

Ordonnance relative à la Santé Publique, 1936
(Le 14 mars 1936)

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Ordonnance relative à la Santé Publique, 1936

(Le 14 mars 1936)

Attendu que toutes matières touchant la Santé Publique dans l'Île de Guernesey ont été et sont de temps en temps réglées par Ordonnance de la Cour Royale:

VU aussi les dispositions de l'Article 4 de la Loi intitulée "Loi relative à la Santé Publique, 1934":

LA COUR, ouïes les conclusions des Officiers du Roi, par voie des Règlements suivants rédigés en anglais, a ordonné et ordonne:—

PART 1.

SHORT TITLE AND DEFINITIONS.

ARTICLE I.

1.—This Ordinance may be cited at the Public Health Short Title Ordinance, 1936.

2.—In this Ordinance, unless the context otherwise Definitions requires the following expressions have the meanings and application hereby respectively assigned to them:—

"Board" means the States Board of Health.

"Dwelling-house" includes any yard, garden, out-house, and appurtenances belonging thereto and usually enjoyed therewith.

"Master" means the person having the charge, management or control of any premises or part of any premises, and where the premises are wholly let out in separate tenements or are a lodging-house wholly or

partially let to lodgers, includes the person receiving the rent payable by the tenants or lodgers, either on his own account or as agent of another person.

“Medical Officer of Health” means the Medical Officer of Health appointed by the States and includes the Deputy or Acting Medical Officer of Health for the time being.

“Nuisance” shall have the several applications assigned to it in the Law intituled “Loi relative à la Santé Publique, 1934” sanctioned by an Order of His Majesty in Council registered on the Records of this Island on the 17th day of March, 1934.

“Occupier” includes any person in actual occupation of premises or land without regard to the title under which he occupies, and, in the case of premises subdivided and let to lodgers or various tenants, the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein.

“Owner” includes the person who is receiving or entitled to receive the rent of any premises or land, whether on his own account, or on behalf of himself and another or others, or as an agent or trustee, or who would so receive or be entitled to receive the rent if the premises or land were let.

“Person” includes a company, association or body of persons corporate or unincorporate.

“Premises” includes a building, vessel, tent, van, shed, structure or place, open or enclosed.

“Sanitary Authority” includes the Board, the Medical Officer of Health and the Constables of the several parishes of the Island acting within their respective parishes, and any of them.

“Sanitary Inspector” includes the Medical Officer of Health, every officer subordinate to him appointed by the Board to perform duties of inspection, and the Constables of the several parishes of the Island, acting within their respective parishes, and any of them.

“Sanitary installation” includes water-closets, urinals, earth-closets and sinks together with the structure comprising the same, and the drains, cesspools or other accommodation necessary for the proper disposal of sewage, slop and waste water.

“The Law” means the Law entitled “Loi relative à la Santé Publique, 1934”.

The $\left. \begin{array}{l} \text{singular} \\ \text{masculine} \end{array} \right\}$ includes the $\left\{ \begin{array}{l} \text{plural} \\ \text{feminine} \end{array} \right.$ and
vice versa.

PART 2.

NUISANCES.

ARTICLE II.

PROCEEDINGS AND PENALTY FOR CAUSING OR PERMITTING A NUISANCE.

1.—Any person who causes or permits —, Penalty

(a) any nuisance to exist;

(b) to pass into any sewer or into any drain connected therewith —

(i) any matter or substance by which the free flow of sewage or surface or storm water may be impeded or by which the sewer or drain may be injured;

(ii) any carbide of calcium, petrol or any product of petroleum which gives off an inflammable vapour;

shall be liable to a fine not exceeding Ten Pounds:

Provided that —

Firstly, where a person is summoned before any Court in respect of a nuisance arising from an accumulation or deposit, no penalty shall be imposed if it be proved to the satisfaction of the Court that the accumulation or deposit is necessary for the effectual carrying on of any business or manufacture, and 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 thereby to the public health;

Secondly, where a person is summoned before any Court in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, the Court shall hold that no nuisance is created within the meaning of the Law and of this Ordinance and dismiss the complaint if it is satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.

Nuisance
caused by
two or more
persons

2.—Where any nuisance appears to be wholly or partially caused by the acts or defaults of two or more persons, it shall be lawful for the Board to summon any one or more of such persons before the Court in respect of the nuisance; and any one or more of such persons, who, in the judgment of the Court, has, by his or their acts or defaults, contributed to the existence of the nuisance may be fined or otherwise punished under this Article, notwithstanding that the acts or defaults of any one of such persons would not separately have caused the nuisance.

ARTICLE III.

ABATEMENT OF NUISANCES.

