

Public Health Act 1975

I ASSENT

ALLEN LEWIS,
Governor.

3rd April, 1975.

SAINT LUCIA.

No. 8 of 1975

AN ACT to consolidate and amend the law relating to public health in Saint Lucia and for matters connected therewith.

[On Proclamation]

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the House of Assembly of Saint Lucia, and by the authority of the same as follows:-

Short Title

1. This Act may be cited as the Public Health Act 1975.

Interpretation

2. In this Act —

“area” means an area into which Saint Lucia is divided under section 3;

“Board” means the Public Health Board established by the Minister under section 5;

“disease” includes any condition of the body or some part or organ thereof in man or animal in which performance thereof is disturbed or deranged and any disease listed described or referred to on the requests made under this Act;

“district” means a health or sanitation district established by the Minister within an area under section 3;

“functions” include powers and duties

“licence” means a licence issued pursuant to the regulations made under this Act;

“local authority” means the Castries Corporation constituted pursuant to the Castries Corporation Act 1967, any town, village, or district council pursuant to the Local Authorities Ordinance;

“medical officer of health” means a person duly appointed or authorised to act as a Medical Officer of Health under this Act and includes the Chief Medical Officer;

Minister means the Minister responsible for health;

“officer” includes the Chief Medical Officer, Medical Officer of Health, Public Health Nurse, Public Health Inspector and any person appointed as a Public Health Officer under this Act;

“premises” includes land whether open or closed, whether built on or not whether public or private and whether or not maintained under any enactment and any aircraft, ship, vessel, boat, hut, barge, tent, van, shed or similar structure ;

“Public Health Inspector” means a person duly appointed as such under this Act;

“Public Health Nurse” means a person duly appointed as such under this Act;

“works or work “includes the structural alteration of a building, the repair of a road whether public or private and the removal or abatement of a nuisance.

Minister to be responsible for health of inhabitants and may divide island into areas and districts

3. The Minister shall generally be responsible for the promotion and preservation of the health of the inhabitants of Saint Lucia and for this purpose may divide the island into such areas as he may determine, establish such health or sanitation districts within such area, and assign duties to such officers in relation thereto as he thinks necessary.

Function of Minister

4.—(1) The Minister shall be responsible for the administration of the provisions of this Act and without limiting the generality of the foregoing his functions shall include —

- (a) the prevention, treatment, limitation and suppression of disease, including the conduct of investigations and inquiries in respect thereof;
- (b) the publishing of reports, information and advice concerning public health, including advice to the government and the education of the public in the preservation of health
- (c) the abatement of nuisances and the removal or correction of any condition that may be injurious to the public health;
- (d) the control of food and drugs in the interest of the public health and the seizure and destruction of food and drugs that do not comply with the provisions of this Act or any regulations made thereunder and the protection of the public from fraud or deception in connection with food or drugs;

(e) in acceptance and administration of gifts of money or property from individuals or organisations donated to provide any matter related to health for which this Act makes provision.

5.—(1) The Minister shall establish a Board to be called the “Public Health Board” and hereinafter referred to as “the Board” comprising persons who are in the opinion of the Minister representative of some aspect of Public Health and without limiting the foregoing such persons may include representatives of commerce, labour, agriculture, social and cultural organisations the medical profession and local authorities and the provisions of the Schedule shall have effect in relation to the constitution of the Board and otherwise in relation thereto.

(2) The Minister may delegate to the Board such of his functions under subsection (1) of section 4 as he thinks fit and give directions to the Board as to the discharge of such functions delegated to it by him.

(3) The Board shall —

(a) advise the Minister on such matters relating to his functions under subsection (1) of section 4 as he may refer to it for advice;

(b) discharge such functions of the Minister as may be delegated to it under subsection (2) of this section and in the discharge of such functions comply with such directions given by the Minister as to the discharge of those functions delegated to it.

Delegation to local authority

6.—(1) The Minister may in writing delegate to a local authority to discharge within its boundaries such of his functions under subsection (1) of section 4 as he thinks fit and on such terms and conditions as he may prescribe.

