

## CHAPTER 353

### THE PUBLIC HEALTH ACT

#### Arrangement of Sections

#### Section

#### PRELIMINARY

1. Short title.
2. Interpretation.
3. Definition of the City of Saint John's and-city limits.

#### PART I

#### ADMINISTRATION

4. Central Board of Health.
5. Board to be a body corporate and to have a common seal.
6. Funds.
7. Membership of Board not a public office.
8. Chairman of the Board, composition and office.
9. Rules of procedure.
10. Secretary and officers of the Board.
11. Duties of the Board.
12. Declaration of Sanitary District.
13. Training and certification of public health inspectors.
14. Committees of the Board.
15. Enquiries as to public health matters.

#### PART II

#### SCAVENGING AND CLEANSING

16. Board to provide for scavenging and cleansing.
17. Throwing of offensive matter in public places.
18. Power to make regulations.

#### PART III

#### NUISANCES

19. Duty of Board to inspect for detection of nuisances.

## Section

20. What nuisance may be abated summarily.
21. Information of nuisances to the Board.
22. Notice requiring abatement of nuisance.
23. On non-compliance with notice, order to be made.
24. Appeal against nuisance order.
25. When order may be addressed to Board.
26. Sale of matter or thing removed under abatement order.
27. Power of entry.
28. Recovery of costs and expenses.
29. Penalty for injuring privy, drain or dustbin so as to cause nuisance.
30. Power of individual to complain to a Magistrate of nuisance.

## PART IV

## KEEPING OF ANIMALS

31. Regulations controlling keeping of animals.

## PART V

## PRIVIES, DRAINS AND PUBLIC BATHS

32. City houses to be provided with proper privy accommodation and drains.
33. When privy accommodation proper.
34. Board may enforce provisions of privy accommodation.
35. Provision for filling up cesspits and wells.
36. Penalty for depositing excreta, etc. except in privy.
37. Regulations with respect to privies, etc.
38. Provision of water closets, etc., baths, wash houses and bathing places.
39. Regulations for control of baths, etc.
40. Baths, etc., to be public places for certain purposes.

## PART VI

PROVISION FOR THE DEMOLITION AND CLOSING OF  
INSANITARY HOUSES

41. Power to order demolition of insanitary house.
42. Power to make a closing order as to part of a building.
43. Board may require cleansing of houses.

## Section

44. In case of poverty of the owner of premises, work may be done at public expense.
45. Penalty for using premises in contravention of closing order or of an undertaking.
46. Appeal.
47. Power of the Board to make allowances to certain persons displaced.

## PART VII

## FOOD AND DRUGS

48. Application.
49. Interpretation.
50. Restrictions on the addition of other substances to any food or drug.
51. Restrictions on the abstraction from any food of any constituent thereof.
52. Prohibition against sale of any food or drugs not of the nature, substance or quality demanded.
53. Defences available in proceedings under section 52.
54. Provisions as to labels.
55. Labels and advertisements describing incorrectly food or drug.
56. Presumptive evidence as to injurious nature of food.
57. Power of Board to make regulations as to the importation, preparation, storage, sale, delivery, etc. of food.
58. Penalty for sale etc. of unsound food.
59. Examination of food and seizure of unsound food.
60. Provisions as to food offered as prizes, etc.
61. Power to examine food in course of transit.
62. Provisions as to rooms where food intended for sale is prepared or stored, etc.
63. Registration of premises used in connection with the manufacture or sale, of ice-cream or preserved food, etc.
64. Notification of cases of food poisoning.
65. Provision as to suspected food.
66. Restrictions on the importation of certain foods.
67. Powers of sampling.
68. Rights to have samples analysed.
69. Division of, and dealings with, samples.

## Section

70. Persons suffering from certain diseases not to sell food or drink.
71. Penalty for obstructing execution of Act.
72. Limitation of prosecution.
73. Evidence of certificates of analysis, and presumptions.
74. Power of court to require analysis by Government chemist.
75. Defence available to defendant where some other person is responsible for the commission of the offence charged.
76. Conditions under which a warranty may be pleaded as defence.
77. Offences in relation to warranties and certificates of analysis.

## PART VIII

## BAKERIES

78. Interpretation.
79. Application to use place as bakery.
80. Painting and washing premises.
81. Conditions governing occupation of bakery.
82. Regulations.
83. Penalty for using insanitary premises.
84. Premises not to be used as sleeping place.
85. Person suffering from certain diseases not to be employed.
86. Powers of entry and inspection.

## PART IX

## MILK, ICE-CREAM, ICE AND AERATED WATER

87. Regulations.
88. Certain additions not to be made to milk, and certain liquids not to be sold as milk.
89. Appointment of milk analyst and provision of instruments.
90. Analyst's certificate when milk found to be impure.
91. Analyst's fee.
92. Proof of conditions of milk at time of sale.
93. Analyst's certificate *prima facie* evidence but analyst may be called as witness.

---

**Section**

94. Power of entry.
95. Prevention of use of milk from diseased cows.
96. Regulations as to presumptive evidence of adulteration of milk.
97. Provisions as to ice-cream likely to cause milk-borne disease.

**PART X****HOTELS, RESTAURANTS AND OTHER PLACES WHERE  
FOOD IS SOLD**

98. Regulations.
99. Regulations with respect to the handling, wrapping etc. of food and the sale of food in the open air.

**PART XI****INFECTIOUS DISEASES**

100. Declaration of infectious disease.
101. Provision of isolation hospitals and camps.
102. Board to deal with dangerous infectious diseases.
103. Board to order execution of works in certain cases.
104. Notification of infectious diseases.
105. Form of certificates.
106. Powers of entry.
107. Removal to isolation hospital.
108. Infected person not to carry on occupation.
109. Infected clothes not to be sent to laundry, etc.
110. Filthy and dangerous articles to be purified.
111. Child suffering from dangerous infectious disease not to attend school.
112. Provision as to library books.
113. Prohibiting conveyance of persons with dangerous infectious disease in public vehicles.
114. Penalty on failing to provide for the disinfection of public vehicles.
115. Driver or owner of vehicle conveying dangerous infected persons to give notice.
116. Disinfection of public vehicles if used for carrying corpse.
117. Disinfection of premises to check or prevent spread of disease.

Section

118. Penalty for letting dangerous infected houses.
119. Power of Magistrate to order removal of dead body.
120. Bodies of persons dying of dangerous infectious disease in hospital, etc. to be removed only for burial.
121. Wake not to be held over body of person dying of dangerous infectious disease.
122. Provision of nursing attendance.
123. General powers to enter and carry out work.
124. Trades which persons suffering from a dangerous infectious disease shall not carry on.
125. Publication and effect of regulations.
126. Special powers of Cabinet.

PART XII

MOSQUITOES AND HOUSE SPRAYING WITH INSECTICIDE

127. Regulations for prevention of mosquitoes.

PART XIII

SCHOOL HYGIENE

128. Sanitary control.
129. List of scholars to be furnished where pupil in school is suffering from an infectious disease.
130. Regulations.
131. Penalty.

PART XIV

RESTRICTION ON TREATMENT OF VENEREAL DISEASE AND UNDESIRABLE ADVERTISEMENTS

132. Prevention of the treatment of venereal disease otherwise than by duly qualified persons.
133. Prohibition of advertisements relating to venereal disease.
134. Prohibition of advertisements relating to certain other diseases.
135. Prohibition of advertisements relating to abortion.
136. Penalties.

---

Section

PART XV

OFFENSIVE TRADES

- 137. Consent of Board.
- 138. Regulations governing offensive trades.

PART XVI

SLAUGHTERHOUSES AND MARKETS

- 139. Licensing of slaughterhouses.
- 140. Regulations.
- 141. Default of owners in complying with regulations.
- 142. Default in payment of expenses.

PART XVII

BARBERS' AND SIMILAR SHOPS

- 143. Regulations.

PART XVIII

FACTORIES AND WORKSHOPS

- 144. Regulations.

PART XIX

COMMON LODGING HOUSES AND BARRACKS

- 145. Return by owner of barrack.
- 146. Register of common lodging houses and barracks.
- 147. Evidence.
- 148. Lodging house or barrack not to be occupied unless registered.
- 149. Premises to be inspected before registration.
- 150. Penalty for using unregistered premises.
- 151. Burden of proof as to persons being of same family.
- 152. Regulations.
- 153. Default in complying with regulations or Act.
- 154. Cancelling registration.
- 155. Conditions on which barrack may be established.
- 156. Existing barracks.

## Section

## PART XX

## DISPOSAL OF THE DEAD, CEMETERIES AND GRAVEYARDS

157. Portion of cemetery may be assigned to a denomination.
158. Funeral services at burials in public cemeteries.
159. Regulations as to cemeteries.
160. Regulations as to interment or embalming of human corpses.
161. Disinterment of bodies.
162. Disinterment to be supervised by the applicant.
163. Penalty for breach of conditions by applicant.
164. Penalty for breach of agreement by persons employed by applicant.
165. Penalty for disinterment without permission.
166. Cremation.
167. Closure of cemeteries.
168. Subsequent burials therein unlawful.
169. Disused cemeteries.
170. "Body" includes remains.

## PART XXI

## MISCELLANEOUS ENTRY AND OBSTRUCTION, ETC.

171. Delegation of powers.
172. General power of entry.
173. Obstruction.
174. Bribery.
175. Obstruction of owner by occupier.

## PART XXII

## GENERAL

176. Confirmation of regulations.
177. Penalties for breaches of regulations.
178. Recovery of costs and expenses and interest.
179. Recovery of penalties and procedure.
180. Authentication of notices, etc.
181. Service of notices, etc.
182. Nuisance caused by, or existing on, premises of two or more owners.
183. Proceedings not to abate by reason of death.
184. Owner of premises need not be otherwise designated.



## Section

185. Appeals.  
 186. Forms.  
 187. Saving.  
 188. Repeal. Saving of subsidiary legislation.

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

FIFTH SCHEDULE

SIXTH SCHEDULE

## PUBLIC HEALTH

(1st January, 1957.)

34/1956.  
19/1959.  
18/1989.

## PRELIMINARY

1. This Act may be cited as the Public Health Act. **Short title.**

2. In this Act— **Interpretation.**

“animal” means cattle, buffalo, horses, mules, asses, sheep, swine, goats, dogs, cats and all animals of whatsoever kind whether similar to the foregoing or not and includes bird;

“barrack” or “barracks” includes any temporary building or collection of temporary buildings divided into rooms occupied singly or in sets by persons, and to which there are a common yard and common conveniences;

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

“building” includes a chattel house and any structure of whatsoever material constructed, but does not include a temporary structure of poles, mud, grass or leaves;

"carrier" when used with reference to infectious disease, means a person having in his nose or throat or in his excretions or discharges the germ of any infectious disease, though he may exhibit no other sign or symptom of that disease;

"cesspit" means any receptacle for nightsoil or 'for offensive matter below or above the ground;

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

"contact" when used with reference to infectious disease means a person who has been exposed to the risk of infection from an infectious disease, within a period which does not exceed the prescribed period of incubation of that disease;

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

"dairy" includes any farm, farmhouse, cowshed, milkstore, milk shop, or other place from which milk is supplied or in which milk is kept for the purpose of sale;

"dairyman" includes any cowkeeper, goatkeeper, purveyor or seller or hawker of milk, or person in charge of a dairy;

"district" means a Sanitary District appointed and declared under paragraph (a) of section 12;

"dwelling house" means any building used or constructed or adapted to be used wholly for human habitation;

"earth closet" means a closet having a movable receptacle for the reception of faecal matter and its

---

deodorization by the use of earth, ashes, or chemicals, or by other methods;

"habitable room" means a room constructed or adapted to be inhabited;

"infectious disease" means anthrax, chicken pox, cholera, dengue, diphtheria, dysentery, food poisoning, infectious encephalitis, influenza, leprosy, malaria, measles, meningococcal meningitis, ophthalmia neonatorum, paratyphoid fever, plague, pneumonia, poliomyelitis, puerpal fever, rabies, relapsing fever, schistosomiasis, small pox, early active syphilis, venereal diseases other than syphilis, tetanus, tuberculosis (all forms), typhoid fever, typhus, undulant fever, Weil's disease, whooping cough, yaws, yellow fever, and any other disease which the Governor-General by proclamation under section 100, declares to be an infectious disease within the meaning of this Act;

"dangerous infectious disease" means cholera, plague, rabies, small pox, typhus fever, yellow fever, and any other infectious disease which the Governor-General, by proclamation under section 100 declares to be a dangerous infectious disease within the meaning of this Act;

"inhabited" applied to a room means a room in which some person passes the night, or which is used as a living room including a room with regard to which (until the contrary is proved) there is a presumption that some person passes the night therein or that it is used as a living room;

"injurious" includes dangerous;

"Medical Officer of Health" means the officer for the time being performing the duties of Chief Medical Officer or such other medical officer as the Governor-General may appoint by notice in the *Gazette* to be Medical Officer of Health;

"medical officer of health of a district" means such person as may be appointed under subsection (2) of section 12 to be a medical officer of health of a district;

"new building" means—

(a) an entirely new erection;

(b) any building re-erected after being pulled down wholly or in part to the level of the ground floor;

(c) any building converted into, but not originally constructed as, a dwelling house;

(d) any building originally constructed for one dwelling house, converted into more than one dwelling;

(e) any building originally serving as a dwelling house but converted to some other purpose;

"nuisance" means anything which is capable of being abated either by the person or persons concerned or by the Board;

"occupier" means in the case of a building or part of a building, a person in occupation of or having the charge, management or control of the building or part of the building, and in the case of a house the whole of which is let out in separate tenements, or in the case of a lodging house the whole of which is let to lodgers, includes the person receiving the rent payable by the tenants or lodgers, either on his own account or as the agent of another person in charge thereof;

"offensive" includes noxious;

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

---

“owner” includes every person in possession of or in receipt of either the whole or any part of the rents or profits of any land or tenement, whether in his own right or as trustee or personal representative, committee, husband or guardian of any other person, or in the occupation of such land or tenement, other than as a tenant from year to year, or for any less term, or as a tenant at will;

“premises” includes messuages, buildings, lands, easements, and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority, and any ship, vessel, boat, hulk, barge, tent, van, shed or similar structure;

“privy” includes earth closet, water closet, urinal and every place for the reception of faecal matter;

“public building” means a building used or constructed or adapted to be used, either ordinarily or occasionally as a church or chapel or other place of public worship, or as a hospital, workhouse, college, school (not being merely a dwelling house so used), theatre, public lecture room, public exhibition room, public hall, public concert room, public ball room, or as a public place of assembly for persons admitted thereto by tickets or otherwise or used or constructed or adapted to be used either ordinarily or occasionally for any public purpose;

“public health inspector” means officer of the Health Department who has been appointed to carry out the duties of a public health inspector;

“sanitary convenience” includes urinals, water closets, earth closets, privies, ashpits and any similar convenience;

“sanitary engineer” includes engineering assistant and any officer for the time being performing sanitary engineering duties for the Government;

“scavenger” means any person lawfully engaged in scavenging and cleansing of any particular district;

“shop” means any premises where any retail or wholesale trade or business is carried on and includes any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant;

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

“tenement house” includes any building or collection of buildings divided into rooms occupied singly or in sets by persons, and to which there are a common yard and common conveniences;

“venereal disease” means syphilis, soft chancre, gonorrhoea, lymphopathia venereum or granuloma inguinale;

“water closet” means a closet which has a separate fixed receptacle connected with a drainage system and separate provision for flushing from a supply of clean water by the operation of mechanism or by automatic action.

Definition of the City of Saint John's and city limits.  
First Schedule.

**3.** For the purposes of this Act the limits of the City of Saint John's shall be deemed and taken to be as set out in the First Schedule and the expression “City of Saint John's” includes all the lands and buildings within the said limits.

## PART I

### ADMINISTRATION

Central Board of Health.

**4.** For the purpose of this Act, there is hereby constituted an authority to be called the Central Board of Health, consisting of nine members, to be appointed by the Governor-General and to hold office during pleasure for a period not exceeding two years. The Governor-General may remove any such member and appoint any person in place of a member so removed, or in the place of any member dying,

or resigning, or becoming incapable of acting, or being absent from Antigua and Barbuda or failing without leave to attend the meetings of the Board for three consecutive months.

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

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

(2) All courts of law, Judges, Magistrates, Justices, and persons acting judicially shall take judicial notice of the common seal of the Board when affixed to any document, and shall presume that it was duly affixed.

**6.** Parliament may place at the disposal of the Board such funds as may be necessary for carrying out their duties under this Act.

**Funds.**

**7.** It is hereby declared that membership of the Board, whether with or without remuneration or other allowance, does not constitute the holding of a public office.

**Membership of Board not a public office.**

**8.** (1) The Chief Medical Officer shall be *ex-officio* chairman of the Board.

**Chairman of the Board, composition and office.**

(2) The chairman shall preside at all meetings of the Board at which he is present. In his absence such member as may be elected by the majority of the members present shall preside.

(3) At any meeting of the Board five members shall form a quorum and the chairman shall have a second or casting vote.

(4) The Board shall have an office in St. John's.

(5) The Cabinet may authorize the payment out of such funds as may be placed at the disposal of the Board under section 6 of such sum or sums by way of remuneration or other allowance to the chairman and other members of the Board as they think fit:

Provided that the Chief Medical Officer being *ex-officio* chairman of the Board and any other public officer who is

a member of the Board shall not be entitled to receive any such remuneration or allowance.

**Rules of procedure.**

**9.** The Board may make rules as to its own proceedings under this Act and as to the performance by its officers of their duties and as to the carrying out of the powers vested in the Board by this Act.

**Secretary and officers of the Board.**

**10.** The Governor-General may, upon the recommendation of the Board, appoint a Secretary to the Board and such officers and servants as may be necessary.

**Duties of the Board.**

**11.** It shall be the duty of the Board—

(a) to advise the Governor-General when so required on all subjects connected with the health of Antigua and Barbuda.

(b) generally to take all steps as may be desirable to secure the preparation, effectual carrying out and coordination of measures conducive to public health;

(c) from time to time to report to the Governor-General on the existence of any cause which in their opinion may be likely to endanger the health of the inhabitants of Antigua and Barbuda, and to make such recommendations as they may deem advisable as to the prevention of diseases and the preservation of public health;

(d) to arrange for the publication of information on questions relating to health and disease and for the delivery of lectures and the display of posters and films.

**Declaration of Sanitary District.**

**12.** (1) The Cabinet may from time to time by order appoint and declare any part or portion of Antigua and Barbuda to be a Sanitary District for the purpose of this Act and in such order shall state the name or number by which such Sanitary District shall thereafter be known or described.

(2) The Governor-General may appoint any Government medical practitioner to be the medical officer of health of a district.



(3) In this section "Government medical practitioner" means a medical practitioner holding an appointment in the government service.