Duty of
Board

1.—It shall be the duty of the Board to cause to be made from time to time inspection by one or more sanitary inspectors of such premises in this Island as may be necessary, in the opinion of the Board, in order to ascertain what nuisances exist calling for abatement, and to enforce the provisions of this Ordinance in order to abate such nuisances.

Provided that entry and inspection shall be made only between the hours of ten o'clock in the morning and six o'clock in the evening, except in the case of a nuisance arising in respect of any business, as regards which entry and inspection may be made, at any hour when that business is in progress or is usually carried on.

2.— Every sanitary inspector appointed by the Board and subordinate to the Medical Officer of Health, shall be furnished with a certificate of appointment, signed by the President or Acting President of the Board or by the Medical Officer of Health, stating that such sanitary inspector is authorised by the Board to enter on premises and to perform thereon the duties for which such entry is demanded or effected; and, on applying for admission to any premises for the purposes of this Ordinance, a sanitary inspector shall, if so required, produce his certificate to the occupier.

Sanitary
Inspector
to have
written
authority

3.— Where after entry on and examination of any premises or otherwise, the Sanitary Authority has ascertained that a nuisance exists, it may, if, in its opinion, the continued existence of the nuisance involves imminent danger to the public health and that the cost of abating the nuisance will not exceed £10, require the person liable so to do to abate the nuisance forthwith, and, in default of compliance with such requisition, the Sanitary Authority may itself cause the nuisance to be abated at the expense of the person liable in respect thereof.

Power of
sanitary
authority to
abate minor
nuisance

Where a nuisance has been abated by the Medical Officer of Health, he shall notify the Constables of the Parish concerned of the action taken, and, where a nuisance has been abated by the Constables of a Parish, they shall notify the Medical Officer of Health of the action taken.

4.—*

5.—*

* New Section 4 substituted for Sections 4 and 5 by the Public Health Ordinance, 1936, Amendment Ordinance, 1950.

Right of
Appeal
where cost
exceeds £10

6.— If in any case the cost of abating a nuisance will exceed ten pounds, any person aggrieved by the terms of a notice requiring the abatement of such nuisance may if the conditions specified in this section are fulfilled, appeal therefrom to the Royal Court sitting as an Ordinary Court, and may apply for an order that the notice be set aside or varied in such manner as to the Court shall seem just, and the order of the Court so obtained shall be final.

The conditions to be fulfilled for the purposes of this section are as follows:—

- (a) Notification in writing of intention to appeal shall, within three days after the date of the receipt of the notice, be delivered by the person intending to appeal therefrom to the Medical Officer of Health *or to the Sanitary Authority by whom the notice was served.**
- (b) The appeal shall be brought within seven days after the date of the service of the notice in respect of which the appeal is made, or, if within such period no sitting of the Ordinary Court be held, then at the sitting of the Ordinary Court next held after the expiration of that period.

In any case in which notification of intention to appeal has been delivered in accordance with the provisions of this section, no liability to penalty shall arise, nor shall any proceedings be taken or work be done by the Sanitary Authority under the notice until after the determination of such appeal, unless such appeal ceases to be prosecuted.

† It shall be the duty of any Sanitary Authority to whom a notification of intention to appeal as aforesaid is delivered to transmit the same forthwith to the Medical Officer of Health.

* Words in italics deleted by the Public Health Ordinance, 1936, Amendment Ordinance, 1950.

† This paragraph deleted by the Public Health Ordinance, 1936, Amendment Ordinance, 1950.

7.—Subject to the provisions of the foregoing section, where a person upon whom a notice to abate a nuisance has been served makes default in complying with any requisition contained in such notice within the time specified therein, or if the nuisance, although temporarily abated since the service of the notice is, in the opinion of the Medical Officer of Health, likely to recur on the same premises, the Board may summon such person to appear before the Ordinary Court, and if it shall appear to the Court that the person upon whom the notice was served is the person liable to abate the nuisance and that his default in so doing is wilful and without just cause, the person making such default shall be liable to a fine not exceeding £20, and the Court may make such further order as to the abatement and prohibition of recurrence of the nuisance as to the Court shall seem just. No appeal shall lie from the decision of the Ordinary Court.

Penalty for default in complying with notice to abate a nuisance

8.—If in any proceedings before the Ordinary Court in respect of default in complying with a requisition contained in a notice to abate a nuisance the Court shall have made

Penalty for failure to obey order of Court

- (a) an order directing the person so in default to comply with all or any of the requisitions contained in the notice, or otherwise to abate the nuisance in such manner and within such period as may be specified in the order, and to do any works necessary for that purpose; or
- (b) an order prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence; or
- (c) an order both requiring the abatement and prohibiting the recurrence; or
- (d) when the nuisance proved to exist is such as to render the premises, in the judgment of the Court, unfit for human habitation, an order prohibiting the use thereof for that purpose;

any person who fails to comply with such order of the Court shall be liable on conviction before the Royal Court

sitting as a Full Court to a fine not exceeding One hundred pounds, and the Court may make such further order as to the abatement and prevention of recurrence of the nuisance by the Sanitary Authority as to the Court shall seem expedient. No appeal shall lie from the decision of the Royal Court.

