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# Public Health Act 1935 (Ch 281)

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## **CHAPTER 281**

### **THE PUBLIC HEALTH ACT.**

*Commencement.* 15 October, 1935.

**An Act to consolidate the law regarding the preservation of public**

**health.**

**PART I—INTERPRETATION.**

**1. Interpretation.**

In this Act, and in any rules made under this Act, unless the context otherwise requires—

“adult” means a person who is over or appears to be over eighteen years of age;

“approved” and “prescribed” mean respectively approved or prescribed by the Minister or by the appointed officers or by rules under this Act, as the case may be;

“basement” means any room which is more than one-third of its height measured from the level of the floor below the surface of any ground within ten feet of the wall of that room, but which, as regards ventilation and light, conforms with all rules made under this Act;

“board” means the Advisory Board of Health constituted under this Act;

“building” includes any structure whatsoever whether permanent or temporary for whatsoever purpose used;

“burial” means burial in the earth, interment or any other form of sepulture, or the cremation or any other mode of disposal of a dead body, and “buried” has a corresponding meaning;

“cellar” means any room the floor of which is lower than any ground within ten feet of that room and which as regards ventilation and light does not conform with all rules made under this Act, and includes any vault or underground room;

(h) “child” means a person who is under or appears to be under eighteen years of age;

(i) “court” or “court of competent jurisdiction”, except in section 66, means a magistrate’s court over which presides a chief magistrate or a magistrate grade I or grade II, and every offence created

under this Act shall be tried and punished in such court or in the High Court;

(j) “dairy” includes any farmhouse, cowshed, milkstall, milkshop or other place from which milk is supplied or in which milk is kept or used for purposes of sale or manufactured into butter, ghee, cheese, dried milk or condensed milk for sale;

(k) “dairyperson” includes any cowkeeper, purveyor of milk or occupier of a dairy, and in cases where a dairy is owned by a corporation or company, the secretary or other person actually managing the dairy;

(l) “district” means in relation to a local authority, the area which is under the jurisdiction of that local authority;

(m) “drain” means any drain, together with its appurtenances, used for the drainage of one building only, or of premises within the same curtilage and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which drainage of two or more buildings or premises occupied by different persons is conveyed and includes any pipe or channel whether opened or closed, used or intended to be used for drainage of land;

(n) “dwelling” means any house, room, shed, hut, cave, tent, vehicle, vessel or boat or any other structure or place, any portion of which is used by any human being for sleeping or in which any human being dwells;

(o) “erect” in reference to a dwelling or room includes “alter”, “add to” or “convert into”, and “erected” has a corresponding meaning;

(p) “factory” means any premises in which, or within the close or curtilage or precincts of which, steam, water, electricity or other mechanical power is used for the purposes of trade or manufacture;

(q) “food” means any article used for food or drink other than drugs or water, but includes ice, and any article which ordinarily enters into or is used in the composition or preparation of human food, and includes flavouring matters and condiments; “foodstuffs” has a similar meaning;

(r) “guardian” means any person having by reason of the death, illness, absence or inability of the parent or any other cause, the custody of a child;

(s) “health inspector” means a health or sanitary inspector of the Ministry of Health and includes any member of the subordinate

medical staff or other person appointed by the chief medical

officer to act as such within the district of one or more local authorities; (t) “infected” means suffering from, or in the incubation stage of, or contaminated with the infection of, any infectious disease; (u) “infectious disease” means any disease which can be

communicated directly or indirectly by any person suffering from it to any other person; (v) “isolation” means the segregation and the separation from and

interdiction of communication with others of persons who are or are suspected of being infected; (w) “isolated” has a corresponding meaning; (x) “keeper of a lodging house” means any person keeping a hotel or lodging house; (y) “land” includes any right over or in respect of land or any interest in land; (z) “latrine” includes privy, urinal, earth closet and water closet; (aa) “local authority” means—

(i) a local council as defined in the Local Governments Act;

(ii) in any area for which a sanitary board is appointed under section 4, the sanitary board; (bb) “lodging house” means a building or part of a house, including its

verandah, if any, which is let or sublet in lodgings or otherwise, either by storeys, by flats, by rooms or by portions of rooms; (cc) “meat inspector” means any person appointed by the

commissioner of veterinary services and animal industry for the purposes of meat inspection; (dd) "medical observation" means the isolation or detention of persons for the purpose of medical examination; (ee) "medical officer" means any registered medical practitioner in

the employment of the Government but does not include a licensed medical practitioner; (ff) "medical officer of health" means the chief medical officer or any

medical officer in the employment of the Government and

includes any member of the Government medical subordinate

staff being a registered or licensed medical practitioner or other

medical practitioner appointed by the chief medical officer to act as such in any district; (gg) "medical practitioner" means a person who is registered or

licensed as such under any law in force in Uganda governing the

registration of medical practitioners;

(hh) "medical surveillance" means the keeping of a person under medical supervision. Persons under the surveillance may be required by the medical officer of health or any duly authorised officer to remain within a specified area or to attend for medical examination at specified places and times;

(ii) "municipality" means the district under the control of any city or municipality constituted under any empowering Act;

(jj) "occupier" includes any person in actual occupation of land or premises without regard to the title under which he or she occupies, and, in case of premises subdivided and let to lodgers or various tenants, the person receiving rent payable by the lodgers or tenants whether on his or her own account or as an agent for any person entitled to the rent or interested in it;

(kk) "offensive trade" includes the trade of blood boiler, bone boiler, fellmonger, soap boiler, tallow melter, tripe boiler, tanner, preparer or storer of hides, manure manufacturer and any other noxious or offensive trade, business or manufacture declared by the Minister by statutory instrument to be a noxious or offensive trade;

(ll) "owner" as regards immovable property, includes any person, other than the Government, receiving the rent or profits of any lands or premises from any tenant or occupier of the land or premises or who would receive the rent or profits if the land or premises were let whether on his or her own account or as agent for any person other than the Government, entitled to the rent or profits or interested in the rent or profits; the term includes any lessee or licensee of public land and any superintendent, overseer or manager of that lessee or licensee residing on the holding;

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

(nn) "premises" includes any building or tent together with the land on which it is situated and the adjoining land used in connection with it, and includes any vehicle, conveyance or vessel;

(oo) "public building" means a building used or constructed or adapted to be used either ordinarily or occasionally as a place of public worship or as a theatre, public hall, or as a public place of assembly for persons admitted by ticket or otherwise, or used or adapted to be used for any other public purpose;

(pp) "public latrine" means any latrine to which the public are admitted on payment or otherwise;

(qq) "public vehicle" means every vehicle which plies or stands for

hire, or is from time to time let out for hire or is intended to be let

out for hire and includes any railway coach or aircraft; (rr) "slaughterhouse" means any premises set apart for the purpose of

a slaughterhouse by a local authority; (ss) "stock" means and includes all domesticated animals of which

the flesh or milk is used for human consumption; (tt) "street" means any highway, road or sanitary lane, and includes

any bridge, footway, square, court, alley or passage whether a

thoroughfare or a part of one or not; (uu) "town" means a town within the meaning of the Local

Governments Act and includes any municipality created

hereafter; (vv) "trade premises" means any premises, other than a factory, used

or intended to be used for carrying on any trade or business; (ww) "vehicle" means every means of conveyance or of transit or parts

thereof manufactured for use or capable of being used on land,

water or in the air and in whatever way driven or propelled or

carried; (xx) "verandah" includes any stage, platform or portico projecting

from the main wall of any building; (yy) "veterinary officer" means the commissioner of veterinary

services and animal industry or any veterinary officer in the

employment of the Government or any member of the

Government veterinary staff, appointed by the commissioner to

act as such in any district; (zz) "workshop" means any building or part of a building in which

manual labour is exercised for purposes of trade.

## PART II—ADMINISTRATION.

### **2. Power to direct inquiries.**

The Minister may cause to be made such inquiries as he or she may see fit in relation to any matters concerning the public health in any place.

### **3. Power of persons directed to make inquiries.**

When the Minister directs an inquiry to be made, the person directed to make the inquiry shall have free access to all books, plans, maps, documents and other things relevant to the inquiry and shall have in relation to witnesses and their examination and the production of documents similar powers to those conferred upon commissioners by the Commissions of Inquiry Act, and may enter and inspect any building, premises or place, the entry or inspection of which appears to him or her requisite for the purpose of the inquiry.

### **4. Appointment of sanitary boards.**

The Minister may by statutory instrument establish any number of boards to be known as sanitary boards comprising such number of persons as the Minister may from time to time decide to exercise the powers conferred on local authorities by this Act in respect of any specified area and by such instrument the Minister may make provision, not inconsistent with this Act, for the conduct of the business of any board, the extent of its jurisdiction and generally for enabling it satisfactorily to exercise its powers.

### **5. General duties of local authorities.**

Every local authority shall take all lawful, necessary and reasonably practicable measures for preventing the occurrence of, or for dealing with any outbreak or prevalence of, any infectious, communicable or preventable disease; to safeguard and promote the public health; and to exercise the powers and perform the duties in respect of the public health conferred or imposed by this Act or by any other law.

### **6. Proceedings on complaint to Minister of local authority in municipality or town.**

Whenever complaint is made to the Minister that the public health in any municipality or town is endangered by the failure or refusal on the part of the local authority to exercise the powers or perform the duties devolving upon it under this Act, the Minister, if satisfied after due inquiry that the local authority is guilty of default, may make an order directing the local authority to perform its duty in the matter of the complaint and prescribing a time for that performance.

If the order given under subsection (1) is not obeyed within the time prescribed, the Minister may appoint some person to carry out the order.

### **7. Powers of person appointed under section 6.**

Any person appointed under section 6 to perform the duty of a defaulting local authority shall, in the performance and for the purpose of that duty, have all the powers of the local authority other than the powers of levying rates vested in any local authority pursuant to the provision of any Act in that behalf; and the Minister may from time to time by order change any person so appointed.

## **8. Establishment of Advisory Board of Health.**

For the purpose of this Act, the Minister shall establish a body to be known as the Advisory Board of Health comprising the chief medical officer, or his or her authorised representative, as chairperson and such other members as the Minister may see fit to appoint, including at least three nonofficials resident in Uganda who shall be appointed for such period as the Minister may determine.

The chairperson shall appoint such person as he or she may think fit to be secretary of the board.

Notwithstanding subsections (1) and (2), the Minister may by order vary or cancel the membership of the board.

The Minister shall make rules defining the functions of the board, the convening of its meetings, the quorum of the board, the allowances payable to members of the board and the circumstances in which any member shall vacate his or her membership.

The names of all members appointed to the board shall be immediately notified in the Gazette, and any number of the Gazette containing a notice of any appointment shall be deemed sufficient evidence of that appointment for all purposes.

If any member of the board is at any time prevented by absence or other cause from acting, the Minister may appoint some other person to replace that member until he or she shall return or be able to resume his or her functions.

## **9. Provisions of this Act in relation to other Acts.**

(1) Except as is specially provided in this Act, the provisions of this Act shall be deemed to be in addition to and not in substitution for any provisions of any other Act which are not in conflict or inconsistent with this Act.

(2) If the provisions of any earlier Act are in conflict or inconsistent with this Act, the provisions of this Act shall prevail.

## **PART III—NOTIFICATION OF INFECTIOUS DISEASES.**

### **10. Minister's power to declare notifiable diseases.**

The Minister may by statutory order—

declare that any disease shall be a notifiable disease for the purpose of this Act;

declare that only such provisions of this Act as are mentioned in the order shall apply to any notifiable disease;

restrict the provisions of this Act, as regards the notification of any disease, to the district of any local authority or to any area defined.

### **11. Power to make rules.**

(1) The Minister may in respect of the notification of disease make rules as to—

the duties of medical practitioners called in to visit or in any manner becoming aware of any notifiable disease;

the duties of heads of families, parents or other persons having the care of or in attendance on any sick person;

the duties of owners or occupiers of land, the owners or managers of mines, employers of labour, and all chiefs or headmen or others;

the duties of the person in charge of any school, mission or missionary institution, orphanage or similar institution in regard to the reporting of such diseases or any other disease specified in the rules;

the circumstances in which notification of particular diseases shall not be required;

the duties of the local authorities in respect of keeping registers of records of notifications of disease;

the duties of registrars of births and deaths in respect of furnishing a local authority or medical officer of health with notification of returns of births and deaths notified with the registrars;

(h) the forms to be used and the particulars to be furnished by

medical practitioners and others when making the notifications to a local authority or medical officer of health;

(i) the forms to be used and the particulars to be furnished by a local authority and a medical officer of health when transmitting returns and reports to the chief medical officer; (j) the fees to be paid by a local authority or the Government to medical practitioners for certificates provided in accordance with the rules, and generally for better carrying out the provisions and attaining the objects of this Part of this Act.

(2) Any person who contravenes any such rule commits an offence. PART IV—PREVENTION AND SUPPRESSION OF INFECTIOUS DISEASES.

### **12. Powers of medical officer of health to inspect premises and persons.**

A medical officer of health may at any time enter and inspect any premises in which he or she has reason to believe that any person suffering or who has recently suffered from any infectious disease is or has recently been present, or any inmate of which has recently been exposed to the infection of any infectious disease, and may medically examine any person in the premises for the purpose of ascertaining whether the person is suffering or has recently suffered from or is a carrier of any such disease and may cause a postmortem examination to be made on any corpse for the purpose of ascertaining if the cause of death has been any infectious disease.

