to a fine not exceeding twenty dollars. (*Amended by 2 of 1945, s. 103.*)

Conditions to be observed in structural arrangements of bakehouses

43. (1) It shall not be lawful to let or permit to be occupied as a bakehouse or to occupy as a bakehouse any room or place unless the following provisions are observed:-

(a) no privy or dustbin shall be within or communicate directly with the bakehouse;

(b) no drain or pipe for carrying off faecal matter or sewage shall have an opening within the bakehouse; and

(c) every bakehouse shall be provided with proper means for effectual ventilation to the satisfaction of the medical officer of health.

(2) Any person who lets or permits to be occupied or who occupies any room or place as a bakehouse in contravention of this section shall be liable to a fine not exceeding ten dollars and to a further fine not exceeding fifty cents for every day during which any room or place is so occupied after a conviction under this section. (*Amended by 2 of 1945, s. 103.*)

Penalty for using insanitary premises

44. (1) Where a court is satisfied on a prosecution instituted by a local authority that any room or place used as a bakehouse is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier of the bakehouse shall be liable to a fine not exceeding ten dollars and on a second and subsequent conviction to a fine not exceeding twenty dollars.

(*Amended by 2 of 1945, s. 103, and 37 of 1966, s. 36.*)

(2) The court, in addition to or instead of inflicting the penalty, may order means to be adopted by the occupier within the time named in the order for the purpose of removing the ground of complaint.

(3) The court may on application enlarge the time so named but if, after the expiration of the time so originally named or enlarged by subsequent order, the order is not obeyed, the occupier shall be liable to a fine not exceeding two dollars for every day on which the order has not been obeyed.

(Amended by 2 of 1945, s. 103.)

Sleeping places

45. (1) No room or place on the same level with the bakehouse and forming part of the same building shall be used as a sleeping place unless it is effectually separated from the bakehouse by a partition extending from the floor to the ceiling and unless there be an external window of at least nine superficial feet in area made to open for ventilation.

(2) Any person who lets or occupies or knowingly suffers to be occupied any room or place contrary to the provisions of this section shall be liable to a fine not exceeding two dollars for the first offence and ten dollars for any subsequent offence. *(Amended by 2 of 1945, s. 103.)*

Persons suffering from diseases

46. (1) No person who is suffering from any infectious or contagious disease shall be employed in a bakehouse.

(2) If any person is employed in contravention of this section the owner of the bakehouse in which he is employed shall be liable to a fine not exceeding twenty dollars for the first offence and forty dollars for any subsequent offence. *(Amended by 2 of 1945, s. 103.)*

Powers of entry and inspection

47. (1) A medical officer of health or sanitary inspector under this Act shall for the purposes of the execution of this part of this Act have power -

(a) to enter, inspect and examine at all reasonable times by day or night any bakehouse;

(b) to take with him a police officer into a bakehouse in which he has reasonable cause to apprehend any obstruction in the execution of his duty;

(c) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with so far as respects the bakehouse and the persons employed therein.

(2) The occupier of any bakehouse and his agents and servants shall furnish the means required by the medical officer of health or sanitary inspector which may be necessary for an entry, inspection, examination and inquiry in relation to that bakehouse.

(3) Every person who wilfully delays the medical officer of health or sanitary inspector in the exercise of any power under this section or who fails to comply with any requisition of that officer or inspector in pursuance of this section shall be guilty of an offence under this Act.

Butchers' shops and distribution of meat

Regulations

48. The Board may, with the approval of the Minister from time to time make regulations in respect of-

- (a) the proper management, control and sanitary condition of all butchers' shops; and
- (b) the distribution of food from butchers' shops.

(Amended by 3 of 1972, s. 2.)

Hairdressers

Control of hairdressers' shops and other establishments

49. The Board may, with the approval of the Minister, make regulations providing for the proper management, control and sanitary condition of hairdressers' shops and of premises upon which manicure, pedicure, chiropody or tattooing of the skin is carried on, and may by such regulations prescribe the precautions which shall be taken by persons engaged in any such occupation to avoid the spread of disease or infection. *(Inserted by 27 of 1947, s. 8.)*

PART V - SANITARY SERVICES

Sanitary services to be approved by Board

50. All schemes for the disposal of nightsoil, collection of garbage or other sanitary services within the district of any local authority shall, before being put into operation, be submitted to the Board for approval, and no such scheme shall be put into operation until the approval of the Board has been obtained.

Permit from local authority

51. No person shall engage in the business of carrying or removing nightsoil or garbage except with a permit from the local authority and any person so engaging without such permit shall be liable to a fine not exceeding ten dollars. *(Amended by 2 of 1945, s. 103.)*

Regulations and by-laws

52. The Board may, with the approval of the Minister, make regulations, and the local authority of any urban sanitary district may, with the consent of the Board and the approval of the Minister make by-laws, for -

- (a) the storage, collection and disposal of nightsoil and garbage or other offensive matter;
- (b) preventing the accumulation of dust, filth, ashes and refuse on premises and public places and the duties of owners, occupiers and other persons with regard thereto;

(c) regulating or preventing the keeping of live or dead animals or poultry where the keeping of them (although not prohibited by law) is or is likely to be a nuisance or injurious to health; (*Amended by 17 of 1942, s. 4.*)

(d) prescribing the fees to be paid by the owner or occupier of any house, building or premises for the removal of garbage, refuse, ashes, or nightsoil therefrom, and providing for the recovery of such fees by distress or otherwise. (*Inserted by 14 of 1939, s. 6.*)

Application

53. Regulations or by-laws made under section **52** may be applicable to the whole of Fiji or to any particular sanitary district or to any defined part thereof. (*Amended by 17 of 1942, s. 5.*)

PART VI - NUISANCES

Local authority to inspect district for detection of nuisance

54. It shall be the duty of every local authority to cause to be made from time to time inspection of its district with a view to ascertaining what nuisances exist calling for abatement under the provisions of this Act and to enforce the provisions of this Act for the purpose of abating the same and otherwise to put in force the powers vested in it relating to public health so as to secure the proper sanitary condition of all premises within its district.

Penalty for certain nuisances about premises

55. The occupier of any premises shall be deemed to have committed a nuisance and shall be liable to a fine not exceeding twenty dollars for creating the nuisance and also to a further fine not exceeding one dollar for every day on which the nuisance continues unabated after a conviction under this section in any case where -

(a) any waste, stagnant or slop water or any accumulation or deposit of filth or other offensive matter is allowed to remain in, under or near a dwelling-house or building for twelve hours after a medical officer of health or sanitary inspector has required the occupier to remove the same; or

(b) the contents of a privy or drain belonging to a dwelling-house or building are permitted to overflow or escape. (*Section amended by 14 of 1939, s. 7, and 2 of 1945, s. 103.*)

Certain nuisances may be abated summarily

56. For the purposes of this Act, but without limiting the meaning of the term "nuisance"-

(a) any premises or part thereof of such construction or in such a state as to be a nuisance or injurious to health;

(b) any street, pool, ditch, gutter, eaves gutter, pipe, watercourse, cesspool, drain, ashpit, refuse pit, privy, dustbin, washing place, well, water tank, barrel, sink, collection of sullage water, receptacle containing stagnant water, so foul or in such a state or so situated as to be a nuisance or injurious to health; (*Substituted by 14 of 1939, s. 8.*)

(c) any stable, cowshed or other building in which any animals or birds are kept in such a manner or in such numbers as to be a nuisance or injurious to health; (*Amended by 14 of 1939, s. 8.*)

(d) any animal or bird so kept as to be a nuisance or injurious to health; (*Amended by 14 of 1939, s. 8.*)