Liability for expenses of Sanitary Authority in abating a nuisance

9.—Where any person has failed to obey an order of the Court relating to the abatement or prevention of the recurrence of a nuisance, and in consequence of such failure the Sanitary Authority has abated the nuisance, such person shall, in addition to any penalty imposed by the Court in respect of his failure to obey such order, be liable for all the expenses incurred by the Sanitary Authority in abating or preventing the recurrence of the nuisance.

ARTICLE IV.

POWERS OF THE SANITARY AUTHORITY.

Requisition of Execution of necessary works. Closing Orders and Eviction Proceedings

1.—The Sanitary Authority is hereby empowered to require —

- (a) the execution of all such works and the doing of all such things as, in the circumstances of each case, may appear to the Sanitary Authority to be necessary for the abatement and the prevention of the recurrence of any nuisance: —
- (b) the evacuation, within such time and during such period as may be expedient, of any premises or any part thereof which, by reason of their condition, lack of sufficient sanitary installation or otherwise, are, in the opinion of the Sanitary Authority, unfit for occupation.

In any case in which the evacuation of any premises is required under this Ordinance, notice in writing to that effect shall be served by the Sanitary Authority on both the owner and the occupier of such premises. If the premises are not evacuated within the time specified in the notice or are re-occupied before the expiration of

the period specified in the notice, then, unless eviction proceedings at the instance of the owner of those premises or the execution of a judgment in pursuance thereof are or is still pending, the Sanitary Authority may take eviction proceedings against the occupier of those premises. The Sanitary Authority shall cite the owner to appear as a party to such proceedings, and the owner and occupier shall each be entitled to show cause why an eviction order should not be granted. The award of costs in the proceedings shall be in the discretion of the Court.

2.—If in any case a notice requiring the abatement of a nuisance has been duly served on the owner or occupier of the premises on which a nuisance exists, and there has been failure or delay in complying with any of the requisitions of such notice, or if such owner or occupier cannot be found, the Sanitary Authority is hereby empowered, subject to the provisions of this Ordinance, to enter on the premises and abate the nuisance at the expense of the person responsible for the existence thereof.

Execution
of work
left undone

ARTICLE V.

POWERS OF THE MEDICAL OFFICER OF HEALTH TO SPECIFY METHOD OF ABATING PARTICULAR NUISANCES.

The Medical Officer of Health, when specifying the steps required to be taken in order to abate or prevent the recurrence of a nuisance, is hereby further empowered to do or to require to be done such of the acts herein mentioned as may appear to him to be necessary according to the circumstances of each of the following cases, that is to say:—

Where it appears to the Medical Officer of Health that —

1.—Any premises or part of premises or any fixture or appliance therein —

Filthy or
verminous
premises

(a) are or is in such a filthy or unwholesome condition that the health of any person is, or is likely to be, affected or endangered thereby;

(b) are or is or contains any article infested with vermin;

the Medical Officer of Health may require such premises or part thereof, or such fixture, appliance or article therein, to be cleansed and purified within such time and by such means as he may prescribe; and for such purpose he may require, among other things, the removal of wallpaper or other covering on the walls, the white-washing or distempering of the walls and ceilings, the removal and repair or replacement of the floorboards, and the taking of such other steps as he may deem necessary for the destruction and extermination of vermin.

Foul ditches,
middens,
cesspools, etc.

2.—Any pool, ditch, gutter, watercourse, midden, privy, urinal, cesspool, drain or ashpit is so foul or in such a state as to be a nuisance or injurious to the public health, the Medical Officer of Health may require such pool, ditch, gutter, watercourse, midden or cesspool to be drained and the ground over or around such cesspool, drain or ashpit to be opened for the examination thereof; and the Medical Officer of Health may further require the cleansing and purifying of such pool, ditch, gutter, watercourse, midden, privy, urinal, cesspool, drain or ashpit within such time and by such means as he may prescribe, and the execution of such permanent or structural works as may appear to him to be necessary in order to abate and prevent the recurrence of the nuisance.

Overcrowding

3.—Any dwelling-house or part of a dwelling-house or any shop, factory, workshop or workplace is so overcrowded as to be dangerous or injurious to the health of the inmates thereof or the persons employed therein, the Medical Officer of Health may determine the maximum number of persons to be permitted to inhabit such house or part of such house, or to occupy or be

employed in such shop, factory, workshop or workplace; and the Medical Officer of Health may require the removal and exclusion therefrom of so many of the inmates or employees as are in excess of that number.