### **13. Powers of medical officer of health to cause premises to be disinfected.**

Where any medical officer of health is of opinion that the cleansing and disinfecting of any building or part of the building, and of any articles in the building likely to retain infection, would tend to prevent or check infectious disease, he or she shall give notice in writing to the owner or occupier of the building or part of the building specifying the steps to be taken to cleanse and disinfect the building or part of the building and the articles, within a time specified in the notice.

If the person to whom notice is so given fails to comply with the notice, that person commits an offence and is liable on conviction before a court of competent jurisdiction to a fine not exceeding two hundred shillings

for every day during which he or she continues to make default; and a local authority may cause the building or part of the building and the articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default as a civil debt.

(3) Where the owner or occupier of any such building or part of the building is from poverty or otherwise unable, in the opinion of a local authority, effectually to carry out the requirements of this section, the authority may, without enforcing the requirements on that owner or occupier, with or without his or her consent enter, cleanse and disinfect the building or part of the building and the articles, and defray the expenses of the cleansing and disinfecting.

#### **14. Destruction of infected building, bedding, etc.**

Any local authority may direct the destruction of any building, bedding, clothing or other articles which have been exposed to infection from any infectious disease, or in the opinion of the medical officer of health are infected, and that direction shall be sufficient authority for a person authorised to do so to destroy the same.

A local authority shall give reasonable compensation for buildings and articles so destroyed.

If any person is aggrieved by the amount of compensation awarded him or her by a local authority, that person shall have the right, and the local authority, shall agree, to a submission of the matter to arbitration in accordance with the Arbitration and Conciliation Act.

#### **15. Damage to articles during disinfection.**

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

#### **16. No compensation for deprivation during disinfection.**

Compensation shall not be payable in respect of the deprivation of the occupation or use of any building or part of a building or of the use of any article occasioned by disinfection, if no undue delay has occurred.

#### **17. Provision of means of disinfection.**

Any local authority may provide a proper place, with all necessary apparatus and attendance, for the disinfection of bedding, clothing or other articles which have become infected, and may cause any articles brought for disinfection to be dealt with free of charge.

#### **18. Provision of conveyance for infected persons and things.**

Any local authority may provide and maintain conveyances for the carriage of persons suffering from any infectious disease or for the removal of any infected bedding, clothing or other articles and may pay the expenses of carriage in such conveyance of any person so suffering to a hospital or other place of detention.

#### **19. Removal to hospital of infected persons.**

Where in the opinion of a medical officer of health any person certified by a medical practitioner to be suffering from an infectious disease is not accommodated or is not being treated or nursed in such manner as adequately to guard against the spread of the disease, the local authority may cause the person to be moved to the hospital or any temporary place which in the opinion of a medical officer of health is suitable for the

reception of the infectious sick and to be detained there until the medical officer of health or any medical practitioner, duly authorised thereto by the chief medical officer, is satisfied that he or she is free from infection or can be discharged without danger to the public health.

## **20. Penalty on exposure of infected persons and things.**

Any person who—

while suffering from any infectious disease, wilfully exposes himself or herself without proper precautions against spreading the disease in any street, public building or place, shop, inn, hotel or public vehicle without previously notifying its owner, conductor or driver that he or she is so suffering;

being in charge of any person so suffering, so exposes the sufferer; or

gives, lends, sells, transmits or exposes, without previous disinfection, any bedding, clothing, rags or other things which

have to his or her knowledge been exposed to infection from any such disease, commits an offence and is liable on conviction to a fine not exceeding three hundred shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment; and a person who, while knowingly suffering from any such disease, enters any public vehicle without previously notifying the owner, conductor or driver that he or she is so suffering, shall, in addition, be ordered by the court to pay that owner, conductor or driver the amount of any loss and expenses he or she may incur in carrying into effect the provisions of this Act with respect to disinfection of the conveyance; except that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags or other things for the purposes of having them disinfected.

## **21. Penalty on failing to provide for disinfection of public vehicle.**

Every owner or driver of a public vehicle shall immediately provide for the disinfection of the public vehicle to the satisfaction of the medical officer of health, after it has to his or her knowledge conveyed any person suffering from an infectious disease, and if he or she fails to do so he or she commits an offence and is liable on conviction to a fine not exceeding four hundred shillings, but no such owner or driver shall be required to convey any person so suffering until he or she has been paid a sum sufficient to cover any loss or expenses incurred by him or her in carrying into effect the provisions of this section.

## **22. Penalty for letting infected house.**

Any person who knowingly lets for hire any dwelling or premises or part of a dwelling or premises in which any person has been suffering from an infectious disease without having it, and all articles in it liable to retain infection, efficiently disinfected to the satisfaction of the medical officer of health as testified by a certificate signed by him or her commits an offence and is liable on conviction to a fine not exceeding one thousand shillings.

This section shall apply to any owner or keeper of a hotel or boarding house who lets any room or part of a room to any person.

## **23. Duty of person letting house lately infected to give true information.**

Any person letting for hire or showing for the purpose of letting for hire any building or part of a building who on being questioned by any person negotiating for the hire of the house as to the fact of there being or within six weeks previously having been in it any person suffering from any infectious disease knowingly makes a false answer to the question commits an offence and is liable on conviction to a fine not exceeding one thousand shillings.

#### **24. Notification of death and removal of body of person dying of infectious disease.**

In every case of death from an infectious disease, it shall be the duty of the occupier of the building in which the death has occurred immediately to notify the local authority of the death; and on receipt of the notification the local authority shall at once transmit the information received to the nearest medical officer of health and make the best arrangements practicable, pending the removal of the body and the carrying out of thorough disinfection, for preventing the spread of the disease.

It shall be an offence against this Act for the occupier of any premises to keep any dead body in any room in which food is kept or prepared or eaten or to keep any dead body for more than twenty-four hours in any room in which any person lives, sleeps or works, or to keep the body of any person who is known to have died of infectious disease in any place other than a mortuary or other place set apart for the keeping of dead bodies, without first obtaining the sanction of the local authority or a medical officer of health.

Where any person dies of an infectious disease, it shall be an offence against this Act to remove the body except to a mortuary or for the purpose of immediate burial; and it shall be the duty of any person who removes the body to take it directly to the mortuary or to the place of interment for burial.

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

#### **25. Removal and burial of body of person who has died of an infectious disease.**

(1) A medical officer of health, a local authority or any administrative or police officer may direct that a dead body of a person who has died from an infectious disease be removed to a mortuary or other suitable place whenever the body—

is retained in contravention of section 24 in a room in which any person lives, sleeps or works, or in which food is kept or prepared or eaten; or

is retained in any premises in circumstances which, in the opinion of a medical officer of health, are likely to cause nuisance or endanger health.

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

#### **26. Local authority to remove and bury unclaimed bodies.**

A local authority shall be responsible for the removal and burial of bodies of destitute persons and of unclaimed bodies.

## 27. Rules.

The Minister may make rules applicable to all infectious diseases or only to such infectious diseases as may be specified in the rules, regarding the following matters—

the closing of any school or any place of public entertainment, where deemed necessary for the purpose of preventing the spread of any infectious disease, and the regulation and restriction of school attendance;

the duties of parents or guardians of school children who are suffering or have recently suffered from or been exposed to the infection of any infectious disease, and the duties of persons in charge of schools in respect of those children;

the establishment, maintenance, management and inspection of isolation hospitals, convalescent homes or other institutions for the accommodation or treatment of persons suffering from or who have recently suffered from any infectious disease, the removal of persons to those institutions and their discharge from them, and the classification and control of the patients and staff

of those institutions;

the imposition and enforcement of quarantine or of medical observation and surveillance in respect of persons suffering or suspected to be suffering from infectious disease who are not removed to a hospital or place of isolation, the premises in which those persons are accommodated, those in charge of or in attendance on those persons, and other persons living in or visiting the premises or who may otherwise have been exposed to the infection of any such disease;

the duties in respect of the prevention of infectious disease and in respect of persons suffering or suspected to be suffering from infectious disease, of owners of land on which persons reside and of employers of labour, and of chiefs or headmen and others;

the measures to be taken for the prevention of the spread or eradication of cholera, human trypanosomiasis, typhoid fever, typhus, plague, acute poliomyelitis, tuberculosis or any other infectious disease requiring to be dealt with in a special manner;

the conveyance by rail or otherwise of persons suffering from, or bodies of persons who have died of, an infectious disease;

(h) the prevention of the spread from any animal or the carcass or product of any animal to man, of rabies, glanders, anthrax, plague, tuberculosis, trichinosis or any other disease communicable by any animal, or the carcass or product of any animal, to man;

(i) the prevention of the spread of disease by flies or other insects and the destruction and the removal of or the abatement of conditions permitting or favouring the prevalence or multiplication of insects;

(j) the destruction of rodents and other vermin and the removal or abatement of conditions permitting or favouring the harbourage or multiplication of rodents and other vermin;

(k) the prevention of the spread of ankylostomiasis, schistosomiasis or other disease in man caused by an animal or vegetable parasite;

(l) the prevention of the spread of any infectious disease by the carrying on of any business, trade or occupation;

(m) the prevention of the spread of any infectious disease by persons who, though not at the time suffering from the disease, are “carriers” of and liable to disseminate the infection of the disease, and the keeping under medical surveillance and the restriction of the movements of those persons;

(n) the prohibition of spitting in public places or in public vehicles, except into receptacles provided for the purpose;

(o) the regulation and restriction of any trade or occupation entailing special danger to the health of those engaged in it, whether from infectious disease or otherwise, and the institution of measures for preventing or limiting those dangers;

(p) the establishment, maintenance and management of cleansing stations and the cleansing of dirty or verminous persons, the disinfection or fumigation of buildings, clothing or other articles which have been exposed to or are believed to be contaminated with the infection of any infectious disease, or which are dirty or verminous, and the prohibition of the carrying out of any fumigation which involves the use of poisonous gas except under licence;

(q) the disposal of any refuse, waste matter or other matter or thing which has been contaminated with or exposed to the infection of any infectious disease;

(r) the giving compulsorily of any information or the production compulsorily of any documentary or other evidence required for the purpose of tracing the source or preventing the spread of any infectious disease, and generally for better carrying out the provisions and attaining the objects and purposes of this Part of this Act.

## PART V—SPECIAL PROVISIONS REGARDING CERTAIN EPIDEMIC DISEASES.

### **28. Epidemic or endemic diseases.**

The provisions of this Part of this Act shall apply to smallpox, plague, Asiatic cholera, yellow fever, cerebrospinal meningitis, typhus, sleeping sickness or human trypanosomiasis and any other disease which the Minister may by statutory order declare to be a formidable epidemic disease for the purpose of this Part of this Act.

### **29. Power of Minister to make rules for prevention of disease.**

Whenever any part of Uganda appears to be threatened by any disease described in section 28, the Minister may by statutory order declare the part an infected area and may make rules for all or any of the following purposes—

(a) for the speedy interment of the dead;  
for house to house visitation;

for the provision of medical aid and accommodation, for the promotion of cleansing, ventilation and disinfection and for guarding against the spread of disease;

for preventing any person from leaving any infected area without undergoing all or any of the following: medical examination, disinfection, inoculation, vaccination or revaccination or passing a specified period in an observation camp or station;

for the formation of hospitals and observation camps or stations, and for placing in them persons who are suffering from or have been in contact with persons suffering from infectious disease;

for the destruction or disinfection of buildings, furniture, goods or other articles, which have been used by persons suffering from infectious disease, or which are likely to spread the infection;

for the removal of persons who are suffering from an infectious disease and persons who have been in contact with such persons;

(h) for the removal of corpses;

(i) for the destruction of rats, the means and precautions to be taken on shore or on board vessels for preventing them passing between vessels and from vessels to the shore or from the shore to vessels and the better prevention of the danger of spreading infection by rats;

(j) for destruction of mosquitoes, the means and precautions to be taken in respect of aircraft arriving at or departing from Uganda and for preventing mosquitoes from passing from aircraft to land or from land to aircraft, and the better prevention of the danger of spreading infection by mosquitoes;

(k) for the regulation of hospitals used for the reception of persons suffering from an infectious disease and of observation camps and stations;

(l) for the removal and disinfection of articles which have been exposed to infection;

(m) for prohibiting any person from living in any building or using any building for any purpose if in the opinion of the medical officer of health that use is liable to cause the spread of any infectious disease; any rules made under this section may give a medical officer of health power to prescribe the conditions on which that building may be used;

(n) for any other purpose whether of the same kind or nature as the foregoing or not, having for its object the prevention, control or suppression of infectious diseases;

(o) for the compulsory medical examination of persons suffering or suspected to be suffering from infectious disease;

(p) for the registration of residents in an infected area;

(q) for the registration of vehicles in an infected area;

(r) for the compulsory confiscation and disposal of canoes and

fishing gear used by any person in breach of any rule relating to

the disease known as sleeping sickness; (s) for the control of woodcutting in an infected area; (t) for the restriction of residence in, immigration to or emigration

from, an infected area; (u) for the control of fishing and hunting in an infected area, and may by statutory order declare all or any of the rules so made to be in force within the whole or any part of the infected area.

### **30. Local authorities to see to the execution of rules.**

The local authority of any area within which or part of which rules made under this Part of this Act are declared to be in force shall do and provide all such acts, matters and things as may be necessary for mitigating any such disease, or aiding in the execution of the rules, or for executing the rules, as the case may require.