(e) any accumulation or deposit of any material wherever situated which is offensive to the public or injurious to health;

(f) any work, manufactory, trade or business injurious to the health of the neighbourhood or so conducted as to be injurious to health or offensive to the public;

(g) any house or any part of a house so overcrowded as to be injurious to the health of the inmates, whether or not members of the same family;

(h) any school-house, workroom, shop, office, factory, warehouse or other place of business-

(i) so unclean as to be offensive to the public or injurious to health; or

(ii) not so ventilated as to render harmless as far as practicable all gases, vapours, dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health; or

(iii) so overcrowded as to be injurious to the health of the persons therein employed; or

(iv) not provided with sufficient privy accommodation;

(i) any offensive trade or business so carried on as to be injurious to health or unnecessarily offensive to the public;

(j) any noxious matter or water flowing or discharged from any premises into any public street or into any gutter or side channel of any street, or the drainage of any town, village or building falling into any harbour, river, pond or ditch or upon any foreshore so as to be offensive to the public or injurious to health; (*Amended by 14 of 1939, s. 8.*)

(k) any churchyard, cemetery or place of sepulture so situated or crowded or otherwise so conducted as to be offensive or injurious to health;

(l) any well or water supply injurious to health;

(m) any chimney emitting black smoke in such quantity as to be a nuisance;

(n) any premises which contain rat holes or rat runs or which are infested with rats or in which the ventilating openings are not protected by gratings in such a manner as to exclude rats therefrom, (*Inserted by 14 of 1939, s. 8.*)

shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act:

Provided that -

(i) any accumulation or deposit necessary for the effectual carrying out of any business or manufacture shall not be punishable as a nuisance under this section if it is proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purpose of business or manufacture and that the best available means have been taken for preventing injury thereby to public health and that no serious danger to health exists and

(ii) in the case of an alleged nuisance under paragraph (f) it shall be a sufficient defence if it is proved that the offensiveness is not greater than might reasonably be expected having regard to the nature of the trade and also that the best practicable means have been used to minimise the offensiveness and abate any nuisance and also that no serious danger to health exists.

Notice requiring abatement of nuisance

57. (1) On the receipt of any information respecting the existence of a nuisance liable to be dealt with summarily under this Act the local authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default or sufferance the nuisance arises or continues or, if that person cannot be found, on the occupier or owner of the premises on which the nuisance arises, requiring him to abate the same within the time specified in the notice and to execute such works and do such things as may be necessary for that purpose and, if the local authority thinks it desirable (but not otherwise), specifying any works to be executed.

(2) The local authority may also by the same or another notice served on such occupier, owner or person require him to do what is necessary for preventing the recurrence of the nuisance and, if it thinks it desirable, specify any works to be executed for that purpose, and may serve the notice notwithstanding that the nuisance may for the time have been abated if the local authority considers that it is likely to recur on the same premises.

(3) Provided that-

(a) where the nuisance arises from a want or defect of a structural character or where the premises are unoccupied or are a common lodging-house, the notice shall be served on the owner; and

(b) where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the occupier or owner of the premises, the local authority may itself abate the same and may do what is necessary to prevent the recurrence thereof.

(4) Where a notice has been served on a person under this section and either -

(a) the nuisance arose from the willful act or default of the said person; or

(b) the said person makes default in complying with any of the requisitions of the notice within the time specified,

he shall be liable to a fine not exceeding twenty dollars for each offence. (*Amended by 2 of 1445, s. 103.*)

On non-compliance with notice order to be made

58. If either –

(a) the person on whom a notice to abate a nuisance as aforesaid has been served makes default in complying with any of the requisitions thereof within the time specified; or

(b) the nuisance, although abated since the service of the notice, is, in the opinion of the local authority, likely to recur on the same premises,

the local authority shall make a complaint before a magistrate and the magistrate may make on that person a summary order, in this Act referred to as a nuisance order.

Nuisance order

59. (1) A nuisance order may be an abatement order, a prohibition order or a closing order or a combination of those orders.

(2) An abatement order may require a person to comply with all or any of the requisitions of the notice or otherwise to abate the nuisance within the time specified in the order.

(3) A prohibition order may prohibit the recurrence of a nuisance.

(4) An abatement order or prohibition order shall, if the person on whom the order is made so requires or the magistrate considers it desirable, specify the works to be executed by that person for the purpose of abating or preventing the recurrence of the nuisance.

(5) A closing order may prohibit a building from being used for human occupation.

(6) A closing order shall only be made where it is proved to the satisfaction of a magistrate that by reason of a nuisance a building is unfit for human occupation and, if that be proved the magistrate shall make a closing order and may impose a fine not exceeding forty dollars.

(7) A magistrate, if and when he is satisfied that a building has been rendered fit for human occupation, may declare that he is so satisfied and cancel the closing order.

(8) If a person fails to comply with the provisions of a nuisance order with respect to the abatement of a nuisance he shall, unless he satisfies the court that he has used all due diligence to carry out the order, be liable to a fine not exceeding two dollars a day during his default. (*Amended by 2 of 1945, s. 103.*)

(9) If a person knowingly and wilfully acts contrary to a prohibition or closing order he shall be liable to fine not exceeding four dollars a day while he so acts, and in any case the local authority may enter the premises to which a nuisance order relates and abate or remove the nuisance and do whatever may be necessary in execution of the order. (*Amended by 2 of 1945, s.103*)

Appeal against nuisance order

60. (1) Where a person appeals to the Supreme Court against a nuisance order, no liability to a penalty shall arise nor, save as in this section mentioned, shall any proceedings be taken or work done under the order until after the determination or abandonment of the appeal.

(2) There shall be no appeal to the Supreme Court against a nuisance order unless it is or includes a prohibition or closing order or requires the execution of structural works.

(3) Where a nuisance order is made and a person does not comply with it but appeals against it to the Supreme Court and the appeal is dismissed or is abandoned, the appellant shall be liable to a fine to be imposed by the Supreme Court not exceeding two dollars a day during the non-compliance with the order unless he satisfies the court that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay.

(4) Where an appeal is made against a nuisance order and the court which made the order is of opinion that the continuance of the nuisance will be injurious to health and that the immediate abatement thereof will not cause any injury which cannot be compensated by damages, the court may authorise the local authority immediately to abate the nuisance, but the local authority, if it does so and the appeal is successful, shall pay the cost of the abatement and the damages, if any, sustained by the appellant by reason thereof but, if the appeal is dismissed or abandoned, the local authority may recover the cost of abatement from the appellant.

When order may be addressed to local authority

61. Where it appears to the satisfaction of a magistrate that the person by whose act, default or sufferance or the owner or occupier of the premises where a nuisance liable to be dealt with

summarily under this Act has arisen is not known or cannot be found, then the nuisance order may be addressed to and, if so addressed, shall be executed by, the local authority.

Sale of master or thing removed in abating nuisance

62. Any matter or thing removed by the local authority in abating or doing what is necessary to prevent the recurrence of a nuisance liable to be dealt with summarily under this Act may be sold by public auction or, if the local authority thinks the circumstances of the case require it, may be sold otherwise or disposed of without sale, and the money arising from a sale may be retained by the local authority and applied in payment of the expenses incurred by it with reference to the nuisance, and the surplus, if any, shall be paid on demand to the owner of the matter or thing.

