

ORDINANCE

OF THE STATES OF DELIBERATION

ENTITLED

The Public Health Ordinance, 1936 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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Recueil d'Ordonnances Tome VIII, p. 316; as amended by the: Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); Civil Contingencies (Bailiwick of Guernsey) Law, 2012 (No. XIV of 2012); Parochial Administration (Miscellaneous Amendments) Law, 2014 (No. VI of 2015); Ordonnance provisoire supplémentaire à l'Ordonnance provisoire relative à la Santé Publique, 1936 (No. XVI of 1936); Public Health Amendment Ordinance, 1949 (Recueil d'Ordonnances Tome X, p. 35); Public Health Ordinance, 1936, Amendment Ordinance, 1950 (Recueil d'Ordonnances Tome X, p. 61); Public Health (Amendment) Ordinance, 1963 (Recueil d'Ordonnances Tome XIII, p. 264); Public Health (Amendment) Ordinance, 1967 (Recueil d'Ordonnances Tome XV, p. 239); Public Health (Amendment) Ordinance, 1968 (Recueil d'Ordonnances Tome XV, p. 387); Public Health (Amendment) Ordinance, 1973 (Recueil d'Ordonnances Tome XIX, p. 91); Food and Drugs (Food Hygiene) Ordinance, 1975 (Recueil d'Ordonnances Tome XX, p. 163); Public Health and Related Offences (Increase in Fines) Ordinance, 1986 (Recueil d'Ordonnances Tome XXIII, p. 427); Public Health (Amendment) Ordinance, 1998 (No. XVIII of 1998, Recueil d'Ordonnances Tome XXVIII, p. 80); Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); Machinery of Government (Transfer of Functions) (Guernsey) (No. 2) Ordinance, 2006 (No. XXXVIII of 2006, Recueil d'Ordonnances Tome XXXI, p. 618); Public Health (Amendment) Ordinance, 2010 (No. XLI of 2010); Public Health (Amendment) Ordinance, 2014 (No. XLII of 2014); Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016 (No. XXI of 2016). This Ordinance is applied to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948 (Recueil d'Ordonnances Tome IX, p. 280); and to the Islands of Herm and Jethou by the Public Health (Amendment) Ordinance, 1963 (Recueil d'Ordonnances Tome XIII, p. 264). See also the: Reform (Guernsey) Law, 1948 (Ordres en Conseil Vol. XIII, p. 288); Magistrate's Court (Guernsey) Law, 1954 (Ordres en Conseil Vol. XVI, p. 103); States Civil Service Board (Implementation) Law, 1964 (Ordres en Conseil Vol. XIX, p. 213); Magistrate's Court (Guernsey) Law, 2008 (No. XVIII of 2009). This Ordinance is prospectively amended by the Housing (Standards, Landlord Registration and HMO Licensing) (Guernsey) Ordinance, 2025 (No. ** of 2025).

**ORDINANCE
OF THE STATES OF DELIBERATION**

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The Public Health Ordinance, 1936

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(Made on 14th March, 1936.)

The Public Health Ordinance, 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

Short Title.

1. This Ordinance may be cited as the Public Health Ordinance, 1936.

NOTES

The Ordinance is applied to Alderney by the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, with effect from 1st January, 1949, subject to the exceptions, adaptations and modifications set out in the First Schedule to the 1948 Ordinance.

In its application to the Island of Alderney, the Ordinance is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

Certain references in this Ordinance shall have effect in accordance with the

provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 3, with effect from 1st January, 1949.

The following case has referred to this Ordinance:

States Board of Health v. Gaudion (1989) 8.GLJ.42.

In accordance with the provisions of the Public Health (Amendment) Ordinance, 1963, section 2, with effect from 27th March, 1963, this Ordinance, being made under the Loi relative à la Santé Publique, 1934, shall have effect in the Islands of Herm and Jethou in all respects as if those Islands formed part of the parish of Saint Peter Port.

In accordance with the provisions of the Reform (Guernsey) Law, 1948, Article 70(3), with effect from 1st January, 1950, this formerly Provisional Ordinance of the Royal Court became a Permanent Ordinance of the States.

In the printed version of this enactment, the Ordinance is styled the "Ordonnance relative à la Santé Publique, 1936".

In the printed version of this enactment, certain entries in the Table of Contents ("Arrangement of Articles") are shown, incorrectly, in slightly different form from that in which they appear here.

Definitions.