**13.** (1) The Board may make regulations with respect to the instruction and examination of persons desiring to qualify as public health inspectors and the issue of certificates to successful candidates at such examination. **Training and certification of public health inspectors.**

(2) Public health inspectors qualified and certificated as provided in subsection (1) may be appointed by the Governor-General on such terms and conditions as the Governor-General may think fit and for the performance of such duties as may be prescribed by the Board. —

**14.** (1) The Board may appoint out of their own body such and so many committees either of a general or special nature, and consisting of such number of persons as they may think fit, for any of the purposes within their powers under this Act which in the opinion of the Board would be better regulated and managed by means of such committees. **Committees of the Board.**

(2) The Board may make regulations with respect to the number, chairmanship, quorum, and powers of any such committees.

(3) Every committee of the Board shall, unless expressly authorized by its terms of reference, report its proceedings to the Board.

(4) The Board may delegate to any such committee any of the powers or duties vested in or imposed on the Board by this Act, and may, if the Board think fit, direct that the acts and proceedings of such committee shall not be required to be submitted to the Board for approval; and in any such case the acts and proceedings done and taken by the committee shall be done and taken in the name of the Board and shall be as valid and binding as if such acts and proceedings had been done and taken by the Board.

**15.** The Board may cause to be made such enquiries as they think fit in relation to any matter with respect to which their sanction, approval or consent is required by this **Enquiries as to public health matters.**

Act, and for that purpose any persons authorized in writing by the Board may at any reasonable time enter any premises.

## PART II

### SCAVENGING AND CLEANSING

**Board to provide for scavenging and cleansing.**

**16.** (1) The Board shall direct or undertake the efficient execution of the following services, namely—

(a) the removal of the house refuse and other rubbish from any premises;

(b) the cleansing and disinfection of buildings or parts thereof, the cleansing and disinfection of privies, dustbins and drains, and the collection, removal and disposal of nightsoil, upon such charges as the Board may from time to time fix;

(c) the sweeping, cleansing and watering of streets;

(d) the provision and maintenance in a sanitary condition, of suitable places, buildings and appliances for the deposit and destruction of refuse, rubbish and nightsoil.

(2) Every person who hinders or obstructs any person lawfully engaged in the scavenging or cleansing of any particular district shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

**Throwing of offensive matter in public places.**

**17.** (1) No offensive matter, whether animal or vegetable, shall be thrown or placed or allowed to flow or fall on any street, foreshore or other public place or in any drain or watercourse.

(2) No dead animal, offal, garbage or putrid flesh or fish shall be thrown into any privy or cesspit.

(3) "Offensive matter" in this section includes dead animals, offal, swill, brine, drainings from salt fish or salted meat and garbage.

(4) Any person contravening the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars.

**18.** The Board shall have power to make regulations with respect to the following matters— **Power to make regulations.**

(a) preventing the accumulation of dirt, dust, filth, ashes and refuse on premises and the duties of owners or occupiers with regard thereto;

(b) for prescribing the size, make and material of dustbins or removable receptacles for refuse to be provided by the owners or occupiers of premises, and the places where, and the times at which, such dustbins and receptacles shall be deposited for facilitating the removal of their contents by the Board;

(c) the duties of the Board and of owners or occupiers in connection with house refuse so as to facilitate the removal of such house refuse by the scavengers;

(d) regulating the situation, construction, drainage and use of stables and the disposal of manure;

(e) for prescribing the times for the removal or carriage through the streets of any faecal or offensive matter or liquid;

(f) for providing that the vessel, receptacle, cart or carriage used therefor shall be properly constructed and covered so as to prevent the escape of any such matter or liquid;

(g) for compelling the cleansing of any place whereon such matter or liquid shall have been dropped or spilt in such removal or carriage;

(h) for prescribing that no person shall engage in the business of carrying or removing faecal or offensive matter or liquid except with a permit from the Board;

(i) for prescribing that the owner or occupier of any premises from which faecal or offensive matter or liquid is at any time carried or removed by a person who has not a permit from the Board shall be guilty of an offence.

## PART III

## NUISANCES

Duty of Board to inspect for detection of nuisances.

**19.** It shall be the duty of the Board to cause to be made from time to time inspection of the districts with a view to ascertain what nuisances exist calling for abatement under the powers of this Part, and to enforce the provisions of this Part for the purpose of abating the same, and otherwise to put in force the powers vested in them relating to public health, so as to secure the proper sanitary condition of all premises within the districts.

What nuisance may be abated summarily.

**20.** For the purposes of this Act—

(a) any premises or part thereof, of such construction or of such decayed, ruinous, filthy or unwholesome state or condition as to be injurious or likely to be injurious to safety or health;

(b) any street, ditch, sink, cistern, pool, borrowpit, watercourse, drain, gutter, privy, dustbin or manure pit so foul or in such a state or so situated as to be a nuisance or injurious to health;

(c) any stable, cowshed, pigsty or other building in which any animal or animals are kept in such a manner or in such numbers as to be a nuisance or injurious to health;

(d) any animal so kept as to be a nuisance or injurious to health;

(e) any accumulation or deposit of any material wherever situated which is a nuisance or injurious to health or likely to become so, which harbours or acts as a shelter or serves as a breeding place for insects or vermin that are reputed or known to convey infectious disease, or which contains or harbours or shelters such insects in any stage of their development or vermin or which is likely to do so;

(f) any work, manufacture, trade or business injurious to the health of the neighbourhood or so conducted as to be a nuisance or injurious to health;

(g) any grounds, yard or enclosure forming part of or attached to premises which are not kept clean and

---

clear of filthy or decaying or offensive animal or vegetable matter;

(h) any house or part of a house or other structure used for human habitation so overcrowded as to be injurious to the health of the inmates, whether or not members of the same family, or where the number of persons per unit of cubic capacity of floor space exceeds the number permissible by law or regulation;

(i) any school-house, workroom, shop, office, factory, workshop or other place of business—

(i) so unclean as to be a nuisance or injurious to health, or

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

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

(iv) not provided with sufficient privy accommodation;

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

(k) the drainage, refuse or washing of any town, village or building falling into any harbour, river, water-course, ravine, pond, ditch or on any foreshore so as to be a nuisance or injurious to health;

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

(m) any well or water supply, whether public or private, used for domestic purposes, or the use whereof for domestic purposes, would be injurious to health;

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

(o) any premises on which mosquito or fly breeding is found;

(p) any act not warranted by law or any omission to discharge a legal duty, which act or omission affects or is liable to affect adversely the public health or safety, shall be deemed to be a nuisance liable to be dealt with summarily in manner prescribed by this Act:

Provided that—

(a) any accumulation or deposit necessary for the effectual carrying on of any business or manufacture shall not be punishable as a nuisance under this section, if it is proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury to health thereby; and

(b) in considering whether any dwelling house or part of a dwelling house which is also used as a factory, workshop or workplace or whether any factory, workshop or workplace used also as a dwelling house, is a nuisance by reason of overcrowding, the court shall have regard to the circumstances of such other user.

**Information of nuisances to the Board.**

**21.** Information of a nuisance liable to be dealt with summarily under this Part may be given to the Board by any person, and it shall be the duty of every officer of the Board to give such information.

**Notice requiring abatement of nuisance.**

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

(2) The Board may also, by the same or another notice served on such occupier, owner or person, require him to do what is necessary for preventing the recurrence of the nuisance, and, if they think it desirable, specify any works

to be executed for that purpose, and may serve the notice notwithstanding that the nuisance may for the time being have been abated, if the Board consider that it is likely to recur on the same premises:

Provided that—

(a) where the nuisance arises from any want or defect of a structural character, or where the premises are unoccupied, or consist of a tenement or barrack yard, the notice shall be served on the owner;

(b) where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue from the act, default or sufferance of the occupier or owner of such premises, the Board may themselves abate the same and may do what is necessary to prevent the recurrence thereof;

(c) where a medical officer of health of a district certifies to the Board that any house or part of a house in his district is so overcrowded as to be injurious to the health of its inmates, whether or not members of the same family, the Board shall take proceedings under this section for the abatement of such nuisance.

(3) Where a notice has been served on a person under this section and either—

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

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

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars for each offence, whether any such nuisance order as is in this Part mentioned is or is not made upon him:

Provided that in the event of immediate action becoming, in the opinion of the chairman of the Board, necessary to deal with a nuisance the abatement of which is certified by a medical officer of health of a district to be urgent, the chairman of the Board may take all such steps and do all such things as the Board is empowered to do for the purpose of abating a nuisance under this Part.

On non-compliance with notice, order to be made.

**23.** (1) If either—

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

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

the Board shall make a complaint before a Magistrate, and such Magistrate may make on such person a summary order (in this Part referred to as a nuisance order).

(2) A nuisance order may be an abatement order, a prohibition order or a closing order or a combination of such orders.

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

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

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

(6) A closing order may prohibit a dwelling house from being used for human habitation.

(7) A closing order under this Part shall only be made where it is proved to the satisfaction of the Magistrate that by reason of a nuisance a dwelling house is unfit for human habitation, and if such proof is given the Magistrate shall make a closing order and may impose a fine not exceeding five hundred dollars.

(8) The Magistrate when satisfied that the dwelling house has been made fit for human habitation, may declare that he is so satisfied and cancel the closing order.



(9) If a person fails to comply with the provisions of a nuisance order with respect to the abatement of a nuisance, he shall, unless he satisfies the Magistrate that he has used all due diligence to carry out such order, be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five dollars a day during his default; and if a person knowingly and wilfully acts contrary to a prohibition or closing order, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars a day during such contrary action.

(10) The Board may enter the premises to which a nuisance order relates, and abate or remove the nuisance, and do whatever may be necessary in execution of such order.

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

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

(3) Where a nuisance order is made and a person does not comply with it and appeals against it, and such appeal is dismissed, or is abandoned, the appellant shall be liable to a fine not exceeding twenty-five dollars a day during the non-compliance of the order, unless he satisfies the court before which proceedings are taken for imposing a penalty that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay; and where the appeal is heard, the Judge may, on dismissing the appeal, impose the penalty as if the court were that of the Magistrate.

(4) Where a nuisance order made on any person is appealed against and the court which made the order is of opinion that the continuance of the nuisance is injurious to health, and that the immediate abatement thereof will not cause any injury which cannot be compensated by damages, the court may authorize the Board immediately to abate the

nuisance; but the Board, if they do so, and the appeal is successful, shall pay the cost of such abatement, and the damages (if any) sustained by the said person by reason of such abatement; but if the appeal is dismissed or abandoned, the Board may recover summarily as a civil debt the cost of the abatement from the said person.

When order may be addressed to Board.

**25.** Where it appears to the satisfaction of the Magistrate that the person by whose act, default or sufferance a nuisance liable to be dealt with summarily under this Part arises or the owner or occupier of the premises is not known or cannot be found, then the nuisance order may be addressed to, and if so addressed shall be executed by, the Board.

Sale of matter or thing removed under abatement order.

**26.** Any matter or thing removed by the Board in abating or doing what is necessary to prevent the recurrence of a nuisance liable to be dealt with summarily under this Part may be sold by public auction, or if the Board think that the circumstances require it, may be sold otherwise, or be disposed of without sale; and the money arising from the sale may be retained by the Board and applied in payment of the expenses incurred by them with reference to such nuisance, and the surplus (if any) shall be paid on demand to the owner of such matter or thing.

Power of entry.

**27.** The Board shall have the right to enter any premises—

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

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

(c) where a nuisance order has not been complied with or has been infringed, at all reasonable hours including all hours in which business therein is in

progress or is usually carried on, for the purpose of executing the order.

**28.** All costs and expenses incurred in serving a notice, making a complaint or obtaining a nuisance order, or in carrying the order into effect, or in abating or suppressing any nuisance, shall be deemed to be money paid to the use and at the request of the person on whom the order is made, or if the order is made on the Board, 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 person by whose act, default or sufferance the nuisance was caused; and in the case of nuisances caused by the act or default of the owner of the premises, such costs and expenses may be recovered from any person who is for the time being owner of such premises in any court of competent jurisdiction.

Recovery of costs and expenses.

**29.** If a person causes any drain, privy or dustbin to be a nuisance or injurious to health by wilfully destroying or damaging the same, or any water supply, apparatus, pipe or work connected therewith. or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any other such water supply, apparatus, pipe or work, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

Penalty for injuring privy, drain or dustbin so as to cause nuisance.

**30.** (1) Complaint of the existence of a nuisance liable to be dealt with summarily under this Part on any premises may be made by any person and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, penalties for disobedience of orders, appeals and otherwise, as in the case of a like complaint by the Board:

Power of individual to complain to a Magistrate of nuisance.

Provided that the Magistrate may, if he thinks fit—

(a) adjourn the hearing or further hearing of the complaint for the purpose of having an examination of the premises where the nuisance is alleged to exist, and may authorize the entry into such premises of any constable, or other person for that purpose; and

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

(2) Any constable or other person authorized under this section shall have the like powers and be subject to the like restrictions as if he were an officer of the Board authorized under the foregoing provisions of this Part to enter any premises and do any acts therein.

## PART IV

## KEEPING OF ANIMALS

**31.** The Board may make regulations for all or any of the following purposes—

(a) defining what animal or classes of animals may be kept in the City or in certain parts thereof;

(b) the conditions under which animals may be kept, whether in the City or elsewhere in Antigua and Barbuda; and

(c) generally for the better and more effectual carrying out of this Part.

## PART V

## PRIVIES, DRAINS AND PUBLIC BATHS

**32.** (1) The owner of every dwelling house or lot of land in the City of Saint John's shall provide proper privy accommodation and proper drains for the occupier or occupiers of such dwelling house or lot of land and in case such owner shall let the same to the occupiers of movable houses he shall provide proper privy accommodation and drains for the occupants of such movable houses as the Board may deem fit.

(2) Every person who does or causes to be done anything in contravention of this section shall for every offence be liable on summary conviction to a fine not exceeding one thousand dollars.

Regulations  
controlling  
keeping of  
animals.

City houses to be  
provided with  
proper privy  
accommodation  
and drains.

**33.** Privy accommodation shall not be deemed to be proper within the meaning of this Act unless it is of such class or description and is furnished with such coverings, fittings and connections as the Board may prescribe or direct.

**When privy accommodation proper.**

**34.** (1) If any house in the City of Saint John's appears by the report of a public health inspector to be without proper privy accommodation, the Board shall, by written notice, require the owner or occupier of the house, within a reasonable time therein specified, to provide such proper privy accommodation.

**Board may enforce provisions of privy accommodation.**

(2) If such notice is not complied with, the Board may, at the expiration of the time specified in the notice, do the work thereby required to be done, and may recover as a simple contract debt in any court of competent jurisdiction from the owner the expenses incurred by them in so doing:

Provided that where a privy has been and is used in common by the inmates of two or more houses, or if in the opinion of the Board a privy may be so used, the Board need not require a separate privy to be provided for each house.

(3) Every building used as a workshop or factory or where persons are employed or intended to be employed in any trade or business, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences having regard to the number of persons employed or in attendance at such building, and also where persons of both sexes are employed, or in attendance, with proper accommodation for persons of each sex.

(4) If it appears to the Board by the report of a medical officer of health of a district or a public health inspector that the provisions of subsection (3) are not complied with in the case of any building, the Board may, if they think fit by notice in writing require the owner or occupier of such building to make such alterations and additions therein as may be required to give sufficient, suitable and proper accommodation as aforesaid.

(5) Any person who neglects or refuses to comply with any such notice as mentioned in subsection (4) shall be liable

on summary conviction for each default to a fine not exceeding five hundred dollars, and to a further fine not exceeding one hundred dollars for every day during which the default is continued.

Provision for filling up cesspits and wells.

**35.** (1) If it shall appear to the Board by the report of a medical officer of health of a district or public health inspector that any cesspit or other receptacle used or formerly used as a receptacle for excreta or other offensive matter or for the whole or any part of the drainage of a house, or that any well or disused well belonging to any such house or part of a house is prejudicial to health, or otherwise objectionable for sanitary reasons, and that it is desirable that the same be filled up or removed or so altered as to remove any such objection as aforesaid, the Board may, if they think fit, by notice in writing require the owner or occupier of such house or part of a house, within a reasonable time to be specified in the notice, to cause such cesspit, receptacle or well to be filled up or removed, and any drain communicating therewith to be effectually disconnected, destroyed or taken away, or to cause such cesspit, receptacle or well to be so altered as to remove any objection as aforesaid.

(2) Where it appears that any such cesspit, receptacle or well is used in common by the occupiers of two or more houses, or parts of houses, the notice for filling up or removal of any such cesspit, receptacle or well may be served on the owners or occupiers of such houses.

(3) If default is made in complying with the requisitions of a notice under this section, the Board may themselves carry out the requisitions, and may recover summarily as a civil debt the expenses incurred by them in so doing from the owners or occupiers in default.

Penalty for depositing excreta, etc. except in privy.

**36.** Any person who within a quarter of a mile of any occupied building in any district, deposits human excreta or defecates anywhere except in a properly constructed privy, shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

Regulations with respect to privies etc.

**37.** The Board may make regulations for the whole of Antigua and Barbuda or any part thereof, with respect to privies, drains and ashpits, and the proper accessories

thereof in connection with buildings, whether constructed before or after the commencement of this Act.

**38.** The Board may provide public water closets, privies, earth closets, public baths, wash houses and bathing places, and make regulations therefor.

Provision of water closets, etc., baths, wash houses and bathing places.

**39.** (1) The Board may make regulations for the control of any baths, wash houses and bathing places under their management, and for the control of persons resorting thereto, including the exclusion therefrom of undesirable persons.

Regulations for control of baths, etc.

Any such regulation may, in addition to providing for the imposition of penalties, empower any officer of the Board to exclude or remove from any baths, wash house, or bathing place under the management of the Board any person contravening any of the regulations applicable to the premises in question.

(2) A printed copy, or abstract, of the regulations relating to any baths, wash house, or bathing place shall be exhibited in a conspicuous place therein.

(3) There may be attached to a breach of any such regulations a fine not exceeding one hundred dollars.

**40.** Any baths, wash house, or bathing place under the management of the Board shall be deemed to be a public place for the purposes of any enactment relating to offences against decency.

Baths, etc., to be public places for certain purposes.

## PART VI

### PROVISION FOR THE DEMOLITION AND CLOSING OF INSANITARY HOUSES

**41.** (1) Where the Board, upon consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that any house is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, they shall serve upon the person having control of the house, upon any other person who is an owner thereof and so far as it is reasonably practicable to ascertain such persons, upon

Power to order demolition of insanitary house.

---

every mortgagee thereof, notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the house and any offer with respect to the carrying out of works, or the future user of the house, which he may wish to submit will be considered by them, and every person upon whom such notice is served shall be entitled to be heard when the matter is so taken into consideration.