Power of entry

63. (1) The local authority or any medical officer of health or sanitary inspector shall have the right to enter any premises –

(a) for the purpose of examining as to the existence thereon of any nuisance liable to be dealt with summarily under this Act (except the nuisance referred to in paragraph (g) of section 56) at any hour by day and, in the case of a nuisance referred to in paragraph (g) of section 56, at any hour by day or by night or, in the case of a nuisance arising in respect of any business, at any time when that business is in progress or is usually carried on; and

(b) where under this Act a nuisance has been ascertained to exist or a nuisance order has been made, at any such hour as aforesaid until the nuisance is abated or the works ordered to be done are completed or the closing order is cancelled as the case may be; and

(c) where a nuisance order has not been complied with or has been infringed, at all reasonable hours including all hours during which business therein is in progress or is usually carried on for the purpose of executing the order. (*Amended by 37 of 1966, s.36.*)

(2) Any person who fails to give or refuses access to any officer, inspector or person mentioned in or authorised under the provisions of subsection (1) if such officer, inspector or person requests entrance on any land or premises, or obstructs or hinders him in the execution of his duties under this Part, shall be liable to a fine not exceeding forty dollars. (*Inserted by 14 of 1939, s.9, and amended by 2 of 1945, s. 103.*)

Recovery of costs and expenses

64. (1) All costs and expenses incurred in serving a notice, making a complain or obtaining or carrying into effect a nuisance order or in abating or suppressing any nuisance shall be deemed to be money paid for the use and at the request of the person on whom the order is made or, if the order is made on the local authority or if no order is made but the nuisance is proved to have

existed when the notice was served or the complain made, of the person by whose act, default or sufferance the nuisance was caused.

(2) In case or nuisances caused by the act or default of the owner of premises, the costs and expenses aforesaid may be recovered from any person who is for the time being owner of those premises.

Power of individual to complain to magistrate

65. (1) Complain of the existence of a nuisance liable to be dealt with summarily under this Act on any premises within the district of any local authority may be made by any person to a magistrate of that district and thereupon the proceedings shall be had with the like incidents and consequences as to the making of orders, penalties for disobedience of orders, appeal and otherwise as in the case of a like complaint by the local authority.

(2) The magistrate may, if he thinks fit –

(a) adjourn the hearing or further hearing of the complaint for the purpose of having an examination of the premises where the nuisance is alleged to exist and may authorise the entry thereinto of any police officer or other person for that purpose; and

(b) authorise any police officer or other person to do all necessary acts for executing an order made on a complaint under this section and to recover the expenses from the person on whom the order is made in a summary manner.

(3) Any police officer or other person authorised under this section shall have the like powers and be subject to the like restrictions as if he were an officer of the local authority authorised under the foregoing provisions of this Act to enter any premises and to do any acts thereon.

Penalty for injuring drain, etc., so as to cause nuisance

66. If a person causes any drain, privy or dustbin to be a nuisance or injurious to health by wilfully destroying or damaging it or any water supply apparatus, pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using it or the water supply apparatus, pipe or work connected therewith, he shall be liable to a fine not exceeding ten dollars. *(Amended by 2 of 1945, s. 103.)*

PART VII - INFECTIOUS DISEASES

Administration

Administration of Part

67. The Permanent Secretary shall be charged with the general administration of this Part, and medical officers of health with the executive duties thereunder in their respective districts.

Infectious diseases may be added to or deleted from First Schedule

68. The Minister may by notice in the Gazette add any infectious disease to or delete such from the First Schedule and may restrict the application of the provisions of this Act regarding infectious diseases to any area defined in such notice and the First Schedule or any such notice shall specify the times when or the intervals at which such infectious diseases shall be reported. *(Amended by 10 of 1964, s. 4.)*

Powers

Powers

69. For the purposes of preventing the occurrence or of checking the spread of any infectious disease in Fiji and generally for carrying out the provisions of this Part –

Powers of Minister

(1) The Minister shall have power –

(a) to cause to be provided in such parts of Fiji as he may deem fit permanent or temporary hospitals, camps and stations for –

(i) the isolation, treatment and disinfection of persons suffering from an infectious disease and of persons who, as a result of contact with infected persons or otherwise, may be or become a source of infection;

(ii) the isolation, cleansing and disinfection of infected articles and goods;

(b) to expend from the public funds of Fiji such sums of money as in his opinion may be necessary; and

(c) to do all such other things as the Minister may deem necessary for the protection of public health.

Powers of Board

(2) The Board shall have power -

(a) to make recommendations in respect of any compensation claimed by or to be made to any person who suffers loss or damage by the exercise of any of the powers conferred by the provisions of this Part, and in case of dispute the amount of such compensation shall be determined by a resident magistrate whose decision shall be final; and

(b) to make recommendations from time to time in respect of the provision in governmental and other residential institutions of such accommodation as it considers

necessary for the isolation or observation of cases or suspected cases of infectious disease. (*Subsection amended by 9 of 1955, s. 13*)

Powers of Permanent Secretary

(3) The Permanent Secretary shall have power -

(a) subject to the approval of the Minister -

(i) to take temporary possession of and allow to be used such premises, vehicles and local vessels as in his opinion may be necessary for the accommodation, treatment and disinfection of persons and goods subject to isolation;

(ii) for the like purpose to requisition in writing such medical stores, hospital and camp equipment, articles of food and drink and such other things as he deems necessary;

(iii) to appoint temporary medical and other officers, nurses and persons;

(iv) to authorise officers and any temporary officers, nurses and persons appointed hereunder to exercise all or various of the powers and to perform any work or duty authorised in this Part;

(v) to prohibit, order and regulate conditionally or unconditionally the movements of persons, animals, goods, vehicles and vessels on sea or on land, including the assembling together, whether habitual or occasional, of either adults or children;

(vi) to order the demolition or structural alteration of or repairs to any insanitary or defective premises or drain, main or other work, or the removal of any nuisance or the execution of any work he may deem requisite at the charge of the public revenue by any person whom the Minister may appoint for the purpose, and any expenses incurred under this paragraph for any work which any person, council, board or authority, is required to execute by this or any other Act shall be recoverable from such person or body;

(b) to order the attendance for and the medical examination surveillance, restraint, isolation, removal and treatment of persons subject to isolation;

(c) to order for the purposes of diagnosis or prevention of spread of infection the vaccination, inoculation or other recognized medical treatment of persons subject to isolation;

(d) to order, when in the opinion of the Permanent Secretary the necessity arises, the vaccination or inoculation of unprotected persons; (*Amended by 37 of 1966, s. 36.*)

(e) to order the isolation, removal, cleansing, disinfection or destruction of personal effects, goods, premises, drains, vehicles and local vessels which are subject to isolation;

(f) from time to time to exercise the following special powers -

(i) declare any land, building or thing insanitary and prohibit the use thereof for any special purpose;

(ii) cause any insanitary building to be pulled down;

(iii) cause insanitary things to be cleansed, rectified, destroyed or otherwise disposed of as he may think fit;

(g) to forbid the discharge of sewage, drainage or insanitary matter of any description into any watercourse, stream, lake or source of water supply;

(h) to cause infected animals to be destroyed in such manner as he thinks fit;

(i) to prohibit the keeping of animals, birds or poultry or any species thereof in any specified area;

(j) to order a post-mortem examination on the body of a deceased person if the death of such person is suspected to have been due to an infectious disease and the facts relating to the death cannot with certainty be ascertained without such examination or if it is desirable for preventing the occurrence or spread of an infectious disease that the facts relating to the death of any person should be ascertained;

(k) to cause to be provided, equipped, maintained and staffed by town councils or otherwise -

(Amended by 14 of 1975, s. 23.)

(i) places for the reception of dead bodies (mortuaries) and the performance of post-mortem examinations;

(ii) disinfecting and cleansing stations for the cleansing of persons and the cleansing and disinfection of dirty, verminous or infected clothing, bedding and other articles,

such mortuaries and disinfecting stations to be constructed according to plans and specifications approved by the Board;

(l) to exempt any persons, animals, goods, vehicles and local vessels from any provision of this Part or to relax in their favour any prescribed procedure as he may think fit.