Moreover, a local authority may from time to time direct any prosecution or legal proceedings for or in respect of the wilful violation or neglect of any rules made under this Part of this Act.

### **31. Power of local authority or medical officer of health to enforce rules.**

Any local authority or medical officer of health or any person duly authorised by any local authority or medical officer of health shall have power of entry on any premises, vehicle or vessel, for the purpose of executing or superintending the execution of any rules so made by the Minister under section 29.

### **32. Notification of sickness or mortality in animals suspected of plague.**

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

(2) Any such person who fails so to report commits an offence.

### **33. Local authorities to report notification of formidable epidemic disease by expeditious means.**

Every local authority shall immediately report to the chief medical officer or the nearest medical officer of health, by telegraph or other expeditious means, particulars of every notification received by the authority of a case or suspected case of any formidable epidemic disease, or of any unusual sickness or mortality in animals made under section 32.

### **34. Chief medical officer may requisition buildings, equipment, etc.**

Where there exists or is threatened an outbreak of any disease to which this Part of this Act applies, the chief medical officer may require any person owning or having charge of any land or premises, or any person owning or having charge of tents, transport, bedding, hospital equipment, drugs, food or other appliances, materials or articles urgently required in connection with the outbreak, to hand over the use of the land or premises or to supply or make available the article, subject to the payment of a reasonable amount as the hire or purchase price.

Any person who, without reasonable cause, fails or refuses to comply with any such requirement commits an offence.

### **35. Penalties for offences against Part V.**

Any person who commits an offence against this Part of this Act is liable on conviction to imprisonment for a period not exceeding twelve months or to a fine not exceeding two thousand shillings or to both such imprisonment and fine.

## PART VI—PREVENTION OF INTRODUCTION OF INFECTIOUS DISEASES.

### **36. Powers to enforce precautions at borders.**

(1) For the purpose of preventing the introduction of infectious disease into Uganda the Minister may by statutory order—

(a) regulate, restrict or prohibit the entry into Uganda or any part of

Uganda of any person or of persons of any specified class or description or from any specified country, locality or area;

regulate, restrict or prohibit the introduction into Uganda or any specified part of Uganda of any animal, article or thing;

impose requirements or conditions as regards the medical examination, detention, quarantine, disinfection, vaccination, isolation or medical surveillance or otherwise of persons entering, or the examination, detention or disinfection or otherwise of such persons as aforesaid or of articles or things introduced into Uganda or any part of Uganda.

(2) Any person who contravenes an order made under subsection (1) commits an offence and is liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

## PART VII—SMALLPOX.

### **37. Definition of “public vaccinator” and “unprotected person”.**

For the purposes of this Part of this Act—

“public vaccinator” includes a public vaccinator appointed by the chief medical officer and any person appointed by the chief medical officer to assist or act for a public vaccinator and includes any medical officer of health;

“unprotected person” includes a child and means a person who has not been protected from smallpox by having had the disease either naturally or by inoculation or by having been successfully vaccinated, or who has not been certified under this Act to be insusceptible to vaccination.

### **38. Vaccination of children.**

The parent or guardian of every child born in Uganda shall, within twelve months from birth, unless the child is insusceptible or unfit or has suffered from smallpox, cause the child to be successfully vaccinated by a public vaccinator or medical practitioner, and the parent or guardian of every child shall procure one of the following certificates in the form prescribed, signed by a public vaccinator or medical practitioner—

certificate of successful vaccination;

certificate of insusceptibility to vaccination;

certificate of unfitness for vaccination;

certificate that the child has suffered from smallpox.

### **39. Vaccination of persons in or entering Uganda.**

(1) After the introduction of this Act—

the Minister may by statutory order declare any area to be a compulsory vaccination area and shall in the order specify a period in which the vaccination of all unvaccinated persons dwelling in the area shall take place;

every unvaccinated adult and the parent or guardian of every unvaccinated child in any area declared to be a compulsory vaccination area shall cause himself or herself and the child to be vaccinated within the period specified;

every unvaccinated adult and the parent or guardian of every unvaccinated child entering Uganda shall cause himself or herself and the child to be vaccinated within two months.

The conditions and exceptions described in section 38 shall apply to any adult or child described in this section.

A person shall be deemed to be unvaccinated if he or she has not been or fails to prove that he or she has been successfully vaccinated; except that this section shall not apply to any person who can prove that reasonable facilities for vaccination were not available.

### **40. If adult or child unfit for vaccination, certificate to be given.**

If any public vaccinator or medical practitioner is of opinion that any adult or child is not in a fit state to be vaccinated or revaccinated, he or she shall give to the adult or to the parent or guardian of the child a certificate under his or her hand according to the form in the First Schedule to this Act or to the like effect, that the adult or child is then in a state unfit for vaccination or revaccination.

The certificate issued under subsection (1) shall remain in force for six months only but shall be renewable for successive periods of six months until the public vaccinator or medical practitioner shall deem the adult or child to be fit for vaccination or revaccination when the adult or child shall with all reasonable dispatch be vaccinated or revaccinated.

### **41. Certificate of insusceptibility to be given.**

If any public vaccinator or medical practitioner finds that any adult or child whom he or she has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that the adult or child coming or brought to him or her for vaccination has already been successfully inoculated or had smallpox, he or she shall deliver to the adult or to the parent or guardian of the child a certificate under his or her hand, according to the Second Schedule to this Act or to the like effect.

A certificate of insusceptibility to vaccination shall be given by a public vaccinator or medical practitioner only after three unsuccessful attempts at vaccination at intervals of not less than one month have been made by him or her with calf vaccine lymph of known efficiency.

#### **42. Certificate to be given for successful vaccination.**

Every public vaccinator or medical practitioner who has vaccinated any adult or child, and has ascertained that the vaccination has been successful, shall deliver to that adult or to the parent or guardian of that child a certificate in the form in the Third Schedule to this Act, or to the like effect, certifying that the adult or child has been successfully vaccinated.

#### **43. No fee to be charged for a certificate or for vaccination by public vaccinator.**

No fee or remuneration shall be charged to the person vaccinated by any public vaccinator for any certificate granted under this Act, nor for any vaccination done by him or her under this Act.

A public vaccinator or medical practitioner giving any certificate under this Act shall enter in it a description of the person in respect of whom the certificate is given sufficient for the purpose of identification.

#### **44. Vaccination of inmates of institutions.**

Every superintendent or person in charge of a leper asylum, mental hospital, chronic sick hospital, gaol, prison, reformatory or other similar institution shall where practicable, cause to be vaccinated within fourteen days following his or her admission to the institution every inmate of the institution who, being in a fit state of health to undergo vaccination, fails to prove satisfactorily that he or she has been successfully vaccinated within the three years immediately preceding; if that person is at the time unfit to undergo vaccination, he or she shall be vaccinated as soon as he or she is so fit.

#### **45. School attendance.**

No child shall be admitted to or attend any school until there has been produced to the person in charge of the school a certificate or other satisfactory evidence that vaccination as required by this Act has, with respect to that child, been complied with; and any person who admits or permits such child to be admitted commits an offence.

For the purpose of ascertaining whether the provisions of subsection (1) are being observed, every public vaccinator is authorised and required, whenever instructed by the chief medical officer, to visit any school and make in the school such inspection of the children attending there as will enable him or her to furnish prescribed particulars to the chief medical officer as to the children who are unvaccinated.

#### **46. Supply of vaccine lymph and inoculation from arm to arm, etc. forbidden.**

Any person who inoculates himself or herself or any other person against smallpox with material taken from a person suffering from smallpox or from a vaccine vesicle on another person or by any method not prescribed by regulations commits an offence.

#### **47. Emergency vaccination of population in areas threatened with smallpox.**

In the event of the occurrence or threatened outbreak of smallpox in any area—

a local authority or a medical officer of health may require any person who has or is suspected to have been in any way recently exposed to smallpox infection to be vaccinated or revaccinated immediately or may require the parent or guardian of any child who has or is suspected to have been so exposed to have the child vaccinated or revaccinated immediately. Any person failing to comply with that requirement commits an offence;

a local authority may, or when instructed by the Minister so to do

shall, require all persons within an area defined to attend at centres according to instructions issued and to undergo inspection, vaccination or revaccination as circumstances may require. The instructions may be issued by notice in the press, or by notices posted in public places, or otherwise as may be deemed sufficient by the local authority. Nonattendance shall be deemed to be an offence; (c) any medical officer of health, public vaccinator or medical practitioner duly authorised by the chief medical officer may require any person in such an area to furnish satisfactory proof, including the exhibition of vaccination scars, that he or she has been successfully vaccinated within three years immediately preceding the date of the requirement. Any person who fails to furnish such proof as regards himself or herself or as regards any child of which he or she is the parent or guardian, and refuses to allow himself or herself or the child to be vaccinated, commits an offence.

#### **48. Power to make rules.**

The Minister may make rules—

prescribing forms of certificates, notices, returns and books of record to be used in connection with public vaccination, and defining the information to be furnished in them, and requiring the furnishing and prescribing the manner of their use by registrars of births, public vaccinators, local authorities, medical practitioners, parents or guardians of children, persons in charge of schools, employers of labour and others;

conferring powers and imposing duties, in connection with the carrying out or enforcement of vaccination, on magistrates, administrative officers, members of a police force, or other Government officers, local authorities, persons in charge of schools, employers of labour, chiefs, headmen of locations and others;

prescribing and defining the duties, in connection with vaccination, of medical practitioners and public vaccinators employed by the Government;

prescribing the conditions under which vaccine lymph may be supplied free of charge to medical practitioners, local authorities and others;

prescribing the manner in which vaccination shall be performed

and the precautions to be observed by those performing it and by the persons or the parents or the guardians of children vaccinated;

providing for the vaccination or revaccination of persons and assigning where deemed desirable the responsibility for carrying out the vaccination or revaccination to local authorities or employers of labour;

as to the application and enforcement of this Part of this Act to persons entering Uganda whether by land, water or air, and for requiring, where deemed necessary, the vaccination or revaccination of any person before entering; and

(h) generally for better carrying out the provisions and attaining the objects and purposes of this Part of this Act.

## PART VIII—VENEREAL DISEASES.

### **49. Venereal diseases.**

The provisions of this Act, unless otherwise expressed, insofar as they concern venereal diseases, shall be deemed to apply to primary or secondary syphilis in its contagious forms, acute and chronic gonorrhoeal ophthalmia, soft chancre, lympho granuloma inguinale, granuloma venereum and any other disease that may be declared by the Minister by statutory instrument as a venereal disease.

### **50. Employment of infected persons.**

Every person who, while suffering from any venereal disease in a communicable form, accepts or continues in employment either as an employee or on his or her own account in or about any factory, shop, hotel, restaurant, house, or any place in any capacity entailing the care of children, or the handling of food intended for consumption, or food utensils for use by any other person, commits an offence, unless he or she proves that he or she did not know or suspect, and had no reasonable means of knowing or suspecting, that he or she was so suffering.

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

(3) An employer may dismiss summarily with payment of wages up to the date of dismissal any employee employed in any manner set out in subsections (1) and (2), if the employer has reasonable cause to suspect that the employee is suffering from venereal disease and the employee refuses to submit himself or herself to medical examination.

### **51. Publication of advertisements of cures.**

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

On and after the commencement of this Act a person shall not hold out or recommend to the public by any notice or advertisement, or by any written or printed papers or handbills, or any label or words written or printed, affixed to or delivered with, any packet, box, bottle, phial or other enclosure containing the same, any pills, capsules, powders, lozenges, tinctures, potions, cordials, electuaries, plasters, unguents, salves, ointments, drops, lotions, oils, spirits, medicated herbs and waters, chemical and officinal preparations whatsoever, to be used or applied externally or internally as medicines or medicaments for the prevention, cure or relief of any venereal disease or disease affecting the generative organs or functions, or of sexual impotence, or of any complaint or infirmity arising from or relating to sexual intercourse.

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

**52. Prevention of the treatment of venereal disease otherwise than by medical practitioner.**

No person shall for reward either directly or indirectly, unless he or she is a duly registered or licensed medical practitioner, treat any person for venereal disease or suspected venereal disease or prescribe any remedy for venereal disease, or give any advice in connection with the treatment of it, whether the advice is given to the person to be treated or to any other person.

**53. Offences and penalties.**

Any person who contravenes any of the provisions of this Part of this Act commits an offence and is liable on conviction to a fine not exceeding three thousand shillings or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.

When a person is convicted of an offence against this Part of this Act, the court may order any advertisement or written matter specified in section 51, or drugs, poisons, medicines, needles, syringes or surgical, medical or diagnostic instruments or appliances, used by, belonging to, or in the possession of the person convicted, to be forfeited, and to be destroyed or otherwise disposed of.

PART IX—SANITATION AND HOUSING.

**54. Nuisances prohibited.**

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

**55. Duties of local authorities to maintain cleanliness and prevent nuisances.**

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

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

(1) Every local authority shall take all lawful, necessary and reasonably practicable measures for preventing or causing to be prevented or remedied all conditions liable to be injurious or dangerous to health arising from the erection or occupation of unhealthy dwellings or premises, or the erection of dwellings or premises on unhealthy sites or on sites of insufficient extent, or from overcrowding, or from the construction, condition or manner of use of any factory or trade premises, and take proceedings under the law or rules in force in its area against any person causing or responsible for the continuance of any such condition.