(2) A person upon whom notice is served under subsection (1) shall, if he intends to submit an offer with respect to the carrying out of works, within twenty-one days from the date of the service of the notice upon him, serve upon the Board notice in writing of his intention to make such an offer and shall, within such reasonable period as the Board may allow, submit to them a list of the works which he offers to carry out.

(3) The Board may, if after consultation with any owner or mortgagee, they think fit to do so, accept an undertaking from him, either that he will within a specified period carry out such works as will in the opinion of the Board render the house fit for human habitation, or that it shall not be used for human habitation until the Board, on being satisfied that it has been rendered fit for that purpose, cancel the undertaking.

(4) If no such undertaking as is mentioned in subsection (3) is accepted by the Board, or if, in a case where they have accepted such undertaking, any work to which the undertaking relates is not carried out within the specified period, or the house is at any time used in contravention of the terms of the undertaking, the Board shall forthwith make a complaint before a Magistrate and such Magistrate may make a demolition order requiring that the house shall be vacated within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative, and that it shall be demolished within six weeks after the expiration of that order or, if the house is not vacated before the expiration of that period, within six weeks after the date on which it is vacated, or in either case within such longer period as in the circumstances the Magistrate deems it reasonable to specify, and shall serve a copy of the order upon every person whom the



Board would be required by subsection (1) to serve a notice issued by them under that subsection.

**42.** The Board may, under this Part take the like proceedings in relation to any part of a building which is occupied or is of a type suitable for occupation, or in relation to any underground room which is for the purposes of this section to be deemed to be unfit for human habitation, as they are empowered to take in relation to a house, subject, however, to this qualification that, in the circumstances in which, in the case of a house, the Magistrate would have made a demolition order, he shall make a closing order prohibiting the use of the part of the building or of the room, as the case may be, for any purpose other than a purpose approved by the Board but—

Power to make a closing order as to part of a building.

(a) the approval of the Board shall not be unreasonably withheld; and

(b) the Magistrate shall determine the closing order on being satisfied that the part of the building or the room to which it relates has been rendered fit for human habitation.

**43.** The Board may by notice in writing require the whitewashing, cleansing, purifying within a time to be specified in such notice of any house, outbuilding or other place. Such notice shall be served upon the owner thereof, and if he shall fail to comply with the same within the time specified therein, he shall be liable on summary conviction to a penalty not exceeding one thousand dollars. And it shall be lawful for the Board to cause such house, building or place to be whitewashed, cleansed or purified and the expense incurred in so doing shall be repaid by the owner and shall be recoverable summarily before a Magistrate.

Board may require cleansing of houses.

**44.** When any act ordered, directed or required under or by virtue of the provisions of this Act to be performed by any owner or occupier of any premises shall be omitted to be done by reason of the inability of such owner or occupier through poverty to perform the same, the Board, if satisfied as to the reason for the omission, may without waiting for the expiration of the period limited by or under this Act for the performance by the owner or occupier of such work cause the necessary work to be performed, and the Govern-

In case of poverty of the owner of premises, work may be done at public expense.

General may, by warrant under his hand, direct the cost of the same to be paid from the public Treasury.

Penalty for using premises in contravention of closing order or of an undertaking.

**45.** Any person who, knowing that a closing order has become operative and applies to any premises, or that an undertaking has been given under this Part that any premises shall not be used for certain purposes specified in the undertaking, uses those premises in contravention of the order or undertaking, or permits them to be so used, shall, on summary conviction, be liable to a fine not exceeding two hundred and fifty dollars for every day or part of a day on which he so uses them, or permits them to be so used, after conviction.

Appeal.

**46.** (1) Any person aggrieved by—

(a) a notice under this Part requiring the execution of works;

(b) a demand for the recovery of expenses incurred by the Board in executing works specified in any such notice;

(c) an order made by the Board with respect to any such expenses;

(d) a demolition order made under this Part;

(e) a closing order or refusal to determine a closing order made under this Part;

(f) a withholding of approval in relation to the use for any purpose of premises in respect of which a closing order under this Part is in force,

may within twenty-one days after the date of the service of the notice, demand or order, or after the refusal, as the case may be, appeal to a Judge of the High Court who shall first hold a sitting of either the High Court or a Court of Summary Jurisdiction, and no proceedings shall be taken by the Board to enforce any notice, demand or order in relation to which an appeal is brought before the appeal has been finally determined:

Provided that—

(i) on an appeal under paragraph (b) or paragraph (c) no questions shall be raised which

---

might have been raised on an appeal against the original notice requiring the execution of the works; and

- (ii) no appeal shall lie under paragraph (d) or paragraph (e) at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years.

(2) On an appeal under this section—

(a) the Judge may make such order either confirming or quashing or varying the notice, demand or order as he thinks fit, and he may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the Board and any undertaking so accepted by the Judge shall have the like effect as if it had been given to and accepted by the Board under this Part; and

(b) where the Judge allows an appeal against a notice requiring the execution of works to a house, he shall if requested by the Board to do so, include in his judgment a finding whether the house can or cannot be rendered fit for human habitation at a reasonable expense:

Provided that the Judge shall not accept from any appellant upon whom such notice as is mentioned in subsection (1) of section 41 was served an undertaking to carry out any works, unless the appellant complied with the requirements of subsection (2) of that section.

(3) For the purpose of this Part, the withdrawal of an appeal shall be deemed to be a final determination thereof, having the like effect as a decision confirming the notice, demand or order, or decision appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date on which the decision of the court of appeal is given, or in a case where no appeal is brought to the court of appeal upon the expiration of the period within which such an appeal might have been brought.

Power of the Board to make allowances to certain persons displaced.

47. The Board may pay to any person displaced from a house, to which a demolition order under this Part, or a closing order under this Part, as the case may be, applies, such reasonable allowances as they may think fit towards his expenses in removing, and to any person carrying on any trade or business in any such house they may pay also such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

## PART VII

### FOOD AND DRUGS

Application.

48. In the application of this Part any reference to the City contained in any section shall be taken to apply to and have force and effect within the City of Saint John's.

Interpretation.

49. (1) In this Part—

"animal" does not include bird;

"article", in relation to food, does not include a live animal or a bird, but save as aforesaid includes in the case of an animal, bird or fish the whole or any part thereof;

"artificial cream" means an article of food which, though not cream, resembles cream and contains no ingredient which is not derived from milk except water or any substance which may lawfully be contained in an article sold as cream, being some substance not injurious to health which in the case of cream may be required for its production or preparation as an article of commerce in a state fit for carriage or consumption and which has not been added fraudulently to increase bulk, weight or measure or conceal inferior quality;

"butter" means the substance usually known as butter, made exclusively from milk with or without salt or other preservative, and with or without the addition of colouring matter;

"cheese" means the substance usually known as cheese, containing no fat other than fat derived from milk;

"container" includes a package or receptacle of any kind whether open or closed;

"cream" means that part of milk rich in fat which has been separated by skimming or otherwise containing not less the 18% fat;

"drug" includes medicine for internal or external use;

"food" means any article used as food or drink for human consumption, other than drugs or water, and includes—

(a) any substance which is intended for use in the composition or preparation of food;

(b) any flavouring matter or condiment;  
and

(c) any colouring matter intended for use in food;

Provided that, notwithstanding anything in this definition, the addition of any colouring or flavouring matter or condiment to an article used as food or drink shall be deemed to be the addition of a substance to food;

"functions" includes powers and duties;

"Government chemist" means a Government chemist or a public analyst prescribed by the Cabinet by notice published in the *Gazette* to be a Government chemist for the purposes of this Act whether such Government chemist or public analyst is in the service of the Government or is in the service of the Government of, and resides in, any place outside Antigua and Barbuda;

“ice-cream” includes any similar commodity containing any proportion of milk, powdered milk or condensed milk:

“importer”, in relation to an imported article, includes any person who, whether as owner, consignor, consignee, agent or broker, is in possession of, or in any way entitled to the custody or control of, the article;

“margarine” means any food, whether mixed with butter or not, which resembles butter and is not milk-blended butter:

“margarine-cheese” means any substance prepared in imitation of cheese and containing fat not derived from milk;

“milk-blended butter” means any mixture produced by mixing or blending butter with milk;

“prepare”, in relation to food, includes manufacture and “preparation” shall be construed accordingly;

“separated”, in relation to milk, includes skimmed;

“substance” includes a liquid;

“transit” includes all stages of transit from the dairy, place of manufacture or other source of origin, to the consumer;

“vessel” includes a receptacle of any kind, whether open or closed.

(2) In this Part, unless the context otherwise requires, reference to the medical officer of health of a district shall be construed as including the Medical Officer of Health.

Restrictions on the addition of other substances to any food or drug.

**50.** (1) No person shall add, or direct or permit any other person to add—

(a) any substance to any food so as to render the food injurious to health; or

(b) any substance to any drug so as to affect injuriously the quality or potency of the drug, with the intent that the food or drug may be sold in that state.

(2) No person shall sell, or have in his possession for the purpose of sale, any food or drug to which any substance has been so added.

(3) A person who contravenes any of the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars or to a term of imprisonment not exceeding six months.

**51.** (1) No person shall abstract, or direct or permit any other person to abstract, from any food any constituent thereof so as to affect injuriously the nature, substance or quality of the food with the intent that it may be sold in its altered state—

**Restrictions on the abstraction from any food of any constituent thereof.**

(a) without notice to the purchaser of the alteration; or

(b) whether with or without such notice, if in that state the food does not comply with any relevant provisions contained in regulations made under this Act for prescribing the composition of food.

(2) A person who contravenes any of the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars or to a term of imprisonment not exceeding six months.

**52.** (1) If a person sells to the prejudice of the purchaser any food or drug which is not of the nature, or not of the substance, or not of the quality, of the food or drug demanded by the purchaser, he shall, subject to the provisions of section 53, be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars or to a term of imprisonment not exceeding six months.

**Prohibition against sale of any food or drugs not of the nature, substance or quality demanded.**

(2) Where regulations made under this Act contain provisions prescribing the composition of, or prohibiting or

restricting the addition of any substance to, any food, a purchaser of that food shall, unless the contrary is proved, be deemed for the purposes of this section to have demanded food complying with the provisions of the regulations.

(3) In proceedings under this section it shall not be a defence to allege that the purchaser made his purchase for purposes of analysis or examination and therefore was not prejudiced.

Defences  
available in  
proceedings  
under section 52.

**53.** In proceedings under section 52 it shall be a defence for the defendant to prove—

(1) where some substance has been added to the food or drug in question—

(a) in the case of a food, that the substance is not, and its addition has not rendered the food injurious to health or, in the case of a drug, that the addition has not affected injuriously the quality or potency of the drug; and

(b) that the addition was not made fraudulently to increase the bulk, weight or measure, or conceal the inferior quality, of the food or drug; and

(c) either—

(i) that the addition was required for the production or preparation of the food or drug as an article of commerce in a state fit for carriage or consumption; or

(ii) that a label satisfying the requirements of section 54 was attached to, or printed on the wrapper or container of, the article sold;

(2) where some constituent has been abstracted from the food or drug in question—

(a) that the abstraction has not rendered the food injurious to health or, as the case may be, affected injuriously the quality or potency of the drug; and was not made fraudulently to conceal the inferior quality of the food or drug; and



---

(b) either—

- (i) that the abstraction was required for the production or preparation of the food or drug as an article of commerce in a state fit for carriage or consumption; or
- (ii) that a label satisfying the requirements of section 54 was attached to, or printed on the wrapper or container of, the article sold;

(3) where the food or drug in question is the subject of a patent in force, that it was supplied in the state required by the specification of the patent;

(4) where the food or drug in question contains some extraneous matter, that the presence of that matter was an unavoidable consequence of the process of collection or preparation;

(5) that the article supplied was a proprietary medicine and was supplied in response to a demand for that medicine;

(6) where the proceedings are in respect of diluted whisky, brandy, rum or gin, that the spirit in question has been diluted with water only and that its strength was still not below the proof strength permitted by law to be sold for human consumption:

Provided that—

(a) none of the defences specified in paragraphs (1) to (4) shall be available in the case of any food which does not comply with any relevant provisions contained in regulations made under this Act, for prescribing the composition of, or prohibiting or restricting the addition of any substance to, food; and

(b) nothing in paragraph (6) shall affect the provisions of any law with respect to the dilution of spirits after computation of duty.

**54.** (1) A label shall afford no defence under sub-paragraph (c) (ii) of paragraph (1) or sub-paragraph (b) (ii) of paragraph (2) of section 53 unless the following requirements are satisfied—

Provisions as to labels.

(a) the label must state explicitly what substance has been added to, or what constituent has been abstracted from, the food or drug; and

(b) it must be of adequate size, and have the notice of addition or abstraction distinctly and legibly printed and conspicuously visible.

(2) Notwithstanding anything in subsection (1), the requirements thereof shall, as respects a mixture, be deemed to be satisfied by a label which has been continuously in use without any material variation for a period not less than fifty years and bears a statement to the effect that the article in question is mixed, or by a label which has been continuously in use without any material variation for a period not less than twenty-five years and bears such a statement distinctly and legibly printed and unobscured by other matter on the label.

Labels and advertisements describing incorrectly food or drug.

**55.** (1) A person who gives with any food or drug sold by him a label, whether attached to or printed on the wrapper or container or not, which falsely describes that food or drug, or is otherwise calculated to mislead as to its nature, substance or quality, shall be guilty of an offence, unless he proves that he did not know, and could not with reasonable diligence have ascertained, that the label was of such a character as aforesaid.

(2) A person who publishes, or is a party to the publication of, an advertisement (not being such a label so given by him as aforesaid) which falsely describes any food or drug, or is otherwise calculated to mislead as to its nature, substance or quality, shall be guilty of an offence:

Provided that in proceedings under this subsection it shall be a defence for the defendant to prove either—

(a) that he did not know, and could not with reasonable diligence have ascertained, that the advertisement was of such a character as aforesaid; or

(b) that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.

(3) In any such proceedings as aforesaid against the manufacturer, producer or importer of the food or drug, it shall rest on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.

**56.** Where regulations made under this Act contain provisions prohibiting or restricting the addition of any substance to any food, the addition of that substance—

**Presumptive evidence as to injurious nature of food.**

(a) if made in contravention of any of the regulations which is expressed to be made for the prevention of danger to health, shall, and

(b) if made to an amount not exceeding the limit, if any, specified by any of the regulations, shall not, for the purposes of this Part be deemed to render the food injurious to health.

**57.** (1) The Board may, subject to the provisions of this section, make regulations for all or any of the purposes mentioned in any of the following paragraphs, that is to say—

**Power of Board to make regulations as to the importation, preparation, storage, sale, delivery, etc. of food.**

(a) authorizing measures to be taken for the prevention of danger to health from the importation, preparation, transport, storage, exposure for sale, and delivery of food of various kinds intended for sale and sold for human consumption;

(b) requiring wrappers or containers enclosing or containing food of various kinds to be labelled or marked in accordance with the regulation;

(c) prohibiting or restricting the addition of any substance to, and regulating generally the composition of, any food;

(d) the employment in any business concerned with the handling of food or drink for human consumption of any person suspected by the Medical Officer of Health or a medical practitioner of being a carrier of enteric fever or dysentery or suffering from pulmonary tuberculosis or syphilis in an infective stage, and in any instance in which the Medical Officer of Health is satisfied that the suspected person is a carrier, to prohibit the employment of such person during a specified period in any such business.

(2) Regulations made under this section may be restricted in their application to the City or such other parts of or places in Antigua and Barbuda as may be prescribed.

(3) There may be attached to the breach of any such regulations a fine not exceeding three thousand dollars.

(4) For the purposes of regulations made under this section, articles commonly used for the food and drink of man shall be deemed to be intended for sale for human consumption unless the contrary is proved.

(5) No compensation shall be payable to any person in respect of any article of food or drink destroyed under the regulations made under this section, nor shall any person acting under the authority of any such regulation be liable to any action at law in respect of such destruction.

Penalty for sale  
etc. of unsound  
food.

58. (1) Every person who—

(a) sells, or offers or exposes for sale or has in his possession for the purpose of sale or of preparation for sale; or

(b) deposits with, or consigns to, any person for the purpose of sale or of preparation for sale.

any food intended for, but unfit for, human consumption shall, subject to the provisions of this section, be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars or a term of imprisonment not exceeding six months.

(2) Where food in respect of which an offence under paragraph (a) of subsection (1) has been committed was sold to the offender by some other person, that person also shall, subject to the provisions of this section, be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars or a term of imprisonment not exceeding six months.

(3) Where a person is charged with an offence under paragraph (b) of subsection (1) or under subsection (2), it shall be a defence for him to prove either that he gave notice to the person with whom he deposited, or to whom he con-

---

signed or sold, the food in question that it was not intended for human consumption, or that, at the time when he delivered or dispatched it to that person, either it was fit for human consumption or he did not know, and could not with reasonable diligence have ascertained, that it was unfit for human consumption.

(4) A person guilty of an offence under this section shall be liable to a fine not exceeding three thousand dollars, or to imprisonment for a term not exceeding six months.

**59.** (1) An authorized officer of the Board may at all reasonable times examine any food intended for human consumption which has been sold, or is offered or exposed for sale, or is in the possession of, or has been deposited with or consigned to, any person for the purpose of sale or of preparation for sale and, if it appears to him to be unfit for human consumption, may seize it and remove it in order to have it dealt with by a Magistrate.

Examination of  
food and seizure  
of unsound food.

(2) An officer of the Board who seizes any food under subsection (1) shall inform the person in whose possession it was found of his intention to have it dealt with by a Magistrate, and any person who under section 58 might be liable to a prosecution in respect of food shall, if he attends before the Magistrate upon the application for its condemnation, be entitled to be heard and to call witnesses.

(3) If it appears to a Magistrate that any food brought before him, whether seized under the provisions of this section or not, is unfit for human consumption, he shall condemn it and order it to be destroyed, or to be so disposed of as to prevent it from being used for human consumption.

(4) If a Magistrate refuses to condemn any food seized under this Part by an officer of the Board he shall assess the depreciation in value resulting from its seizure, and the Board shall pay to the owner of the food the sum of money so assessed as compensation for such depreciation.

**60.** (1) The foregoing provisions relating to unsound food shall apply in relation to any food which is intended for human consumption and is—

Provisions as to  
food offered as  
prizes, etc.

(a) offered as a prize or reward in connection with any entertainment to which the public are admitted, whether on payment of money or not; or

(b) offered as a prize, reward or given away for the purpose of advertisement, or in furtherance of any trade or business; or

(c) exposed or deposited in any premises for the purpose of being so offered or given away as aforesaid, as if that food were, or had been, exposed for sale—

(i) in a case falling within paragraph (a), by each person concerned in the organization of the entertainment;

(ii) in a case falling within paragraph (b), by the person offering or giving away the food;

(iii) in a case falling within paragraph (c), by the occupier of the premises in question.

(2) In this section, "entertainment" includes any social gathering, amusement, exhibition, performance, game, sport or trial of skill.