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

—

["**Authorised officer**" means a person authorised in writing by the [Committee] to act for the purposes of the Law either generally, in matters of specified kinds, or in any specified matter,]

"[**Committee**]" means the States [Committee for Health & Social Care],

"**Dwelling-house**" includes any yard, garden, outhouse, 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 [Committee] [and the Medical Officer of Health; and for the avoidance of doubt the powers of the Sanitary Authority under this Ordinance may be exercised by those persons jointly or independently,]

"Sanitary Inspector" includes the Medical Officer of Health, every officer subordinate to him appointed by [the Board] to perform duties of inspection, [and an authorised officer; and for the avoidance of doubt the powers of a Sanitary Inspector under this Ordinance may be exercised by those persons jointly or independently,]

"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" [and includes all amendments thereto together with this and all other Ordinances made thereunder],

	singular		plural	
The		includes the		and vice versa.
	masculine		feminine	

NOTES

In section 2 of Article I,

the definition of the expression "Authorised officer" was inserted by the Public Health (Amendment) Ordinance, 1998, section 1(a)(i), with effect from 1st October, 1999;

the words, first, "Committee" and, second, "Committee for Health & Social Care" in square brackets in the definition of the expression

"Committee" and, third, the word "Committee" in square brackets wherever else occurring were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 6, section 2, Schedule 1, paragraph 5 and section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016;¹

the words in, first, the second pair of square brackets in the definition of the expression "Sanitary Authority" and, second, the second pair of square brackets in the definition of the expression "Sanitary Inspector" were substituted by the Parochial Administration (Miscellaneous Amendments) Law, 2014, respectively section 2(a)(i) and section 2(a)(ii), with effect from 1st September, 2015;²

the words in square brackets in the definition of the expression "The Law" were inserted by the Public Health (Amendment) Ordinance, 1998, section 1(a)(iii), with effect from 1st October, 1999.

The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of these Regulations were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.³

In its application to the Island of Alderney, section 2 of Article I is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

In accordance with the provisions of, first, the States Civil Service Board (Implementation) Law, 1964, section 1, Schedule, Part II, paragraph (h)(ii), with effect from 28th May, 1964 and, second, the Appointments to the States Established Staff (Guernsey) Law, 1985 (as first amended and subsequently repealed by, respectively, the Appointments Board (Repeal) (Guernsey) Law, 2000 and the Appointments to the States Established Staff (Guernsey) (Repeal) Law, 2004), the reference to "the States" in the definition of the expression "Medical Officer of Health" in the Loi relative à la Santé Publique, 1934 (the "principal Law") was, first, substituted by a reference to the "States Board of Administration" and, second, the functions of the said States Board of Administration were transferred to the States Civil Service Board; the reference to the States Civil Service Board was subsequently substituted by a reference to the States Policy Council by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 12(a), with effect from 6th May, 2004. The functions, rights and liabilities of the Civil Service Board and of its President arising under or by virtue of the principal Law were transferred to and vested in, respectively, the Policy Council and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 12(a), with effect from 6th May, 2004, subject to the

savings and transitional provisions in section 4 of the 2003 Ordinance. Accordingly, the Medical Officer of Health is in practice, and in accordance with the terms of the principal Law, appointed by the States Policy Council.

In accordance with the provisions of, first, the States Civil Service Board (Implementation) Law, 1964, section 1, Schedule, Part II, paragraph (h)(i), with effect from 28th May, 1964, second, the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 12(a), with effect from 6th May, 2004 and, third, the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016 the reference to "the Board" in the definition of the expression "sanitary inspector" in the Loi relative à la Santé Publique, 1934 (the "principal Law") was substituted by a reference to, first, the "States Civil Service Board", second, the "States Policy Council" and, third, the "States Policy & Resources Committee". The functions, rights and liabilities of the Civil Service Board and of its President arising under or by virtue of the principal Law were transferred to and vested in, respectively, the Policy Council and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 12(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions, rights and liabilities of the Policy Council and of its Minister arising under or by virtue of the principal Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance. Accordingly, sanitary inspectors are in practice, and in accordance with the terms of the principal Law, appointed by the States Policy & Resources Committee.

PART 2

NUISANCES

ARTICLE II

PROCEEDINGS AND PENALTY FOR CAUSING OR PERMITTING A NUISANCE

Penalty.

1. Any person who causes or permits –
 - (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 [level 2 on the uniform scale]:

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.

NOTE

In section 1 of Article II, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.⁴

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 [Committee] 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.

NOTES

In section 2 of Article II, the word in square brackets was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

In its application to the Island of Alderney, section 2 of Article II is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

ARTICLE III

ABATEMENT OF NUISANCES

Duty of [Committee].

1. It shall be the duty of the [Committee] 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 [Committee], in order to ascertain what nuisances exist calling for abatement, and to enforce the provisions of this Ordinance in order to abate such nuisances.

[...]

NOTES

In section 1 of Article III,

the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016;

the words omitted in square brackets were repealed by the Public Health (Amendment) Ordinance, 1998, section 1(b), with effect from 1st October, 1999.

In its application to the Island of Alderney, section 1 of Article III is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII and section 3(7), with effect from 1st January, 1949.

Sanitary Inspector to have written authority.