(2) A local authority in discharging the functions delegated to it under subsection (1) subject to the terms and conditions specified in such delegation may take such steps as necessary for the discharge of those functions and in the discharge of those functions every duty and power given to any person under this Act in respect of functions so delegated shall extend to and include any officer of a local authority which is discharging any functions delegated to it.

Appointment of Public Health Offices

7. Subject to this Act, there shall be appointed in a manner authorised by law for the purpose of this Act such Medical Officers of Health, Public Health Nurses, Public Health Inspectors or other Public Health Officers as may from time to time be required for the administration of this Act and the regulations made thereunder.

Chief Medical Officer to discharge functions of Minister

8.—(1) Except as the Minister may otherwise direct the Chief Medical Officer shall discharge the functions conferred on the Minister under this Act and every Medical Officer of Health, Public Health Nurse, Public Health Inspector of other public officer shall discharge functions under this Act as directed by the Minister or the Chief Medical Officer and in so doing shall be deemed to be acting under the authority of this Act.

(2) Subject to subsection (1) such officers may take such steps as are necessary for the execution and administration of this Act, the regulations made thereunder and of any orders or directions given by the Minister or Chief Medical Officer and may call upon any member of the Police Force to lend such assistance as may be required in the execution and administration thereof.

Regulations

9.—(1) The Minister may, subject to negative resolution of the House of Assembly, make regulations for the proper carrying out of the provisions of this Act and without limiting the generality of the foregoing may make regulations—

- (a) prescribing the forms to be used for the purposes of this Act;
- (b) for the prevention, treatment, limitation and suppression of disease;
- (c) for the prevention of the overcrowding of premises;
- (i) for the maintenance of the proper sanitary condition of premises;
- (e) providing for the institution of measures for ensuring the purity of the water supply;
- (f) for the prevention, abatement or removal of nuisances and insanitary conditions on premises;
- (g) with respect to sewers and sewage disposal works;
- (h) providing for the collection, removal and sanitary disposal of rubbish, night soil and other offensive matter;
- (1) providing for the licensing of persons, places and institutions for the carrying on of prescribed businesses;
- (j) prescribing the method of carrying on any offensive trade or business;
- (k) regulating the slaughtering and execution of animals for use as food for human consumption;
- (l) regulating the keeping of domestic animals;
- (m) providing for the disposal of dead animals;
- (n) for the control and destruction of mosquitoes termites and other insects, rodents and other vermin;
- (o) respecting dairies and any premises where any business in relation to the production, sale, delivery or distribution of milk is carried on including the sanitation, maintenance, licensing and inspection of such places;
- (p) for the inspection and testing of cattle in dairies and prescribing precautions to be taken for protecting milk against infection or contamination;
- (q) with respect to the production and sale of food for human consumption;

- (*r*) for controlling the offering for sale of food, drugs, cosmetics and devices and prescribing standards of identity, composition and quality of such products;
- (*s*) providing for the inspection of hotels, boarding houses and other places of accommodation;
- (*t*) providing for the inspection of the places of business of barbers, hairdressers and beauticians;
- (*u*) providing for the inspection and sanitary conditions of beaches and swimming pools in the interest of the public health;
- (*v*) providing for the notification of the births of children and the form and manner of such notification;
- (*w*) providing for the medical and dental examination and treatment of school children, the removing of children from school and the closing of schools in the interest of the public health;
- (*x*) regulating the interment of the dead and all matters incidental thereto, and providing for the inspection of undertaking establishments, morgues, crematoria and other places used in connection with the preparation, transportation of the dead into Saint Lucia and disposal of human remains and the licensing thereof.

Minister may compel the execution of works in interest of public health

10.—(1) Where it appears to the Minister that for the protection or in the interest of the public health any work in or on any premises are necessary, the Minister may cause to be served on the owner or occupier of such premises a notice in writing signed by the Minister or by any person authorised by the Minister on that behalf requiring him to execute such work as the Minister considers necessary

(2) A. notice under subsection (1) shall indicate the nature of the works to be executed and specify a period of time after the expiration of which the Minister may cause the works to be carried out if they have not previously been executed.