Power to  
examine food in  
course of transit.

**61.** If an authorized officer of the Board has reason to suspect that any cart, barrow or other vehicle, or any container contains any food intended for sale for human consumption, or in the course of delivery after sale for human consumption, he may examine the contents of the vehicle or, as the case may be, of the container, and for that purpose may, if necessary, detain the vehicle or the container and, if he finds any food, which appears to him to be intended for, but unfit for, human consumption he may deal with it as food falling within subsection (1) of section 59 and subsections (2) to (4) of that section shall apply accordingly.

Provisions as to  
rooms where  
food intended for  
sale is prepared  
or stored, etc.

**62.** (1) Subject to the provisions of this section, the following provisions shall have effect in relation to every room in which any food intended for human consumption, other than milk, is prepared for sale or sold, or offered or exposed for sale, or deposited for the purpose of sale or of preparation for sale, that is to say—

---

(a) no sanitary convenience, dustbin or ashpit shall be within, or communicate directly with, the room, or be so placed that offensive odours therefrom can penetrate into the room;

(b) no cistern for the supply of water to the room shall be in direct communication with, or discharge directly into, a sanitary convenience, and there shall not be within the room any outlet for the ventilation of a drain or, except with the approval of the Board, an inlet into any drain conveying sewage or foul water;

(c) the walls, ceiling, floor, windows and doors of the room shall be kept in a proper state of repair;

(d) the walls, ceiling and doors of the room shall be painted, whitewashed, cleansed or purified as often as may be necessary to keep them clean and the windows of the room shall be kept clean;

(e) the room shall not be used as a sleeping place and, so far as may be necessary to prevent risk of infection or contamination of food in the room, no sleeping place adjoining the room shall communicate therewith except through the open air, or through an intervening ventilated space;

(f) except in the case of an artificially refrigerated room, suitable and sufficient means of ventilation shall be provided and suitable and sufficient ventilation shall be maintained;

(g) no refuse or filth, whether solid or liquid, shall be deposited or allowed to accumulate in the room, except so far as may be necessary for the proper carrying on of the trade or business for which the room is used, and the floor of the room shall be cleansed as often as may be necessary to keep it clean;

(h) cleanliness shall be observed by persons employed in the room, both in regard to the room and all articles, apparatus and utensils therein, and in regard to themselves and their clothing;

(i) there shall be provided in, or within reasonable distance of, the room a suitable washing basin or basins and a sufficient supply of soap, clean towels and clean water for the use of persons employed in the room:

Provided that paragraph (i) shall not apply in relation to a room which is used for the sale or storage, or for the sale and storage, of food contained in containers of such materials and so closed, as to exclude all risk of contamination, but is not otherwise used for any purpose in connection with the preparation, storage or sale of food.

(2) If, in the case of a room to which subsection (1) applies—

(a) any of the requirements of that subsection are not complied with; or

(b) any person does or permits any act or thing in contravention of that subsection, or fails to take all such steps as may be reasonably necessary to prevent risk of contamination of food in the room; or

(c) any person prevents the owner of the room from executing any work necessary to make the room comply with the said requirements,

then, in the first-mentioned case, the occupier of the room and, in other cases mentioned, the person in question, whether he be the occupier or not shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars and to a further fine not exceeding two hundred and fifty dollars for each day during which the offence continues after conviction therefor.

(3) If, in the case of a room to which subsection (1) applies, any of the requirements specified in paragraphs (a), (b), (c) or (f) of the said subsection is not complied with, then, in so far as that requirement is of a structural character, the owner of the room shall, if he let it for the purpose of being used for the preparation, sale or storage of food or, if not having so let it, he permits it to be so used after receiving notice from the Board, be liable to a penalty mentioned in subsection (2) but without prejudice to the liability of the occupier under that subsection.

(4) Where the owner of a room who did not let it for the purpose of being used for the preparation, sale or storage of food executes any work necessary to make the room comply with the requirements of subsection (1) he may recover



the expenses incurred by him in so doing from the occupier of the room summarily as a civil debt.

(5) In this section, "room" includes a shop or cellar or any other part of a building, and a shed, store or out-building or any part thereof, and the provisions of this section, except paragraphs (a) and (f) of subsection (1), shall, so far as applicable, apply in relation to a yard, forecourt or area as they apply in relation to a room.

(6) Save in so far as may be expressly provided neither this section nor section 63 shall apply in relation to premises which are used for the preparation, sale or storage of articles prepared from, or consisting of, materials other than those of animal or vegetable origin, but are not otherwise used for any purpose in connection with the preparation, storage or sale of food.

**63.** (1) Subject to the provisions of this section, and of subsection (6) of section 62, no premises within the City limits shall be used for—

(a) the sale, or the manufacture for the purpose of sale, of ice-cream, or the storage of ice-cream intended for sale; or

(b) the preparation or manufacture of sausages or potted, pressed, pickled or preserved food intended for sale,

unless they are registered under this section for that purpose by the Board, and a person who uses any premises in contravention of the provisions of this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

(2) For the purposes of subsection (1) the preparation of meat or fish by any process of cooking shall be deemed to be preservation thereof.

(3) Subject to the following provisions of this section, the Board shall, on the application of the occupier of, or of a person proposing to occupy, any premises, register those premises for the purpose of this section.

Registration of premises used in connection with the manufacture or sale of ice-cream or preserved food, etc.

(4) If it appears to the Board that any premises for the registration of which application has been made under this section, or which are registered under this section, do not satisfy the requirements of section 62, or are otherwise unsuitable for use for the purpose for which they are proposed to be used or are being used, the Board shall serve on the applicant for registration or, as the case may be, on the occupier for the time being of the premises, a notice stating the place and time, not being less than seven days after the date of the service of the notice, at which they propose to take the matter into consideration and informing him that he may attend before the Board, with any witnesses whom he desires to call, at the place and time mentioned to show cause why the Board should not, for reasons specified in the notice, refuse the application or, as the case may be, cancel the registration of the premises.

(5) If a person on whom a notice is served under subsection (4) fails to show cause to the satisfaction of the Board, the Board may refuse the application or, as the case may be, cancel the registration of the premises, and shall forthwith give notice to him of its decision in the matter, and shall, if so required by him within fourteen days of their decision, give to him within forty-eight hours a statement of the grounds on which it was based.

(6) A person aggrieved by the decision of the Board under this section to refuse to register any premises, or to cancel the registration of any premises, may appeal to the High Court in the same manner and under the same provisions as if the decision of the Board were the decision of a Magistrate's court.

(7) Upon any change in the occupation of premises registered under this section, the incoming occupier shall, if he intends to use them for the purpose for which they are registered, forthwith give notice of the change to the Board, who shall thereupon make any necessary alteration in the register.

(8) If a person required to give a notice under subsection (7) fails to do so, he shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

(9) This section shall not apply—

(a) to ice-cream made by private persons for sale at any social function; or

(b) to premises used primarily as a club, hotel or restaurant; or

(c) to a person who in a street or other place of public resort, sells, or offers or exposes ice-cream for sale:

Provided that such person shall first register with the Board, and, if such person fails to register, he shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment not exceeding one month.

(10) This section shall apply in relation to premises used as a theatre, cinematograph theatre, music hall or concert hall, as if in paragraph (a) of subsection (1), the words "the sale, or" and the words "or the storage of ice-cream intended for sale" were omitted.

**64.** If a medical practitioner becomes aware, or suspects, that a patient whom he is attending within a district is suffering from food poisoning, he shall forthwith send to the medical officer of health of the district a certificate stating—

**Notification of cases of food poisoning.**

(a) the name, age and sex of the patient, and the address of the premises where the patient is, and

(b) particulars of the food poisoning from which he is, or is suspected to be, suffering,

and also stating whether the case occurs in the private practice of the practitioner, or in his practice as a medical officer of a public body or institution.

**65.** (1) If the medical officer of health of a district or a government veterinary officer has reasonable ground for suspecting that any food of which he, or any other officer of the Board has procured a sample under the provisions of this Act is likely to cause food poisoning, he may give notice to the person in charge of the food that, until his investigations are completed, the food, or any specified portion thereof, is not to be used for human consumption and either is not to be removed, or is not to be removed

**Provision as to suspected food.**

except to some place specified in the notice. In this section "government veterinary officer" means a veterinary officer holding an appointment in the service of the Government.

(2) A person who uses or removes any food in contravention of the requirements of a notice given under subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars.

(3) If, as a result of his investigations, the medical officer of health of a district is satisfied that the food in question, or any portion thereof, is likely to cause food poisoning, he may deal with it as food falling within subsection (1) of section 59 and subsections (2) and (3) of that section shall apply accordingly, but, if he is satisfied that it may safely be used for human consumption, he shall forthwith withdraw his notice.

(4) If a notice given under subsection (1) is withdrawn by the medical officer of health of a district, or if the Magistrate before whom any food is brought under this section refuses to condemn it, the Board shall compensate the owner of the food to which the notice relates for any depreciation in its value resulting from the action taken by the medical officer of health of the district the amount of such compensation being fixed by the Magistrate upon application by the owner of such food.

**Restrictions on  
the importation  
of certain foods.**

**66.** If there is imported into Antigua and Barbuda, within the meaning of that expression as used in the Customs Duties Act—

(a) any margarine or margarine-cheese, except in containers conspicuously marked "Margarine" or "Margarine-cheese", as the case may require;

(b) any adulterated or impoverished milk, except in containers conspicuously marked with a name or description indicating that the milk has been so treated;

(c) any other adulterated or impoverished food to which the Cabinet may by Order direct that this section shall be applied, except in containers conspicuously marked with a name or description indicating that the food has been so treated;

(d) any milk-blended butter, except in containers conspicuously marked with a name approved for the purpose by the Cabinet, not being a name which refers to, or is suggestive of, butter or anything connected with the dairy interest;

(e) any food which does not comply with any relevant provisions contained in regulations made under this, or any other, Act with respect to the importation of food,

the importer shall be guilty of an offence under this Part.

**67.** (1) A duly authorized officer of the Board (hereinafter called a "sampling officer") may exercise such powers of procuring samples of food and drugs for analysis, or for bacteriological or other examination, as are conferred upon him by this section.

Powers of sampling.

(2) A sampling officer may take such samples of consignments of imported food as may be necessary for the enforcement of the provisions of section 65 or purchase samples of any food or drug:

Provided that nothing in this section shall be construed as authorizing any purchase or sale of drugs in contravention of the Misuse of Drugs Act.

Cap. 283.

(3) A sampling officer may take samples of—

(a) any butter or cheese, or substances resembling butter or cheese, exposed for sale;

(b) any food, or substance capable of being used in the preparation of food, found on premises which he has entered in the execution of his duties under this Act.

(4) A sampling officer may, at the request or with the consent of the purchaser, consignee or consumer, take at the place of delivery samples of any food delivered, or about to be delivered, to the purchaser, consignee or consumer in pursuance of a contract for the sale thereof to him:

Provided that this subsection shall not apply in relation to milk.

(5) If a sampling officer has reason to believe that any container forwarded by a public conveyance contains margarine, margarine-cheese or milk-blended butter which is not consigned in accordance with the provisions of this Act, he may examine and take samples of the contents of that container.

Rights to have samples analysed.

**68.** (1) If a duly authorized officer of the Board who has procured a sample of any food or drug considers that it should be analysed, he shall submit it for analysis and the Board shall thereupon make such arrangements as they consider to be practicable for such sample to be analysed by a suitably qualified Government chemist.

(2) A person, other than a duly authorized officer of the Board, who has purchased any food or drug may submit a sample of such food or drug for analysis and the Board shall thereupon make such arrangements as they consider to be practicable for such sample to be analysed by a suitably qualified analyst.

Division of, and dealings with, samples.

**69.** (1) A person purchasing a sample of any food or drug with the intention of submitting it to the Board for analysis, or taking a sample of food on any premises with the intention of submitting it for such analysis shall, after the purchase has been completed or the sample has been taken, forthwith inform the seller or his agent who sold the sample or, as the case may be, the occupier of the premises or the person for the time being in charge thereof, of his intention to submit such samples for analysis and shall then and there divide it into three parts, each part to be marked, and sealed or fastened up, in such manner as its nature will permit, and shall—

(a) deliver one part to the seller or his agent or, as the case may be, to the occupier of the premises or the person for the time being in charge thereof;

(b) retain one part for future comparison; and

(c) if he thinks fit to have an analysis made, submit one for such analysis:

Provided that, in relation to samples taken in such circumstances as are mentioned in subsection (2) the foregoing provisions with respect to the giving of

information and the manner of dealing with samples shall have effect as modified by that subsection.

(2) A person taking a sample of any food while it is in transit, or the place of delivery to the purchaser, consignee or consumer shall, if he intends to submit it for analysis deal with it in the manner provided by subsection (1) except that he shall retain the first-mentioned part of the sample if the name and address of the consignor do not appear on the container containing the article sampled, but if the name and address of the consignor appear on such container he shall forward that part of the sample to the consignor by registered post or otherwise, together with a notice informing that person that he intends to have part of the sample submitted to the Board for analysis.

**70.** The Board may, with regard to a person suffering from dysentery, helminthic infections, typhoid fever, paratyphoid fever or pulmonary tuberculosis or syphilis in an infective stage, require in writing that until further notice—

Persons suffering from certain diseases not to sell food or drink.

(a) such person shall discontinue any occupation connected with the preparation or handling of food or drink;

(b) suitable measures shall be taken with respect to cleansing, disinfection, disposal of excreta, destruction of flies, and prevention of contamination of food and drink on the premises in which occupation is carried on.

**71.** (1) A person who wilfully obstructs any person acting in the execution of this Part shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars:

Penalty for obstructing execution of Act.

Provided that, if the court is satisfied that he committed the offence with intent to prevent the discovery of some other offence under this Part, or if he has within the twelve months last preceding been convicted of an offence under this subsection, he shall be liable on summary conviction to a fine not exceeding fifteen hundred dollars or to imprisonment for a term not exceeding three months.

---

(2) If a duly authorized officer of the Board applies to purchase any food or drug exposed for sale, or on sale by retail, and tenders the price for the quantity which he requires as a sample, and the person exposing the food or drug for sale, or having it for sale, refuses to sell to the officer such quantity thereof as aforesaid, or if the seller or consignor, or any person having for the time being the charge, of any food of which an officer is empowered to take a sample refuses to allow the officer to take the quantity which he requires as a sample, the person so refusing shall, for the purposes of subsection (1), be deemed to have wilfully obstructed the officer:

Provided that, where any food or drug is exposed for sale in an unopened container duly labelled, no person shall be required to sell it except in the unopened container in which it is contained.

(3) A person who fails to give to any person acting in the execution of this Part any assistance which that person may reasonably request him to give, or any information which that person is expressly authorized by this Part to call for or may reasonably require, or who, when required to give any such information, knowingly makes any misstatement in respect thereof, shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

**Limitation of  
prosecution.**

**72.** (1) Where a sample has been procured under this Part, no prosecution in respect of the article sampled shall be commenced after the expiration of sixty days from the time when the sample was procured unless the Magistrate before whom the information is laid, on being satisfied on oath that having regard to the circumstances of the particular case it was not practicable to lay the information at an earlier date, gives a certificate to that effect, and in no case shall the prosecution be commenced after the expiration of ninety-six days from the time when the sample was procured.

(2) In any proceedings under this Part in respect of an article sampled, the summons shall not be made returnable less than fourteen days from the day on which it is served, and a copy of any certificate of analysis obtained on behalf of the prosecutor, and of any certificate given by a Magistrate under subsection (1) shall be served with the summons.



(3) In any proceedings under this Part, where a sample has been procured in such circumstances that its division into parts is required by this Part, the part of the sample retained by the person who procured it shall be produced at the hearing.

**73.** (1) In any proceedings under this Part, the production by one of the parties of a document purporting to be a certificate of a Government chemist in the prescribed form, or of a document supplied to him by the other party as being a copy of such a certificate, shall be sufficient evidence of the facts stated therein.

Evidence of certificates of analysis, and presumptions.

(2) In any such proceedings, if a defendant intends to produce a certificate of a Government chemist or requires that the Government chemist whose certificate has been tendered in evidence shall be called as a witness, notice of his intention together, in the first mentioned case, with a copy of the certificate shall be given to the other party at least five clear days before the day on which the summons is returnable, and, if this requirement is not complied with, the court may, if it thinks fit, adjourn the hearing on such terms as it deems proper.

(3) For the purposes of this Part and of any regulations made thereunder—

(a) articles commonly used for human consumption shall, if sold or offered, exposed or kept for sale, be presumed, until the contrary is proved, to have been sold or, as the case may be, to have been or to be intended for sale, for human consumption;

(b) any article commonly used for human consumption which is found on premises used for the preparation, storage or sale of that article and any article commonly used in the manufacture of products for human consumption which is found on premises used for the preparation, storage or sale of those products, shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing products for sale, for human consumption;

(c) any substance capable of being used in composition or preparation of any article commonly used

for human consumption which is found on premises on which that article is prepared shall, until the contrary is proved, be presumed to be intended for such use.

Power of court to require analysis by Government chemist.

**74.** (1) The court before which any proceedings are taken under this Part may, if it thinks fit, and upon the request of either party shall, cause the part of any sample produced before the court under subsection (3) of section 72 to be forwarded to a Government chemist for analysis, and the certificate of such public analyst of the result of his analysis may be received in evidence, and the costs of the analysis and of obtaining the public analyst's certificate shall be paid by the prosecutor or the defendant as the court may order.

(2) If, in a case where an appeal is brought, no action has been taken under subsection (1), the provisions of the said subsection shall apply also in relation to the court by which the appeal is heard.

Defence available to defendant where some other person is responsible for the commission of the offence charged.

**75.** (1) A person against whom proceedings are brought under this Part shall, upon complaint duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have any person to whose act or default he alleges that the contravention of the provisions in question was due brought before the court in the proceedings, and, if, after the contravention has been proved, the original defendant proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence and, if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with, he shall be acquitted of the offence.

(2) Where a defendant seeks to avail himself of the provisions of subsection (1)—

(a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine such defendant, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence;

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) Where it appears to the Board that an offence has been committed in respect of which proceedings might be taken under this Part against some person and the Board are reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the first mentioned person could establish a defence under subsection (1), they may cause proceedings to be taken against that other person without first causing proceedings to be taken against the first mentioned person.

(4) In any such proceedings the defendant may be charged with and, on proof that the contravention was due to his act or default, be convicted of, the offence with which the first mentioned person might have been charged.

**76.** (1) Subject to the provisions of this section, in the case of any prosecution under this Part in respect of selling, exposing or offering for sale, or having in possession for sale, an article which was not of a nature, substance or quality entitling a person to sell or otherwise deal with it under the description or in the manner under, or in, which the defendant dealt with it, it shall be a defence for the defendant to prove—

Conditions under which a warranty may be pleaded as defence.

(a) that he purchased it as being an article of such a nature, substance and quality as would have so entitled him and with a written warranty to that effect; and

(b) that he had no reason to believe at the time of the commission of the alleged offence that it was otherwise; and

(c) that it was then in the same state as when he purchased it.

(2) A warranty shall only be a defence to proceedings under this Part if—

(a) the defendant has within seven days of the service of the summons sent to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it, and has also sent a like notice of his intention to that person; and

---

(b) in the case of a warranty given by a person resident outside Antigua and Barbuda, the defendant proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained therein; and

(c) in the case of a prosecution in respect of a sample of milk, the defendant has within seventy-two hours after the sample was procured served such a notice as complies with the requirements specified in subsection (3).

(3) The following shall be the requirements of a notice under paragraph (c) of subsection (2)—

(a) the notice shall state—

- (i) the name and address of the seller or consignor from whom the milk was received;
- (ii) the time and place of delivery to the purchaser or consignee of future supplies of milk from the same source; and

(b) the notice shall request the Board to take immediate steps to procure as soon as practicable, a sample of milk from any future supply of milk from the same source in the course of transit or delivery to the purchaser or consignee from the seller or consignor.

(4) Where the defendant is a servant of the person who purchased the article under a warranty, he shall be entitled to rely on the provisions of this section in the same way as his employer would have been entitled to do if he had been the defendant.

(5) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

(6) For the purposes of this section and section 77, a name or description entered in an invoice shall be deemed to be a written warranty that the food or drug to which the entry refers is of such a nature, substance and quality that a person can sell, or otherwise deal with it, under that name

or description without contravening any of the provisions of this Act.

**77.** (1) A defendant who in any proceedings under this Part wilfully applies to any food or drug a warranty or certificate of analysis given in relation to any other food or drug shall be guilty of an offence. **Offences in relation to warranties and certificates of analysis.**

(2) A person who, in respect of any food or drug sold by him, gives to the purchaser a false warranty in writing, shall be guilty of an offence, unless he proves that when he gave the warranty he had reason to believe that the statements or description contained therein were accurate.

(3) Every person convicted of an offence under this section shall be liable in the case of a first offence to a fine not exceeding one thousand dollars and in the case of a subsequent offence to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months.

## PART VIII

### BAKERIES

**78.** For the purpose of this Part—

**Interpretation.**

"bakery" means any place in which are commonly baked or exposed or offered for sale, or deposited for the purpose of sale or of preparation for sale or have been recently sold for human consumption, bread, biscuits, cakes or confectionery in the baking or selling of which a trade is carried on;

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

"occupier" includes any person in possession.

**79.** (1) Every person who is using or intends to use any place as a bakery shall make application in writing to the Board, setting out his full name and a correct description of the premises so used or intended to be used. If the Board are satisfied that the premises specified in the application are such as can be properly used as a bakery under this **Application to use place as bakery.**

Act, they shall issue to the applicant upon payment of the prescribed fee a certificate to that effect.

(2) The particulars of such application and certificate shall be entered in a book to be kept by the Board and to be called "The Bakery Register".

(3) Any person who uses any place as a bakery without having first obtained a certificate as hereinbefore provided shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars, or, for a continuing offence to a further fine not exceeding one hundred dollars for each day subsequent to the sending of a written notice by the Board.

Painting and  
washing  
premises.

**80.** (1) The inside walls of the rooms of a bakery and the ceilings or tops of such rooms, whether such walls, ceilings or tops be plastered or not, and all passages and staircases of such bakery shall be either painted with oil or varnish or limewashed and—

(a) when painted with oil or varnish, there shall be three coats of paint or varnish, and the paint or varnish shall be renewed once at least in every three years and shall be washed with hot water and soap at least once in every six months;

(b) when limewashed the limewashing shall be renewed in each June and December of every year.

(2) The occupier of any bakery who fails to keep the same in conformity with this section shall be liable on summary conviction to a fine not exceeding five hundred dollars, or in the case of a continuing offence, to a further fine not exceeding one hundred dollars for each day subsequent to the sending of a written notice by the Board.

Conditions  
governing  
occupation of  
bakery.

**81.** (1) It shall not be lawful to let or suffer to be occupied as a bakery or to occupy as a bakery any room or place unless the following conditions are complied with—

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

(b) any cistern or pipe for supplying water to a bakery shall be separate and distinct from any cistern or pipe for supplying water direct to a privy;

(c) no drain or pipe for carrying off faecal matter or sewage shall have an opening within the bakery;

(d) every bakery shall be efficiently ventilated to the satisfaction of the Board.

(2) Any person who lets or suffers to be occupied or who occupies any room or place as a bakery in contravention of this section shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars and to a further fine not exceeding one hundred dollars for every day during which such room or place is so occupied after a conviction under this section.

**82.** The Board may make regulations as to 3 or any **Regulations.** of the following matters, that is to say—

(a) the structure of floors and walls of bakeries;

(b) the keeping of bakeries in a clean and sanitary condition;

(c) the prevention of the accumulation of dust, ashes and refuse and the duties of occupiers of the premises with regard thereto;

(d) the medical examination of all persons employed in a bakery;

(e) the apparel of such persons;

(f) the composition of bread;

(g) the licensing of persons working in bakeries, whether such persons receive wages or not, the charging and fixing of fees payable in respect of such licences and the suspension, revocation and cancellation of such licences; and

(h) the charging and fixing of fees for certificates issued under section 79 and the suspension, revocation and cancellation of such certificates.

**83.** (1) Where a Magistrate is satisfied on the prosecution of the Board, that any room or place used as a bakery is in such a state as to be, on sanitary grounds, unfit for use or occupation as a bakery, the occupier of the bakery shall be liable on summary conviction to a fine not

**Penalty for using  
Insanitary  
premises.**

exceeding two hundred and fifty dollars and on a subsequent conviction to a fine not exceeding five hundred dollars.

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

(3) The Magistrate may, on application enlarge the time so named, but if after the expiration of the time originally named or enlarged by subsequent order, the order is not complied with, the occupier shall on summary conviction be liable to a fine not exceeding two hundred and fifty dollars for every day that such non-compliance continues.

Premises not to be used as sleeping place.

**84.** (1) No room or place on the same level with the bakery and forming part of the same building shall be used as a sleeping place or living room unless it is effectually separated from the bakery by a partition of wood, masonry or other substantial material extending from the floor to the ceiling, and unless it has external windows of at least nine superficial feet in area made to open for ventilation.

(2) Any person who lets or occupies or knowingly suffers to be occupied any room or place contrary to the provisions of this section shall on summary conviction be liable to a fine not exceeding fifty dollars for the first offence and two hundred and fifty dollars for any subsequent offence.

Person suffering from certain diseases not to be employed.

**85.** (1) No person suffering from any infectious or communicable disease or from sores shall be employed in any bakery.

(2) If the owner of any bakery knowingly employs any person in contravention of this section such person shall be liable on summary conviction to a fine not exceeding five hundred dollars for the first offence and one thousand dollars for any subsequent offence.

Powers of entry and inspection.

**86.** (1) A public health inspector or medical officer of health of a district shall, for the purpose of the execution of this Part, have power to do all or any of the following things, namely—



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

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

(c) to make such examination and enquiry as may be necessary to ascertain whether the laws for the time being in force relating to public health are complied with so far as respects the bakery and the persons employed therein.

(2) The occupier of any bakery, his agents and servants shall furnish the means required by the medical officer of health of a district or the public health inspector for entry, inspection, examination and enquiry in relation to such bakery.

(3) Every person who wilfully delays a public health inspector or medical officer of health of a district in the exercise of any power under this section or who fails to comply with any requisition of such public health inspector or medical officer of health of a district in pursuance of this section shall be deemed to have obstructed the public health inspector, or medical officer of health of the district in the execution of his duties under this Act and shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

## PART IX

### MILK, ICE-CREAM, ICE AND AERATED WATER

**87.** The Board may make regulations for the following <sup>Regulations.</sup> purposes or any of them, that is to say—

(a) for the registration of all persons keeping cows;

(b) for the licensing of all places in which cows are kept for the sale of milk, and for the preventing of the keeping of tuberculous cows in such places;

(c) for the licensing of dairymen and the fixing of fees payable in respect of such licences;

(d) for the inspection by the Board, of cattle in dairies, and for prescribing and regulating the cleansing and drainage of dairies and other places in the occupation of persons carrying on the trade of dairymen, and of any pasturage used for the grazing of cows kept for the sale of milk;

(e) for the situation, construction, water supply and regulation of dairies and cowsheds;

(f) for prescribing places for the milking of cows;

(g) for the precautions to be taken for protecting milk against infection or contamination;

(h) for securing the cleanliness of vessels used for keeping milk for sale, and of milk therein;

(i) for the issue of licences to persons selling milk to carry on such business and to sell, or hawk for sale or deliver milk, and for the issue of badges for persons actually selling or carrying milk on behalf of such licensed persons;

(j) to compel all persons selling or delivering milk to carry and exhibit, when lawfully required thereto, badges denoting the issue of such licences, to be supplied as provided in paragraph (i);

(k) to charge fees for the licences and badges mentioned in paragraphs (i) and (j), such fees to be paid into the Treasury;

(l) for the cancellation of licences for any breach of regulations made under paragraphs (a) to (k);

(m) the control of ice and aerated water factories and the manufacture and sale of ice and aerated water.

Certain additions  
not to be made  
to milk, and  
certain liquids  
not to be sold as  
milk.

88. (1) No person shall—

(a) add any water or colouring matter or any dried or condensed milk or liquid reconstituted therefrom, to milk intended for sale as such for human consumption; or

(b) add any separated milk, or mixture of cream and separated milk, to unseparated milk intended for such sale; or

(g) sell, or offer or expose for sale, or have in his possession for the purpose of sale, for human consumption any milk to which any addition has been made in contravention of the provisions of this subsection.

(2) No person shall sell, offer or expose for sale, under the designation of milk any liquid in the making of which any separated milk or any dried or condensed milk has been used.

(3) A person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months.

**89.** (1) It shall be lawful for the Governor-General to appoint one or more persons possessing competent knowledge, skill and experience to be milk analysts for Antigua and Barbuda:

Appointment of milk analyst and provision of instruments.

Provided always that no person appointed to be milk analyst under this section shall be directly or indirectly engaged in or connected with the sale of milk during his tenure of such appointment.

(2) Every milk analyst shall be provided at the public expense with the necessary instruments and chemical apparatus for the purpose of analysing any milk which may be brought or submitted to him to be analysed, and such analyst shall analyse any milk brought to him for that purpose.

**90.** If on examination it shall be found that the milk has been adulterated or is not pure, the analyst shall grant a certificate to that effect to the party who required the analysis.

Analyst's certificate when milk found to be impure.

**91.** For every analysis a fee of one dollar shall be paid into the Treasury by the person requesting the analysis:

Analyst's fee.

Provided that where an analysis has been requested by a medical officer of health of a district, a member of the Board or by the Government Veterinary Officer, no fee shall be paid.

Proof of conditions of milk at time of sale.

**92.** On the hearing of any information under this Part the purchaser of any milk alleged to be adulterated shall prove to the satisfaction of the Magistrate that such article was delivered to the analyst in the same condition as regards to purity or impurity as it was when received from the seller.

Analyst's certificate *prima facie* evidence but analyst may be called as witness.

**93.** On the hearing of any complaint under this Part the production of the certificate of the analyst shall be sufficient evidence of the facts therein stated unless the defendant shall require that the analyst shall be called as a witness.

Power of entry.

**94.** The Board may at any time enter upon any premises—

(a) for the purpose of inspecting cattle, and for inspecting the cleansing and drainage of all dairies and other places in the occupation of persons carrying on the trade of dairymen, and otherwise for making such inspection as may be necessary to give effect to this Part; and

(b) to enforce obedience to all regulations made under section 87.

Prevention of use of milk from diseased cows.

**95.** (1) If at any time disease exists among the cattle in a dairy or cowshed or other building or place, the milk of a diseased cow therein—

(a) shall not be mixed with other milk;

(b) shall not be sold or used for human food; and

(c) shall not be sold or used for food of swine or other animals, unless and until it has been boiled.

(2) Any person contravening or counselling or procuring the contravention of any of the provisions of this section shall on summary conviction be liable for a first offence to a fine not exceeding five hundred dollars and for a subsequent offence to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months.

(3) For the purposes of this section "disease" includes—

Anthrax  
Brucellosis

Cattle plague  
 Contagious pleuropneumonia  
 Cowpox  
 Diphtheria  
 Epizootic abortion  
 Foot and mouth disease  
 Leptospirosis  
 Mange  
 Mastitis, all forms  
 Milker's nodes  
 Paratuberculosis (Johne's disease)  
 Q fever  
 Rabies  
 Rinderpest  
 Salmonella infections  
 Ticks fevers (anaplasmosis & prioplasmosis)  
 Tuberculosis,

and any condition whose symptoms include pyrexia, chronic cough or diarrhea and any other disease specified by the Cabinet by order in the *Gazette*.

**96.** The Board may make regulations for determining what deficiency in any of the normal constituents of milk, or what proportion of water, in a sample shall for the purposes of this Act raise a presumption, until the contrary is proved, that the article sampled is not genuine milk.

Regulations as to presumptive evidence of adulteration of milk.

**97.** (1) Every manufacturer of, or dealer in, ice-cream shall, upon the occurrence of any milk-borne disease among the persons living or working in or about the premises on which the ice-cream is manufactured, stored or sold, forthwith give notice thereof to the medical officer of health of the district and, if he fails to do so, shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

Provisions as to ice-cream likely to cause milk-borne disease.

(2) If the medical officer of health of a district has reasonable ground for suspecting that any ice-cream, or substance intended for use in the manufacture of ice-cream is likely to cause any milk-borne disease, he may give notice to the person in charge thereof that until further notice, the ice-cream or substance in question, or any specified portion thereof, shall not be used for human consumption and either

shall not be removed, or shall not be removed except to some place specified in the notice.

(3) A person who uses or removes any ice-cream or substance in contravention of the requirements of a notice given under subsection (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars.

(4) If on further investigation the medical officer of health of a district is satisfied that the ice-cream or substance in question may safely be used for human consumption, he shall forthwith withdraw his notice, but, if he is not so satisfied he shall cause it to be destroyed, and he shall also cause to be destroyed any other ice-cream or such substance as aforesaid then on the premises as to which he is not satisfied.

(5) Subject as hereinafter provided, where a notice given under subsection (2) is withdrawn by the medical officer of health of a district or causes any ice-cream or other substance to be destroyed, the Board shall compensate the owner of the ice-cream or other substance in question for any depreciation in its value resulting from the action taken by the medical officer of health of the district, or as the case may be, for the loss of its value, the amount of such compensation being fixed by the Magistrate of the district upon application by the owner of such ice-cream or other substance:

Provided that—

(a) no compensation shall be payable under this section in respect of the destruction of any ice-cream or substance if the Board proves that it was likely to cause any milk-borne disease;

(b) no compensation shall in any case be payable under this section—

(i) in respect of any ice-cream or substance manufactured on, or brought within, any premises while a notice given under subsection (2) with respect to anything on those premises was operative; or

- (ii) in any case where the owner of the ice-cream or substance in question has failed to give a notice which he was required by subsection (1) to give.

(6) For the purposes of subsection (5), the value of any ice-cream or other substance shall not be assessed at a sum exceeding the cost incurred by the owner in making or purchasing it.

(7) In this section "milk-borne disease" means any disease specified in the Third Schedule and any other disease which the Cabinet may by order declare to be for the purposes of this section a milk-borne disease. Third Schedule.

## PART X

### HOTELS, RESTAURANTS AND OTHER PLACES WHERE FOOD IS SOLD

**98.** (1) The Board may make regulations for all or Regulations.  
any of the following matters, that is to say—

(a) the inspection of hotels, restaurants, retail shops, and places where any article cooked or uncooked, and intended for human consumption, is sold, exposed or offered for sale, or deposited for the purpose of sale or of preparation for sale;

(b) the cleanliness and disinfection of the premises and of all instruments, appliances, furniture, utensils, fixtures and accessories used in connection with the business carried on in any hotel, restaurant, retail shop or other such place;

(c) the protection from contamination by dust, flies, and otherwise of all articles intended, exposed or offered for sale for human consumption in such hotels, restaurants, retail-shops and other places;

(d) the precautions to be taken against the spread of infection or communication of disease from, to or amongst persons on such premises, whether occupiers, employees, employers, guests or customers;

(e) the painting, varnishing, distempering, or lime-washing of the inner and outer walls, and of all fixtures, counters, shelves, doors, windows and partitions of such hotels, restaurants, retail shops and other places;

(f) the duties of owners and occupiers with regard to the removal and disposal of all refuse and waste matters from such hotels, restaurants, retail shops and other places;

(g) the registration of retail shops and places where any article of food, whether solid or liquid, cooked or uncooked, intended for human consumption is sold, exposed or offered for sale, or deposited for the purpose of sale, or of preparation for sale;

(h) the registration of all persons conveying or delivering from house to house, for purposes of sale, selling or offering for sale outside of any building or in any street, square or other place, any foodstuffs, bread, cakes, pastry or other confectionery, cooked food, sweet drinks, ices or other solid or liquid refreshments; and the issue of badges denoting registration to such persons;

(i) the cancellation of registration for breaches of regulations;

(j) the providing that any person registered under any regulation made under this section shall carry and exhibit his badge of registration when lawfully required;

(k) the charging of fees for the badges mentioned in this section;

(l) the securing of the cleanliness of all persons registered under this section, or employed in retail shops registered under this section;

(m) the securing of the cleanliness of all appliances, utensils, instruments, vessels and accessories used in connection with the business described in paragraph (h).

(2) Every registration under subsection (1) shall, unless cancelled, be and continue in force from the date of its issue until the 31st day of December next thereafter.



**99.** (1) The Board may make regulations for securing the observance of sanitary and cleanly conditions and practices in connection with the handling, wrapping and delivery of food sold or intended for sale for human consumption, and in connection with the sale or exposure for sale in the open air of food intended for human consumption.

Regulations with respect to the handling, wrapping, etc. of food and the sale of food in the open air.

(2) Regulations made under this section may be restricted in their application to the City or to such other parts of or places in the Island as may be prescribed in the regulations.

## PART XI

### INFECTIOUS DISEASES

**100.** The Governor-General may by proclamation declare any disease (in addition to the diseases mentioned in section 2) to be an infectious disease or a dangerous infectious disease within the meaning of this Act, and so long as the proclamation remains unrevoked, the disease specified therein shall be deemed to be an infectious disease, or a dangerous infectious disease, as the case may be.

Declaration of infectious disease.

**101.** The Governor-General shall have power—

Provision of isolation hospitals and camps.

(a) to cause to be provided in such parts of Antigua and Barbuda as he may deem fit, one or more hospitals or camps for the reception and isolation of persons suffering from infectious diseases;

(b) to expend from the public funds of Antigua and Barbuda such sums of money as may be approved by Parliament for the purpose of carrying out the provisions of this Part.

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

**102.** (1) The Board shall have the direction of all measures dealing with dangerous infectious diseases, and may make regulations with regard to the control of any dangerous infectious disease for all or any of the following purposes—

Board to deal with dangerous infectious diseases.

---

(a) for the restraint, segregation, and isolation of persons suffering from any dangerous infectious disease, or likely because of exposure to infection to suffer from any such disease;

(b) the removal to hospital and the curative treatment of persons suffering from any dangerous infectious disease;

(c) the removal, disinfection and destruction of personal effects, goods, houses and other property exposed to infection from any dangerous infectious disease;

(d) the speedy burial or cremation of the dead, and in such last mentioned case the provision of crematoria;

(e) house to house visitation and inspection;

(f) the provision of medical aid and accommodation;

(g) the promotion of cleanliness, ventilation and disinfection;

(h) the prevention of the spread of dangerous infectious diseases as well in the internal waters and the territorial sea, as on land;

(i) the doing of any such matter or thing as may appear advisable for preventing or checking such diseases;

(j) prescribing penalties on summary conviction not exceeding three thousand dollars a day for a continuing offence:

Provided that with respect to any hospital or to any institution for the relief of the sick and destitute, or to any patient therein, the power given by this section shall not be exercisable by the Board, but such powers shall be exercised by the Cabinet:

Provided further that in the event of any immediate action becoming, in the opinion of the Governor-General acting in his discretion, necessary to deal with any dangerous infectious disease under the provisions of this section or of any regulations made thereunder, and of its not being practicable, in the opinion of the Governor-General, to have

a meeting of the Board forthwith, the Governor-General acting in his discretion may, pending the holding of such a meeting, take all such measures and do all such things, exercise all such powers, and enjoy all such privileges and immunities as may be taken, done, exercised, or enjoyed by the Board, and all such measures and things and the exercise of such powers shall be as effectual, valid and protected in all respects as if they had been taken, done, or exercised by or under the authority of the Board.

(2) There may be attached to any breach of any regulation made under this section on summary conviction a fine not exceeding five thousand dollars or a term of imprisonment with or without hard labour not exceeding six months.

**103.** For the purpose of this Part, the Board may, if they shall think fit, order that any work or nuisance, which any person is required by this or any other Act relating to the public health to execute or remove, be executed and removed at the charge of the public revenue by any person whom they may for that purpose appoint, and the expenses incurred in the execution of such work and in the removal of such nuisance shall be a debt due to the Crown by any such person as aforesaid.

Board to order execution of works in certain cases.

**104.** (1) Where any inmate of any premises used for human habitation is suffering from any infectious disease, or any disease the symptoms of which raise a suspicion that it may be an infectious disease, then the following provisions shall have effect, that is to say—

Notification of infectious diseases.

(a) the head of the family to which such inmate (in this Part referred to as "the patient") belongs and in default of the head of the family, the nearest relative of the patient present in the premises or being in attendance on the patient and in default of such relative every person in charge of or in attendance on the patient, and in default of any such person the occupier of the premises, shall, as soon as he becomes aware that the patient is suffering from an infectious disease or a disease suspected to be infectious, send notice thereof to the medical officer of health of the district where such patient resides, and such medical officer shall forthwith send a copy of such notice to the secretary of the Board;

(b) every medical practitioner attending on or called to visit the patient shall forthwith, on becoming aware that the patient is suffering from an infectious disease or a disease suspected to be infectious, send to the Medical Officer of Health a certificate stating the name of the patient, the situation of the premises and the disease from which in the opinion of such medical practitioner such patient is suffering or suspected to be suffering.

(2) Every person required by this section to give a notice or certificate, who fails to give same, shall be liable on summary conviction to a fine not exceeding one hundred dollars.

(3) In this section the expression "occupier" includes a person having the charge, management or control of any premises or of any part thereof in which the patient is, and in the case of a house the whole or any part of which is let to lodgers, the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person, and in the case of a ship, vessel, boat or aircraft the master or other person in charge thereof.

Form of  
certificates.

**105.** The Board may prescribe forms for certificates under this Act, and any forms so prescribed shall be used in all cases to which they apply.

Powers of entry

**106.** (1) The Medical Officer of Health, the medical officer of health of a district, or a medical practitioner authorized by the Board may at any time enter and inspect premises in the district in which he has reason to believe that any infectious disease exists, or has recently existed, and may examine any person found on such premises with a view to ascertain whether any such person is suffering or has suffered, from any infectious disease, and may also examine any dead body found on such premises, and in the event of admission, inspection or examination being refused, the Magistrate of the district may grant a warrant authorizing such entry, inspection and examination, and on such warrant being exhibited, any person refusing to admit such Medical Officer of Health, medical officer of health of the district or medical practitioner to such premises, or obstructing him in making the inspection or examination

---

as aforesaid, shall be liable on summary conviction to a fine not exceeding one hundred dollars for every such offence.

(2) Such Medical Officer of Health, medical officer of health of the district, or medical practitioner may, for the purpose of examination, order the removal of the body of any person suspected to have died of an infectious disease.

(3) For the the purpose of this section "premises" means any dwelling, ship, boat, aircraft, tent, van, shed or similar structure used for human habitation in like manner as nearly as may be as if it were a building but nothing in this Act shall apply to any ship, vessel, boat or aircraft belonging to Her Majesty the Queen or to any inmate thereof, nor to any ship, vessel or boat belonging to any foreign government.

**107.** (1) Where any suitable hospital or place for the reception of the sick, established and maintained from public funds, is provided, any person who is suffering or suspected to be suffering from an infectious disease, and is without proper lodging or accommodation, or is so lodged that proper precautions cannot be taken for preventing the spread of disease, or is lodged in any common lodging house, or is on board a ship, vessel or aircraft, may, on a certificate signed by the Medical Officer of Health, the medical officer of health of the district or any medical practitioner authorized by the Board, and with the consent of the persons in this section mentioned, be removed by order of any Justice or Magistrate, to such hospital or place at the cost of the Board; and such person may be detained at such hospital or place so long as he continues in an infected condition, and any police officer or any person authorized by the Medical Officer of Health engaged or aiding and assisting in such removal may for the purpose of such removal break into any house or any building whatsoever and may break open any door in any such house or building.

Removal to  
isolation hospital.

(2) An order under this section may be addressed to any police officer or officer of the Board; and any person who wilfully disobeys or obstructs the execution of such order shall be liable on summary conviction to a fine not exceeding five hundred dollars.

(3) In the case of the Holberton Hospital the consent in this section mentioned shall be that of the medical superintendent thereof, and in the case of any other hospitals or places for the reception of the sick established or maintained from public funds, that of the medical officer in immediate charge thereof.

Infected person  
not to carry on  
occupation.

**108.** (1) A person who knows himself to be suffering from an infectious disease, or who is nursing or attending on a case of infectious disease, shall not milk any animal or engage in any occupation connected with food, or carry on any trade or business in such manner as to be likely to spread the infectious disease, and if he does so he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars:

Provided that "infectious disease" in this subsection shall not include dengue, food poisoning, influenza, malaria and tetanus.

(2) If any person—

(a) while suffering from an infectious disease, wilfully exposes himself without proper precautions against spreading the disease in any street, public place, shop, hotel or public conveyance; or

(b) being in charge of any person so suffering, so exposes such sufferer, or causes such sufferer to be so exposed,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars.

Infected clothes  
not to be sent to  
laundry, etc.

**109.** (1) No person shall give, lend, sell, transmit or expose without previous disinfection, any bedding, clothing, rags or other things which have been exposed to infection from any infectious or communicable disease.

(2) No person shall take, send or deliver to any public wash house or to any laundry, or give to any person for the purpose of being washed, any bedding, clothes or other things which he knows to have been exposed to infection from any infectious or communicable disease, unless they have been disinfected to the satisfaction of the Board or a medical practitioner.

(3) If any person acts in contravention of the foregoing provisions of this section, he shall be liable on summary conviction in respect of each offence, to a fine not exceeding five hundred dollars.

(4) The Board may, on the application of any person, pay the expenses of the disinfection of any such bedding, clothes or other things, if carried out by them or under their direction.

**110.** (1) Where the Board, on the certificate of a medical practitioner, are satisfied that the cleansing, purification or destruction of any article in a dwelling house is, by reason of the filthy condition of the article, necessary to prevent injury or to remove or obviate risk of injury to the health of any person in the dwelling house, the Board may cause the article to be cleansed, purified or destroyed at their expense.

**Filthy and dangerous articles to be purified.**

(2) Where a person sustains damage in consequence of the exercise by the Board of their powers under this section, and the conditions of the article with respect to which those powers have been exercised is not attributable to his act or default, the Board shall make reasonable compensation to that person.

**111.** (1) No person, being the parent or having the care or charge of a child who is or has been suffering from a dangerous infectious disease or has been exposed to infection, shall, after a notice from the medical officer of health of a district or a medical practitioner that the child is not to be sent to school, permit such child to attend school without having procured from such medical practitioner a certificate (which shall be granted free of charge on application) that in his opinion such child may attend without undue risk of communicating such disease to others.

**Child suffering from dangerous infectious disease not to attend school.**

(2) The person in charge of a school in which any pupil is suffering from a dangerous infectious disease shall, if required by the Board, furnish them with a complete list of the names and addresses of the pupils.

(3) Any person who shall offend against this section shall, for every offence, be liable on summary conviction to a fine not exceeding five hundred dollars.

Provisions as to library books.

**112.** (1) If any person knows that he is suffering from a dangerous infectious disease, he shall not take or use any book or cause any book to be taken for his use from any public or circulating library.

(2) A person shall not permit any book which has been taken from a public or circulating library which he knows to have been exposed to infection from any dangerous infectious disease, or permit any such book which is under his control to be so returned, but shall give notice to the Board that the book has been so exposed to infection and the Board shall cause the book to be disinfected and returned to the library, or to be destroyed.

(3) The Board shall pay to the proprietor of the library from which the book is procured the value of any book destroyed under the power given by this section.

(4) If any person acts in contravention or fails to comply with this section, he shall be liable on summary conviction in respect of each offence to a fine not exceeding one hundred dollars.

(5) In this section the term "book" includes newspapers, magazines and other periodicals.

Prohibiting conveyance of persons with dangerous infectious disease in public vehicles.

**1 1** The owner or driver of a public vehicle, used for the carrying of passengers at separate fares, shall not knowingly convey, or any other person shall not knowingly place, in any such public vehicle, a person suffering from any dangerous infectious disease, or a person suffering from any such disease shall not enter any such vehicle, and every person who shall offend against this section shall, for every offence, be liable on summary conviction to a fine not exceeding one hundred dollars.

Penalty on failing to provide for the disinfection of public vehicles.

**114.** Every owner or driver of a public vehicle shall immediately provide for the disinfection of such vehicle after it has to his knowledge conveyed any person suffering from a dangerous infectious disease, and if he fails to do so he



shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

**1** (1) If any person suffering from a dangerous infectious disease is conveyed in any public vehicle, the owner or driver thereof, as soon as it comes to his knowledge, shall give notice to the medical officer of health of the district, and shall cause such vehicle to be disinfected, and if such owner or driver fails to do so he shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars; but the owner or driver of such vehicle shall be entitled to recover in any court of competent jurisdiction from the person so conveyed, or from the person causing that person to be so conveyed, a sufficient sum to cover any loss and expense incurred by him in connection with such disinfection.

Driver or owner of vehicle conveying dangerous infected persons to give notice.

(2) It shall be the duty of the Board, when so requested by the owner or driver of such public vehicle, to provide for the disinfection of the same free of charge, except in cases where the owner or driver conveyed a person knowing that he was suffering from a dangerous infectious disease.

**1** Any person who hires or uses a public vehicle other than a hearse for the conveyance of a person who has died from any dangerous infectious disease, without previously notifying the owner or driver of such public vehicle that the person whose body is or is intended to be conveyed has died from a dangerous infectious disease and, after such notification as aforesaid, the owner or driver of a public vehicle which has been used for conveying the body of a person who has died from a dangerous infectious disease, and who shall not immediately afterwards provide for the disinfection of such vehicle to the satisfaction of the Board shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

Disinfection of public vehicle if used for carrying corpse.

**117.** (1) Where the Board, on the certificate of a medical practitioner, are satisfied that the cleansing or disinfection of any premises or part thereof or of any articles

Disinfection of premises to check or prevent spread of disease.

therein likely to retain infection, or the destruction of such articles, would tend to prevent or check any infectious disease, the Board shall serve a notice on the occupier, or, if the premises are unoccupied, on the owner of the premises, requiring the cleansing or disinfection of the premises or any part thereof or the disinfection or destruction of any articles therein to the satisfaction of the medical officer of health of the district within a time to be specified in the notice.

(2) If the occupier or owner fails to have the premises or part thereof cleansed or disinfected or the articles disinfected or destroyed within the time specified in the notice, the same may be cleansed, disinfected or destroyed, by the Board at the cost of such owner or occupier:

Provided always that if in the opinion of the medical officer of health of the district, the owner or occupier is unable effectually to cleanse or disinfect the premises or any part thereof or to disinfect or destroy such articles, the same may without such notice, be cleansed, disinfected or destroyed by the Board at the cost of the Board.

Penalty for letting dangerous infected houses.

**118.** Any person who knowingly lets for hire any house, room or part of a house in which any person has been suffering from any dangerous infectious disease, without having such house, room or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of the medical officer of health of the district, shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

For the purpose of this section the keeper of an inn, hotel or lodging house shall be deemed to let for hire part of a house to any person admitted as a guest to such inn, hotel or lodging house.

Power of Magistrate to order removal of dead body.

**119.** (1) Where either—

(a) the body of a person who has died from a dangerous infectious disease has been retained in a room in which persons live or sleep; or

(b) the body of a person who has died of a dangerous infectious disease is retained, without the sanction in writing of the medical officer of health of the district or any medical practitioner for more than twenty-four

hours, elsewhere than in a room not used at the time as a dwelling place, sleeping place or workroom; or

(c) where any dead body is retained in any house or room or ship under circumstances which, if continued may endanger the health of the inmates thereof, or of any adjoining or any neighbouring house or building; or

(d) any dead body found within the district is unclaimed or no sufficient person undertakes to bury it,

a Magistrate may, on a certificate signed by a medical officer of health of the district or other medical practitioner, direct that the body be removed at the cost of the Board, to any available mortuary, and be buried within the time limited by the Magistrate; and may, if it is the body of a person who has died of a dangerous infectious disease, or if he considers immediate burial necessary, direct that the body be buried immediately without removal to the mortuary.

(2) If any person obstructs the execution of any direction given by a Magistrate under this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars.

**120.** If any person shall die from any dangerous infectious disease in any hospital or place of temporary accommodation for the sick, and the medical officer of health of the district or other medical practitioner in charge of such hospital or place certifies that in his opinion it is desirable, in order to prevent the risk of communicating any dangerous infectious disease or of spreading infection, that the body shall not be removed from such hospital or place except for the purpose of being forthwith buried, it shall not be lawful for any person or persons to remove such body from such hospital or place except for the last mentioned purpose; and when the body is taken out from such hospital for that purpose it shall be forthwith carried or taken direct to some cemetery or place of burial and shall be forthwith there buried; and any person wilfully offending against this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars:

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

Provided that nothing in this Act shall prevent the removal of any dead body from any hospital or temporary place of accommodation for the sick to any mortuary, and

such mortuary shall, for the purposes of this section be deemed part of such hospital as aforesaid.

Wake not to be held over body of person dying of dangerous infectious disease.

**121.** It shall not be lawful to hold any wake over the body of any person who has just died of a dangerous infectious disease, and the occupier of any house or premises who permits or suffers any such wake to take place in such house or premises, and every person who attends to take part in such wake shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars.

Provision of nursing attendance.

**122.** (1) The Board may provide nurses for attendance on patients suffering from any infectious disease in their district who, owing to want of accommodation at the hospital, or the danger of infection, cannot be removed to the hospital, or in cases where removal to the hospital is likely to endanger the patient's life.

(2) The Board may charge such reasonable sums for the service of nurses provided by them as they think fit.

General powers to enter and carry out work.

**123.** For the purposes of this Part, any person authorized to act under the provisions hereof or of any regulations made in pursuance of any authority contained in this Part may at any time, with or without assistance—

(a) enter on lands and buildings and inspect and examine the same and all things thereon or therein;

(b) do on any land or in any building any sanitary or other work authorized or directed;

(c) generally do, with respect to persons, places, lands, buildings, animals or things, whatever is necessary or expedient in order to carry out the foregoing provisions of this Part or any direction or requirement given or arising thereunder.

Trades which persons suffering from a dangerous infectious disease shall not carry on.

Fourth Schedule.

**124.** (1) A person who knows or suspects that he is suffering from a dangerous infectious disease shall not carry on or be engaged in any of the trades or callings specified in the Fourth Schedule or any trade or calling which the Cabinet may from time to time prohibit him from carrying on.

(2) An employer shall not knowingly employ any person suffering from a dangerous infectious disease in any such trade or calling.

(3) If the Board suspects that any person engaged in any such trades or callings is suffering from a dangerous infectious disease they may by themselves or by their authorized officer enter upon the premises where any such trade or calling is being carried on and examine the persons employed therein.

**125.** All regulations made under this Part shall when published in the *Gazette* thenceforth have the same effect and operation as if they were enacted and formed part of this Act.

Publication and effect of regulations.

**126.** (1) Where the Board shall report to the Cabinet—

Special powers of Cabinet.

(a) the existence of any local conditions in any part of Antigua and Barbuda tending to endanger the health of the public, and there shall be no means under any existing Act whereby such conditions may be removed or guarded against; or

(b) that any part of Antigua and Barbuda appears to be threatened with or affected by any formidable epidemic, endemic or infectious disease and that measures of precaution apart from or in addition to the provisions in this Act, should be taken with promptitude, it shall be lawful for the Cabinet from time to time by order to direct the enforcement of any measures recommended by the Board, or any other measures that he may deem expedient for removing or otherwise guarding against any such condition and the probable consequences thereof or for preventing or mitigating as far as possible any such epidemic, endemic or dangerous infectious disease.

(2) Every order issued under the authority of this section and all acts done in pursuance of or under the authority of such order shall be as valid and legal as if the same was or were authorized in express words by some Act.

## PART XII

## MOSQUITOES AND HOUSE SPRAYING WITH INSECTICIDE

Regulations for prevention of mosquitoes.

**127.** (1) For the purpose of preventing the breeding of mosquitoes, the Board may make regulations relating to all or any of the following matters, that is to say—

(a) the protection of receptacles for storing water by wire gauze or other efficient means;

(b) the keeping of premises free from stagnant water liable to breed mosquitoes, and from articles, appliances, trees or plants which may retain stagnant water liable to breed mosquitoes;

(c) the spraying of premises with any insecticide approved by the Medical Officer of Health;

(d) the disinfecting and oiling of cesspits and the cleaning out of catchpits;

(e) the keeping in repair and free of obstruction of eaves, gutters, and downpipes;

(f) the cutting down of bush or undergrowth liable to harbour mosquitoes.

(2) The Board shall have powers of entry at all reasonable times into any premises, dwelling house, public building, ship, boat or aircraft in order to carry out these regulations.

(3) The Board may declare by resolution published in the *Gazette* that an adequate supply of potable water exists in any area or district and thereafter make regulations to prohibit the storing of water in barrels, tubs, tins, or similar vessels in such area or district.

## PART XIII

## SCHOOL HYGIENE

Sanitary control.

**128.** (1) No school shall be established unless the Board previously approve of the sanitary arrangements thereof, and any school when established and all existing schools shall be subject to the sanitary control of the Board.

(2) The medical officer of health of a district or public health inspector whom he may appoint for such purpose may enter any school premises for the purpose of making an examination of the school premises.

(3) The master for the time being in charge of such school shall afford every facility to the medical officer of health of the district or public health inspector in the furtherance of such examination or inspection.

**129.** (1) The principal of any school where any pupil is suffering from an infectious disease shall, if required by the Board, furnish to them within a reasonable time fixed by them a complete list of names and addresses of the pupils in or attending at the school or any specified department thereof other than boarders.

List of scholars to be furnished where pupil in school is suffering from an infectious disease.

(2) In this section "principal" means the person in charge of the school, and includes, where the school is divided into departments and where there is no single person at the head of the whole school, as respects each department the head of that department.

**130.** For the purpose of regulating the sanitation of school premises the Board may make regulations for any of the following matters—

Regulations.

(a) the lighting and ventilation of classrooms;

(b) the types and sizes of desks, cloakroom, lavatory, water closet and latrine accommodation and the water supply; and

(c) generally for the cleanliness and sanitation of school premises.

**131.** Any person who contravenes, or fails to comply with or obstructs any officer in the execution of any of the provisions of this Part shall be guilty of an offence, and liable on summary conviction to a fine not exceeding two hundred and fifty dollars, or in the case of a continuing offence to a further fine not exceeding one hundred dollars for each day after written notice from the Board.

Penalty.

## PART XIV

RESTRICTION ON TREATMENT OF VENEREAL DISEASE AND  
UNDESIRABLE ADVERTISEMENTS

Prevention of the treatment of venereal disease otherwise than by duly qualified persons.

**132.** A person shall not, unless he is a duly registered medical practitioner, treat any person for venereal disease or prescribe any remedy therefor, or give any advice in connection with the treatment thereof, whether the advice is given to the person to be treated or to any other person.

Prohibition of advertisements relating to venereal disease.

**133.** No person shall take any part in the publication of any advertisement referring to any article or articles of any description, in terms which are calculated to lead to the use of that article or articles of that description for the purpose of treatment of human beings for venereal disease.

Prohibition of advertisements relating to certain other diseases.

**134.** No person shall take any part in the publication of any advertisement referring to any article or articles of any description, in terms which are calculated to lead to the use of that article or articles of that description for the purpose of the treatment of human beings for any of the following conditions namely, Bright's disease, cataract, diabetes, epilepsy or fits, glaucoma, locomotor ataxia, paralysis, tuberculosis, stone, cancer, virility or the lack thereof, sexual impotence.

Prohibition of advertisements relating to abortion.

**135.** No person shall take any part in the publication of any advertisement referring to any article or articles of any description, in terms which are calculated to lead to the use of that article or articles of that description for procuring the miscarriage of women:

Provided that this section and sections 133 and 134 shall not apply to an advertisement published by the Board or by any person acting with the sanction of the Medical Officer of Health.

Penalties.

**136.** (1) If any person contravenes any of the provisions of sections 132, 133, 134 and 135, he shall be guilty of an offence and liable on summary conviction—

(a) in the case of a first conviction to a fine not exceeding one thousand dollars; and



(b) in the case of a subsequent conviction, to a fine not exceeding two thousand dollars, or to imprisonment with or without hard labour, for a term not exceeding three months, or to both such fine and such imprisonment.

(2) Where a person convicted of an offence as mentioned in subsection (1) has been within twelve months previously convicted of an offence as mentioned in the said subsection, the court may, if it thinks fit, and finds that such person knowingly and wilfully committed such offences, order that a notice of the facts be affixed, in such form and manner and for such period not exceeding twenty-one days as the court may order, to any business premises or to any stall in the market occupied by that person, and that the person do pay the cost of affixing; and if any person obstructs the affixing of such notice, or removes, defaces or conceals the notice affixed during the said period, or assaults, obstructs or resists any person duly authorized to affix such notice, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

## PART XV

### OFFENSIVE TRADES

**137.** (1) It shall not be lawful to establish or carry on the offensive trades specified in the Fifth Schedule unless with the consent in writing of the Board.

Consent of  
Board.  
Fifth Schedule.

(2) Every person who establishes or carries on an offensive trade in contravention of this section shall be liable on summary conviction to a fine not exceeding three thousand dollars for every day on which he carried it on, whether there has or has not been a conviction in respect of the establishing of the trade.

**138.** With respect to offensive trades heretofore or hereafter lawfully established, the Board may make regulations as to the conditions subject to which and the place in which such trades may be carried on, in order to prevent or diminish the offensiveness of the trades and to safeguard the public health.

Regulations  
governing  
offensive trades.

## PART XVI

## SLAUGHTERHOUSES AND MARKETS

## Licensing of slaughter-houses.

**139.** The Board may provide or license slaughterhouses, and from and after the provision of any such slaughterhouse, it shall not be lawful for any person to slaughter within a radius of two miles thereof any animal intended for the food of man except in the slaughterhouse provided therefor; and any person acting in contravention of the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars for each animal slaughtered.

In this section "animal" means any bull, ox, bullock, steer, cow, heifer, calf, sheep, lamb, pig, goat, kid or turtle, and any other animal which, by order, the Cabinet may declare to be included in such term.

## Regulations.

**140.** (1) The Board may make regulations for regulating the use of slaughterhouses, and of all buildings, stalls, pens, slaughtering places, or other parts thereof, and the approaches thereto, any pastures attached thereto, and specifically for all or any of the following purposes, namely—

(a) for fixing the tolls, rents and other charges to be paid thereat, and for regulating the rights and liabilities of owners of any animals brought therein, and the right of access to such slaughterhouses, and appurtenant grounds or any part thereof;

(b) for regulating the manner of occupying and using such slaughterhouses, and the inspection and slaughtering of animals therein;

(c) with respect to the licensing of slaughtermen and the suspension, revocation and cancellation of such licences;

(d) for fixing the hours at which such slaughterhouses shall be opened and closed;

(e) for fixing the hours when, and prescribing the conditions and requirements under and subject to which, animals are to be slaughtered therein;

(f) for fixing the times when, and prescribing the conditions and requirements under and subject to which,

carcases and other parts of any animal slaughtered in such slaughterhouse shall be removed therefrom;

(g) for dealing with any animal which may be found to be diseased; and for the disposal of any condemned carcase or part thereof;

(h) for regulating the feeding and watering of animals brought therein and for preventing cruelty therein;

(i) for regulating and fixing the charges for the use of any scales provided by the Board;

(j) for preventing nuisances and obstructions in any slaughterhouses or any part thereof, or the approaches thereto, or the grounds around the slaughterhouse buildings and for the summary ejection from such slaughterhouse, approaches, or grounds of any person or persons found fighting or behaving in a disorderly manner or creating any disturbance therein.

(2) The Board may make regulations for the general management and control of markets.

(3) Regulations made under this section may be restricted in their application to the City of Saint John's or such other parts or places in Antigua and Barbuda as may be prescribed in the regulations.

**141.** Where any owner makes default in complying with any regulation under this section imposing any duty on him with respect to any animal belonging to him, it shall be lawful for the Board, without prejudice to their right to institute summary proceedings for the breach of such regulations, to undertake the execution of such duty, and the expenses incurred for the purpose shall be a debt due from such owner to the Board.

**Default of owners in complying with regulations.**

**142.** Where default is made by any owner in payment of any expenses due to the Board under this Part it shall be lawful for the Board to recover such expenses by summary proceedings before the Magistrate or by sale of any animal of the owner then in the slaughterhouse.

**Default in payment of expenses.**

## PART XVII

## BARBERS' AND SIMILAR SHOPS

## Regulations.

**143.** The Board may make regulations as to all or any of the following matters relating to shops, that is to say—

(a) the cleanliness and disinfection of the premises, and of all instruments, appliances, furniture, utensils, fixtures, and accessories used in or in connection with the business carried on in such premises;

(b) precautions against the spread of infection or communication of disease from, to or amongst persons on such premises, whether occupiers, employers, employees or customers;

(c) the entry and examination of such premises by the Board or duly authorized office.

In this section the term "shop" includes barbers' shops and any room in any shop used for the purpose of carrying on the business of a barber, and also any other shop or room, which by order, the Cabinet may declare to be included in such term.

## PART XVIII

## FACTORIES AND WORKSHOPS

## Regulations.

**144.** The Board may make regulations as to all or any of the following matters relating to factories and workshops, that is to say—

(a) the cleanliness of rooms and freedom from effluvia;

(b) the removal of refuse;

(c) ventilation and light;

(d) sufficiency, type, and position of sanitary conveniences;

(e) precautions against the contamination of any article of food or drink manufactured or in the course of manufacture for human consumption;

(f) the registration of factories and workshops.

In this section—

"factory" means any premises wherein, or within the close or curtilage of which, mechanical power is used to move or work any machinery;

"workshop" means any premises, room or place not being a factory wherein, or within the close or curtilage of which, any manual labour is exercised by way of trade or for the purposes of gain, and to or over which premises, room or place the employer of the persons working therein has the right of access or control.

## PART XIX

### COMMON LODGING HOUSES AND BARRACKS

**145.** (1) The owner of a barrack shall, immediately upon the commencement of this Act, make a return in writing to the Board, signed by him or his authorized agent, giving the situation and area of such barrack, the number of rooms therein, and his name and address, and the name and address of his agent, if any.

Return by owner of barrack.

(2) The owner shall cause every room in his barrack to be distinctly and separately numbered.

(3) The owner of any barrack who shall fail to comply with the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars in respect of every day on which he fails to comply.

**146.** The Board shall keep a register in which shall be entered the names and residences of the keepers of all common lodging houses and the owners of barracks, and the situation of every house and barrack, and the number of lodgers authorized under this Act by the Board to be received in any such lodging house.

Register of common lodging houses and barracks.

**147.** A copy of any entry in the register as mentioned in section 146, certified by an officer of the Board to be a true copy, shall be received in all courts and on all occasions

Evidence.

as evidence, and shall be sufficient proof of the matter registered, without production of the register or of any document or thing on which the entry is founded.

**Lodging house or barrack not to be occupied unless registered.**

**148.** A person shall not keep a common lodging house or receive a person therein or suffer any room in a barrack to be occupied unless the house or barrack is registered in accordance with the provisions of this Act, and unless his name as the keeper or owner thereof is registered under this Act:

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

**Premises to be inspected before registration.**

**149.** A house or barrack shall not be registered as a common lodging house or barrack, as the case may be, until it has been inspected and approved for the purpose by the Board.

**Penalty for using unregistered premises.**

**150.** Any keeper of a common lodging house who receives any lodger in such house, and any owner of a barrack who lets or suffers to be occupied any room or rooms in such barrack without registering the same under this Act, shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars and in the case of a continuing offence to a further fine not exceeding one hundred dollars for every day during which the offence is continued.

**Burden of proof as to persons being of same family.**

**151.** In any proceeding under the provisions of this Act relating to common lodging houses and to barracks, if the inmates of any house or barrack or room or other part of a house or barrack allege that they are members of the same family, the burden of proving such allegation shall lie on the person making it.

**Regulations.**

**152.** The Board may make regulations as to all or any of the following matters in relation to common lodging houses and barracks, that is to say—

(a) the fixing and from time to time the varying of the number of persons who may be received as lodgers

in each common lodging house and in each room thereof, and in the separation of the sexes in such common lodging houses;

(b) the promoting of cleanliness and ventilation;

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

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

(e) the inspection and the time of inspection thereof;

(f) the collection and removal of refuse;

(g) the painting or limewashing of walls and buildings;

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

(i) the paving of yards;

(j) generally, the keeping and well ordering of such houses and barracks.

153. (1) If it appears to the Board that, in the case of a common lodging house or barrack default is made in complying with any regulations made under section 152 or with any of the provisions of this Act, the Board may, by notice in writing specifying the default, require the keeper of such common lodging house or owner of such barrack to remedy the default within such time as may be specified in such notice.

Default in complying with regulations or Act.

(2) If, within the time specified in the notice, the default is not remedied to the satisfaction of the Board, they may themselves do the work required to be done, and the expenses incurred in so doing may be recovered in the manner hereinafter prescribed, and until paid shall be a charge on the premises in respect of which the work was done.

(3) Where the Board have incurred expenses in doing work as aforesaid, such expenses may be recovered by the Board, summarily before a Magistrate, together with interest

thereon at the rate of five per centum per annum computed from the date of the completion of the work.

Cancelling  
registration.

**154.** The Board, if at any time they are of opinion that any person registered as the keeper of a common lodging house is not a fit person for the purpose, may cancel the registration.

Conditions on  
which barrack  
may be  
established.

**155.** (1) No person shall take any steps to establish a barrack, or to convert any premises into a barrack, except with the consent of the Board, which consent shall only be granted on the conditions following, that is to say—

(a) that the barrack shall be established and constructed in conformity with a model plan and specification to be drawn up by the Board;

(b) that each room shall be sufficiently ventilated directly to the outside air on at least two sides, and that sufficient provision shall be made for the access of light thereto;

(c) that no room shall ventilate into another;

(d) that roofs of all rooms shall be close boarded and ventilated;

(e) that the whole or such part of any yard as the Board may direct shall be paved to the satisfaction of the Board;

(f) that the privy accommodation and the provision for the collection of refuse shall be such as may be prescribed in each case by the Board.

(2) For the purposes of this section, each of the following operations, namely—

(a) the re-erection, wholly or partially, of any building of which an outer wall is pulled down or burnt down to within five feet of the ground;

(b) the making of any addition to an existing building by raising any part of the roof, by altering a wall, or making any projection from the building, but so far as regards the addition only; and



(c) the roofing and covering over of an open space between walls or buildings, shall be deemed to be the reconstruction or rebuilding of a barrack.

(3) Any person taking any steps to establish a barrack or to convert any premises into a barrack or to reconstruct or rebuild any existing barrack, except with the consent of the Board, shall be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars.

**156.** (1) With regard to barracks existing at the commencement of this Act, the Board shall, in any case in which the Medical Officer of Health reports that a barrack is in such a condition as to be unfit for human habitation or injurious to the health of the occupants or to the public health, or where the premises are incapable of being put in such condition take such proceedings as may be necessary to have the same closed: **Existing barracks.**

Provided that the Board may at any time order the whole or any part of any barrack to be paved or otherwise treated to their satisfaction.

(2) In case of non-compliance with the provisions of this section the procedure provided by section 23 shall apply.

## PART XX

### DISPOSAL OF THE DEAD, CEMETERIES AND GRAVEYARDS

**157.** (1) It shall be lawful for the Board upon petition from any church or denomination to direct that any portion of a public cemetery be set aside for the burial therein of the bodies of members of that particular church or denomination, and thereupon such portion of the public cemetery shall be set aside for such purpose. **Portion of cemetery may be assigned to a denomination.**

(2) Such portion of a public cemetery shall be governed and managed under the provisions of the regulations for the time being in force for the rest of the cemetery, in respect of general management, registration of burials and fees.

Funeral services at burials in public cemeteries.

**158.** At all burials in public cemeteries, the burial service according to the rites of the church or denomination to which the deceased belonged, may be performed or celebrated by the proper ministers of that church or denomination:

Provided that nothing herein shall extend, or be construed to extend to making it necessary or compulsory that a minister of any church or denomination shall be present at any burial.

Regulations as to cemeteries.

**159.** (1) The Board may make regulations as to the establishment, management, and control of cemeteries and all places used as burial grounds.

(2) The regulations may prescribe, as regards the cemeteries and burial grounds—

(a) the manner in which they shall be laid out and the recording thereof;

(b) the distances of graves from one another;

(c) the size and depths of graves;

(d) the number of bodies which may be buried in one grave;

(e) the keeping of registers of interments;

(f) the fees to be paid for graves and in respect of burials in the cemetery, and for any copy of an entry in a register of interments;

(g) in the case of public cemeteries, for disposing of the right of erecting and placing any monument, gravestone, tablet, or monumental inscription in such cemeteries; and

(h) generally, all other matters necessary for their proper regulation.

Regulations as to interment or embalming of human corpses.

**160.** (1) The Board may make regulations for—

(a) preventing the interment of any human corpse in an unsuitable place, or in any place where, from the proximity of human dwelling places or otherwise, danger to the public health might arise from the interment, and

for limiting the time within which interments shall take place; and

(b) the embalming of any human corpse, the preservation in and the transportation from Antigua and Barbuda.

(2) There may be attached to any breach of any regulation under this section, on summary conviction, a fine not exceeding one thousand dollars.

**161.** The Board may, on application made to them, grant permission, subject to such conditions as they may think fit to impose, to disinter the body of any person buried within Antigua and Barbuda in order that such body may be cremated or reinterred at some other place within, or removed from, Antigua and Barbuda.

Disinterment of bodies.

Provided that—

(a) the applicant is by reason of kinship, connection by marriage, or friendship with the deceased, or on any other grounds of whatsoever kind, a fit and proper person to make the application;

(b) such disinterment can be effected without danger to the public health; and

(c) having regard to all the circumstances of the case it is expedient to grant such permission.

**162.** (1) Every such permission is to be granted either to the applicant, if he is able and intends to supervise the disinterment, or to some other person nominated by him, who is able and willing to supervise the disinterment.

Disinterment to be supervised by the applicant.

(2) Every such permission shall be in writing and shall state the name of the person to whom it is granted, and shall be null and void if the grantee shall not personally supervise the disinterment.

(3) In this section the expression "disinterment" shall also include the subsequent conveyance and custody of the body within, or removed from, Antigua and Barbuda, or duly received on board a ship, boat or aeroplane in order to be exported from Antigua and Barbuda.

Penalty for breach of conditions by applicant.

**163.** If any person to whom any such permission has been granted shall after the disinterment has been commenced commit any breach of any of the conditions of such permission, he shall be liable on the information of the Board, on summary conviction, to imprisonment, with or without hard labour, for any period not exceeding six months, or to a fine not exceeding five thousand dollars.

Penalty for breach of agreement by persons employed by applicant.

**164.** Every person who, having agreed with a person to whom such permission has been granted to fulfil or assist in fulfilling any of the conditions of such permission, commits any breach of the agreement so far as it relates to the fulfilling or assisting in the fulfilling of any such condition, shall, unless prior to the commencement of the disinterment he gives notice of his intention not to carry out his agreement to such grantee, be liable on the information of the Board, on summary conviction, to imprisonment for a period not exceeding six months, or to a fine not exceeding five thousand dollars:

Provided that no information shall be laid under this section unless in the opinion of the Medical Officer of Health the breach of contract is such that it is expedient in the public interest that an information should be laid, but it shall not be necessary in any proceedings consequent on any such information for the informant to prove such opinion.

Penalty for disinterment without permission.

**165.** Every person who, without such permission disinters the body of any person buried within Antigua and Barbuda shall be guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months.

Cremation.

**166.** It shall be lawful for the Board to permit the burning of any human remains and to prescribe in what cases, at what places, and under what conditions any such cremation shall take place, what is to be done with the ashes, what fees are to be paid, what notices, certificates and declarations are to be made or given before any human remains may be burned as aforesaid.

Closure of cemeteries.

**167.** Whenever it shall appear to the Cabinet, whether upon representation by the Board or otherwise, that, for the protection of the public health, burial in any cemetery

shall be discontinued, it shall be lawful for the Cabinet to order that, after a time to be mentioned in the order, burials in such cemetery shall be discontinued.

**168.** Every person who shall, after such time as aforesaid, bury any dead body, or in any wise act or assist in the burial of any dead body in such disused cemetery, shall be guilty of an offence. **Subsequent burials therein unlawful.**

**169.** If at any time hereafter a cemetery becomes disused, it shall be lawful for the Board to take possession thereof, and if no protest is made against such possession within six months it shall be lawful for the Board to keep the same in repair and properly fence the same or to deal therewith in any other manner whatsoever as to them shall seem fit. **Disused cemeteries.**

**170.** For the purposes of this Part the word "body" includes remains. **"Body" includes remains.**

## PART XXI

### MISCELLANEOUS ENTRY AND OBSTRUCTION, ETC

**171.** Save as otherwise provided in this Act where the Board have, by virtue of this Act, power to examine or enter any premises, they may examine or enter by any of their members, or by an officer or person authorized by them, either generally or in any particular case. **Delegation of powers.**

**172.** (1) Except in cases otherwise specially provided for in this Act, where the Board or their officers or any person acting under the Board, have power to examine or enter as aforesaid, the following provisions shall apply, that is to say— **General power of entry.**

(a) the person so claiming the right to enter shall, if required produce some written document, properly authenticated on the part of the Board, showing the right of the person producing the same to enter;

(b) any person refusing or failing to admit any person who is authorized and claims to enter the premises shall if—

- (i) the entry is for the purpose of carrying into effect an order of a Magistrate, and either is stated in the said document to be for that purpose or is claimed by an officer of the Board to be for that purpose, or
- (ii) it is proved that the refusal or failure is with intent to prevent the discovery of some contravention of this Act, or
- (iii) the refusal or failure is declared by the law conferring the right of entry to render the person refusing or failing subject to a penalty, be liable to a fine not exceeding two hundred and fifty dollars.

(2) If a Magistrate is satisfied by information on oath—

(a) that there is reasonable ground for such entry and that there has been a refusal or failure to admit to such premises, and either that reasonable notice of the intention to apply to a Magistrate for a warrant has been given or that the giving of notice would defeat the object of entry; or

(b) that there is reasonable cause to believe that there is on the said premises some contravention of this Act, and that an application for admission or notice of an application for the warrant, would defeat the object of entry,

the Magistrate may by warrant under his hand, authorize the Board or their officers or other persons, as the case may require, to enter the premises and if need be by force, with such assistance as they may require, and there execute their duties under this Act.

(3) Any person obstructing the execution of any such warrant shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars, or where the offence is a continuing one, to a fine not exceeding one hundred dollars for every day that the offence is continued.

(4) The warrant shall continue in force until the purpose for which the entry is necessary has been satisfied.

**173.** Subject to any express provisions of this Act, **Obstruction.** whoever hinders or obstructs any person in discharge of a duty imposed on him by or under any authority conferred by this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars, or where the offence is a continuing one, to a fine not exceeding one hundred dollars for every day that the offence is continued.

**174.** Whosoever by any gratuity, bribe, promise or other inducement prevents or attempts to prevent, the due execution by any person of any duty imposed on him by this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars, and for any subsequent offence to a fine not exceeding three thousand dollars. **Bribery.**

**175.** (1) Where the occupier of premises prevents the owner thereof from obeying or carrying into effect any provision of this Act, a Magistrate on complaint, shall by order, require such occupier to permit the execution of any works which appear to him necessary for the purpose of obeying or carrying into effect the said provision; and if within twenty-four hours after service on him of the order, such occupier fails to comply therewith, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars for every day during the continuance of such non-compliance. **Obstruction of owner by occupier.**

(2) If the occupier of any premises, when requested by or on behalf of the Board to state the name and address of the owner of the premises, refuses or wilfully omits to disclose or wilfully misstates the same, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

## PART XXII

### GENERAL

**176.** Regulations made by the Board under this Act shall not take effect until and unless they have been approved by the Cabinet and such regulations shall be laid before Parliament for confirmation. **Confirmation of regulations.**

Penalties for breaches of regulations.

**177.** Except as in this Act expressly provided, regulations made under this Act may provide for the imposition on offenders against the same of penalties not exceeding five hundred dollars for each offence, and in the case of a continuing offence a further penalty not exceeding one hundred dollars for each day during which the offence continues.

Recovery of costs and expenses and interest.

**178.** Where the Board have incurred expenses, for the payment whereof the owner of the premises for or in respect of which the same are incurred is made liable under this Act or by any agreement with the Board, such expenses may be recovered, together with interest at the rate not exceeding five per centum per annum from the date of service of a demand for the same till payment thereof, from any person who is the owner of such premises when the works are completed for which such expenses have been incurred, and, until recovery of such expenses and interest, the same shall be a charge on the premises in respect of which they were incurred. Such charge shall be deemed to be prior and preferential to all existing or future charges or encumbrances thereon, save and except charges for debts due to the Crown.

Recovery of penalties and procedure.

**179.** (1) All offences under this Act may be prosecuted, and penalties, fines, forfeitures, costs and expenses incurred under this Act may be imposed or recovered in a Magistrate's Court.

(2) Any information or complaint for any offence against the provisions of this Act for the breach whereof the Board may institute proceedings, may be laid or made in the name of the Board by any officer or officers of such Board, either generally or in respect of offences against certain provisions of this Act; and any officer or officers of the Board, authorized in that behalf may conduct the proceedings before the Magistrate in all cases where the Board are complainants or defendants.

Authentication of notices, etc.

**180.** (1) Subject to the express provision of this Act, notices, authorities, orders and other such documents under this Act shall be in writing; and notices, authorities and documents other than orders, when issued or given by the Board shall be sufficiently authenticated if signed by the chairman or secretary of the Board or by some duly authorized officer of the Board.



(2) Orders shall be under the seal of the Board, and signed by the chairman or secretary or by some duly authorized officer of the Board.

**1 1** It shall be sufficient in all cases where any notices, orders, accounts or other documents are required to be given to or served on or delivered to the owner or occupier of any premises to address the same to such owner or occupier (as the case may be) of the premises (naming them) in respect of which such notices, orders, accounts or other documents are to be given, served or delivered, without further name or description; and if required or authorized to be given, served or delivered under this Act, may be given, served or delivered by delivering the same or a true copy thereof to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier thereof, to some person on the premises, or, if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises; and they may also be served by sending the same through the post by registered letter, and such registered letter shall be deemed to have been received in the ordinary course of post as if there had been delivery thereof.

Service of notices, etc.

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

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

**183.** Subject to the express provisions of this Act proceedings under this Act against several persons included in one complaint shall not abate by reason of the death of any of the persons so included, but all such proceedings may be continued against the survivors or survivor as if such deceased person or persons had not been so included.

Proceedings not to abate by reason of death.

**184.** Whenever in any proceedings under this Act, whether written or otherwise, it shall become necessary to mention or refer to the owner of any premises, it shall be

Owner of premises need not be otherwise designated.

sufficient to designate him as the owner of such premises without name or further description.

Appeals.

**185.** Any person who deems himself aggrieved by any order made by a Magistrate under this Act may, subject to the provisions of the Magistrate's Code of Procedure Act relating to appeals, and save as otherwise provided in this Act, appeal therefrom to a Judge of the High Court.

Cap. 255.

Forms.  
Second Schedule.

**186.** The forms contained in the Second Schedule or any forms to the like effect, varied as circumstances may require, may be used for the purposes of this Act, and shall be sufficient for the purpose intended.

Saving.

**187.** Nothing in this Act contained shall be construed to take away, affect or diminish any right of action, or remedy by criminal proceeding, to which any person would be entitled in respect of any nuisance if this Act had not been passed.

Repeal.

**188.** The Acts set forth in the Sixth Schedule are hereby repealed:

Provided that—

Saving of  
subsidiary  
legislation.

(a) all subsidiary legislation made under any of the said repealed Acts shall remain in full force until repealed or replaced by regulations made by virtue of this Act or any other Act;

(b) (i) any reference in any of the said subsidiary legislation to the Central Board of Health or to the City Commissioners shall, unless the contrary intention appears, be construed to mean the Board or the members of the Board, as the case may be; and

(ii) every person holding office as a member of the Central Board of Health established and constituted under the Central Board of Health (Constitution and Temporary Powers) Ordinance, 1954, as amended, immediately before the commencement of this Act shall, until the expiration of the term of office for which he was appointed

---

or the termination of his appointment in any other manner mentioned in section 4, continue to be and to hold office as a member of the Board.

---

## FIRST SCHEDULE

## S. 3

All that area enclosed by an imaginary line commencing at a point on the coast where the road running West of Greenbay meets the sea and thence in a Southerly direction along the western side of this road to its junction with the road leading to Union Estate; continuing along the western side of the same road, in a southerly direction towards Cooks Estate, to a point marked by a concrete beacon situated where the said road to Cooks Estate reaches a valley running East and West; running from the said beacon and following the centre of the valley to another concrete beacon situated at Grays Hill; thence in an Easterly direction to a point marked with a beacon on the Bolans road immediately beyond Nut Grove: from this beacon in a north-easterly direction to a point on the All Saints road where the Bendals road joins a track which forms the existing boundary of Ottos Estate and along the said track to the Factory road; turning West at this junction and following the southern side of the Factory road to a point marked by a beacon at the boundary between Sunnyside paddock and St. Johnston Village; thence following the eastern boundary of the said paddock to the Parham road to a point opposite the track West of Bell Village; thence northwards along the eastern boundary of Gambles Estate to the north-eastern corner of the said Estate; thence West along the North boundary of Gambles Estate to the western side of Friars Hill road; thence North to the boundary between Friars Hill and Gambles; thence West along the said boundary to the Marble Hill road; thence in a southerly direction to a point where the said road turns West towards Fort James; and finally along the southern and western side of Fort James road to that point on the sea coast immediately West of the point where the said road turns South to Fort James.

---

## SECOND SCHEDULE

S. 186

## FORM A

*Form of Notice requiring abatement of nuisance*

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

Take notice that under the provisions of the Public Health Act, the Central Board of Health being satisfied of the existence at (describe premises where the nuisance exists) of a nuisance being (describe the nuisance) do hereby require you within (specify time) from the service of this notice to abate the same and to execute such works and do such things as may be necessary for that purpose, or and for that purpose to (specify any works to be executed) and the said Board do hereby require you within the said period to do what is necessary for preventing the recurrence of this nuisance, and for that purpose to \_\_\_\_\_ etc. (where the nuisance has been abated, but is likely to recur, say) being satisfied that at \_\_\_\_\_ etc. there existed recently, to wit, on or about the \_\_\_\_\_ day of \_\_\_\_\_ that although the said nuisance has since the last mentioned day been abated, the same is likely to recur at the said premises, do hereby require you within (specify time) to do what is necessary for preventing the recurrence of the nuisance and for that purpose to, etc.

If you make default in complying with the requisitions of this notice, or if the said nuisance though abated, is likely to recur, a summons will be issued requiring your attendance before a Magistrate to answer a complaint which will be made for the purpose of enforcing the abatement of the nuisance, or prohibiting the recurrence thereof, or both, and for recovering the costs and penalties that may be incurred thereby.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

## FORM B

*Form of Nuisance Order*

To \_\_\_\_\_ A.B. \_\_\_\_\_ of \_\_\_\_\_  
(or to the owner thereof) (describe premises) situated (insert such description of the situation as may be sufficient to identify the premises).

Whereas the said A.B. (or owner or occupier of the said premises within the meaning of the Public Health Act) has this

day appeared before me to answer the matter of a complaint made by \_\_\_\_\_ etc. that at \_\_\_\_\_ etc. (follow the words of the complaint in summons) (or in case the party charged do not appear, say) whereas it has now been proved to my satisfaction that a summons has been duly served according to the Public Health Act, requiring the said A.B. (or the owner or occupier of the said premises) to appear this day before me to answer the matter of a complaint made by \_\_\_\_\_ etc., that etc.

(Any of the following orders may be made or a combination of any of them as the case seems to require).

Now on proof here had before me that the nuisance so complained of does exist at the said premises (add, where the order is made on the person causing the nuisance) and that the same is caused by the act, default or sufferance of A.B. I, in pursuance of the Public Health Act, do order the said A.B. (or the said owner or occupier) within (specify the time) from the service of this order according to the said Act (here specify the nuisance to be abated and state any works to be executed).

And I, being satisfied that notwithstanding the said nuisance may be temporarily abated under this Order, the same is likely to recur, do therefore prohibit the said A.B. (or the said owner or occupier) from allowing the recurrence of the said or a like nuisance and for that purpose I direct the said A.B. (or the said owner or occupier) (here specify any works to be executed).

**Prohibition Order  
No.**

Now on proof here had before me that at or recently before the time of making the said complaint, to wit, on \_\_\_\_\_ the nuisance so complained of did exist at the said premises but that the same has since been abated (add where the nuisance order is made on the person causing the nuisance) and that the nuisance was caused by the act, default, or sufferance of A.B. yet notwithstanding such abatement, I, being satisfied that it is likely that the same or the like nuisance will recur at the said premises, do therefore prohibit (continue as in Prohibition Order No. 1).

**Prohibition Order  
No. 2.**

Now on proof here had before me that the nuisance is such as to render the dwelling house (describe the house) situated at \_\_\_\_\_ (insert such a description of the situation as may be sufficient to identify the dwelling house) unfit in my judgment for human habitation, I, in pursuance of the Public Health Act, do hereby prohibit the use of the said dwelling house for human habitation.

**Closing Order**

Dated this \_\_\_\_\_

day of \_\_\_\_\_

*Magistrate.*

## FORM C

*Form of Nuisance Order to be executed by the Board*

To:

The Central Board of Health

Whereas a complaint has been made by  
 that at a certain premises situated at  
 the following nuisance exists (describe the  
 nuisance).

And it has now been proved to my satisfaction that such  
 nuisance exists but that no owner or occupier of the premises or  
 person by whose act, default or sufferance the nuisance is caused,  
 is known or can be found (as the case may be): Now, I, in pur-  
 suance of the Public Health Act, do (continue as in any of the  
 orders in Form B with the substitution of the name Board for  
 that of A.B. or the owner or occupier).

Dated this \_\_\_\_\_ day of

*Magistrate.*

## THIRD SCHEDULE

S. 97

*Milk-Borne Diseases*

Enteric fever (including typhoid and paratyphoid fevers)  
 Dysentery  
 Diphtheria  
 Scarlet fever  
 Acute inflammation of the throat  
 Gastro-enteritis  
 Undulant fever.

## FOURTH SCHEDULE

S. 124

Baker

Barber, or any other similar trade or calling in which the person  
 employed necessarily comes in contact with other persons.

---

Boatman and stevedores or any boat carrying passengers or cargo.  
Boat-maker  
Butcher.  
Cook, or any trade or calling in which the person employed handles or comes in contact with articles of food or drink, drugs, medicines or tobacco in any form.  
Dairyman, or any situation or calling in which the person employed comes in contact with cows or other animals kept for the purpose of furnishing milk.  
Domestic Servant.  
Fishmonger.  
Makers for sale of baskets, mats, hats and other straw goods.  
Nurse.  
Tailor, dressmaker or any trade or calling in which the person employed manufactures, handles or comes in contact with wearing apparel.

---

FIFTH SCHEDULE

S. 137

*Offensive Trades*

Blood or offal boiling or treating  
Bone boiling or crushing  
Candle making, where tallow is rendered on the premises  
Chemical and acid making  
Fellmongering  
Slaughtering  
Soap boiling  
Tanning  
Gut scraping  
Glue making  
Manure manufacturing  
The collection of house and street refuse.

---

## SIXTH SCHEDULE

S. 188

No. and Year.	Short Title	Extent of repeal.
311874	Vaccination Act, 1874	The whole Act
1011874	Sale of Bread Act, 1874	”
611884	Sale of Milk Act, 1884	
511888	Act to prevent the spread of Infectious Diseases, 1888	”
211893	Parham Market Act, 1893	
1911895	City Improvement Act, 1895	”
7/1902	Country Health Ordinance, 1902	Sections 1, 2, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35
111907	St. John's City Ordinance, 1907	Sections 1, 2, 3, 4, 5, 18, 19, 23, 24, 26, 28, 29, 30, 30A, 31, 33
1411910	Closure of Cemeteries Ordinance, 1910	The whole Ordinance
2211922	St. John's City Ordinance, 1907, Amendment Ordinance, 1922	”
1411923	St. John's City (Amendment) Ordinance, 1923	
611926	Burial Grounds Ordinance, 1926	”
1411928	District Medical Officers (Government Fees Abolition) Ordinance, 1928	Section 3



SIXTH SCHEDULE (*contd*)

S. 188

No. and Year.	Short Title	Extent of repeal.
9/1921	Country Health Ordinance, 1902, Amendment Ordinance, 1921	The whole Ordinance
6/1934	Country Health (Amendment) Ordinance, 1934	”
6/1937	Vaccination (Amendment) Ordinance, 1937	”
15/1937	St. John's City (Amendment) Ordinance, 1937	”
4/1943	Country Health (Amendment) Ordinance, 1943	”
6/1947	St. John's City Council Ordinance, 1947	”
16/1947	St. John's City Council (Amendment) Ordinance, 1947	”
15/1954	Central Board of Health (Constitution and Temporary Powers) Ordinance, 1954	”
14/1955	Central Board of Health (Constitution and Temporary Powers) (Amendment) Ordinance, 1955.	”