(2) Notwithstanding subsection (1), except with the consent of the chief inspector appointed under the Factories Act, no action shall be taken by any local authority under this Part of this Act in respect of any factory premises if that action is likely to interfere with the condition or manner of use of any machinery or plant.

## **57. What constitutes a nuisance.**

The following shall be deemed to be nuisances liable to be dealt with in the manner provided in this Part of this Act—

any vehicle in such a state or condition as to be injurious or dangerous to health;

any dwelling or premises or part of the dwelling or premises which is or are of such construction or in such a state or so situated or so dirty or so verminous or so damp as to be likely to be injurious or dangerous to health or which is or are liable to favour the spread of any infectious disease;

any street, road or any part thereof, any stream, pool, ditch, gutter, watercourse, sink, water tank, cistern, water closet, earth closet, privy, urinal, cesspool, soakaway pit, septic tank, cesspit, soilpipe, wastepipe, drain, sewer, garbage receptacle, dust bin, dung pit, refuse pit, slop tank, ash pit or manure heap, so foul or in such a state or so situated or constructed as to be offensive or to be likely to be injurious or dangerous to health;

any growth of weeds, long grass, trees, undergrowth, hedge, bush or vegetation of any kind which is injurious or dangerous to health, and any vegetable that of itself is dangerous to children or others either by its effluvia or through its leaves, seeds, fruits or any part of it being eaten;

any well or other source of water supply or any cistern or other receptacle for water, whether public or private, the water from which is used or is likely to be used by human beings for drinking or domestic purposes or in connection with any dairy or milkshop, or in connection with the manufacture or preparation

of any article of food intended for human consumption, which is in a condition liable to render any such water injurious or dangerous to health;

any noxious matter, or waste water, flowing or discharged from any premises, wherever situated, into any public street, or into the gutter or side channel of any street, or into any gully, swamp or watercourse, irrigation channel or bed thereof not approved for the reception of the discharge;

any collections of water, sewage, rubbish, refuse, ordure, or other fluid or solid substances which permit or facilitate the breeding or multiplication of animal or vegetable parasites of men or domestic animals, or of insects or of other agents, which are known to carry such parasites or which may otherwise cause or facilitate the infection of men or domestic animals by such parasites;

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

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

(j) any stable, cowshed or other building or premises used for keeping of animals or birds which is so constructed, situated, used or kept as to be offensive or which is injurious or dangerous to health;

(k) any animal so kept as to be offensive or injurious to health;

(l) any accumulation or deposit of refuse, offal, manure or other matter which is offensive or which is injurious or dangerous to health;

(m) any accumulation of stones, timber or other material of any nature whatever if such is likely to harbour rats or other vermin;

(n) any premises in such a state or condition and any building so constructed as to be likely to harbour rats;

(o) any dwelling or premises which is so overcrowded as to be injurious or dangerous to the health of the inmates or is dilapidated or defective in lighting or ventilation, or is not provided with or is so situated that it cannot be provided with sanitary accommodation to the satisfaction of a medical officer of health;

(p) any public or other building which is so situated, constructed, used or kept as to be unsafe or injurious or dangerous to health;

(q) any occupied dwelling for which such a proper, sufficient and

wholesome water supply is not available within a reasonable distance as in the circumstances it is possible to obtain;

(r) any factory or trade premises not kept in a clean state and free from offensive smell arising from any drain, privy, water closet, earth closet or urinal, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated, or so overcrowded or so badly lighted or ventilated as to be injurious or dangerous to the health of those employed in the factory or trade premises;

(s) any factory or trade premises causing or giving rise to smells or effluvia which are injurious or dangerous to health;

(t) any area of land kept or permitted to remain in such a state as to be offensive, or liable to cause any infectious, communicable or preventable disease or injury or danger to health;

(u) any chimney sending forth smoke in such quantity or in such manner as to be offensive or injurious or dangerous to health;

(v) any cemetery, burial place, crematorium or other place of sepulture so situated or so crowded or otherwise so conducted as to be offensive or injurious or dangerous to health;

(w) any gutter, drain, shoot, stack pipe, downspout, water tank or cistern which by reason of its insufficiency or its defective condition causes damp in any dwelling;

(x) any deposit of material in or on any building or lane which causes damp in any building so as to be dangerous or injurious to health;

(y) any dwelling, public building, trade premises, workshop or factory not provided with sufficient and sanitary latrines.

## **58. Author of nuisance.**

The author of a nuisance means the person by whose act, default or sufferance the nuisance is caused, exists or is continued, whether he or she is the owner or occupier or both owner and occupier or any other person.

#### **59. Notice to remove nuisance.**

A local authority or a medical officer of health, if satisfied of the existence of a nuisance, may serve a notice on the author of the nuisance, or, if he or she cannot be found, then on the occupier or owner of the dwelling or premises on which the nuisance arises or continues, requiring him or her to abate it within the time specified in the notice, and, if the local authority or medical officer of health thinks it desirable, but not otherwise, any work to be executed to abate or prevent a recurrence of the nuisance may be also specified in the notice; except that—

where the nuisance arises from any want or defect of a structural character, or where the dwelling or premises are unoccupied, the notice shall be served on the owner;

where the author of the nuisance cannot be found or it is clear that the nuisance does not arise or continue by the act or default or sufferance of the occupier or owner of the dwelling or premises, the local authority shall remove the nuisance and may do what is necessary to prevent its recurrence.

#### **60. Procedure in case owner fails to comply with notice.**

If the person on whom a notice to abate a nuisance has been served under section 59 fails to comply with any of the requirements of the notice within the time specified, or if 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 may cause a complaint relating to the nuisance to be made before a court of competent jurisdiction; and the court may thereupon issue a summons requiring the person on whom the notice was served to appear before it.

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

The court may by the order impose a fine not exceeding four hundred shillings on the person on whom the order is made and may also give directions as to the payment of all costs incurred up to the time of the hearing or making of the order for the removal of the nuisance.

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

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

Notwithstanding an order declaring a dwelling habitable, further proceedings may be taken in accordance with this section in respect of the same dwelling if any nuisance occurs or if the dwelling is again found to be unfit for human habitation.

#### **61. Penalties in relation to nuisances.**

Any person who fails to obey an order by a court of competent jurisdiction to comply with the requirements of a local authority or medical officer of health or otherwise to remove the nuisance shall, unless he or she satisfies the court that he or she has used all diligence to carry out the order, be liable to a fine not exceeding eighty shillings for every day during which the default continues.

Any person wilfully acting in contravention of a closing order issued under section 60 is liable to a fine not exceeding eighty shillings for every day during which the contravention continues.

The local authority may in a case under subsection (1) or (2) enter the premises to which the order relates and remove the nuisance and do whatever may be necessary in the execution of the order and recover in any competent court the expenses incurred from the person on whom the order is made.

#### **62. Court may order local authority to execute works in certain cases.**

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

#### **63. Provision in case of two orders for overcrowding relating to the same house.**

Where any court of competent jurisdiction has twice within a period of three months issued an order as specified in section 60(2) relating to overcrowding of the same premises or part of the same premises the court may, on the application of a local authority, order the house to be closed for such period as the court may deem necessary.

#### **64. Power of sale.**

Any matter or thing removed by a local authority in abating any nuisance under this Part of this Act may be sold by public auction; and the money arising from the sale may be retained by the local authority, and applied in payment of the expenses incurred by it in reference to the nuisance, and the surplus, if any, shall be paid, on demand, to the owner of the matter or thing if he or she establishes his or her claim to it within two years from the date of the sale, failing which the surplus shall become part of the public revenue.

#### **65. Persons jointly responsible for nuisances may be proceeded against.**

Where any nuisance liable to be dealt with in the manner provided in this Part of this Act appears to be wholly or partly caused by the acts or defaults of two or more persons, a local authority may institute proceedings against any one of the persons or may include all or any two or more of them in one proceeding, and any one or more of the persons may be ordered to abate the nuisance, so far as it appears to be caused by his or her or their acts or defaults, or may be prohibited from continuing any acts or defaults which contribute to the nuisance, or may be fined or otherwise dealt with notwithstanding that the acts or defaults of any one of the

persons would not separately have caused a nuisance; and the costs may be distributed as may appear to the court fair and reasonable.

Proceedings under subsection (1) against several persons included in one complaint shall not abate by reason of the death of any of the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included.

(3) Where only some of the persons by whose act or default any nuisance has been caused or partly caused have been proceeded against under this Part of this Act, they shall, without prejudice to any other remedy, be entitled to recover from any other persons who were not so proceeded against and by whose act or default the nuisance was caused or partly caused a proportionate part of the costs of and incidental to the proceedings and abating the nuisance, and of any fine and costs ordered to be paid in such proceedings.

## **66. Notice to remove nuisance.**

Where, in the opinion of the local authority, a nuisance exists with respect to premises which, in its opinion, are so dilapidated or so defectively constructed or so situated that repairs to or alterations of the premises are not likely to remove the nuisance, the local authority may apply to the court for a demolition order; and, on the court being satisfied that the nuisance exists, and that repairs to or alterations of the premises are not likely to remove the nuisance, the court may order the owner of the premises to commence to demolish the premises on or before a specified day, being at least one month from the date of issuing the order and to complete the demolition and to remove the materials which comprised the premises from the site before another specified day; but before a demolition order is made, notice of the application for the order shall be served on the owner of the premises who may attend and give evidence at the hearing of the application by the court.

The court shall give notice to the occupier of premises in respect of which a demolition order has been issued requiring him or her to move from the premises within a time to be specified in the notice, and if any person fails to comply with the notice or enters the premises, without lawful excuse, after the date fixed he or she commits an offence.

If any person fails to comply with an order for demolition, he or she commits an offence and is liable to pay the daily fine provided in section 61(2) and the local authority may cause the premises to be demolished and may recover from the owner the expense incurred in doing so after deducting the net proceeds of the sale of the materials which the local authority may sell by auction.

No compensation shall be paid by the local authority to the owner or occupier of any premises in respect of its demolition under this section, and from the date of the demolition order no rent shall be due or payable by or on behalf of the occupier in respect of the premises.

(5) In this section, "court" means a magistrate's court over which presides a chief magistrate or a magistrate grade I.

## **67. Prohibition in respect of back-to-back dwellings and rooms without through ventilation.**

(1) The Minister may, by statutory order, prohibit within any area defined in the order—

the erection of any premises intended to be used as a dwelling constructed on the back-to-back system;

the erection of any room intended to be used as a sleeping or living or work room which is not sufficiently lighted by a window or windows of a total area not less than one-eighth of the floor area and sufficiently

ventilated by two or more ventilation openings or by windows capable of being wholly or partly opened, the windows or openings being so placed as to secure through cross ventilation; or

the erection of any premises intended to be used as a dwelling on made ground containing street sweepings, refuse, rubbish or other matter liable to decomposition until the approval of the local authority has been obtained and until such measures for safeguarding health have been taken as the local authority may require.

(2) Any person who contravenes any provision of this section commits an offence and is liable on conviction to a fine not exceeding one thousand shillings and to a further fine not exceeding forty shillings for every day during which the contravention continues after the date fixed in any written notice in respect of the contravention from the local authority.

#### **68. Cost of execution of provisions relating to nuisances.**

(1) All reasonable costs and expenses incurred in serving a notice, making a complaint or obtaining a nuisance order, or in carrying the order into effect, 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 no order is made but the nuisance is proved to have existed when the notice was served or the complaint made, then of the author of the nuisance.

Such costs and expenses incurred in relation to any such nuisance may be recovered as a civil debt, and the court shall have power to divide the costs and expenses between the authors as to it may seem just.

Where, in accordance with this Act, a local authority has itself abated or removed a nuisance or done what is necessary to prevent its recurrence, if no owner or occupier of the premises can be found, or appears or pays the expenses incurred by the abatement or removal within six months after the completion of the removal or abatement of the nuisance, the court may order the premises upon which the work has been done, or any part of the premises, or any movable property found on the premises, to be sold by public auction, and the amount realised by the sale shall be applied in defraying the costs and expenses, and the balance, if any, paid over to the owner or occupier if he or she establishes his or her claim to it within two years after the date of the sale, failing which the balance shall become part of the public revenue.

#### **69. Examination of premises.**

A local authority or a medical officer of health may enter any building or premises for the purpose of examining as to the existence of any nuisance in the building or premises at all reasonable times; and the local authority may if necessary open up the ground of the premises and cause the drains to be tested, or such other work to be done as may be necessary for the effectual examination of the premises; but if no nuisance is found to exist, the local authority shall restore the premises at its own expense.