(3) A person served with a notice under subsection or any other person having an estate or interest in the premises to which the notice relates may, at any time before the expiration of the period of time specified in the notice pursuant to the provisions of subsection (2) and in accordance with any court for the time being in force, appeal to in Chambers against the notice on any of the grounds —

- (*a*) that the notice or requirement is not justified for the protection or in the interest of the public health;
- (*b*) that there is some informality, defect or error in or in connection with the notice;
- (*c*) that the Minister has refused unreasonably to approve the execution of alternative works;
- (*d*) that the works required by the notice to be executed are unreasonable in character or extent or are unnecessary;
- (*e*) that the time within which the works are required by the notice to be executed is not reasonably sufficient for the purpose;

(f) that the notice might lawfully have been served on the occupier of the premises to which it relates instead of on the owner or the owner instead of on the occupier and it would have been equitable for it to have been so served;

(g) where the work is for the common benefit of the premises to which the notice relates and other premises, that some other person being the Owner or occupier of the other premises to be benefitted, ought to contribute towards the expenses of executing any works required.

(4) Where an appeal under subsection (3) is based on the ground specified in paragraph (b) thereof, the Judge shall dismiss the appeal, if he is satisfied that the informality defect or error was not a material one.

(5) Where the grounds upon which an appeal is brought under subsection (3) includes a ground specified under paragraph (f) or (g) of that subsection the appellant shall serve a copy of his notice of appeal on each other person referred to therein and may serve a copy thereof on any other person having an estate or interest in the premises to which the notice under subsection (1) relates and on the hearing of the appeal the Judge may make such order as he thinks fit in respect of the person by whom any work is required to be executed and the contribution to be made by any other person towards the cost of the work or as to the proportions in which any expenses which may become recoverable by the Minister under subsection (10) are to be borne by the appellant and such other person.

(6) In exercising his powers under subsection (5) the Judge shall have regard —
(a) as between an owner and an occupier, to the terms and conditions whether contractual or otherwise, of the tenancy and to the nature of the works required ; and
(b) in any case, to the degree of benefit to be derived by different persons concerned.

(7) Where an appeal is brought under subsection (3) the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.

(8) On the determination of an appeal under subsection (3), the Judge shall give directions for quashing the notice to which the appeal relates or for varying the terms of such notice in favour of the appellant.

(9) Where the notice to which the appeal relates is varied or dismissed, the Judge may, if he thinks fit, direct that the notice shall not come into force until such date (not being later than twenty-eight days from the determination of the appeal) as he thinks fit.

(10) The determination of an appeal under subsection (3) by a Judge in Chambers shall be final.

(11) If at the expiration of the period specified in the notice under subsection (1) or directed by a Judge on the determination of an appeal under subsection (3) the work specified in the notice or as varied by a Judge as aforesaid has not been executed, the Minister may cause such work to be executed and on completion thereof may recover the reasonable cost of carrying out the same as a debt due to the Crown in a District Court or summarily in the High Court as the case may be.

(12) In the proceedings under subsection (10) the validity of the notice to which the proceedings relate shall not be quashed on any ground specified in subsection (3).

Power of Entry

11.—(1) The Chief Medical Officer, a Medical Officer of Health, the Minister or any person authorised by a document signed by any *of* them in that behalf may at all reasonable times enter, if necessary by force, any premises for the purpose of —

- (a) ascertaining whether there is or has been on or in connection with any premises any contravention of the provisions of this Act or any regulations made thereunder;
- (b) ascertaining whether or not circumstances exist which would authorise or require the Minister to take any action or execute any work under this Act or any regulations made thereunder;
- (c) taking any action or executing any work authorised or required to be taken or executed under this Act;
- (d) generally for examining and inspecting such premises and for the purpose of performance by the Minister, the Chief Medical Officer, a Medical Officer of Health or any person acting under the authority of any of them of their functions under this Act or any regulations made thereunder.

(2) Any person claiming the right to enter as provided in subsection (1) of this section shall produce the document authorising him in that behalf.

Authentication of documents

12. Any notice, order, demand or other document made or given under this Act or the regulations made thereunder by the Minister, the Chief Medical Officer, a Medical Officer of Health or any person acting under the authority of any of them and purporting to be signed by any of them shall be deemed until the contrary is proved to have been signed by that person and such notice, order, demand or other document shall be admissible in evidence in legal proceedings under this Act or the regulations made thereunder and is *prima facie* proof of the contents contained therein.