For the purposes of this section the following provisions shall have effect, that is to say:—

- (a) A dwelling-house or part of a dwelling-house shall not be deemed to be so overcrowded as to be dangerous or injurious to the health of the inmates thereof, if the number of cubic feet of space in any room therein bears to the number of persons inhabiting such room at any time between nine o'clock in the evening and six o'clock in the morning a proportion of not less than three hundred.
- (b) A shop, factory, workshop or workplace shall not be deemed to be so overcrowded as to be dangerous or injurious to the health of the persons employed therein, if the number of cubic feet of space in any room therein bears to the number of persons employed in the room a proportion of not less than two hundred and fifty.
- (c) In considering whether any dwelling-house or part of a dwelling-house which is used also as a shop, factory, workshop or workplace, or whether any shop, factory, workshop or workplace used also as a dwelling-house, is a nuisance by reason of overcrowding, the Medical Officer of Health shall have regard to the circumstances of such other user.

4.—Any occupied dwelling-house, or any shop, factory, workshop or other building occupied by persons for more than three hours at a time, is without a proper and sufficient supply of water, and that such supply of water can be furnished thereto at a cost not exceeding the water rate authorised by the Law relating to the supply of water by the States to the Inhabitants of this Island for the time being in force, the Medical Officer of Health

Insufficient
water supply

may require the owner of such house, shop, factory, workshop or other building to obtain such supply within a specified time, and to do all such works as may be necessary for that purpose.

Insufficient
or defective
sanitary
installation

5.—Any of the following premises, that is to say:—

- (a) any occupied dwelling-house;
- (b) any shop, factory, workshop or other building occupied by persons for more than three hours at a time;
- (c) any public hall, building certified for use for public meetings or public gatherings or refreshment house;

is not provided with a sufficient and suitable sanitary installation, having regard to the number of persons who may at any one time occupy or be present in such premises, the Medical Officer of Health may determine the extent and character of the sanitary installation requisite as regards such premises, and may require the owner thereof to make such alterations and additions thereto as may be necessary, and to provide and install in connection therewith within such time as the Medical Officer of Health may specify, a sanitary installation of such extent and character.

Shops, fac-
tories, &c.,
unclean or in-
sufficiently
ventilated

6.—Any shop, factory, workshop or workplace is not kept in such a cleanly state, or is not ventilated in such a manner, as to render harmless as far as practicable any gases, vapours, dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, the Medical Officer of Health may require, among other things—

- (a) the inside walls, ceilings or tops of rooms (whether such walls, ceilings or tops are plastered or not) and the passages and staircases to be cleansed and purified and varnished, limewashed or distempered;
- (b) the provision of additional, or the enlargement of existing, windows, louvres or other means of ventilation;

- (c) the provision and installation and use of a fan or fans or other mechanical means of ventilation, together with the mechanism necessary to work the same.

7.—Any cistern used for the supply of water for domestic purposes is so placed, constructed or kept as to render the water therein liable to contamination, and thereby to cause, or be likely to cause, risk to health, the Medical Officer may require the cistern to be—

Contamina-
tion of water
cistern

- (a) drained, cleaned and purified; and
(b) removed to such place, reconstructed, altered and thereafter kept in such manner and in such condition as to the Medical Officer of Health may appear necessary in order to avoid the risk of contamination.

8.—Any well, spring or stream the water from which is used for domestic purposes or for watering milch cows or in connection with any dairy or other place where the preparation or treatment of any article of food for human consumption is undertaken, is contaminated or is likely to become contaminated, thereby causing or being likely to cause risk to health, the Medical Officer of Health may require such work as may be necessary and practicable to be undertaken for the purpose of purifying the water in such well, spring or stream and of avoiding the contamination thereof and if, in the opinion of the Medical Officer of Health, the purification and avoidance of contamination thereof is impossible or impracticable, he may require that the water from such well, spring or stream be no longer used for any of the purposes aforesaid and that the well, spring or stream be rendered inaccessible for use as aforesaid and that an alternative supply of water be provided.

Contamina-
tion of well,
spring or
stream

9.—Nothing contained in this Article shall be deemed to limit or in any way affect the right of appeal conferred under the provisions of Section 6 of Article III. of this Ordinance.

Saving Right
of Appeal

PART 3.

INFECTIOUS AND CONTAGIOUS DISEASES.

ARTICLE VI.

DEFINITION OF INFECTIOUS AND CONTAGIOUS DISEASES.

The following are diseases liable to be dealt with under this Ordinance:—

Cerebro Spinal Fever.
Cholera.
Diphtheria.
Dysentery.
Encephalitis Lethargica.
Typhus.
Typhoid Fever.
Para Typhoid Fever.
Relapsing Fever.
Continued Fever.
Plague.
Acute Poliomyelitis.
Acute polioencephalitis.
Scarlet Fever.
Small Pox.
*Ophthalmia Neonatorum.
*Puerperal Septicaemia.
*Puerperal Sepsis.
*Tuberculosis.
*Scabies. †

Provided that with regard to the five diseases marked with an asterisk, only Article VII. of this Part of this Ordinance shall apply.