#### **70. Power of Minister to make rules.**

The Minister may make rules and may confer powers and impose duties in connection with the carrying out and enforcement of the rules on local authorities, owners and others as to—

the inspection of land, dwellings, buildings, factories and trade premises, and for securing keeping them clean and free from nuisance and so as not to endanger the health of the inmates or the public health;

the construction of buildings, the provision of proper lighting and ventilation and the prevention of overcrowding;

the periodical cleansing and whitewashing or other treatment of

premises and the cleansing of land attached to the premises and the removal of rubbish or refuse therefrom;

the drainage of land, streets or premises, the disposal of offensive liquids and the removal and disposal of rubbish, refuse, manure and waste matters;

the standard or standards of purity of any liquid which, after treatment in any purification works, may be discharged from the purification works as effluent;

the keeping of animals or birds and the construction, cleanliness and drainage of places where animals or birds are kept;

the establishment and carrying on of offensive trades, factories or trade premises which are liable to cause offensive smells or effluvia, or to discharge liquid or other material liable to cause such smells or effluvia, or to pollute streams, or are otherwise liable to be a nuisance or injurious or dangerous to health, and for prohibiting the establishment or carrying on of such factories or trade premises in unsuitable localities or so as to be a nuisance or injurious or dangerous to health;

(h) the subdivision and general layout of land intended to be used as building sites, the level, construction, number, direction and the width of streets and thoroughfares, the limitation of the number of dwellings or other buildings to be erected on such lands, the proportion of any building site which may be built upon and the establishment of zones within which different limitations shall apply and zones within which may be prohibited the establishment or conduct of occupations or trades likely to cause nuisance or annoyance to persons residing in the neighbourhood;

(i) the inspection of the district of any local authority by that local authority with a view to ascertaining whether the lands and buildings thereon are in a state to be injurious or dangerous to health and the preparation, keeping and publication of such records as may be required;

(j) the general control of houses let-in lodgings, for fixing the maximum number of lodgers, the minimum floor space allotted to each lodger, for the adequate ventilation and lighting and periodical cleansing and limewashing at stated intervals of the premises and for the provision of adequate sanitary appliances and other requirements having for their object the protection of the health of the lodgers or surrounding inhabitants;

(k) the sanitary control of markets and market buildings.

#### **71. Rules as to buildings.**

(1) The power under section 70 to make rules relating to the construction of buildings shall include the power to regulate the following matters—

(a) as regards buildings—

(i) the construction of buildings and the materials to be used in

the construction of buildings; (ii) the space about buildings, the lighting and ventilation of

buildings and the dimensions of rooms intended for human

habitation; (iii) the height of buildings; (iv) the height of chimneys, not being separate buildings, above

the roof of the building of which they form part;

(b) as regards works and fittings—

(i) sanitary conveniences in connection with buildings;

(ii) the drainage of buildings, including the means for

conveying soil, waste, storm and subsoil water from

buildings and their curtilages; (iii) cesspools and other means for the reception or disposal of

foul matter in connection with buildings; (iv) ash pits in connection with buildings; (v) wells, tanks and cisterns for the supply of water for human

consumption in connection with buildings; (vi) stoves and other fittings in buildings, not being electric

stoves or fittings, insofar as rules with respect to such matters are required for the purposes of health and the

prevention of fire; (vii) private and public sewers, communications between drains

and sewers and between sewers.

(2) Any rules to which this section relates may include provisions as to—

the giving of notices and the deposit of plans, sections, specifications and written particulars;

the inspection of work;

the protection and testing of drains and private sewers, and the taking by the local authority of samples of materials to be used in the construction of buildings, or in the execution of other works;

the protection of public sewers;

the examination and licensing of plumbers and drain layers; and

(f) the fixing and charging of fees in respect of any of the foregoing matters and the persons to whom the fees shall be paid.

## **72. Power to require removal or alteration of work not in conformity with rules.**

If any work to which any rules referred to in section 71 are applicable contravenes any of those rules, the local authority, without prejudice to its right to take proceedings for a fine in respect of the contravention, may by notice require the owner either to pull down or remove the work or, if he or she so elects, to effect the alterations in the work as may be necessary to make it comply with the rules.

If a person to whom a notice has been given under subsection (1) fails to comply with the notice before the expiration of twenty-eight days, or such longer period as the local authority may allow, the local authority may pull down or remove the work in question, or effect such alterations in the work as it deems necessary, and may recover from him or her the expenses reasonably incurred by it in so doing.

No such notice as is mentioned in subsection (1) shall be given after the expiration of twelve months from the date of the completion of the work in question, and, in any case where plans were deposited, it shall not be open to the local authority to give such a notice on the ground that the work contravenes any building rule, if either the plans were passed by the local authority, or notice of their rejection was not given within the prescribed period from the deposit of the plans, and if the work has been executed in accordance with the plans and of any requirement made by the local authority as a condition of passing the plans.

### **73. Limitation of powers granted under this Part.**

Notwithstanding anything in this Act, no person other than the local authority concerned shall, except in respect of plots or premises in non-African occupation, exercise outside the boundaries of a municipality or town any of the powers conferred on that person by this Part of this Act without the particular or general authorisation in writing of the district commissioner which may at any time be revoked.

Whenever that particular or general authorisation is refused or revoked, the district commissioner shall forthwith report the circumstances to the chief medical officer.

## **PART X—SPECIAL PROVISIONS AS TO SEWERAGE AND DRAINAGE.**

### **74. Application.**

This Part of this Act or any sections in this Part shall apply to all local authorities.

### **75. Interpretation.**

(1) In this Part of this Act, unless the context otherwise requires, the following terms shall have the following meanings—

“cesspool” includes a settlement tank or other tank for the reception or disposal of foul matter from buildings;

“earth closet” means a pit latrine, privy or a closet having a movable receptacle for the reception of faecal matter;

“lateral drain” means that portion of a system of drains or private sewers, which— (i) in the case of a sewer for soil and waste water, lies between

the intercepting chamber and the public sewer, including the interception trap and sewer connection; or (ii) in the case of a sewer for storm water, lies between the last inspection chamber and the public sewer, or, if there is no inspection chamber, between the curtilage of the premises and the public sewer;

“prejudicial to health” means injurious or likely to cause injury to health;

“private sewer” means a sewer which is not a public sewer;

“public sewer” means any sewer vested in or constructed by or on behalf of or under the control of a local authority;

“sewer” does not include a drain as defined in section 1 but, except as aforesaid, includes all sewers and drains used for the drainage of buildings and yards appurtenant to buildings and their curtilages;

(h) “slop hopper” means any fitting intended for the reception of soil

water; (i) “soil water” means any discharge from water closets, slop

hoppers or urinals and all water containing any excremental

liquid or substance; (j) “storm water” includes surface or rain water;

(k) “waste water” means liquid waste of a nonexcremental nature but does not include storm water;

(l) “water closet” means latrine accommodation used, adapted or intended to be used in connection with a water carriage system and comprising provision for the flushing of the receptacle by means of a water supply;

(m) “workplace” does not include a factory or workshop but except as aforesaid includes any place in which persons are employed otherwise than in domestic service.

Any reference in this Part of this Act to a drain or sewer shall be construed as including a reference to any manholes, ventilating shafts, pumps or other accessories belonging to that drain or sewer.

For the purposes of this Part of this Act, a building or proposed building shall not be deemed to have a public sewer available unless—

there is or there is in course of construction within one hundred feet of the curtilage of the building or proposed building, and at a level which makes it reasonably practicable to construct a drain to communicate with it, a public sewer or other sewer which the owner of the building or proposed building is, or will be, entitled to use; and

the intervening land is land through which he or she is entitled to construct a drain, and shall not be deemed to have a sufficient water supply available unless it has a sufficient supply of water laid on from a supply controlled by a water authority appointed under the Water Act, or unless such a supply can be laid on to it from a point within one hundred feet of the curtilage of the building or proposed building, and the intervening land is land through which the owner of the building or proposed building is, or will be, entitled to lay a communication pipe; except that the limit of one hundred feet shall not apply, if the local authority undertakes to bear so much of the expenses reasonably incurred in constructing a drain to communicate with a public sewer or, as the case may be, in laying a pipe for the purpose of obtaining a supply of water, as may be attributable to the fact that the distance of the public sewer, or of the point from which a supply of water can be laid on, exceeds that one hundred feet.

*Public sewers.*

## **76. Provision of public sewers and sewage disposal works.**

(1) A local authority may within its district and also, subject to the prior approval of the Minister, without its district—

(a) construct and maintain a public sewer—

(i) in, under or over any street, or under any cellar or vault

below any street; and (ii) in, or over any land not forming part of a street, after giving reasonable notice to every owner and occupier of that land;

(b) construct sewage disposal works on any public land or land acquired, or lawfully appropriated for the purpose.

(2) In the exercise of its powers under subsection (1)(a)(ii), the local authority shall not be liable to pay any compensation to an owner or occupier of any private lands but shall make good, or, at its option, shall pay for any damage done or occasioned by reason of the exercise of the powers.

#### **77. Duty of local authority to keep map showing public sewers.**

Every local authority shall keep deposited at its offices, for inspection by any person at all reasonable hours, free of charge, a map showing and distinguishing all public sewers existing or in the course of construction within its district or under its control.

Where some of the public sewers are reserved for soil and waste water only or for storm water only, the map referred to in this section shall show also the purposes which each such sewer is intended to serve.

#### **78. Power of local authority to alter or close public sewers.**

A local authority may alter the size or course of any public sewer vested in it, or may discontinue and prohibit the use of any such public sewer, either entirely, or for the purpose of soil and waste water drainage, or for the purpose of storm water drainage, but, before any person who is lawfully using the public sewer for any purpose is deprived by the local authority of the use of the sewer for that purpose, the local authority shall provide a public sewer equally effective for his or her use for that purpose and shall at its expense make his or her drains or sewers to communicate with the sewer so provided.

#### **79. Certain matters not to be passed into sewers or drains.**

(1) No person shall throw, empty or turn, or suffer or permit to be thrown or emptied or to pass, into any public sewer, or into any drain or private sewer communicating with a public sewer—

any matter likely to injure the sewer or drain, or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents;

any chemical refuse or waste steam, or any liquid of a temperature higher than one hundred and ten degrees Fahrenheit, being refuse or steam which, or a liquid which when so heated, is, either alone or in combination with the contents of the sewer or drain, dangerous, or the cause of a nuisance, or prejudicial to health; or

any petroleum spirit, or carbide of calcium.

Any person who contravenes any of the provisions of this section commits an offence and is liable on conviction to a fine not exceeding two hundred shillings and to a further fine not exceeding one hundred shillings for each day on which the offence continues after conviction for the offence.

In this section, "petroleum spirit" means only such—

crude petroleum;

oil made from petroleum, or from coal, shale, peat or other bituminous substances; or  
(c) product of petroleum or mixture containing petroleum,  
as, when tested in the manner prescribed by or under the Petroleum Act gives  
off an inflammable vapour at a temperature of less than seventy-six degrees  
Fahrenheit.

*Right to connect with public sewers.*

#### **80. Right of owners and occupiers within district of local authority to drain into public sewers.**

(1) Subject to this section and section 83, the owner or occupier of any premises, or the owner of any private sewer, within the district of a local authority shall be entitled to have his or her drains or private sewer made to communicate with any available public sewer of that authority, and thereby to discharge soil and waste water and storm water from those premises or that private sewer.

(2) Notwithstanding subsection (1)—

(a) to discharge directly or indirectly into any public sewer—  
(i) any liquid from a manufacturing process or any liquid from

a factory, other than domestic sewage or storm water, except by agreement with the local authority; (ii) any liquid or other matter the discharge of which into public sewers is prohibited by or under any enactment, including any enactment in this Act;

(b) where separate public sewers are provided for soil and waste water and for storm water, to discharge directly or indirectly—  
(i) soil or waste water into a sewer provided for storm water;

or (ii) except with the approval of the local authority, storm water into a sewer provided for soil and waste water;

to have his or her drains or private sewer made to communicate directly with a storm water overflow sewer;

to have his or her drains or private sewer made to communicate with a public sewer provided for soil and waste water until he or she satisfies the local authority that the premises to be drained have a sufficient water supply available; or

to have his or her drains or private sewer made to communicate with any public sewer if that sewer is situated in excess of one hundred feet of the curtilage of the premises.

#### **81. Use of public sewers by owners and occupiers without the district of a local authority.**

Subject to this section, the owner or occupier of any premises and the owner of any private sewer without the district of a local authority shall have the like rights with respect to drainage into the available public sewers of the local authority as he or she would have under section 80 if his or her premises or private sewer were situated within its district, that section shall apply accordingly.

Without prejudice to the prohibition contained in section 80 against the discharge of certain liquids or other matters into public sewers or into some public sewers, or to the right of a local authority under section 83 to refuse to permit a communication to be made on any grounds set out in section 83(1) and to require the drain or private sewer to be laid open for inspection, the local authority may, in the case of a drain or private sewer from premises outside its district, refuse to permit a communication to be made except upon such reasonable terms and conditions as may be prescribed or as the Minister may approve.

(3) The terms and conditions referred to in subsection (2) may include—

compliance with any reasonable requirements of the local authority that the premises to be drained shall be sanitary or in a proper state of repair; and

reasonable payment or periodical payment as, subject to any special or general directions of the Minister, the local authority may see fit to impose.

## **82. Sewer connections in streets and through private land.**

For the purpose of making or maintaining a communication with a public sewer, it shall be lawful for a local authority to construct or repair a lateral drain or, with the prior consent of the local authority and in such manner as it may approve, for the owner of any building to construct or repair a drain or private sewer, as the case may be, in, on or over any land, but where that land does not form a part of a street, the local authority or owner shall give to every owner or occupier of the land reasonable notice and shall be liable to make good or, at the option of the local authority or the owner undertaking the works, to pay for any damage done or occasioned by reason of the exercise of the power; but the works intended to be carried out in exercise of the powers conferred in this section shall not interfere unduly with the amenities or future development of the land or any adjacent land and, in case of dispute, a person aggrieved may appeal in the manner set out in section 127(6) and (7).

## **83. Procedure in regard to making communication with public sewers.**

A person who wishes or who is required to have his or her drains or private sewers made to communicate with a public sewer shall give to the local authority notice of his or her proposals in writing in such manner as may be prescribed.

At any time within twenty-one days of the receipt of that notice, the local authority may by notice to him or her refuse to make the communication if it appears to the authority that the mode of construction of the drain or private sewer is not in conformity with the rules in force governing the construction, or that the condition of the drain or private sewer or the matter carried or to be carried by the drain or private sewer is such that the making of the communication would be prejudicial to the sewerage system of the authority; and for the purpose of examining the mode of construction and condition of the drain or private sewer the authority may, if necessary, require it to be laid open for inspection.

If no notice is served on such person under subsection (2), the local authority shall, with all reasonable dispatch, cause the communication to be made by means of a lateral drain to the public sewer in such manner as may be prescribed or as the authority may decide, but it shall not be obligatory on the authority to make the

communication until the estimated cost of the work has been paid to it or security for payment has been given to its satisfaction.

If any payment so made to the local authority exceeds the expenses reasonably incurred by it in the execution of the work, the excess shall be repaid by it; and if and so far as those expenses are not covered by the payment made to it, the authority may recover the expenses, or the balance of the expenses, from the person for whom the work was done.

For the purposes of this section, the making of the communication between a drain or private sewer and a public sewer includes all such work as involves the breaking open of a street and the taking of any steps which the local authority may consider necessary for repairing, relaying or safeguarding any pipes, drains, lines or any other works which may be or are liable to be disturbed or damaged by or in the course of making the communication.

Any lateral drain so constructed shall vest in the local authority, but shall not thereby become a public sewer, and its maintenance, repair and renewal from time to time shall be carried out by the authority at the expense of the owner of the premises served by the drain.

Any person, other than a person lawfully acting on behalf of a local authority, who causes a drain or sewer to communicate with a public sewer and any person who fails to comply with or acts in contravention of any of the provisions of this section commits an offence and is liable on conviction to a fine not exceeding four hundred shillings and, whether proceedings have or have not been taken in respect of that offence, the local authority may close any communication made in contravention of any of those provisions, and recover from the offender any expenses reasonably incurred by it in so doing.

#### *Drainage and latrines of new buildings.*

#### **84. New buildings to be provided with any necessary drains, etc.**

Where plans of a building or of an extension of a building are, in accordance with any building rules, deposited with a local authority, the authority shall reject the plans unless either the plans show that satisfactory provision will be made for the drainage of the building or of the extension, as the case may be, or the authority is satisfied that in the case of the particular building or extension it may properly dispense with any provision for drainage.

In this section, "drainage" includes the conveyance, by means of a drain, of soil and waste water and the conveyance of storm water and subsoil water from the building and its curtilage.

A proposed drain shall not be deemed to be a satisfactory drain for the purposes of this section unless it is proposed to be made, as the authority may require, to connect with an available public sewer, or, if there is no such sewer, to discharge into a cesspool or other place which the local authority may approve.

#### **85. Latrine accommodation to be provided for new buildings.**

Where plans of a building or of an extension of a building are, in accordance with any building rules, deposited with a local authority, the authority shall reject the plans unless either the plans and the prescribed particulars deposited with them show that the prescribed or sufficient and satisfactory latrine accommodation will be provided, or the authority is satisfied that in the case of a particular building or extension it may properly dispense with the provision of latrine accommodation; except that—

unless a sufficient water supply and public sewer are available, the authority shall not reject the plans on the ground that the proposed accommodation consists of or includes an earth closet or earth closets of a type approved by the authority; and

if the plans and the deposited particulars show that the proposed building or extension is likely to be used as a factory, workshop

or workplace in which persons of both sexes will be employed, or will be in attendance, the authority shall reject the plans, unless either the authority is satisfied that sufficient and satisfactory separate latrine accommodation for persons of each sex will be provided, or that in the circumstances of the particular case it may properly dispense with the provision of such separate accommodation.

*Drainage and latrines of existing buildings.*

**86. Provisions as to drainage, etc. of existing buildings.**

(1) If it appears to a local authority that in the case of any building—

satisfactory provision has not been, and ought to be, made for drainage;

any cesspool, private sewer, drain, soil pipe, rain water pipe, spout, sink or other necessary appliance provided for the buildings is defective or insufficient;

any cesspool or other such work or appliance as aforesaid provided for the building is in such a condition as to be prejudicial to health or a nuisance; or

any cesspool, private sewer or drain formerly used for the drainage of the building, but no longer used for that drainage, is prejudicial to health or a nuisance, it shall by notice require the owner of the building to make satisfactory provision for the drainage of the building, or, as the case may be, require either the owner or the occupier of the building to do such work as may be necessary for renewing, repairing or cleansing the existing cesspool, sewer, drain, pipe, spout, sink or other appliance, or for filling up, removing or otherwise rendering innocuous the disused cesspool, sewer or drain.

(2) Except in cases where the local authority is satisfied that in the case of any particular building it may properly dispense with any provision for drainage, for the purposes of subsection (1) "satisfactory provision for drainage" means that the drainage systems and appliances of the building comply with the rules for the time being in force relating to them and that the drainage systems of the premises connect with available public sewers, or, if there are no public sewers, discharge into cesspools or other places which the authority may approve.

**87. Replacement of earth closets, etc. by water closets.**

If any existing building in the district of a local authority has a sufficient water supply and sewer available, the authority shall, by notice to the owner of the building, require that any latrines, other than water closets, provided for, or in connection with, the building shall be replaced by water closets, and that the owner shall make an application within a specified time to have his or her drains made to communicate with a public sewer under section 83, notwithstanding that the latrines are not insufficient in number and are not prejudicial to health or are not a nuisance.

**88. Buildings having insufficient or defective latrines.**

If it appears to a local authority—

that any building is without sufficient latrine accommodation; or

that any latrines provided for or in connection with a building are in such a state as to be prejudicial to health or a nuisance and cannot without reconstruction be put into a satisfactory condition, the authority shall by notice to the owner of the building require him or her to provide the building with such latrines or additional latrines, or such substituted latrines, being in each case either water closets or earth closets of a type approved by the authority and as may be necessary; but unless a sufficient water supply and public sewer are available, the authority shall not require the provision of a water closet except in substitution for an existing water closet.

#### **89. Buildings having defective latrines capable of repair.**

If it appears to a local authority that any latrines provided for or in connection with a building are in such a state as to be prejudicial to health or a nuisance, but that they can without reconstruction be put into a satisfactory condition, the authority shall by notice require the owner or the occupier of the building to execute such works, or to take such steps by cleansing the latrines or otherwise, as may be necessary for that purpose.

Insofar as such a notice requires a person to take any steps other than the execution of works, if he or she fails to comply with the notice, he or she commits an offence and is liable to a fine not exceeding one hundred shillings and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction for it; except that in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the authority's requirements or of its decision to address the notice to him or her and not to the occupier or, as the case may be, the owner of the building.

#### *Drainage of buildings in combination.*

#### **90. Drainage of buildings in combination.**

Where a local authority might under this Part of this Act require each of two or more buildings to be drained separately into an existing public sewer, but it appears to the authority that those buildings may be drained more economically or advantageously in combination, the authority may, when the drains of the buildings are first laid, require that the buildings be drained in combination into the existing public sewer by means of a private sewer to be constructed either by the owners of the buildings in such manner as the authority may direct, or, if the authority so elects, by the authority on behalf of the owners; but an authority shall not, except by agreement with the owners concerned, exercise the powers conferred by this subsection in respect of any building for the drainage of which plans have been previously passed by it.

An authority which makes such a requirement as set out in subsection (1) shall fix the proportions in which the expenses of constructing, and of maintaining and repairing, the private sewer are to be borne by the owners concerned, or, in a case in which the distance of the existing public sewer from the curtilage of any of the buildings in question is or exceeds one hundred feet, the proportions in which those expenses are to be borne by the owners concerned and the local authority, and shall forthwith give notice of the decision to each owner affected.

An owner aggrieved by a decision of a local authority may appeal to a court over which presides a chief magistrate or a magistrate grade I exercising jurisdiction in the place where the premises are situated in pursuance of any rules made by the Chief Justice with the prior approval of the Minister.

Subject to any such appeal, any expenses reasonably incurred in constructing, or in maintaining or repairing, the private sewer shall be borne in the proportions so fixed, and those expenses or, as the case may be,

contributions to the expenses, may be recovered accordingly by the person, whether the authority or owners, by whom they were incurred in the first instance.

(5) A sewer constructed by a local authority under this section shall not be deemed to be a public sewer by reason of the fact that the expenses of its construction are in the first instance defrayed by the authority, or by reason of the fact that some part of those expenses is borne by it.

#### **91. Payment of advances for defraying drainage expenses.**

In any case where it appears to a local authority that the owner or occupier of any premises is unable to make a present payment of the amount of the expenses necessary to be incurred for the drainage and sewerage of the premises and the communication of the premises with an available public sewer, the local authority may, subject to any general or special directions of the Minister in that behalf, make an agreement in the prescribed form with the owner or occupier for the advance of a sum of money for the necessary expenses at such interest as may be prescribed and for its repayment in such and so many installments as the authority may determine.

Any sum of money so advanced shall be a charge on the premises and all estates and interests in the premises in respect of which the advance is made, and the provisions of section 129 shall apply, *mutatis mutandis*, as if the sum advanced were expenses incurred by a local authority under this Act.

#### **92. Rules.**

The Minister may make rules for the purpose of prescribing any matters required to be prescribed and generally for carrying out the purposes of this Part of this Act.

### **PART XI—PREVENTION AND DESTRUCTION OF MOSQUITOES.**

#### **93. Breeding places of mosquitoes to be nuisances.**

For the purposes of this Part of this Act—

(a) any collection of water, sewage, rubbish, refuse, ordure or other fluid or solid substance, which permits or facilitates the breeding or multiplication of animal or vegetable parasites of human beings or domestic animals, or of insects or of other agents which are known to carry such parasites or which may otherwise cause

or facilitate the infection of human beings or domestic animals by such parasites;

any collection 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;

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 provided in this Act for the treatment of nuisances.

#### **94. Yards to be kept free from bottles, whole or broken, etc.**

The occupier or owner of any premises shall keep the premises free from all bottles, whole or broken, whether fixed on walls or not, tins, boxes, calabashes, earthenware vessels, shells or any other articles, and trees, standing or fallen, which are kept so that they are likely to retain water.

Any occupier or owner of any premises failing to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred shillings.

#### **95. Clearance of bush or long grass.**

No person shall within a municipality or town permit any premises or lands owned or occupied by him or her or over which he or she has control to become so overgrown with bush or long grass as, in the opinion of a medical officer of health, to be likely to harbour mosquitos.

#### **96. Wells, etc. to be covered.**

It shall not be lawful for any person to keep, or for the occupier or owner of any premises to allow to be kept on the premises, any collection of water in any well, barrel, tub, bucket, tank, or other vessel intended for the storage of water, unless the well, barrel, tub, bucket, tank or other vessel is fitted with a sufficient cover, the cover to be kept in good repair and properly protected or screened to the satisfaction of a medical officer of health so as to prevent the ingress of mosquitos into the same.

Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred shillings and, after notice received from a local authority or a medical officer of health, to a further fine not exceeding twenty shillings for each day during which he or she makes default.

#### **97. Cesspits to be screened or protected.**

The occupier or owner of any premises upon or attached to which is any cesspit shall cause the cesspit to be properly protected or screened to the satisfaction of a medical officer of health so as to prevent the ingress of mosquitos.

Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred shillings and to a further fine not exceeding twenty shillings for each day during which he or she continues to make default after notice received from the local authority to comply with this section.

#### **98. Larvae, etc. may be destroyed.**

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 any bottle, whole or broken, whether fixed on a wall or not, tin, box, calabash, shell or any other article, or in a tree, fallen or standing, the local authority or medical officer of health may take immediate steps to destroy the immature stages of the mosquito by the application of oil or larvicide, or otherwise, and to 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.

#### **99. Mere presence of mosquito larvae an offence.**

Notwithstanding any provision of this Act, the occupier or owner of any house or premises, or the owner or person having the charge of any vessel, timber, cask, or other articles, in or about which there is any collection of water found by a medical officer of health, or any person authorised by him or her, to contain any of the immature stages of the mosquito commits an offence and is liable on conviction in respect of each and every such collection of water to a fine not exceeding one hundred shillings or in default to imprisonment for seven days.

No prosecution under this section shall be instituted except with the sanction of the chief medical officer.  
**100. Limitation of powers granted under this Part.**

The provisions of section 73 shall apply, *mutatis mutandis*, to the exercise of any powers granted under this Part of this Act to any person other than a local authority.

## PART XII—PROTECTION OF FOODSTUFFS.

### **101. Construction and regulation of buildings used for the storage of foodstuffs.**

All warehouses or buildings of whatever nature in regular use for the storage of foodstuffs for trade purposes shall be constructed of such materials and in such manner as shall render the warehouses or buildings ratproof.

Where any warehouse or building intended for the storage of foodstuffs as provided in subsection (1) has fallen into a state of disrepair, or does not afford sufficient protection against rat invasion on account of its design or construction by reason of the materials used being defective, a local authority may by written notice require the owner to effect such repairs and alterations as the notice shall prescribe within a time to be specified in that notice, and if the requirement is not complied with the local authority may enter upon the premises and effect such repairs and alterations, and may recover all costs and expenses incurred from the owner.

