

RODRIGUES PUBLIC HEALTH REGULATIONS 1915

GN 249/1915

(Lane 1/805) - section 158 - 1 January 1916

COURTS ACT-RODRIGUES, ST.BRANDON AND AGALEGA

1. These regulations may be cited as the **Rodrigues Public Health Regulations 1915**.
Amended by [\[GN No. 262 of 1947\]](#)

2. **Interpretation**

In this regulation-

"Local Authority" means in the Island of Rodrigues, the Government Medical Officer;

"owner" means the person for the time being receiving or who would be entitled to receive the rent of any premises, if such premises were let for his own behalf or that of any person or where the owner cannot be found the "occupier";

"occupier" means every person in actual occupation of any premises, and shall include the owner of such premises when in actual occupation or the tenant, and also the agent or representative of such owner or tenant;

"premises" shall include lands, houses, buildings, structures of any kind, rivers, streams, beds of rivers or streams, ponds, pools, marshes, drains, ditches, wells, reservoirs, canals, conduits, streets or roads, or places open, covered or enclosed;

"ship" means any sailing or steam ship vessel, lighter, hulk or boat;

"food" means any carcase, meat, poultry, game, flesh, fish, fruit, vegetables, bread, grain, whole or ground, and every other alimentary substance whether solid or liquid.

Amended by [\[GN No. 262 of 1947\]](#)

3. **Definition of nuisance in this regulation**

The word "nuisance" in this regulation shall include-

- (a) any failure to supply, or any inadequate or defective provision or employment of drain, water-closet, privy or cesspool accommodation, or any other matter or circumstance whereby any premises or part thereof is rendered injurious to health;
- (b) any street or road or any part thereof, or any watercourse, ditch, gutter, drain, ashpit, sewer, privy, urinal or cesspool so foul as to be injurious to health;

- (c) any well, tank, pond, reservoir, canal or conduit, the water of which is so tainted with impurities, or which is otherwise so unwholesome as to be injurious to the health of persons living near or using such water or which is calculated to promote or aggravate epidemic diseases;
- (d) any stream, canal, pond or water in which animals or clothes shall have been washed or into which water used in the washing of clothes shall have escaped or shall have been discharged, and which from these or any other causes is in such a state as to be injurious to health;
- (e) any stable, cowhouse, pigsty or other premises for the use of animals which is in such a condition as to be injurious to health, or any animal so kept as to be injurious to health;
- (f) any accumulation or deposit of water, manure, dirt, or other matter wherever situated injurious to health;
- (g) any noxious matter flowing or discharged from any premises wherever situated into any river or stream or the bed of any river or stream;
- (h) any manufactory, trade or business so conducted as to be injurious to health;
- (i) any premises or part of premises so overcrowded as to be injurious to health;
- (j) any churchyard, cemetery, or place of burial so situated, or so overcrowded with bodies, or otherwise so conducted, as to be injurious to health;
- (k) all collections or accumulations of stagnant water liable to breed mosquitoes, all bottles, whole or broken, old tins and boxes, empty and open, conch shells, broken crockery, jars and all other articles forming receptacles for water liable to breed mosquitoes, all receptacles used for storing water which receptacles may have been condemned as unnecessary by the Local Authority with the approval of the Government Medical Officer.

4. Power to enter and inspect premises

It shall be lawful for the Island Secretary, the Local Authority or any member of the Police Force, to enter and inspect any premises other than private dwelling-houses, and for any person authorized in writing under the hand of the Island Secretary to enter and inspect any such premises between six in the morning and six in the evening.

Amended by [\[GN No. 262 of 1947\]](#)

[\[Act No. 3 of 1988\]](#); [\[Act No. 12 of 1990\]](#)

5. Order for entry and inspection of dwelling houses

Whenever any person mentioned in the foregoing regulation shall have reasonable ground for believing that there exists a nuisance in any private dwelling-house, he may apply to the Magistrate for an order to enter and

inspect such dwelling. On any such application being made to the Magistrate, and on oath being made by applicant that he has reasonable grounds for believing that a nuisance exists in such dwelling-house, the Magistrate shall grant an order under his hand empowering such person to enter and inspect such dwelling-house during the hours specified in the said order.

And if on any inspection made under such order a nuisance is found to exist in such dwelling-house such order shall be sufficient warrant for the person named on such order to enter such dwelling-house to verify that the said nuisance has been abated, remedied or removed or that steps have been taken to prevent its recurrence.