Powers of local authorities

(4) Local authorities shall have power -

When of the opinion that the cleansing and disinfection of any premises or of any article therein is necessary for preventing the spread or limiting or eradicating the infection of any infectious disease to instruct any inspector, with or without assistants, to enter on such premises and to carry out such cleansing and disinfection.

Duties and powers of a medical officer of health

5. (a) A medical officer of health shall advise the Permanent Secretary as early as possible of any threatened or actual outbreak of infectious disease in his district, requesting authority to exercise all or such of the powers detailed in subsections (3) as he considers necessary, and, pending receipt of such authority, a medical officer of health may provisionally exercise such powers, but their application shall only be valid for the period prior to the receipt of the Permanent Secretary's instructions in the matter in so far as the latter do not convey the authority asked for.

(b) A medical officer of health or inspector authorised thereto in writing by a medical officer of health in any case where in the interests of the public health he thinks it expedient so to do may make an order for the removal of any person suffering or suspected to be suffering from any infectious disease to a hospital or other place where such person can be effectually isolated and, if satisfied that the patient cannot without removal be effectually isolated or properly attended, the medical officer of health or the inspector shall make an order for his removal which may be effected if necessary with force.

Every person who wilfully disobeys an order under this subsection or who obstructs or delays or in any way interferes with the prompt execution thereof commits an offence and shall be liable to a fine not exceeding forty dollars.

(Amended by 14 of 1939, s. 10, and 2 of 1945, s. 103.)

(c) Whenever a medical officer of health is of opinion that the cleansing or disinfection of any premises or of any article is necessary for preventing the spread or limiting or eradicating the infection of any infectious disease, or otherwise for preventing danger to health or for rendering any premises fit for occupation, he may authorise any inspector, with or without assistants, to enter on any premises and to carry out such disinfection and cleansing, and the costs of such disinfection or cleansing shall be recoverable from the local authority as a debt due to the Crown.

(Substituted by 14 of 1939, s. 10, and amended by 9 of 1955, s. 13, and 37 of 1966, s. 36.)

(d) A medical officer of health or any medical practitioner authorised in that behalf by a medical officer of health may at all reasonable times enter any premises in which he has reason to believe that there is or recently has been any person suffering from an infectious disease or otherwise subject to isolation and may medically examine any person on such premises for the purpose of ascertaining whether such person is suffering or has recently suffered from any such disease.

(e) A medical officer of health and any inspector or other person authorised in that behalf by a medical officer of health may at any time, with or without assistants -

(i) enter on any premises or local vessels and inspect the same and all things thereon or therein;

(ii) do on any land or in any premises any sanitary or other work authorised or directed; and

(iii) may do with respect to persons, premises, ships, animals or things whatsoever in the opinion of the medical officer of health is necessary or expedient for the purpose of carrying out the provisions of this Part.

(f) In no case shall a medical officer of health or any inspector or assistant or other person incur any personal liability by reason of anything lawfully done by him under the powers conferred by this Part.

(g) A medical officer of health shall have power if in his opinion it is necessary for the protection of public health to -

(i) order the disposal of the body of a person who has died from an infectious disease within such time and subject to such conditions as he may think fit;

(ii) order the removal of such a body to a mortuary for the purpose of a post-mortem examination being made on it or for the purpose of its being thence buried or cremated.

Penalty for obstructing Permanent Secretary, etc.

70. Every person who in any way directly or indirectly by act or default -

(a) obstructs or hinders the Permanent Secretary or a medical officer of health in the exercise of his functions and powers under the foregoing provisions of this Part or obstructs or hinders any inspectors or other person acting with the authority or by direction of the Permanent Secretary or a medical officer of health; or

(b) does anything which the medical officer of health in the exercise of the aforesaid functions and powers forbids to be done; or

(c) refuses, delays or neglects to comply with any direction or requirement of a medical officer of health or fails to afford reasonable assistance to a medical officer of health in the exercise of the aforesaid functions and powers,

commits an offence and is liable unless it is otherwise prescribed to a fine not exceeding forty dollars and in the case of a continuing offence to a further fine not exceeding forty dollars for

every day on which the offence is continued after conviction under this section. (*Amended by 2 of 1945, s. 103.*)

Notification of infectious diseases

71. (1) When any person is suffering or has died from an infectious disease; any medical practitioner attending or called in to visit such person, on diagnosing that such person suffers or has died from an infectious disease, shall send at the prescribed times to the Permanent Secretary or to the medical officer of health of the Division where such person is residing or has died, a notice signed by him in the prescribed form containing such particulars as may be prescribed.

(Substituted by 10 of 1964, s. 5.)

(2) Any medical practitioner required by this section to give a notice or certificate whether of sickness or of death or of both sickness and death who fails to give the same shall be liable to a fine not exceeding forty dollars.

(Amended by 2 of 1945, s. 103 and 10 of 1964, s. 5.)

(3) The Permanent Secretary may prescribe the form of the notice to be signed by a medical practitioner specified in subsection (2) and the particulars to be contained therein, by notice in the Gazette.

(Substituted by 10 of 1964, s. 5.)

Ships, tents, etc.

72. The provisions of section **71** shall apply to every ship, tent, van, shed or similar structure used for human habitation in like manner as nearly as may be as if it were a building.

Notice of death from infectious disease to be given

73. When any person has died of an infectious disease, the undertaker or other person having charge of the funeral of the deceased shall forthwith after having been informed of the cause of death and, before the removal of the body from the building or other place in which it may then be, give to the medical officer of health notice in the prescribed form and manner of the fact of the death and the cause thereof.

Offences with respect to infectious diseases

74. (1) Every person commits an offence and is liable to a fine not exceeding twenty dollars who-

(a) while to his own knowledge suffering from any infectious disease wilfully is in any public place without having taken proper precautions against the spread of infection; or

(b) while in charge of any person suffering as aforesaid takes him into or allows him to be in any public place without having taken proper precautions against the spread of infection; or

(c) while suffering as aforesaid enters any public conveyance or while in charge of any person so suffering takes him into any public conveyance without in every such case notifying the driver or conductor of the fact; or

(d) being the owner, driver or conductor of a public conveyance fails or neglects to disinfect the conveyance or cause the same to be disinfected forthwith after it has to his knowledge been entered by any person suffering as aforesaid.

(Subsection amended by 2 of 1945, s. 103.)

(2) If an offence under this section relates to a public conveyance the convicting court shall order the defendant (not being the owner, driver or conductor) to pay to the owner of the conveyance the expenses incurred in disinfecting the same.

Further offences with respect to infectious diseases

75. (1) Every person commits an offence and is liable to a fine not exceeding twenty dollars who-

(a) lends, sells, transmits or exposes any things which to his knowledge have been exposed to infection from any infectious disease unless they have first been effectively disinfected or proper precautions have been taken against spreading the infection; or

(b) lets for hire any house or part of a house to be shared or occupied in common by or with any person who to his knowledge is suffering from any infectious disease; or

(c) lets for hire any house or part of a house in which there then is or within the previous six months has been any person to his knowledge suffering from any notifiable infectious disease unless the house or part thereof as the case may be and all things therein liable to infection have been effectually disinfected to the satisfaction of a medical officer of health before the person hiring goes into occupation; or

(d) when letting or negotiating to let to any person for hire any house in which any person suffering from an infectious disease is then living or any part of any such house does not disclose that fact.

(Subsection amended by 2 of 1945, s. 103.)