Services of Notices etc.

13.—(1) Any notice, order demand or other document made or given under this Act or any regulation made thereunder may be served either —

(a) by delivering it to that person ; or

(b) by delivering it or sending it in a prepaid letter addressed to that person at his usual or last known place of abode or business ; or

(c) in the case of a corporate body or association of persons whether incorporated or not by delivering it to the Secretary or Clerk at their registered or principal office or by sending it in a prepaid letter addressed to him at that office; or

(d) in the case of a document to be served on the owner or occupier of any premises then to some adult on the premises and if there is no adult on the premises, to whom it can be delivered, by affixing a copy of it to some conspicuous part of the premises.

(2) In any notice, order, demand or other document made or given under this Act or by regulations made thereunder, wherein it shall be necessary to mention or to refer to the owner or occupier of premises it shall be sufficient to designate him as the “owner” or “occupier” of the premises (naming them) without further name or description.

Offences

14.— (1) Any person who —

(a) refuses to answer or knowingly gives an untrue answer to an enquiry made to him ; or

(b) intentionally withholds any information from or knowingly furnishes any false information to; or

(c) refuses to carry out any order, instruction or condition made, given, or imposed by; or

(d) assaults, resists, obstructs, or intimidates ; or

(e) uses indecent, abusive or insulting language to; or

(f) interferes with or hinders; or

(g) by any gratuity, bribe, inducement prevents the due execution of his duty by, any officer or other person acting under the authority of this Act or of any regulations made thereunder shall be guilty of an offence.

(2) Any person who fails to observe, carry out infringes any provision or requirement of this Act any regulations made thereunder shall be guilty of offence

Penalties

15.—(1) Subject to this section any person guilty of an offence under this Act shall on summary conviction be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) Where an offence is made punishable under any regulations made under this Act and the act default or commission occasioning the offence continues whereby in the circumstances the offence is a continuing one any person who continues such offence

after being convicted of the original offence shall be liable to a fine not exceeding twenty-five dollars for each day on which the offence continues after conviction:

Provided that the court by which person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by that person with any directions given by the Court and, where a court has fixed such a period the daily penalty shall not be recoverable in respect of any day before the expiration thereof.

(3) Notwithstanding section 17 (10) of the Interpretation Act limiting the punishment which may be imposed by way of a fine or imprisonment for the contravention of any statutory instrument, there may be annexed to the contravention or failure to comply with any regulation made under this Act a punishment by way of fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Limitation on prosecution

16. An information or prosecution under this Act or regulations made thereunder may be commenced at any time within twelve months from the time when the subject matter of the information or prosecution arose or the offence was committed which ever is later

Laying of Information

17. An information or a prosecution under this Act or the regulations made thereunder may be instituted by the Chief Medical Officer or with his consent by any other officer, or by an officer of a local authority in respect of any matter which is the subject of a delegation to such local authority as provided in this Act.

Prosecution of offences

18. Proceedings for an offence under this Act or Prosecution of the regulations made thereunder may be instituted heard tried or determined by a court of summary jurisdiction in whose district the offence was committed or in any place in which the defendant is apprehended or happens to be.

Exemption from liability

19. Nothing done directed or authorised by the Minister, the Chief Medical Officer or a Medical Officer of Health or any person acting under the authority of any of them shall, if such thing was done directed or authorised bona fide for the purpose of executing any of the provisions of this Act, subject such persons to any action, liability, claim or demand whatsoever.

Expenses

20. Any expenses incurred in the administration of the provisions of this Act shall be defrayed out of moneys voted for the purpose by the House of Assembly.

Savings for pensions rights etc. Ch. 151

21. Nothing in this Act shall effect the rights or claims of any sanitary inspector or other officer appointed under the Public Health Ordinance to any pension or gratuity to which a sanitary inspector or other officer shall have been entitled prior to the coming into operation of this Act and a sanitary inspector or other officer shall be deemed to have been appointed under this Act and all rights and claims to such pension or gratuity shall be preserved and settled in accordance with the provisions of any enactment regulating the same.

Existing statutory legislation

22.—(1) Any statutory instrument which may be in force at the time of coming into operation of this Act whether made under an enactment that has been repealed by this Act or otherwise repealed shall be deemed to have been made under this Act and shall continue in effect until specifically altered, varied or repealed under this Act. Where any such statutory instrument conflicts in any way with any regulations made under this Act they shall cease to have effect.