6. Local Authority may issue notice for removal of nuisance subject to appeal

It shall be lawful for the Local Authority in any case where the existence of a nuisance is ascertained to his satisfaction to issue a notice in writing in the form of the Schedule hereunto annexed calling on the person by whose act, default, or sufferance the nuisance arises or continues, or if such person cannot be found, on the owner or occupier of the premises on which the nuisance arises, requiring him to abate, remedy or remove such nuisance within a reasonable time to be made in such notice, provided-

- (i) that where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this regulation shall be served on the owner;
- (ii) that where the person causing the nuisance cannot be found, and the Local Authority is satisfied that the nuisance does not arise or continue by the act, default, or sufferance of the owner or occupier of the premises, such Authority may himself abate the same without further order.

Every such notice or order may be served by a sanitary Inspector of the Health Department or any officer or constable of Police by delivering the same or a true copy thereof to, or at the residence of, the person to whom it is addressed; and when addressed to the owner of any premises it may also, if such owner cannot be found, be served by delivering the same or a true copy thereof to some person on his premises, or if there be no person on the premises who can be so served, by fixing the same to some conspicuous part of the said premises.

Every such notice or order aforesaid may be appealed from within the period specified for carrying it out, and such appeal shall be heard and determined by the Magistrate.

Amended by [\[GN No. 262 of 1947\]](#); [\[GN No. 58 of 1952\]](#)

7. Nature of notice

Such notice may require the person on whom it is served to provide water closet or privy accommodation or to employ sufficient means of cleansing, draining, or ventilating the same; or to pave, cleanse, disinfect or purify any premises or to drain, empty, cleanse, fill up, cover, alter, repair or remove any ditch, gutter, drain, ashpit,

sewer, privy, urinal or cesspool, or to provide sufficient substitute therefor; or to fill up, cleanse or cover any well, or to abstain from any operation which may pollute any stream, canal, pond or water, or to remove or provide for the wholesome keeping of any animal; or to carry away any accumulation or deposit of matter injurious to health, or to discontinue any work, manufactory, trade or business, or to limit the number of persons who may be accommodated in any premises, or the number of separate dwellings or apartments into which any premises may be divided, or let to, or used by different persons or families; or to prevent the use of any churchyard, cemetery or place of burial, or to do such other works or acts as are necessary to abate, remedy or remove any nuisance ascertained to exist as aforesaid in such manner and within such time as shall be specified in the notice, and if the Local Authority is of opinion that such or the like nuisance is likely to recur, he may further prohibit the recurrence thereof and issue a notice in the form of the Schedule aforesaid for the execution of such works as may be necessary in his opinion to prevent such recurrence.

Amended by [\[GN No. 262 of 1947\]](#)

8. If notice be not complied with Local Authority may execute necessary works

In cases of non-compliance with any such notice it shall be lawful for the Local Authority with the approval of the Magistrate or any person authorized by him in writing with all proper assistants, work-men and servants, and forcibly if need be, to enter the premises in respect of which such notice shall have been issued, and to do whatever may be necessary in execution of such notice for the abatement, remedy or removal or for the prevention of the recurrence of such nuisance.

All expenses incurred by the Local Authority by approval of the Magistrate in consequence of any default in complying with any notice or order issued under the provisions of these regulations shall be deemed to be money paid for the use and at the requirement of the person on whom the said notice or order was made and shall be recoverable from the said person at the suit of the Local Authority in the ordinary course of law.

When the expense incurred as aforesaid shall not exceed 50 rupees the sum shall without further formality be recoverable from the said person by warrant under the hand of the Magistrate specifying the amount of such expense and the purpose for which it was incurred. Every such warrant may be executed by seizure and sale of the property real or personal belonging to the said person or by opposition in the hands of his debtors.

Amended by [\[GN No. 262 of 1947\]](#)

9. Penalty for failure to comply with notice, certificate or order of Local Authority

Any person failing to comply with any notice or order served under the provisions of these regulations shall be liable to a penalty not exceeding 5 rupees for every day he continues in default after the expiration of the time specified in the said notice of order.

10. Entering shops to inspect food

The Island Secretary, the Local Authority, or any person authorized in writing by the Magistrate may between the hours of six a.m. and six p.m., enter any shop or premises used for the sale or preparation for sale or for the exposure, deposit or storage of food, to inspect and examine any food found therein, which he shall have

reason to believe is intended to be used for the food of man; and in case any such food appear to the Island Secretary, the Local Authority, or any such person authorized by the Magistrate to be diseased, or unsound, or unwholesome or unfit for the food of man, he may seize the same and the Magistrate on report of the Local Authority may order it to be destroyed or to be so disposed of as to prevent the same from being exposed for sale, or used for the food of man.

The proof that the said food was not exposed, deposited or stored for any such purpose or was not intended for the food of man shall rest on the party in charge of the food.