(2) For the purposes of this section the keeper of a lodging-house or the licensee of any premises licensed under any Liquor Act for the time being in force shall be deemed to let part of a house for hire to any person admitted as a guest or lodger to the lodging-house or licensed premises.

(Amended by 2 of 1945, s. 103.)

Bodies of persons dying of infectious diseases in hospital, etc., to be removed only for burial

76. (1) If any person dies from any infectious disease in any hospital or place of temporary accommodation for the sick and the medical officer of health or the medical practitioner in

charge of that hospital or place certifies that in his opinion it is desirable in order to prevent the risk of communicating any infectious disease or of spreading infection that the body shall not be removed from the hospital or place except for the purpose of being immediately buried or cremated, it shall not be lawful for any person or persons to remove the body from that hospital or place except for the last-mentioned purpose.

(2) When the body is taken out of the hospital or place for that purpose it shall be forthwith carried or taken direct to some cemetery or place of burial or cremation and there immediately buried or cremated, and any person wilfully offending against this section shall be liable to a fine not exceeding twenty dollars.

(Amended by 2 of 1945, s. 103.)

(3) Nothing in this Act shall prevent the removal of any dead body from any hospital or temporary place of accommodation for the sick to any mortuary and that mortuary shall, for the purpose of this section, be deemed part of the hospital or place aforesaid.

General Provisions

Unauthorised entry into or departure from place of isolation

77. No unauthorised person shall enter or leave an isolation hospital, camp or station and any person so doing shall be liable to a fine not exceeding forty dollars.

(Amended by 2 of 1945, s. 103.)

Apprehension of person liable to isolation

78. Any authorised person may with or without warrant -

(a) apprehend any person liable to isolation and any person who without authority has entered or left an isolation hospital, an isolation camp or an isolation station; and

(b) detain, remove or isolate any article, goods, vehicle or vessel liable to isolation.

Infected goods may be removed and dealt with

79. Any goods or articles certified by a medical officer of health to have been exposed to infection with an infectious disease and to be liable to carry infection may be removed to an isolation station and there dealt with as is prescribed or as a medical officer of health may order.

Expenditure by Board and local authorities

80. (1) All sums of money expended by the Board in carrying out the provisions of this Act shall be chargeable to a fund provided for the purpose from the Consolidated Fund.

(2) All sums of money expended by local authorities under the authority of or in pursuance of the provisions of this Act shall, unless otherwise provided, be paid as follows-

(a) expenditure by an urban local authority, out of the town fund;

(b) expenditure by a rural local authority, from a fund provided for the purpose from the Consolidated Fund.

(Amended by 14 of 1975, s. 23)

Expenses of isolation and disinfection

Expenses of isolation, how borne

81. (1) In the case of persons, animals, goods, vehicles and vessels ordered into or performing isolation or undergoing disinfection at an approved isolation hospital, camp or station the expenses incurred -

(a) in the removal in approved cases of persons and goods subject to isolation;

(b) in the maintenance of persons detained therein;

(c) in the medical care and nursing and in the observation and surveillance of persons detained therein or attending thereat;

(d) in the disinfection of persons and goods thereat;

(e) in the compensation for damages payable by the Government under the provisions of this Part; and

(f) in the provision of guards, police or patrols,

shall be a charge on the Consolidated Fund save in the case of persons, animals, goods, vehicles and vessels who or which have become subject to isolation as the result of an infringement of this Part in which case the person or persons responsible for the infringement shall be held liable for all or such proportion of the expenses directly incurred as a result of the said infringement as the Board shall decide:

Provided that such person or persons shall not be held liable for expenses incurred indirectly or by secondary infection.

(2) The expenses incurred in the case of persons, animals, goods, vehicles and vessels undergoing disinfection otherwise than in an authorised isolation hospital, camp or station shall not, unless authorised to the contrary by the Permanent Secretary and, in the case of sums in excess of forty dollars, with the Minister's approval, be a charge on the Consolidated Fund.

Persons injuriously affected by order entitled to compensation

82.-(1) In every case where any building, animal or thing is destroyed pursuant to the powers

conferred by this Part every person injuriously affected thereby shall, subject to the provisions of this section, be entitled to compensation as herein provided. (*Amended by 14 of 1939, s. 11.*)

(2) The compensation shall not exceed the actual market value of the building, animal or thing in respect of which the claim is made.

(3) If the destruction has been rendered necessary by reason of any breach or neglect of duty or of the ordinary rules or sanitary carefulness or cleanliness on the part of the claimant or of any person for whose acts or default the claimant is responsible then no compensation shall be payable.

(4) If the destruction has been rendered necessary by reason of any such breach or neglect as aforesaid on the part of a local authority, the compensation shall be payable by that local authority. (*Amended by 37 of 1966, s. 36.*)

(5) If the destruction has been rendered necessary in the interests of public health and without any such breach or neglect as aforesaid, the compensation shall be payable out of moneys to be appropriated by the Minister for the purpose.

Regulations

83. 1) The Minister may from time to time make regulations for the protection of the public health from infectious disease and may deal with and include therein any matter and action which the Minister may deem necessary for that purpose.

(2) The regulations shall prescribe penalties for breaches thereof not exceeding a fine of two hundred dollars or a term of imprisonment for six months.

PART VIII - VENEREAL DISEASES

Persons suffering from venereal disease to be treated until cured

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

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

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

Compulsory examination and treatment of venereal disease

85. (1) A medical officer of health in any case where in the interests of public health he thinks expedient so to do, may, by order in writing-

(a) direct any person suffering or suspected to be suffering from any venereal disease to attend a hospital or registered medical practitioner for examination and treatment if necessary, and may specify the hospital or medical practitioner to be attended by such person;

(b) direct that any such person who is found to be suffering from venereal disease be detained and remain in hospital until discharged therefrom by a medical officer of health;

(c) direct any sanitary inspector or any officer of the Board to remove to hospital any person failing to comply with an order made under the provisions of paragraphs (a) or (b).

(2) Any sanitary inspector or officer of the Board authorised to remove any person to hospital under the provisions of paragraph (1) may remove and convey such person to hospital, and for this purpose may use such degree of force as may be necessary.

(3) Any person who wilfully disobeys an order under this section or who obstructs or delays or in any way interferes with the prompt execution thereof shall be guilty of an offence and shall be liable to a fine not exceeding forty dollars.

(4) If a patient found by a medical officer of health or medical practitioner to be suffering from a venereal disease gives to him information as to a person from whom the patient suspects that the disease was contracted, such information shall be deemed, for the purposes of the law relating to defamation, to have been communicated in pursuance of a statutory duty.

(5) If, in furnishing any information as is mentioned in subsection (4), any person makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence and shall be liable to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months.

(Section inserted by 2 of 1945, s. 103, and amended by 37 of 1966, s. 36.)

Duties of parents or guardians of infected children

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

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

Infection by employees

87. Every person who while suffering from any venereal disease in a communicable form accepts or continues in employment in or about any dairy, factory, shop, hotel, restaurant, house or other place in any capacity entailing the care of children or the handling of food or food utensils intended for consumption or use by any other person, and any person who employs or continues to employ any such person, shall be guilty of an offence unless he proves that he did not know or suspect that he was so suffering or, in the case of an employer, that the employee was so suffering.

Conveyance of infection an offence

88. Every person who wilfully or by culpable negligence infects any other person with venereal disease or does or permits or suffers any act likely to lead to the infection of any other person with any such disease shall be guilty of an offence.

Penalty

89. Any person guilty of an offence against this Part for which no penalty is otherwise expressly provided shall be liable to a fine not exceeding twenty dollars.