† Asterisk deleted and additions made to list by The Public Health Amendment Ordinance, 1949.

In any case in which any of such five diseases is present or suspected, the Medical Officer of Health shall take such steps as, in his opinion, are necessary in order to prevent the spreading thereof.

ARTICLE VIi.

NOTIFICATION OF DISEASE.

1.—Where an inmate of any premises used for human habitation is suffering from an infectious or contagious disease, the following provisions shall have effect, that is to say:—

- (a) the head of the family to which such inmate (in this Ordinance referred to as the patient) belongs, and, in his default, the nearest relatives of the patient present in the premises, or being in attendance on the patient, and in default of such relatives, every person in charge of or in attendance on the patient, and in default of any such person, the master of the premises, shall, as soon as he becomes aware that the patient is suffering from an infectious or contagious disease, send notice thereof to the Medical Officer of Health.
- (b) every medical practitioner attending on or called in to visit the patient shall forthwith, on becoming aware that the patient is suffering from an infectious or contagious disease, send to the Medical Officer of Health a certificate stating:
- (i) the name of the patient;
 - (ii) the situation of the premises;
 - (iii) the disease from which, in the opinion of the medical practitioner, the patient is suffering.

2.—Every person required by the foregoing section to give notice or send a certificate who fails so to do shall be liable to a fine not exceeding £5.

Provided that, if a person is not required to give notice in the first instance, but only in default of some other person, he shall not be liable to any fine if he

satisfies the Court that he had reasonable cause to believe that the notice had been duly given.

Certificate
Payment for

3.—The Board shall pay to the medical practitioner the sum of one shilling and sixpence in respect of each certificate sent by him to the Medical Officer of Health under this Article.

ARTICLE VIII.

PREVENTION OF SPREAD OF INFECTION.

Powers of
M.O.H.:
Isolation of
patient

1.—On the receipt of a certificate from a medical practitioner or other notification that any person is suffering from an infectious or contagious disease, the Medical Officer of Health may enter and inspect the premises in which the patient resides, and may order the patient to be isolated therein; or, if in the opinion of the Medical Officer of Health, the premises are such that adequate precautions to prevent the spread of infection cannot be taken therein, he may order the patient to be removed therefrom forthwith, or within such time as he may specify, and conveyed to an isolation hospital or other suitable place at the expense of the States.

Disinfection
of premises

2.—(a) Where on examination of any premises or part of premises, or otherwise, it appears to the Medical Officer of Health that the cleansing and disinfecting thereof and of any articles therein likely to retain infection, or the destruction of those articles, would tend to prevent or check the spread of infection, the Medical Officer of Health may require that the premises or part thereof shall be cleansed and disinfected and that the articles therein shall be cleansed and disinfected or destroyed by a sanitary inspector under the supervision of the Medical Officer of Health, and at the cost of the States.

Compensa-
tion for
articles
destroyed

(b) In any case in which the Medical Officer of Health has required the destruction of any article under this section, the Board, on proof of the destruction of the article, is hereby authorised to pay to the owner thereof such compensation for the loss thereof as to the Board

shall seem just. In the event of a dispute arising as to the value of such article such dispute shall be settled by arbitration before the Police Court Magistrate, whose decision thereon shall be final.

3.—Where it appears to the Medical Officer of Health that any person has come in contact with a patient suffering from an infectious or contagious disease, or that any person who resides in the premises occupied by the patient is likely to become infected, the Medical Officer of Health may require such person to be isolated and examined by a medical practitioner, and to remain in his home or in such premises until a medical practitioner shall certify him to be free from infection.

4.—Every medical practitioner having the care (whether in a hospital or elsewhere) of a patient shall, as soon as he has reason to believe that the patient is no longer infectious or contagious, give notice to that effect to the Medical Officer of Health, and if the Medical Officer of Health is satisfied that the isolation of the patient is no longer necessary, and that the premises (other than a hospital) in which the patient has resided during any period of infection, and all such articles therein as may have been infected, have been adequately disinfected or (as regards the articles) destroyed, the Medical Officer of Health or, in the case of a patient who has been isolated elsewhere than in an isolation hospital, the medical practitioner who has been attending the patient, may thereupon issue to the patient, or to the parent or guardian of such patient, a certificate stating that the patient is no longer required to be isolated.