Where in the opinion of a medical officer of health any such foodstuffs within a warehouse or building are insufficiently protected against rats, vermin, or pollution, the owner thereof shall observe all written instructions and directions of the medical officer of health within a time to be specified in the notice for the better protection of the foodstuffs.

### **102. No person shall reside or sleep in any room in which foodstuffs are stored, etc.**

No person shall reside or sleep in any kitchen or room in which foodstuffs for sale are prepared or stored for sale.

If it appears to a medical officer of health that any kitchen or room is being used contrary to the provisions of this section, or that any part of the premises adjoining the room in which foodstuffs are stored or exposed for sale is being used as a sleeping apartment under such circumstances that the foodstuffs are likely to be contaminated or made unwholesome, he or she may serve upon the offender or upon the owner of the house or upon both a notice calling for such measures to be taken as shall prevent the improper use of the kitchen and premises within a time to be specified in the notice, and if the notice is not complied with the party upon whom it was served commits an offence.

## PART XIII—WATER AND FOOD SUPPLIES.

### **103. Duty of local authorities as to polluted water supplies.**

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

(a) for preventing any pollution dangerous to health of any supply of water which the public within its district has a right to use and

does use for drinking or domestic purposes, whether the supply is derived from sources within or beyond its district; and  
(b) for purifying any such supply which has become so polluted, and to take measures, including, if necessary, proceedings at law, against any person so polluting any such supply or polluting any stream so as to be a nuisance or danger to health.

#### **104. Minister may make rules.**

The Minister may make rules for any purpose having as its object the preservation of health or the prevention of disease.

In particular, and without prejudice to the generality of the foregoing power, the Minister may make rules regarding any of the following matters—

the inspection of dairy stock and of animals intended for human consumption, and of dairies, stock sheds or yards, milk shops, milk vessels and slaughterhouses, and of factories, stores, shops and other places where any article of food is manufactured or prepared or kept;

the taking and examination of samples of milk, dairy produce, meat or other articles of food and the removal or detention, pending examination or inquiry, of animals or articles which are suspected of being diseased or unsound or unwholesome or unfit

for human consumption, and the seizure and destruction or treatment or disposal so as not to endanger health, of any such article which is found to be unwholesome or unsound or diseased or infected or contaminated, and of diseased animals sold or intended or offered or exposed for sale for human consumption; the rules may empower a medical officer of health, or, in the case of meat, a veterinary officer, to detain, seize or destroy any diseased, unsound or unwholesome article of food, but shall not confer on any other person any power beyond that of detention of the article for the purpose of examination by a medical officer of health or, in the case of meat, a veterinary officer;

fixing standards of milk contents and cleanliness of milk and prescribing the warning to be given to any cowkeeper, dairyperson or purveyor of milk that any milk sold by him or her has been found to be below any such standard, and the issue of orders prohibiting the sale or keeping or exposure for sale of milk from any particular animal or animals, or requiring the closing of any dairy, stock shed or yard or milkshop, the milk from which is found, after analysis and official warning, to be below any such standard;

the conveyance and distribution of milk and the labelling or marking of receptacles used for the conveyance of milk;

the veterinary inspection of dairy stock, the sampling and bacteriological examination of milk and dairy produce and the prevention of the sale, or the keeping, transmission or exposure for sale of milk from a diseased or infected animal;

the duties of cowkeepers, dairypersons and purveyors of milk in connection with the occurrence of infectious disease among persons residing or employed in or about their premises and the furnishing by them of the names and addresses of their customers, and of cowkeepers in connection with reporting the occurrence, in animals on the premises or any dairy cattle, of diseases which are communicable to man and of any disease of the udder;

the inspection and examination of, and the regulation, inspection and supervision of, the manufacture, preparation, storage, keeping and transmission of any article of food intended for sale or for export from

Uganda and the prohibition of the manufacture, preparation, storage, keeping, transmission, sale or export from Uganda of any such article which is, or contains, an ingredient which is diseased or unsound or unfit for human

consumption, or which has been exposed to any infection or contamination;

(h) the establishment, locality, supervision, equipment, maintenance and management of slaughterhouses and places in which animals awaiting slaughter are kept and the disposal of the waste products of slaughtering and the inspection of slaughterhouses and the animals in them, and prohibiting, restricting or regulating the slaughtering of animals;

(i) prohibiting the importation into Uganda of any article of food which is not clean, wholesome, sound and free from any disease, infection or contamination, and the seizure and disposal by destruction or otherwise of any such article so imported;

(j) the preparation, manufacture or importation and the storage and sale of or trade in articles of food which are packed in airtight receptacles or are otherwise preserved, and the marking of any such article or receptacle with the date of manufacture or preparation;

(k) prohibiting the importation, sale, possession or use of vessels which are intended to contain milk or any liquid or semisolid article of food and which are rusty or defectively soldered or are made of material containing in any part likely to come in contact with the contents, lead or other poisonous or injurious substance in such proportion as to be likely to cause injury or danger to health, and fixing the maximum proportions of the substances which may be used in such vessels;

(l) the licensing, regulation and inspection of hotels, restaurants, cafés, and eating houses;

(m) the regulation of the preparation and sale of food by hawkers;

(n) the licensing, regulation and inspection of aerated water factories and ice manufacture;

(o) the licensing, regulation and inspection of the premises of fishmongers;

(p) the licensing, regulation and inspection of the premises of hairdressers;

(q) the licensing, regulation and inspection of the premises of butchers and retailers of meat;

(r) the licensing, regulation and inspection of bakehouses and bakeries;

(s) the licensing, regulation and inspection of laundries and washhouses;

(t) the regulation, inspection, and control of cemeteries and

crematoria; (u) the disposal and burial of corpses; (v) the fixing of fees and the prescribing of forms in regard to any

matters prescribed.

**105. Medical officer of health's powers to make orders for protection of public health.**

Any medical officer of health, if he or she reasonably considers the action necessary for the protection of the public health, may—

require the medical examination of any person in any premises in which any milk or dairy produce or other article of food intended for sale is collected, kept, sold or exposed for sale, or of any person who is or has been engaged in the collection, preparation, keeping, conveyance or distribution of any such milk or produce or article;

prohibit the employment by any cowkeeper, dairyperson or purveyor of milk or other person in connection with the collection, preparation, storage, distribution or sale of milk or dairy produce or any article of food of any person who has been proved to be a carrier of the infection of typhoid or enteric fever or other infectious disease, while so infected.

#### **106. Minister may make orders.**

The Minister may make statutory orders—

requiring the closing of any stock shed or yard, dairy or milk shop, or the exclusion from any stock shed or dairy premises of any animal, the milk from which is believed to have conveyed or to be liable to convey any infectious disease;

prohibiting the sale or exposure for sale of milk by any cowkeeper, dairyperson or purveyor of milk who has been three times convicted of offences under any laws or rules regarding the milk trade.

### PART XIV—CEMETERIES.

#### **107. Cemeteries to be appointed.**

The Minister may select and appoint by statutory instrument sufficient and proper places to be the sites of and to be used as cemeteries or crematoria for municipalities and towns; and it shall be an offence, where such cemeteries or crematoria exist, to bury or burn the dead elsewhere within the municipality or town.

#### **108. Authorised cemeteries.**

All cemeteries now being used as such and such other cemeteries as may be authorised by the Minister shall be deemed authorised cemeteries.

#### **109. Permit to exhume.**

(1) Subject to this Act, it shall not be lawful to exhume any body or the remains of any body which may have been interred in any authorised cemetery or in any other cemetery, burial ground or other place without a permit granted in the following manner—

the permit shall be granted only to the legal personal representative or next of kin of the person buried, or to his or her or their duly authorised agent;

the permit may be granted by the district commissioner in respect of any body or the remains of any body interred in any cemetery or burial ground or any other place.

The permitting authority may prescribe such precautions as he or she may deem fit as the condition of the grant of the permit, and any person who exhumes any body or the remains of any body contrary to this Act, or who neglects to observe the precautions prescribed as the condition of the permit, is liable to a fine not exceeding three thousand shillings.

Nothing in this section shall be deemed to affect the right of a magistrate to order the exhumation of a body or the remains of any body for the purpose of holding an inquiry into the cause of death of any person.

#### **110. Exhumation needed for execution of public works may be ordered.**

The Minister may, whenever he or she deems it expedient for the execution of any public work or any public purpose, order removal of any body or the remains of any body from any grave whether in an authorised cemetery or elsewhere, and by order under his or her hand direct the removal to be made in such manner as the Minister shall think fit.

No such order shall be made in respect of any grave situated in an authorised cemetery until two months' notice of the intention to make it shall have been given by notification in the Gazette.

Copies of the notice under subsection (2) shall be posted at or near the grave, and copies shall be sent by post in a registered letter to the legal personal representative or next of kin of the person buried, if his or her or their address can be ascertained.

The copies sent under subsection (3) shall be accompanied by a translation in the language of the race to which the deceased person belonged.

When an order is made under subsection (1) directing a removal from any grave elsewhere than in an authorised cemetery, due notice of the order shall, so far as it is possible to do so, be given to the legal representative or next of kin of the person buried before the work of removal is undertaken and to the local authority of the area in which the grave is situated.

The Minister shall cause proper and fitting arrangements to be made for the reinterment of any body or remains of any body removed under this section, and for the removal and reerection of any monument, all charges in connection therewith being defrayed out of the public revenue.

#### **111. Record of permit for exhumation.**

There shall be kept at the office of the Registrar General of births, deaths and marriages a record of every permit granted and of every order made under sections 109 and 110 other than an order made by a magistrate.

The record required by subsection (1) shall contain particulars, so far as the same can be ascertained, of the race, nationality, name, sex and age of the persons buried, date of burial and of the place of original burial and reburial or removal, and shall be open during office hours to inspection by any person.

#### **112. Closing of cemeteries by Minister.**

(1) The Minister may by statutory instrument declare that any authorised crematorium or cemetery shall, from a time to be specified in the notification, be closed, and the crematorium or cemetery shall be closed accordingly; and any person who after the specified time shall burn or bury any body or the remains of any body in that crematorium or cemetery commits an offence and is liable on conviction to a fine not exceeding one thousand five hundred shillings.

### **113. Cremations in places where no crematorium provided.**

In places where no crematorium is provided, it shall be permissible for cremations to be carried out at such places and under such conditions as are laid down by the local authority with the concurrence of the medical officer of health.

## **PART XV—GENERAL.**

### **114. Basements not to be occupied without permission.**

It shall not be lawful without the written permission of the local authority on the advice of the medical officer of health to live in, occupy or use or to let or sublet, or to suffer or permit to be used any basement for habitation, nor to use such basement as a shop, office, workshop, or factory or for the preparation or storage of food, and no basement shall be used unless it is well lit and ventilated and is free from damp and is rendered ratproof to the satisfaction of a medical officer of health.

It shall not be lawful to live in, occupy or use, or to let or sublet, or to suffer or permit to be used for habitation any cellar, nor to use such cellar as a shop, office, workshop or factory or for the preparation of food.

### **115. Lodging houses.**

The Minister may make rules for the conduct and inspection of lodging houses.

### **116. Nursing homes.**

(1) No person shall open or keep open a nursing home, maternity home, convalescent home, private hospital, infirmary or any institution where invalids or convalescents are treated or received upon payment of fees or charges unless its premises are approved by the chief medical officer and a permit has been obtained from him or her.

Permits granted shall be in accordance with any conditions laid down by the chief medical officer, and shall be liable to cancellation by him or her on violation or nonfulfillment of any of the conditions laid down.

The chief medical officer may authorise a medical practitioner on his or her behalf to visit any such premises as mentioned in this section and to report to the chief medical officer upon any matter or thing connected with the premises or the use of the premises.

Any person who knowingly obstructs an authorised medical practitioner in any such inspection as is authorised by the chief medical officer commits an offence.

### **117. Maternity and child welfare.**

The Minister may make rules for the proper control of clinics or institutions open or kept open by any person for the welfare and care of children or the care of expectant or nursing mothers.

#### **118. Provision of medical attention, etc. by employers for their staff.**

The Minister may make rules for the provision of hospital accommodation and medical attention, specifying the medicines, equipment and other requirements necessary, to be provided by employers of nondomestic labour for the proper care of all labourers employed by them.

#### **119. Regulation of public washermen.**

Any local authority may by public notice prohibit the washing of clothes by washermen in the exercise of their calling except at public wash houses or at such other places as may be appointed for the purpose.

#### **120. Control of irrigated land.**

(1) Where it is shown to the satisfaction of the Minister that the growing of any crop or the irrigation of any land being within the boundaries of a municipality or town or within three miles of the boundaries is unhealthful or unsanitary, the Minister may, by statutory instrument, prohibit the growing of any crop or the irrigation of any land within any area within the boundaries of a municipality or town or within three miles of the boundaries, and may cause any permit or authorisation issued for the diversion, abstraction or use of water for such purpose to be cancelled upon such terms as may appear to the Minister to be equitable.

(2) The Minister may make rules for ensuring that the health of the inhabitants of a district may be safeguarded in respect of—

the prevention of pools of standing water;

the drainage and control of such pools when they exist;

the inspection, repair and cleansing of open channels, canals and drains.