(Amended by 2 of 1945, s. 103, and 37 of 1966, s. 36.)

PART IX - OFFENSIVE TRADES

Permission by Board to carry on offensive trades

90. (1) No person shall establish or carry on any offensive trade within the district of a local authority except with the consent in writing of the Board.

Penalty

(2) Every person who establishes or carries on an offensive trade in contravention of this section shall be liable to a fine not exceeding one hundred dollars and to a fine not exceeding ten dollars for every day on which he carries it on whether there has or has not been a conviction in respect of the establishing of the trade. *(Amended by 2 of 1945, s. 103.)*

Regulations

91. With respect to offensive trades lawfully established the Board may, with the approval of the Minister, from time to time make regulations as to the conditions subject to which and the areas within which those trades may be carried on in order to prevent or diminish the offensiveness of the trades and to safeguard the public health.

PART X - COMMON LODGING-HOUSES AND HOUSES LET AS LODGINGS

Register of common lodging-houses

92. (1) Every local authority shall keep a register in which shall be entered the names and

residences of the keepers of all common lodging-houses within the district of that authority and the situation thereof and the number of lodgers authorised under this Act by that authority to be received therein.

Evidence

(2) A copy of any entry in the register aforesaid certified by an officer of the local authority to be a true copy shall be received in all courts on all occasions as evidence and shall be sufficient proof of the matter registered without production of the register or of any document or thing on which the entry is founded.

Lodging-house not to be occupied unless registered

93. A person shall not keep a common lodging-house or receive a lodger therein unless the house is registered in accordance with the provisions of this Act and unless his name as the keeper or owner thereof is registered under this Act:

Provided that when the registered keeper of a common lodging-house dies his widow or any member of his family may keep the house as a common lodging-house for not more than four weeks after his death without being registered as the keeper thereof.

(Amended by 17 of 1942, s. 6.)

Premises to be inspected before registration

94. A house shall not be registered as a common lodging-house until it has been inspected and approved for the purpose by the local authority.

Local authority to have free access

95. The keeper of a common lodging-house and every other person having or acting in the care or management thereof shall at all times when required by an officer of the local authority give him free access to the house or any part thereof, and any keeper, owner or person who refuses that access shall be liable to a fine not exceeding ten dollars. *(Amended by 2 of 1945, s. 103.)*

Penalty for using unregistered premises

96. Any keeper of a common lodging-house who receives any lodger therein without registering such lodging-house under the provisions of this Act shall be liable to a fine not exceeding ten dollars and in the case of a continuing offence to a fine not exceeding four dollars for every day during which the offence is continued after conviction under this section.

(Amended by 2 of 1945, s. 103.)

Burden of proof as to persons being of same family

97. In any proceedings under the provisions of this Act relating to common lodging-houses if the inmates of any house allege that they are members of the same family the burden of proving that

allegation shall lie on the persons making it.

Regulations

98. The Board may from time to time make regulations, subject to the approval of the Minister, in relation to common lodging-houses for -

(a) the fixing and from time to time varying the number of persons who may be received as lodgers in each common lodging-house and in each room thereof and the separation of the sexes therein;

(b) the promoting of cleanliness and ventilation;

(c) the sufficiency of the water supply and the privy, washing, drainage and dustbin accommodation and other appliances and means of cleanliness in proportion to the number of lodgers and occupiers;

(d) the giving of notices and the taking of precautions in the case of any infectious disease;

(e) the inspection of common lodging-houses;

(f) the collection and removal of refuse;

(g) the painting, white-washing or colour-washing of walls and buildings;

(h) the keeping by the owner in proper condition of all drains and sanitary arrangements; and

(i) generally the keeping and well-ordering of common lodging-houses.

Default in complying with regulations

99. (1) If it appears to the local authority that in the case of any common lodging-house default is made in any respect in complying with any regulations relating thereto, the local authority may, by notice in writing specifying the default, require the keeper or owner of the common lodging-house to remedy the default.

(2) If within twenty-eight days of the notice being served the default is not remedied to the satisfaction of the local authority it may itself do the work required to be done and may recover in a court of competent civil jurisdiction from the keeper of the common lodging-house the expenses incurred by it in so doing.

Cancelling of registration

100. The local authority, if at any time it is of opinion that any person registered as the keeper of

a common lodging-house is not a fit person for the purpose, may cancel the registration.

Register of houses let as lodgings

101. Every local authority shall keep a register in which shall be entered the names and residences of the owners, lessees and any persons having a tenancy as a tenant from year to year or for any less term or as tenant at will of all houses let as lodgings within the district of that authority.

Regulations

102. The Board may from time to time make regulations, subject to the approval of the Minister, in relation to houses let as lodgings for -

- (a) fixing the number of persons who may occupy a house or part of a house which is let as lodgings or occupied by members of more than one family;
- (b) the registration and inspection of such houses;
- (c) requiring the construction of drains and promoting cleanliness and ventilation of such houses;
- (d) securing the adequate lighting of every room in such houses;
- (e) requiring adequate and readily accessible provision for -
 - (i) closet accommodation;
 - (ii) water supply and washing accommodation;
 - (iii) accommodation for the storage, preparation and cooking of food; and
 - (iv) where necessary for securing separate accommodation as aforesaid for every part of such house which is occupied as a separate dwelling;
- (f) the keeping in repair and adequate lighting of any common staircase in such house;
- (g) securing stability and the prevention of and safety from fires;
- (h) the cleansing and colour-washing or repainting of the premises at stated times and for the paving or surfacing of yards or courts;
- (i) the provision of handrails where necessary for all staircases of such houses; and
- (j) the giving of notices and taking of precautions in the case of infectious disease.

PART XI - MOSQUITOES

Breeding places of mosquitoes to be nuisances

103. For the purposes of this Part -

(a) all collections of water in any well, pool, gutter, channel, depression, excavation, barrel, tub, bucket or any other article found to contain any of the immature stages of the mosquito; or

(b) any cesspit, latrine, urinal, dung-pit or ash-pit found to contain any of the immature stages of the mosquito,

shall be nuisances liable to be dealt with in the manner hereinbefore provided for the treatment of nuisances.

Premises to be kept free from bottles, etc.

104. The occupiers or owners of any premises shall keep such premises free from all bottles, whole or broken, whether fixed on walls or not, tins, boxes, coconut husks, earthenware vessels, shells or any other articles which are kept so that they are likely to retain water.

Premises to be kept free from bush and long grass

105. (1) No person shall within an urban sanitary district permit any premises or lands owned or occupied by him or over which he has control to become overgrown with bush, weeds or long grass of such a nature as in the opinion of the medical officer of health or sanitary inspector to be likely to harbour mosquitoes.

(2) No person shall within a rural sanitary district permit any premises or lands owned or occupied by him or over which he has control and which are situated within twenty yards of any dwelling or public building, school, store, workshop or workplace to become overgrown with bush, weeds or long grass of such a nature as in the opinion of the medical officer of health or sanitary inspector to be likely to harbour mosquitoes.

(3) Where the premises or lands referred to in subsections (1) or (2) are unoccupied and the owner neglects to keep the same clean and clear from all bush, weeds, or long grass of such a nature as in the opinion of the medical officer of health to be likely to harbour mosquitoes, the medical officer of health may, with or without assistants, enter on such premises and make the same clean and clear from such bush, weeds or long grass, and any expenses incurred in so doing shall be recoverable from the owner. (*Inserted by 14 of 1939, s. 12.*)

Wells, etc., to be covered

106. No person shall keep, nor shall the occupier or owner of any premises allow to be kept thereon, any collection of water in any well, barrel, tub, tank or other vessel intended for the

storage of water unless such well, barrel, tub, tank or other vessel is fitted with a sufficient cover and is properly protected or screened to the satisfaction of the medical officer of health or sanitary inspector so as to prevent the ingress of mosquitoes into the same.