5.—If any person who has been ordered to be isolated leaves, or, in the case of a person under the age of sixteen, if any person having the charge of such person, permits him to leave, an isolation hospital or other place in which he has been isolated, without having in his possession a certificate signed by the Medical Officer of Health or, in the case of a person who has been isolated elsewhere than in an isolation hospital, by the medical

practitioner who has been attending that person, entitling him so to do, that person so leaving or permitting a person under the age of sixteen to leave, shall be liable to a fine not exceeding £10.

Penalty for
permitting
infected
pupil to
attend
school

6.—If any person knowingly permits—

(a) a pupil who is suffering from an infectious or contagious disease, or

(b) a pupil who is residing in premises infected with an infectious or contagious disease, as regards whom a certificate stating that he is free from infection has not been obtained from a medical practitioner,—

to attend any school, such person shall be liable to a fine not exceeding £10.

Penalty on
Schoolmaster

7.—If any person, having the charge of a public or private school, knowingly permits any pupil, master or mistress who resides in any premises infected with an infectious or contagious disease to attend such school, such person shall, unless before so doing he has obtained from a medical practitioner a certificate stating that such pupil, master or mistress is free from infection, be liable to a fine not exceeding £10.

Inspection
of Schools

8.—The Medical Officer of Health is hereby empowered from time to time to enter any public or private school and to examine any pupil therein in order to ascertain if any such pupil is suffering from an infectious or contagious disease, and to require such measures to be taken by the person in charge of the school as, in the opinion of the Medical Officer of Health, are necessary in order to prevent the spread of infection.

PART 4.

ARTICLE IX.

INSPECTION OF FOOD, FARMS AND DAIRIES.

Powers of
M.O.H. to
inspect and
condemn
food

1.—The Medical Officer of Health is hereby empowered to inspect and examine, at all reasonable times, all articles intended for human consumption which are sold or exposed for sale or deposited in any place for the purpose

of sale or of preparation for sale, and if any such article appears to the Medical Officer of Health to be diseased or unsound or unwholesome or unfit for human consumption or otherwise harmful to the public health, he may seize and confiscate the same and order the destruction or other disposal thereof, so as to prevent such article from being exposed for sale or used for human consumption; and if the person to whom such article belongs, or did belong at the time of such inspection or examination, or in whose possession or on whose premises such article was found, does not destroy or dispose of such article within the time and in the manner specified by the Medical Officer of Health, such person shall be liable for all expenses incurred by the Sanitary Authority in connection with the destruction or other disposal of such article.

Provided that such person shall, if he so request, be permitted, before any article is so destroyed or otherwise disposed of, to cause the same to be examined within a reasonable time, by a witness or witnesses on his behalf. And the Board shall be liable to pay compensation in respect of any articles destroyed or rendered unfit for human consumption by reason of an order of the Medical Officer of Health mistakenly given under the provisions of this Section.

2.—(a) A Sanitary Inspector is hereby empowered to enter and inspect any farm building, stable or other building in which cows or goats are milked and any premises on which the cattle or goats are kept, and any dairy, shop or other place in which milk, butter or other dairy produce is kept, treated, processed, prepared, blended, sold, or offered for sale, and to examine any utensil used for the reception, storage, treatment, processing, preparation, blending or transport of milk or other dairy produce, and the Medical Officer of Health is hereby empowered to require all such steps to be taken in respect of the premises and of the utensils and the contents thereof as, in his opinion, may be necessary in order to safeguard health.

Inspection
of farms
and
dairies

Certificate of
M.O.H. to
Constables
and service
by
Constables
of Notice

(b) Where the Medical Officer of Health requires any step to be taken to safeguard health as regards any of the premises or utensils mentioned in the last subsection, he shall issue to the Constables of the Parish in which the premises are situated a certificate specifying the step required by him to be taken in relation thereto and the reasons for the same and thereupon the Constables of that parish shall proceed as nearly as may be in accordance with the provisions of Section 5 of Article III. of this Ordinance.

Right of
Appeal

(c) An appeal shall lie from the requirements of any notice served under this section in the same way, to the same extent and upon the same conditions as are specified in Section 6 of Article III. of this Ordinance with regard to an appeal from the terms of a notice requiring the abatement of a nuisance and the provisions of Sections 7, 8 and 9 of that Article shall apply in relation to the subject matter of this section in the same manner, as nearly as may be, as they apply respectively as regards default in complying with a requisition contained in a notice to abate a nuisance or failure to comply with an Order of the Court made in any proceedings in respect of default in complying with any such requisition.

PART 5.

EMERGENCY POWERS AND MISCELLANEOUS.

ARTICLE X.

POWERS IN CASE OF EMERGENCY SO DECLARED.