Amended by [\[GN No. 262 of 1947\]](#)

[\[Act No. 3 of 1988\]](#); [\[Act No. 12 of 1990\]](#)

11. Articles removed from premises to be sold or destroyed

Any article removed from any premises in consequence of any notice issued under these regulations may be sold by public competition by the usher of the Police Court under a warrant granted by the Magistrate provided that not less than five days' public notice of such sale be given by the Local Authority: Provided that in the case of perishable articles, the value of which does not exceed 20 rupees, the Magistrate may order the immediate sale thereof; or where such delay would be prejudicial to health, he may order the immediate sale or destruction thereof. The proceeds of every such sale shall be retained by the Local Authority and employed to defray the expenses of the removal and sale and the surplus, if any, shall on demand, within one month from the date of sale, be delivered by the Local Authority to the owner of the articles aforesaid.

Amended by [\[GN No. 262 of 1947\]](#)

12. Cleanliness of premises and removal of sweepings, etc.

It shall not be lawful for the owner or occupier of any courtyard or any premises whatever to allow the same to be in a filthy or dirty state or to be overgrown with rank or noisome vegetable or to keep thereon, in any basin or receptacle, fetid or filthy water.

All sweepings and house refuse shall be placed in boxes, bags or other receptacles, near the roadway adjoining every dwelling situate in a village or locality for which there is a scavenging service at an hour to be fixed by the Local Authority with the approval of the Island Secretary, and no such receptacles or sweepings or house refuse shall be so placed after the time so fixed, or in places inaccessible to the scavenging cart.

Any person contravening any of the above provisions shall be liable to a fine not exceeding 50 rupees.

Amended by [\[Act No. 3 of 1988\]](#); [\[Act No. 12 of 1990\]](#)

13. Penalty for possessing food unfit for human use

Any person in whose possession there shall be found any food liable to seizure under regulation 10 shall be liable to a fine not exceeding 50 rupees.

14. General penal clause

Any person, who after having once received a notice as aforesaid from the Local Authority to remove or abate any nuisance, shall cause or allow a similar nuisance, within a period of six months from the date of service of the said notice, or who shall wilfully continue any nuisance, or suffer any nuisance to continue, or who shall wilfully fail to comply with a notice of the Local Authority served on him under the provisions of these regulations shall be liable to a penalty not exceeding 50 rupees without prejudice to the provisions of regulation 9 of these regulations.

Amended by [\[GN No. 262 of 1947\]](#)

15. Regulations not to interfere with other penal laws

Nothing in these regulations and no prosecution entered thereunder shall be construed as in any way affecting any liability arising in respect of any crime or misdemeanour committed against the provisions of the Criminal Code, or under any other law or regulation in force in this Island.

Amended by [\[GN No. 262 of 1947\]](#)

16. Title to sue

All penalties imposed by these regulations may be recovered on complaint at the instance of the Local Authority, of any member of the Police Force, or any person authorized by the Magistrate to act under these regulations.

Whenever in any proceeding under these regulations whether written or otherwise it shall become necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the owner or occupier of such premises without name or further description.

17. Proceedings in certain cases against nuisances

Where any nuisance under these regulations appears to be wholly or partially caused by the acts or defaults of two or more persons, it shall be lawful for the Local Authority or other complainant to institute proceedings against anyone of such persons, or to include all or any two or more of such persons in one proceeding; and anyone or more of such persons may be ordered to abate such nuisance, so far as the same appears to the Court to be caused by his or their acts or defaults, or may be prohibited from continuing any act or defaults which, in the opinion of the Court, contribute to such nuisance or may be fined or otherwise punished notwithstanding that the acts or defaults of anyone of such persons would not separately have caused a nuisance; and the costs may be distributed as to the Court may appear fair and reasonable.

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

Nothing in this regulation shall prevent persons proceeded against from recovering contribution in any case in which they would now be entitled to contribution by law.

Amended by [\[GN No. 262 of 1947\]](#)

18. No proceeding to be removed by certiorari or quashed for want of form

No complaint, conviction, order, notice or other proceeding, matter or thing made or done in the execution of these regulations shall be removed by certiorari or by any other writ or process whatsoever into any Court, or be vacated, quashed, or set aside for want of form.

Amended by [\[GN No. 262 of 1947\]](#)

SCHEDULE

(regulation 6)

FORM OF NOTICE REQUIRING ABATEMENT OF NUISANCE

To (person causing the nuisance or owner or occupier of the premises whereon the nuisance exists, as the case may be).

NOTICE is hereby given to you that I have ascertained that the following nuisance exists in the premises situate

(describe premises or place where the nuisance exists)

namely (here describe the nuisance).

NOW you are hereby required within a delay of from the time of service upon you of the present notice to (here describe what is required to be done); and if you fail to comply with this notice, you will be liable to a fine not exceeding five rupees for every day during which you continue in default.

A.B.

Title of party signing.

Date: