

PUBLIC HEALTH ACT, 1989

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THE GAMBIA

No. 2 OF 1990.

Assented to by The President,

this Fourth day of June, 1990.

LS

D. K. JAWARA,
President.

AN ACT to make provision for public and environmental health and other matters connected therewith.

ENACTED by the Parliament of The Gambia.

Enactment.

27th June, 1990. |

1. This Act may be cited as the Public Health Act, 1989.

Short title.

Interpre-
tation

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

"Director" means the Director of Health Services;

"health Officer" include the Deputy Director of Health Services, Assistant Director of Preventive Services, a public health officer, a health superintendent, an officer of the cleansing services or other person acting under the authority of the Director;

"health services institution" includes hospitals, health centres, clinics, dispensaries, key villages and village health posts;

"Minister" means the Minister responsible for the administration of the Act;

"owner" used with reference to any lands or premises in respect of which any work is required to be done or costs to be paid, means the person for the time being entitled to receive, or who, if such lands or premises were let to a tenant, would be entitled to receive the rent from the occupier thereof, whether on his own account or as agent or trustee for any other person;

"premises" includes land whether open or closed, whether built on or not, whether public or private and whether or not maintained under any enactment, aircraft, ship, vessel, boat, hulk, barge,
(... illegible text...)

"works" includes the structural alteration of a building, or the removal or abatement of a nuisance.

Designation of health area

3. The Minister may by order published in the Gazette -

- (a) divide The Gambia into such areas as he may determine;
- (b) establish health and sanitation districts within any such area; and
- (c) assign such duties as may be necessary to any health officer.

Power and duties of Director.

4. (1) The Director shall be responsible for the promotion and preservation of health.

(2) Without prejudice to the generality of subsection (1) the duties of the Director shall include -

- (a) the prevention, treatment, limitation and suppression of disease and the conduct of investigations and enquiries into such disease;
- (b) the publication of reports; information and advice concerning public health;
- (c) the abatement of nuisances and the removal or correction of any condition that may be injurious to the public health;

- (d) the control of food in the interest of the public health;
- (e) the seizure and destruction of food that does not comply with the provisions of this Act or regulations made thereunder;
- (f) the protection of the public from fraud or deception in connection with food; and
- (g) the acceptance and administration of gifts of money or property donated for any purpose under this Act from individuals or organisations.

Discharge of duties of Director 5. (1) Except as the Director may otherwise direct, a health officer may discharge any of the duties of the Director and exercise such powers as may be conferred on him by the Director.

(2) Subject to subsection (1), a health officer may take such steps as may be necessary for the administration of the provisions of this Act or regulations made thereunder and for the purpose, may call upon any member of the Police Force to lend such assistance as may be necessary.

Establishment of health services institutions. 6. The Director may establish health services institutions in any area and the expenses of establishing and maintaining such institutions shall be defrayed out of monies voted for that purpose by Parliament.

Regulations

7. The Minister may make regulations with respect to
- (a) the maintenance of proper sanitary conditions of premises;
 - (b) the forms to be used for the purpose of this Act;
 - (c) the prevention, treatment, limitation and suppression of disease;
 - (d) the prevention of overcrowding in premises;
 - (e) the institution of measures for ensuring the purity of water supply;
 - (f) the prevention, abatement or removal of nuisances and insanitary conditions on premises;
 - (g) the collection; removal and sanitary disposal of rubbish, night-soil and other offending matter;
 - (h) the licensing of persons, places and institutions for the carrying on of any prescribed business or trade;
 - (i) the method of carrying on any offensive business or trade;
 - (j) the slaughtering of animals for use as food for human consumption;
 - (k) the keeping of domestic animals;
 - (l) the disposal of dead animals;
 - (m) the control and destruction of mosquitoes, termites and other insects, rodents and other vermin;
 - (n) the production and offering for sale of food for human consumption;
 - (o) the standards of identification, composition and quality of food offered for sale;
 - (p) the inspection and maintenance of hotels, boarding houses and other places of accommodation;

- (q) the inspection of place of business barbers; hairdressers, beauticians and persons carrying on such similar business;
- (r) the inspection and sanitary conditions of beaches and swimming pools in the interest of the public health;
- (s) the medical and dental examination and treatment of school children, the removing of such children from school and the closing of schools in the interest of the public health;
- (t) the internment of the dead, the entry of dead bodies into The Gambia and the inspection of establishments crematoria and other places used in connection with the preparation, transportation and disposal of dead bodies;
- (u) the notification and registration of births and deaths and the forms and manner of such notification and registration.
- (v) the control and use of public baths, washrooms and sanitary conveniences;
- (w) the proper management and administration of any health services institution that may be established under section 4 and the fees to be paid for the services provided at such institutions; and
- (x) the prohibition, regulation, prescription and punishment of such matters as may be necessary or advisable in the interest of public health.

Execution
of works

8. (1) Where it appears to the Director that in the public interest any works on premises are necessary, he may serve or cause to be served on the owner of such premises a notice in writing signed by the Director or any other person

authorised by him requiring the owner of such premises to execute such works as may be necessary.

(2) A notice may be served on the owner of premises by -

- (a) giving him the notice personally or;
- (b) addressing the notice by registered post to his last known address; or
- (c) affixing the notice in a conspicuous place on the premises; or
- (d) advertising the notice not less than twice in a local newspaper.

(3) A notice served under this section shall specify the works to be executed and the time after the expiry of which the Director may cause the works to be carried out in default of compliance with the notice.

(4) A person who is served with a notice or any other person who has an estate or interest in the premises to which the notice relates may, at any time before the expiration of the period specified in the notice, appeal to a judge in Chambers against the notice.

(5) An appeal under subsection (4) shall not prevent the Director or any health officer from entering any premises to which a notice relates to carry out such works as may be necessary or to abate a nuisance.

(6) No appeal shall lie from a decision of a judge in Chambers.

(7) Where at the expiration of the period specified in a notice or as may be directed by a judge, the works specified in the notice have not been executed the Director may cause such works to be carried out.

(8) Where the Director causes works to be carried out on premises under subsection (9), he may make good costs of such works and recover the cost of any damage in respect thereof with full cost of a suit from the owner of such premises.

(9) In any proceedings under subsection(8), the validity of the notice to which the proceedings relates may not be questioned.

Payment of
Costs

9. (1) Subject to section 7, where premises are in a dangerous state or are injurious to the health of any person, animal or plant, the Director may take possession of such premises and execute any works thereon that are reasonably necessary.

(2) The owner of premises upon which works are executed by the Director may, within thirty days after receipt of the demand for payment of costs incurred in the execution of the works, appeal to a judge in Chambers against such costs and the decision of the judge shall be final.

(3) Notwithstanding anything to the contrary, where a person fails to pay costs for works executed on his premises by the Director, the judge may make an order that his premises be sold by public auction for the recovery of the sums due.

(4) Where premises are sold by virtue of an order made under subsection (3), the proceeds obtained therefrom shall be applied -

- (a) to pay the costs incurred by the Director in the execution of works on any premises; and
- (b) to pay any costs that are incidental to the sale.

(5) The balance of money, if any, after the payment of costs shall be paid to the owner of the premises prior to the sale and where the owner cannot be found the Court may make such order in respect thereto as it may think fit.

Powers of
entry.

10. (1) The Director or any health officer may at all reasonable times enter any premises, using such reasonable force as may be necessary for the purpose of:

- (a) ascertaining whether any of the provisions of this Act or regulations made thereunder have been contravened;
- (b) ascertaining whether or not circumstance exist which would require the Director to take any action or execute any works in respect of such premises;
- (c) carrying out any works on such premises;
- (d) performing any of the duties conferred on the Director under this Act; and
- (e) generally inspecting any premises;

(2) Where a health officer enters premises, the owner of such premises may demand that the health officer produce his document of authorisation or identity card before doing anything on the premises.

(3) A document purporting to be signed by the Director shall be deemed to be authentic, unless the contrary is proved.

(4) A person who obstructs the Director or any health officer in the performance of his duties or exercise of any powers under this Act, commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand dalasis, and in default of payment to imprisonment for a term not exceeding six months.

Closure of
business

11. (1) No person shall operate a business or trade without a valid health certificate issued by the Director.

(2) Where:

(a) a person operates a business or trade without a valid health certificate as may be prescribed; or

(b) insanitary conditions exist in respect of any business or trade which may be injurious to the public health;

the Director or any health officer may, close such business or trade.

(3) A person whose business or trade has been closed for want of a valid health certificate may, subject to subsection (4) apply to the Director to be issued a certificate.

(4) Where the Director is satisfied that sanitary conditions have been restored in respect of a business or trade which has been closed, he shall make an order with such conditions as may be necessary allowing the business or trade to be resumed.

Unwholesome
food

12. (1) No person shall sell or distribute food which is unwholesome or unfit for human consumption, or is so infected or infested as to be likely to be unwholesome or unfit for human consumption.

(2) Any person who imports food into the Gambia shall present such food for inspection by a health officer at the port of entry.

(3) A health officer shall take samples of all imported foods, for purposes of laboratory analyses before such food is allowed into the Gambia.

Removal and
confinement
of infected
persons.

13. A health officer may cause any person suffering or suspected to be suffering from an infectious disease to be confined to a hospital or such similar institution for purposes of medical treatment until he can be discharged with safety to the public.

Restriction
on civil
proceedings

14. No civil proceeding of any kind whatsoever shall, without the written consent of the Attorney General be brought against any person for damages or compensation in respect of any action taken or to be taken under this Act to prevent the spread of any infectious disease.

Owner to
give infor-
mation.

15. (1) The owner of any premises shall, if required by a health officer or a police officer, give his name and address.

(2) An owner of premises who declines to give his name or mis-states his name and address commits an offence and shall be liable on conviction to a fine of two hundred dalasis, and in default of payment to imprisonment for a term not exceeding three months

Duties of
Police

16. Every police officer shall give information to a health officer of any offence which he knows or has reason to believe has been committed against this Act.

Health Officer
to have police
power.

17. A health officer shall, in the performance of his duties, be deemed to be a police officer and shall have all the powers and privileges of a police officer for the purpose of the execution of his duties under this Act.

Exemption
from
liability

18. Nothing done by the Director or a health officer shall subject that person to any action, liability, claim or demand if that thing was done bona fide for the purpose of carrying out any of the provisions of this Act or regulations made thereunder.

Offence

19. (1) A person who -
(a) assaults, resists, obstructs, intimidates or in any way interferes with;
(b) uses indecent, abusive or insulting languages to; or
(c) by any gratuity, bribe, promise or other inducement to a health officer prevents or attempts to prevent the performance of his duty, or any person acting under the authority of this Act, or regulations made thereunder commits an offence.

(2) A person who commits an offense under this Act or any regulations made thereunder shall be liable on conviction to a fine not exceeding two thousand dalasis or to a term of imprisonment not exceeding two years, or to both such fine and imprisonment.

Repeal and Savings.

20. (1) The Public Health Act is hereby repealed.

Cap 154

(2) Notwithstanding subsection (1) Regulations made under the Public Health Act, (Cap. 154) shall until repealed, continue to have force as if they were made under this Act.

PASSED in the House of Representatives this Eleventh day of December, in the year of Our Lord One Thousand Nine Hundred and Eighty-Nine

R. H. W. SOWE,
Clerk of the House of Representatives

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed the House of Representatives, and found by me to be a true and correct copy of the said Bill

R. H. W. SOWE,
Clerk of the House of Representatives.