Gutters may be required to be perforated

107. The medical officer of health may by written notice require the occupier or owner of any premises upon or attached to which is any gutter, pipe, groove or water-way used or intended for carrying off water from any roof or other place to cause the same to be perforated by holes at least every two feet apart in such a manner as to prevent the collection or accumulation of water therein, and if any person duly served with such notice fails to comply with the provisions thereof within such time as may be specified therein he shall be guilty of an offence against this Part.

Larvae may be destroyed

108. Where any of the immature stages of the mosquito are found on any premises in any collection of water in any cesspit, well, pool, channel, barrel, tub, bucket, tank or any other vessel or in any bottle, whole or broken, whether fixed on a wall or not, tin, box, coconut husk, shell or any other article, the medical officer of health or sanitary inspector may take immediate steps to destroy any such immature stages of the mosquito by the application of oil or lavicide or otherwise and may take such action as is necessary to prevent the recurrence of the nuisance and to render any pools or collections of water unfit to become breeding places for mosquitoes.

Mere presence of mosquito larvae an offence

109. Notwithstanding any other provision of this Act, the occupier or owner of any house or premises or the owner or person having charge of any vessel, timber, cask or other article in or about which there is any collection of water found by the medical officer of health or sanitary inspector to contain any of the immature stages of the mosquito shall be guilty of an offence against this Part.

Penalty

110. Any person guilty of an offence against any of the provisions of this Part shall be liable to a fine not exceeding ten dollars.

(Amended by 2 of 1945, s. 103.)

Powers of sanitary inspector may be exercised by authorised person

111. The powers exercisable by any sanitary inspector under the provisions of this Part may be exercised by any person authorised in writing thereto by any local authority.*(Inserted by 2 of 1945, s. 103.)*

PART XII - SHIPS

Interpretation

112. In this Part -

"ship" means any ship, boat or other vessel of whatsoever description except a ship, boat or other vessel under the command or charge of any officer on the active list bearing Her Majesty's Commission in the Royal Navy or a ship, boat or other vessel belonging to any foreign government; and

"nuisance" means any matter or circumstances rendering any ship or part thereof injurious either to the public health or to the health of the passengers or crew of such ship.

Sanitary accommodation on passenger vessels

113. Every ship in respect of which a certificate for the carriage of passengers has been issued by the Fiji Marine Board shall if so required by the said Board be provided to the satisfaction of the local authority with such privy accommodation as the said Board may direct and require. The owner or master of any such ship who fails or neglects to provide any such privy accommodation when required as aforesaid and thereafter to maintain any such privy accommodation in a serviceable and cleanly condition shall be guilty of an offence against this Act and shall be liable to a fine not exceeding one hundred dollars and to the forfeiture of the ship's certificate.

(Amended by 2 of 1945, s. 103.)

Power to enter and inspect ships

114. It shall be lawful at any time between nine in the morning and six in the evening for the medical officer of health or for the sanitary inspector of the district within or adjoining which any port, harbour, river or other water in which any ship is lying is situated to enter and inspect such ship and if admittance be refused to use such reasonable force as may be necessary for effecting such entry. Any master of any such ship who shall refuse such admission or obstruct, hinder or prevent the medical officer of health or the sanitary inspector from making such entry or inspection shall be guilty of an offence and shall be liable to a fine not exceeding ten dollars.

(Amended by 2 of 1945, s. 103.)

Removal of nuisance

115. It shall be lawful either for the medical officer of health or for the sanitary inspector in any case where the existence of a nuisance is ascertained to his satisfaction to make an order in writing under his hand for the removal or discontinuance of such nuisance by the master of any ship where such nuisance shall exist within such reasonable time to be named in such order as the medical officer of health or the sanitary inspector shall think fit.

What the order may require

116. An order made under the provisions of section **115** may require the person on whom it is

made to do such works or acts as are necessary to remove the nuisance complained of in such manner and within such time as shall be specified in the order and, if the medical officer of health or the sanitary inspector is of opinion that such or the like nuisance is likely to recur, he may further prohibit the recurrence of it and direct the execution of such works as may be necessary in his opinion to prevent such recurrence.

Penalty

117. If such order be not complied with to the satisfaction of the medical officer of health or the sanitary inspector and within the time limited by such order, the person on whom such order shall have been made shall be liable for every such offence to a fine not exceeding two dollars for every day during which such order shall not be complied with.

(Amended by 2 of 1945, s. 103.)

Power of medical officer of health or sanitary inspector to execute order

118. In any case of non-compliance with any such order it shall be lawful for the medical officer of health or for the sanitary inspector with all proper assistants, workmen and servants from time to time and forcibly if need be to enter any ship in respect of which such order has been made and to remove or remedy the nuisance and to do whatever may be necessary in execution of such order for removing or remedying and the prevention of the continuance of such nuisance, and the medical officer of health or the sanitary inspector may recover from the master or owner of any such ship the expenses incurred by him in removing or remedying and in preventing the continuance of such nuisance. *(Amended by 2 of 1945, s. 103.)*

Application of Parts VII and VIII to ships

119. (1) For the purposes of the provisions of Parts VII and VIII relating to infectious diseases and venereal diseases, any ship lying in any port, harbour, river or other water within or adjoining the district of a local authority shall be subject to the jurisdiction of that authority in the same manner as if it were a house or other building within such district.

(2) The master of any such ship shall be deemed for the purposes of the said provisions to be the occupier.

PART XIII - WATER SUPPLY

Houses to be supplied with water supply

120. Every building intended for human habitation shall be provided with a proper and sufficient supply of wholesome water for the domestic use of the inhabitants to the satisfaction of the local authority.

Local authority may enforce provision of water supply

121. If a building intended for human habitation within the district of a local authority appears to

that authority by the report of a medical officer of health or sanitary inspector to be without a proper and sufficient supply of wholesome water, the local authority shall by written notice require the owner or occupier of the building within a reasonable time therein specified to provide a proper and sufficient supply of wholesome water.

In default local authority may order building be not occupied

122. In default of compliance with the notice the local authority may at the expiration of the time specified in the notice direct that after a specified time the building be not occupied unless and until the notice be complied with.

Penalty

123. Notwithstanding anything contained in section **122**, whosoever fails to comply with a written notice under section **121** shall be guilty of an offence and shall be liable to a fine not exceeding ten dollars and in the case of a continuing offence to a further fine not exceeding four dollars for each day during which the offence continues after a conviction under this section.

(Amended by 2 of 1945, s. 103.)

Well to be fitted with raised parapet, etc.

124. Every owner or occupier of premises on which a well is situated from which the water is used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man shall fit such well with a raised parapet and a properly fitting cover with lid securely attached to the satisfaction of the medical officer of health or the sanitary inspector and, if required by the medical officer of health or the sanitary inspector, shall also fit such well with a lining or pump or with both lining and pump to the satisfaction of the medical officer of health or the sanitary inspector.

Tank, etc., to be kept clean

125. Every occupier of premises on which is situated any tank, cistern or other receptacle for the collection or storage of water used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man shall cause such tank, cistern or other receptacle to be maintained at all times in a clean condition and protected from contamination to the satisfaction of the medical officer of health or sanitary inspector.