Declaration
of
Emergency.
Powers of
Sanitary
Authority in
Emergency

1.—(a) If, in the opinion of the Board, there should at any time arise an emergency rendering necessary or expedient the taking of measures in the interests of the health of the public or any section thereof which are beyond the powers of the Sanitary Authority to take under this or any other enactment for the time being in force (other than this Article), the Board may apply to

the Royal Court sitting as an Ordinary Court or as a Full Court for a declaration that a state of emergency exists in regard to the public health and, upon the Royal Court making such a declaration and until such declaration has been revoked, the Sanitary Authority is hereby empowered to do all such things and to issue all such orders as may appear to the Sanitary Authority to be necessary or expedient in the circumstances.

(b) Any such declaration, if made by the Ordinary Court, shall cease to be operative unless confirmed by the Royal Court sitting as a Full Court not later than ten days after the making of such declaration.

(c) It shall be the duty of the Board to report to the Royal Court sitting as a Full Court upon the cessation of any such emergency and the Royal Court may thereupon revoke any declaration in regard thereto then operative.

2.—If, during the period of operation of any such declaration, any person shall wilfully hinder or obstruct the doing of any act or thing done or ordered to be done by the Sanitary Authority or shall wilfully disobey any order given to him by the Sanitary Authority, he shall be liable to a fine not exceeding £100.

3.—No appeal shall lie against any order given by the Sanitary Authority during the period of operation of any such declaration but the remedy of any person claiming to be aggrieved or to have suffered hardship by reason of having been compelled under this Article to comply with any such order shall be by way of petition to the Royal Court sitting as a Full Court and the Royal Court is hereby empowered, after hearing representations on behalf of the petitioner and of the Board and of the States Board of Administration in the matter, to make such award as in the opinion of the Royal Court is just and equitable. No appeal shall lie against the decision of the Royal Court.

Hindrance,
obstruction,
and disobe-
dience
during
emergency

Remedy of
aggrieved
person

ARTICLE XI.

MISCELLANEOUS.

Cost of transport to and treatment in isolation hospital

1.—The cost of transport to, and of maintenance and treatment in, an isolation hospital of a patient sent to such hospital by the order of the Medical Officer of Health, as provided in Part 3 of this Ordinance, shall be borne by the States.

Provided that any patient, or the person having the charge of any patient may, if he so desires, himself defray such costs.

Poverty of person required to abate nuisance

2.—Where the owner or occupier of any premises or part thereof is, from poverty or otherwise, unable, in the opinion of the Board, effectually to carry out the requirements of the Medical Officer of Health in respect of the abatement of a nuisance or the prevention of the spread of infection, the Board may, without enforcing such requirements on such owner or such occupier, abate the nuisance or disinfect the premises or part thereof and the articles therein, and defray the expense of so doing.

Failure of Constables to serve notice

3.—In any case where the Medical Officer of Health has certified to the Constables of a parish his requisitions in respect of the abatement of a nuisance, and the Constables neglect for more than 48 hours after the receipt of the certificate of the Medical Officer of Health to serve any notice in respect thereof required in this Ordinance to be served by them, the Medical Officer of Health is hereby empowered to serve such notice.

Penalty for letting infected rooms, &c.

4.—Any person who knowingly lets for hire any dwelling-house, room or part of a house in which any person has been suffering from an infectious or contagious disease, unless such house, room or part of a house and all articles therein liable to retain infection, have been disinfected to the satisfaction of the Medical Officer of Health, as testified by a certificate signed by him, shall be liable to a penalty not exceeding £25.

5.—Any person who knowingly conveys any person in any vehicle after that vehicle has been used for the conveyance of a person who is suffering from an infectious or contagious disease, unless that vehicle and all articles therein liable to retain infection have been disinfected to the satisfaction of the Medical Officer of Health, shall be liable to a penalty not exceeding £10.

Penalty
for using
infected
vehicle

6.—Whenever in any proceeding under the provisions of this Ordinance, it becomes necessary, whether in writing or otherwise, to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the “owner” or “occupier” of such premises, without name or further description.

Designation
of owner
and occupier

7.—Any person who enters an isolation or other hospital in which a person suffering from an infectious or contagious disease is confined, without the permission of the Medical Officer of Health first obtained, shall be liable to a fine not exceeding £10.

Penalty for
unauthorised
entry into
isolation
hospital

8.—All powers given by this Ordinance shall be in addition to and not in derogation from any other powers conferred by the Order in Council entitled “Loi relative à la Santé Publique, 1934” registered on the Records of this Island on the 17th March 1934; and nothing in this Ordinance shall exempt any person from any penalty to which he may become liable under the Order in Council aforesaid, but so that a person shall not be punished twice for the same offence.

Powers to be
additional

PART 6.

PENALTIES AND REPEALS.

ARTICLE XII.

PENALTIES.

Unless otherwise provided in this Ordinance:—

1.—Any person who wilfully hinders or obstructs any sanitary inspector in the execution of his duties under this Ordinance shall be liable to a fine not exceeding £5.