#### **121. Supervision of importation or manufacture of vaccines, etc.**

The Minister may provide for the inspection, sampling and examination by officers of the Ministry of Health of vaccines, vaccine lymphs, sera and similar substances imported into or manufactured in Uganda and intended to be used for the prevention or treatment of human diseases, and may prohibit the importation, manufacture or use of any such substance which is considered to be unsafe or to be liable to be harmful or deleterious.

The Minister may make such rules as he or she may consider necessary for properly carrying out the provisions of this section.

### **PART XVI—MISCELLANEOUS PROVISIONS.**

#### **122. Authentication of notices, etc.**

(1) Any notice, order, consent, demand, complaint or other document which is required or authorised by or under this Act may be signed or authenticated in the case of a local authority by—

the secretary or executive officer;

the surveyor, engineer, medical officer of health, health inspector or financial officer of or acting on behalf of the authority as respects documents relating to matters within their respective provinces;

any other officer authorised by the authority in writing to sign documents of the particular kind or the particular document as the case may be.

(2) The Minister may by rule prescribe the form of any notice, order, consent, demand or other document to be used for any of the purposes of this Act, and if forms are so prescribed those forms or forms to a like effect may be used in all cases to which those forms are applicable.

### **123. Service of notices, etc.**

Any notice, court summons, order or other document required or authorised to be served or issued under this Act may be served by delivering it at the residence of the person to whom it is addressed, or, where it is addressed to the owner or occupier of premises, by delivering it, or a true copy of it, to some person on the premises, or, if there is no person on the premises who can be served, by fixing it on some conspicuous part of the premises; it may also be served by post in a registered letter, and if so served shall prima facie be deemed to have been served at the time when the letter containing it would be delivered in the ordinary course of post, and in proving that service it shall be sufficient to prove that the notice, court summons, order or other document was properly addressed and put in the post.

### **124. Powers and duties of the officers of the Ministry of Health.**

The deputy chief medical officer may, with the authority and on behalf of the chief medical officer, discharge any of the duties or functions of the chief medical officer, and any duties imposed or powers conferred by this Act on medical officers of health or health inspectors may be carried out or exercised by the chief medical officer, deputy chief medical officer or any officer designated by the chief medical officer for that purpose.

### **125. Defect in form not to invalidate notices, etc.**

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

### **126. Powers of entry and inspection of premises and penalties for obstruction.**

(1) Any health inspector, medical officer of health, administrative officer or police officer, or any person generally or specially authorised in writing by the chief medical officer, medical officer of health or local authority may, at any hour reasonable for the proper performance of the duty, enter any land or premises to make any inspection or to perform any work or to do anything which is required or authorised by this Act, if the inspection, work or thing is necessary for or incidental to the performance of his or her duties or the exercise of his or her powers.

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

### **127. Appeals against, and the enforcement of, notices requiring execution of works.**

The following provisions of this section shall, subject to any express modifications specified in the section under which the notice is given, apply with respect to appeals against, and the enforcement of, notices requiring the execution of works under this Act.

Any such notice shall indicate the nature of the works to be executed, and state the time within which they are to be executed.

A person served with such a notice as aforesaid may appeal in the manner provided in this section on any of the following grounds which are appropriate in the circumstances of the particular case—

that the notice or requirement is not justified by the terms of the law under which it purports to have been given or made;

that there has been some defect or error in, or in connection with, the notice;

that the works required by the notice to be executed are unreasonable in character or extent;

that the time within which the works are to be executed is not reasonably sufficient for the purpose;

that the notice might lawfully have been served on the occupier of the premises in question instead of on the owner, or on the owner instead of on the occupier, and that it would have been

equitable for it to have been so served.

If and insofar as an appeal under this section is based on the ground of some informality, defect or error in or in connection with the notice, the appeal shall be dismissed, if it is shown that the informality, defect or error was not a material one.

Where the grounds upon which an appeal under this section is brought include a ground specified in subsection (3)(e), the appellant shall serve a copy of his or her notice of appeal on each other person referred to, and in the case of any appeal under this section may serve a copy of his or her notice of appeal on any other person having an estate or interest in the premises in question; and on the hearing of the appeal an order may be made with respect to the person by whom any work is to be executed or as to the proportions in which any expenses which may become recoverable by the authority are to be borne by the appellant and such other person.

In the exercise of the powers conferred by subsection (5), regard shall be had as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of the tenancy and to the nature of the works required.

Any appeal under this section shall be preferred in the cases of notices issued by a local authority to a court over which presides a chief magistrate or a magistrate grade I exercising jurisdiction in the place where the premises are situated, in pursuance of any rules made in that behalf by the Chief Justice with the prior approval of the Minister.

The time within which any such appeal may be brought shall be twenty-one days from the date on which notice requiring the works was served upon the person desiring to appeal.

#### **128. Execution of works.**

(1) Subject to a right of appeal, if the person required by the notice to execute works fails to execute the works indicated within the time limited by the notice, the local authority may itself execute the works and recover from that person the expenses reasonably incurred by it in so doing and, without prejudice to its right to exercise that power, he or she commits an offence and is liable on conviction to a fine not exceeding one hundred shillings, and to a further fine not exceeding forty shillings for each day on which the default continues after the conviction.

(2) In proceedings by a local authority against the person served with the notice for the recovery of any expenses which the authority is entitled to recover from him or her, it shall not be open to that person to raise any question which he or she could have raised on an appeal against the notice.

#### **129. Certain expenses recoverable from owners to be a charge on the premises; power to accept payment by installments.**

Where a local authority has incurred expenses for the repayment of which the owner of the premises in respect of which the expenses were incurred is liable under this Act or by agreement with the authority, those expenses, together with interest from the date of service of a demand for the expenses, may be recovered by the authority from the person who is the owner of the premises at the date when the works are completed, or, if that person has ceased to be the owner of the premises before the date when a demand for the expenses is served, either from that person or from the person who is the owner at the date when the demand is served; and, as from the date of the completion of the works, the expenses and interest accrued due on the works shall, until recovered, be a charge on the premises and on all estates and interests in the premises.

The charge created by subsection (1) shall be deemed to extend to any expenses lawfully paid to the registrar of titles in connection with the registration or withdrawal of the charge in pursuance of the other provisions of this section.

The charge created by subsection (1) shall be in favour of the local authority if the authority is a body corporate entitled to hold land, and in all other cases the charge shall be in favour of the Government; and the local authority or the Government shall have all the powers and remedies conferred on mortgagees by the Registration of Titles Act and any other law for the time being in force.

The local authority shall, prior to the commencement of any work the cost of which will constitute a charge on the land on or in respect of which the work is done, serve on the registrar of titles a notice stating that the work is about to be commenced and specifying the property that will be the subject of such charge, and thereupon the registrar shall enter the notice in the appropriate volume and folio of the register book (hereafter referred to as "the register").

On the completion of that work the local authority shall serve on the registrar of titles a further notice specifying the amount in respect of which the land by virtue of subsection (1) stands charged, and thereupon the registrar of titles shall protect the interest of the local authority or of the Government, as the case may be, on the register in such manner as shall appear to him or her appropriate.

A notice or entry on the register under subsection (4) or (5) shall be deemed to constitute actual notice to all persons that a charge against the land comprised in the volume and folio of the register in which the notice or entry appears is pending or existent, but the charge shall be void as against a bona fide purchaser for money or monies worth of a legal estate in the land unless the notice referred to in subsection (4) has been served on the registrar of titles before the date of lodgment with him or her of the instrument of transfer executed in pursuance of the purchase.

In making any entry on the register under subsection (5), the registrar of titles shall accept as conclusive the statement in writing relating to the charge of any duly constituted officer of any such local authority.

Any person having any registered estate in land in respect of which any such notice or entry appears on the register or any interest protected by the entry of a caveat may summon the local authority or the Government, as the case may be, to appear before the High Court and show cause why the notice or entry should not be removed from the register, and the court may make such order in the premises either ex parte or otherwise and as to costs as to it seems fit.

A local authority may, subject to approval of the Secretary to the Treasury or some other officer whom the Minister may charge with the duty, agree that any expenses recoverable by the authority under this section shall be payable with interest by installments within such period as it thinks fit, until the whole amount is paid.

Any such installments and interest referred to in subsection (9), or any part of them, may be recovered from the owner or occupier for the time being of the premises in respect of which the expenses were incurred, and, if recovered from the occupier, may be deducted by him or her from the rent of the premises; except that an occupier shall not be required to pay at any one time any sum in excess of the amount which was due from him or her on account of rent at, or has become due from him or her on account of rent since, the date on which he or she received a demand from the authority together with a notice requiring him or her not to pay rent to his or her landlord without deducting the sum so demanded.

The rate of interest chargeable under subsection (1), (9) or (10) shall be such rate as the Minister may determine.

Every local authority shall keep at its offices a register of all expenses incurred and advances made under this section, and shall show in the register the total amounts of the expenses and advancements, the installments in which they are payable, the land or premises in respect of which they have been incurred or made, and the balances for the time being outstanding, and shall keep the register open at all reasonable times to the inspection of any person, free of charge.

The register and any extract from it, certified by any other person authorised by the local authority in that behalf, shall, in any proceedings for the recovery of the expenses, advances or interest thereon or any installments thereof, be prima facie evidence of the matters contained in it.

### **130. Power to make a charge in respect of establishment expenses.**

Where under this Act a local authority is empowered to execute works and to recover from any person the expenses incurred by it in so doing, it may include in, and recover as part of, the expenses an additional sum to cover customs duties and other charges and departmental expenses on such scale or in such manner as may be prescribed or as the Minister may direct.

### **131. Recovery of expenses, etc.**

Any sum which a local authority is entitled to recover under this Act and with respect to the recovery of which no other provision is made may be recovered either summarily as a civil debt, or as a simple contract debt, in any court of competent jurisdiction.

The time within which summary proceedings may be taken for the recovery of any such sums shall, except where otherwise expressly provided, be reckoned from the date of the service of a demand for the recovery of the sums.

### **132. Protection of local authorities and their officers from personal liability.**

No matter or thing done and no contract entered into by any local authority, and no matter or thing done by any member of any local authority or by any officer of or acting on behalf of the local authority or by any other person acting under the direction of the local authority, shall, if the matter or thing were done or the contract entered into bona fide for the purpose of executing this Act, subject that member, officer or person personally to any action, liability, claim or demand.

### **133. Penalties where not expressly provided.**

Any person who commits an offence against or contravention of, or default in complying with, any provision of this Act or any rules made under it, is liable on conviction, if no penalty is expressly provided for the offence, contravention or default, to a fine not exceeding two thousand shillings, and, if the offence, contravention or default is of a continuing nature, to a further fine not exceeding sixty shillings for each day during which the default continues.

### **134. Liability of secretary or manager of company.**

Where a contravention of any of the provisions of this Act or any rules made under it is committed by any company or corporation, the secretary or manager of the company or corporation may be summoned and may be held liable for the contravention and its consequences.

### **135. Proceedings against several persons.**

Where proceedings under this Act are competent against several persons in respect of the joint act or default of those persons, it shall be sufficient to proceed against one or more of them without proceeding against the others.

### **136. Prosecutions.**

(1) A local authority may, by any of its officers, or by any person generally or specially authorised in writing by the local authority or an administrative officer, prosecute for any contravention of, offence against, or default in complying with, any provision of this Act or any rules made or deemed to be made under it, if the contravention, offence or default is alleged to have been committed within or to affect its district.

(2) Where an officer or person authorised by a local authority has under subsection (1) prosecuted any person for any contravention of, offence against or default in complying with any provision of this Act, or any rules made or deemed to be made under it and the accused has been convicted of a contravention, offence or default, all fines and penalties imposed may be recovered by the officer or person authorised by a local authority as a civil judgment debt.

**137. Power of local authority outside its district.**

Nothing in any written law specially governing any local authority shall be construed as preventing the local authority from exercising any power or performing any duty under this Act by reason only that in exercising the power or performing the duty it must do some act or thing or incur expenditure outside its district.

**138. General power of Minister to make rules.**

The Minister may make rules generally for carrying out the purposes of this Act.

**SCHEDULES**

*First Schedule.*

s. 40.

**Certificate of Unfitness for Vaccination.**

I, the undersigned, certify that in my opinion is not now in a fit and proper state to be vaccinated, and I recommend that the vaccination be postponed for six months from this date.

Medical Practitioner or Public Vaccinator

Dated this day of , 20 \_\_\_\_.

*Second Schedule.*

s. 41.

**Certificate of insusceptibility to vaccination.**

I, the undersigned, certify that I have three times unsuccessfully vaccinated (or that has already had smallpox, *as the case may be*), and I am of opinion that is insusceptible of successful vaccination.

Medical Practitioner or Public Vaccinator

Dated this day of , 20 \_\_\_\_.

*Third Schedule.*

s. 42.

**Certificate of Vaccination.**

I, the undersigned, certify that  
has been successfully vaccinated by me.

Medical Practitioner or Public Vaccinator  
Dated this day of , 20 \_\_\_\_.

**History:** Cap. 269; Act 13/1970, s. 241.

#### **Cross References**

Arbitration and Conciliation Act, Cap. 4. Commissions of Inquiry Act, Cap. 166. Factories Act, Cap. 220. Local Governments Act, Cap. 243. Petroleum Act, Cap. 149. Registration of Titles Act, Cap. 230. Water Act, Cap. 152.

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