Penalty

126. Every person who in any way defiles or pollutes or permits or suffers drainage or refuse from his land to flow into or be deposited in any water-course, stream, lake, pond or reservoir forming part of the water supply of the district of a local authority shall be liable to a fine not exceeding twenty dollars. *(Amended by 2 of 1945, s. 103.)*

PART XIV - LAUNDRIES

Regulations

127. The Board may, with the approval of the Minister, make regulations in respect of-

- (a) the registration of laundries;
- (b) the water supply and drainage of laundries; and
- (c) the structure, ventilation and sanitary conditions of any building or part of a building used as a laundry.

PART XV - BY-LAWS AND REGULATIONS

Penalties for breaches of by-laws and regulations

128. Except in cases otherwise specially provided for by this Act, by-laws or regulations made under this Act may provide for the imposition on offenders against the same of fines not exceeding two hundred dollars for each offence and in the case of a continuing offence a further fine not exceeding four dollars for each day during which the offence continues after a conviction thereunder.

(Amended by 31 of 1961, s. 2.)

Confirmation of by-laws and regulations

129. Except in cases otherwise specially provided for by this Act, by-laws or regulations made under this Act shall not take effect unless and until they have been submitted to and confirmed by the Minister.

PART XVI - LEGAL PROCEEDINGS

Recovery of costs and expenses

130. Where any local authority has incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable under this Act or by any agreement with the local authority, those expenses may be recovered, together with interest at a rate not exceeding five per cent per annum from the date of service of a demand for the same until payment thereof, from any person who is the owner of the premises when the works are completed for which the expenses have been incurred, and until recovery of the expenses and interest the same shall be a charge on the premises in respect of which they were incurred.

Recovery of penalties

131. Proceedings for the recovery of any fine under this Act may be instituted and carried on either by a party aggrieved or by the Board or by the local authority of the district in which the offence is committed.

Appearance of local authority in legal proceedings

132. The Board or any local authority may appear before any court or in any legal proceedings by its clerk or by any officer or member authorised generally or in respect of any special proceedings by resolution of such Board or local authority, and its clerk or any officer or member so authorised shall be at liberty to institute and carry on any proceeding which the Board or local authority is authorised to institute and carry on under section **131**.

Fines, etc., recovered by city or town council

133. All fines, penalties and forfeitures recovered under this Act by or on behalf of a city or town council shall be paid into the general revenue of that city or town.
(*Substituted by 9 of 1955, s. 13.*)

Service of notices and orders

134. Notices and orders under this Act may be served by delivering the same to the person to whom they are addressed or, if addressed to two or more persons, by delivering the same to or at the residence of any one of those persons, and when addressed to the owner of any premises they may also be served by delivering the same or a copy thereof to some person upon the premises or by fixing the same upon some conspicuous part of the premises.

Nuisance caused by or existing on premises of two or more owners

135. When any nuisance is caused by the joint act or default of two or more persons or exists on the premises of two or more owners, it shall be sufficient to proceed against one or more of them without proceeding against the others or other of them, but nothing herein contained shall prevent the persons so proceeded against from recovering contribution in any case in which they would be entitled to contribution by law.

Proceedings not to abate by reason of death

136. Proceedings under this Act against several persons included in one complaint shall not abate by reason of the death of any of the persons so included but may be continued against the survivors or survivor as if the deceased person or persons had not been included.

Owner of premises need not be further designated

137. Whenever in any proceedings under this Act, whether written or otherwise, it becomes necessary to refer to the owner of any premises, it shall be sufficient to designate him as the owner of those premises without name or further description.

Right of appeal

138. Any person who deems himself aggrieved by any conviction or order made by a magistrates' court on determining any information or complaint under this Act may, save as

otherwise provided in this Act, appeal therefrom to the Supreme Court.

Forms and fees

139. The minister may make regulations for the purpose of prescribing forms to be used in carrying out, and the fees to be paid under, the provisions of this Act.

(Substituted by 37 of 1966, s. 36 and amended by 14 of 1975, s. 23.)

Act not to apply to Fijian villages

***140.** This Act shall not apply to Fijian villages:

Provided that, after consultation with the Fijian Affairs Board, the Minister may, by order, apply any Part or provision to any of such villages.

(Amended by 12 of 1966, s. 2.)

*Part VII applied to all Fijian villages with effect from 15th Nov., 1966-notification 12th Oct., 1966.

General penalty

141. Any person who contravenes or fails to comply with any provision of this Act or any regulation, by-law, order or notice made or issued thereunder shall be guilty of an offence and shall, where no specific penalty is provided, be liable to a fine not exceeding ten dollars or in the case of a continuing offence to a fine not exceeding four dollars a day for each day during which the offence continues after conviction and in default of payment of any penalty under this section to imprisonment for any period not exceeding one month.

(Amended by 2 of 1945, s. 103.)

FIRST SCHEDULE

(Sections 2 and 68)

(Substituted by 10 of 1964, s. 6.)

INFECTIOUS DISEASES

CLASS A - IMMEDIATE NOTIFICATION

1. Cholera
2. Plague
3. Food Poisoning (chemical or bacteriological)
4. Smallpox
5. Typhus
6. Yellow Fever
7. Acute Poliomyelitis-
(a) Paralytic

- (b) Non-paralytic
- 8. Diphtheria
- 9. Enteric Fevers-
 - (a) Typhoid Fever
 - (b) Para-typhoid Fever

CLASS B - WEEKLY NOTIFICATION

- 10. Anthrax
- 11. Brucellosis (including Undulant Fever)
- 12. Encephalitis
- 13. Dysentery-
 - (a) Amoebic
 - (b) Bacillary
- 14. Infective Diarrhoea or Enteritis under 2 years (severe or moderate infections)
- 15. Relapsing Fever
- 16. Infective Hepatitis
- 17. Leprosy`
- 18. Leptospirosis (Well's disease)
- 19. Malaria
- 20. Meningitis
- 21. Puerperal Pyrexia (including Puerperal Fever)
- 22. Rheumatism (Acute)
- 23. Tetanus Neonatorium
- 24. Tetanus
- 25. Tuberculosis-
 - (a) Pulmonary
 - (b) Other than pulmonary
- 26. Venereal Diseases-
 - (a) Gonorrhoea
 - (b) Granuloma venereum
 - (c) Gonorrhoeal ophthalmia
 - (d) Lymphogranuloma inguinale
 - (e) Soft Chancre
 - (f) Syphilis
 - (g) Venereal Warts
- 27. Yaws

CLASS C - WEEKLY NOTIFICATION

- 28. Dengue Fever
- 29. Chickenpox (Varicella)
- 30. German Measles (Rubella)
- 31. Infective Diarrhoea or Enteritis under 2 years (mild infections)
- 32. Influenza
- 33. Measles (Morbilli)

- 34. Trachoma
- 35. Whooping Cough (pertussis)

SECOND SCHEDULE

(Section 2)
(Substituted by Notice 9th September, 1970)

OFFENSIVE TRADES

Abattoirs and slaughter-houses
Animal and fish by-products, extraction, treatment or manufacture
Arsenic recovery works
Cattle and pig yards and sale yards
Chemical works in general
Chlorine, ammonia or bleaching powder manufacture
Creosote manufacture or its wholesale application to materials
Distilleries
Explosives manufacture
Fellmongery
Fish curing or cleaning
Garbage dumps
Glue, size and gelatine manufacture
Incineration or reduction of garbage, refuse, dead animals or offal
Inflammable liquid factories
Knacker yards
Manure or fertilizer works
Meat preserving works
Nightsoil collection and disposal (sanitary depot)
Sewage works
Soap boiling
Storage, drying or preserving of bones and hoofs
Storage of noxious materials
Storage, tanning or curing of raw hides and skins
Sulphuric, nitric or hydrochloric acid works

Controlled by Ministry of Health