Hindrance or
obstruction

Wilful
disobedience

2.—Any person who wilfully disobeys any order duly given under this Ordinance by the Sanitary Authority shall be liable to a fine not exceeding £10.

ARTICLE XIII.

REPEALS.

The Ordinances specified in the Second Schedule to this Ordinance are hereby repealed.

Provided that such repeal shall not affect any penalty, forfeiture or punishment incurred in respect of any contravention of any Ordinance so repealed nor any investigation, legal proceedings or remedy in respect of any such penalty, forfeiture or punishment, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Ordinance had not been passed.

SCHEDULE I.

FORM OF NOTICE REQUIRING ABATEMENT OF NUISANCE

To (Owner or occupier of the premises on which the nuisance exists, as the case may be).

Take notice that under the provisions of the Public Health Ordinance, 1936, the Medical Officer of Health, being satisfied of the existence of a nuisance at (describe premises where nuisance exists) arising from (describe cause of nuisance) hereby requires you within days from the service of this notice to abate the same and for that purpose to (state the things required to be done or works to be executed).

If you make default in complying with the requisitions of this notice, or if the said nuisance, although abated, is likely to recur, a summons may be issued requiring your attendance to answer a complaint which may be made to the Royal Court for enforcing the abatement of the nuisance, and prohibiting a recurrence thereof, and

for recovering the costs and penalties that may be incurred thereby.

Dated this day of 19

Signature

*Constable of the parish of.....

Guernsey.

NOTE.—(a) If the cost of executing the works set out in the above notice will exceed £10, you are entitled to appeal to the Royal Court sitting as an Ordinary Court against the requirements contained in the above notice.

Provided that:—

1.—Within 3 days after the receipt hereof you deliver to me, or to the Medical Officer of Health, The Grange, St. Peter-Port, a notification in writing of your intention to appeal herefrom; and

2.—The appeal be brought before the Ordinary Court within seven days after the receipt hereof, or, if within that period no sitting of the Ordinary Court be held, then at the next sitting of the Ordinary Court.

(b) This notice does not exempt you from the necessity of obtaining permission from the Constables and Douzaine, the Construction of Houses Committee or the Natural Beauties Committee, in cases where such permission is necessary to carry out the requirements of this notice.

SCHEDULE II.

ORDINANCES REPEALED.

Les dispositions restant encore en vigueur des Ordonnances par rapport à la Santé Publique et aux Mesures et Règlements Sanitaires passées le: —

28 octobre 1848

5 février 1850

†9 février 1850

30 septembre 1850

20 janvier 1851

28 avril 1851

6 octobre 1851

19 janvier 1852

Tome III
du Recueil
d'Ordonnances

*“ Medical Officer of Health ” substituted by the Public Health Ordinance, 1936, Amendment Ordinance, 1950.

†“ 8 avril 1850 ” substituted by the Public Health Amendment Ordinance, 1940

3 octobre 1853

2 octobre 1854

5 octobre 1857

1 octobre 1860.

- Tome IV
p. 62 L'Ordonnance Provisoire concernant la Salubrité Publique de la Ville et Paroisse de St. Pierre Port passée le 1er octobre 1866.
- Tome IV
p. 341 L'Ordonnance concernant la Salubrité Publique des paroisses du Castel, de Saint Sauveur, de Saint Pierre du Bois, de Torteval, de la Forêt, de Saint Martin et de Saint André passée le 30 septembre 1895.
- Tome IV
p. 375 L'Ordonnance concernant la Salubrité Publique dans les paroisses de Saint Samson et du Valle passée le 5 octobre 1896.
- Tome IV
p. 376 L'Ordonnance supplémentaire concernant la Salubrité Publique passée le 5 octobre 1896.
- Tome IV
p. 387 L'Ordonnance concernant la Salubrité Publique passée le 18 janvier 1897.
- Tome V
p. 135 L'Ordonnance relative aux Maladies Contagieuses passée le 18 mars 1904.
- Tome V
p. 199 L'Ordonnance relative aux Maladies Contagieuses passée le 19 avril 1909.
- Tome VI
p. 51 L'Ordonnance relative à la Gale rendue permanente le 18 janvier 1932.
- Tome VI
p. 52 L'Ordonnance supplémentaire aux Ordonnances concernant la Salubrité Publique rendue permanente le 18 janvier 1932.
- Tome VI
p. 115 L'Ordonnance relative à la Salubrité Publique rendue permanente le 18 janvier 1932.
- Tome VI
p. 117 L'Ordonnance supplémentaire à l'Ordonnance relative aux Maladies Contagieuses rendue permanente le 18 janvier 1932.
- Tome VI
p. 118 L'Ordonnance supplémentaire à l'Ordonnance relative aux Maladies Contagieuses rendue permanente le 18 janvier 1932.