(2) A local authority if otherwise empowered by an enactment to make byelaws respecting matters relating to public health within its boundaries may make byelaws not inconsistent with this Act and the regulations made thereunder as may be necessary for matters relating to public health within its boundaries.

Default Powers

23.—(1) Where the Minister is satisfied that a local authority or any Board or Committee to which functions have been delegated under this Act has made default in exercising, or in enforcing any of the Regulations or byelaws which it is their duty to enforce, the Minister may make an order declaring the local authority or Board to be in default and therein direct the local authority, or Board as the case may be for the purpose of removing the default to discharge such functions or of enforcement of any such regulations or byelaws and in such manner and within such time or times, as may be specified in the order.

(2) If a local authority or Board with respect to whom an order has been made under subsection (1) fails to comply with any requirement of such order within the time limited therein for compliance with that requirement, the Minister may, with the approval of the Cabinet make an order transferring to himself such of the functions of the body in default as may be specified in the order.

(3) Where the Minister has by order under subsection (1) transferred to himself any functions any expenses incurred by him shall in discharging the said functions be a charge on the Consolidated Fund but the amount of those expenses as certified by the this Minister shall on demand be paid to the Crown by the body in default and shall be recoverable at the instance of the Minister from the body as a debt due to the Crown.

(4) Where an order has been made by the Minister under this section the Minister may at any time by a subsequent order vary or revoke that order but without prejudice to the validity of anything done under that order and if an order is revoked the Minister may, either by the revoking order or by a subsequent order make such provision as appears to him to be desirable with respect to the transfer vesting and discharge of any property or liabilities acquired or incurred by the body or by him in discharge of any of the functions duties and provisions to which the order so revoked related.

(5) Where the Minister has by order under subsection (1) transferred to himself any functions, he may where the circumstances so require make arrangements by way of scheme for the transfer or relinquishment of services, emoluments, pensions and such other provisions for protecting the other rights and interests of persons so effected by the transfer or relinquishment:
Provided that where such persons are to be transferred to the Government the approval of the appropriate authority shall be obtained.

Repeal Ch. 151

24. The Public Health Ordinance Ch. 151 is hereby repealed.

Commencement

25. This Act shall come into operation on such day as the Governor may appoint by Proclamation published in the *Gazette*.

SCHEDULE

1.—(1) The Public Health Board to which section 37 (1) of the Interpretation Act 1968 shall apply shall consist of at least seven persons one of whom shall be the Chief Medical Officer who shall be Chairman.

(2) The Minister may appoint any person to act temporarily in the place of any member of the Board in the case of the absence of or inability to act of such member.

(3) A member of the Board shall hold office for a term of three years unless he dies resigns or is removed from office by the Minister for cause before the end of that term but —

(i) a member who is appointed to fill a vacancy created by the death, resignation or removal from office for cause of a former member shall hold office only for the unexpired portion of that term

(ii) any member is eligible for further re-appointment for a further term.

(4) The Minister may grant leave of absence to a member of the Board and may appoint a person to act in the place of that member.

(5) A member of the Board other than a public officer may resign his office by instrument in writing addressed to the Minister, transmitted through the Chairman and from the date of the receipt of such *instrument* by the Minister such member shall cease to be a member of the Board.

2.—(1) Three members of the Board shall form a quorum.

(2) Decisions of the Board shall be by a majority of votes and where the voting is equal the Chairman shall have a casting vote.

(3) The Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Board determines.

(4) The Chairman shall preside at meetings of the Board and where the Chairman is absent from any meeting the members present may elect one of themselves to act as Chairman for that meeting.

(5) Subject to this Schedule the Board may regulate its own proceedings.

(6) The Permanent Secretary of the Ministry of Health may assign a public officer to perform the functions of Secretary to the Board.

(7) All documents made by, and the decisions of the Board may be signified under the hand of the Chairman or any member of the Board authorised to act in that behalf, or by the Secretary of the Board.

Passed in the House of Assembly this 25th day of March 1975.

W. ST. CLAIR DANIEL.

Speaker.