2. Every sanitary inspector appointed by the [Committee] 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 [Committee] or by the Medical Officer of Health, stating that such sanitary inspector is authorised by the [Committee] 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.

NOTES

In section 2 of Article III, the words, first, "Committee" and, second, "President" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 6 and section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016.⁵

In its application to the Island of Alderney, section 2 of Article III is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

[Abatement in cases of imminent danger.]

3. (1) If in the opinion of an authorised officer a nuisance involving imminent danger to public health has arisen from any premises he may serve on either the owner or the occupier of those premises, or on any other person appearing to that officer to be responsible for the nuisance, a notice –

- (a) requiring that person forthwith to take such measures as are specified in the notice (by way of cessation and/or action and/or works),
- (b) stating the effect of subsections (2) and (3) of this section.

(2) If a person on whom a notice under this section is served fails to comply with its requirements forthwith, the authorised officer may himself cause to be taken any action and/or works specified in the notice; and if he does so then, subject to subsection (3) of this section, the [Committee] may recover any costs thereby incurred as a civil debt due to the States from any person responsible for creating the nuisance.

(3) The [Committee] shall compensate any person who incurs

expense or suffers financial loss as a direct result of complying with a notice served under this section unless –

- (a) within seven days after service of the notice the [Committee] causes the person on whom it was served, and, if not the same person, the owner and any occupier of the premises in respect of which it was served, to appear before the Magistrate's Court to show cause why the notice should not be confirmed, and
- (b) the Magistrate's Court, having heard the [Committee] and any such person who wishes to be heard, declares itself satisfied that when the notice was served a nuisance involving imminent danger to public health had arisen from the premises concerned.

PROVIDED that the total compensation payable under this subsection in respect of any one notice shall in no case exceed £1,000,000.

(4) When an authorised officer has caused a nuisance to be abated under this section he shall notify the Constables of the Parish concerned of the action taken.]

NOTES

Section 3 of Article III was substituted by the Public Health (Amendment) Ordinance, 1998, section 1(c), with effect from 1st October, 1999.

In section 3 of Article III, the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

In its application to the Island of Alderney, section 3 of Article III is modified in accordance with the provisions of the Alderney (Application of

Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

[[Abatement in other cases.]

4. Where [an authorised officer is of the opinion] that a nuisance calling for abatement [has arisen on any premises], he shall, unless a requisition has been made under the provisions of the last preceding section, cause to be served a notice in writing signed by him (in the form set out in the First Schedule to this Ordinance [with such alterations and adaptations as circumstances may require]) on the owner or occupier of [those premises, or on any other person appearing to that officer to be responsible for the nuisance,] requiring him to abate the nuisance within a time to be specified in the notice and to execute all such works and to do all such acts as may be specified in the said notice:

PROVIDED that where the nuisance arises from the want or defective construction of any structure or structural convenience or where there is no occupier of the premises, a notice under this section shall be served on the owner.]

NOTES

Section 4 of Article III was substituted by the Public Health Ordinance, 1936, Amendment Ordinance, 1950, section 1, with effect from 1st March, 1950.

In section 4 of Article III,

the words in the first, second and fourth pairs of square brackets, and the marginal note thereto, were substituted by the Public Health (Amendment) Ordinance, 1998, respectively section 1(d)(ii), section 1(d)(iii), section 1(d)(iv) and section 1(d)(i), with effect from 1st October, 1999;

the words in the third pair of square brackets were inserted by the Public Health (Amendment) Ordinance, 1967, section 1(a), with effect from 27th September, 1967.

[Prevention of recurrence of nuisances.

5. Where an authorised officer is of the opinion –
- (a) that a nuisance has arisen from any premises, whether or not the nuisance is subsisting at the time, and if it is not then subsisting whether or not its abatement followed a notice served under any other provision of this Article, and
 - (b) that the nuisance is likely to recur unless some particular activity ceases, action is taken, and/or works are executed,

he may serve on the owner of those premises, or, except where the nuisance arises from the want or defective construction of any structure or structural convenience, on the occupier of those premises, or in any case on any other person appearing to that officer to be responsible for the nuisance, a notice (in the form set out in the First Schedule to this Ordinance with appropriate adaptations) requiring the cessation of that activity, the taking of that action, and/or the execution of those works.]

NOTE

Section 5 of Article III (which was originally repealed by the Public Health Ordinance, 1936, Amendment Ordinance, 1950, section 1, with effect from 1st March, 1950) was inserted by the Public Health (Amendment) Ordinance, 1998, section 1(e), with effect from 1st October, 1999.

Right of Appeal where cost exceeds £10.

6. If in any case the cost of abating[, or of preventing the recurrence of,] a nuisance will exceed ten pounds, any person aggrieved by the terms of [a notice served under section 4 or section 5 of this Article] 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 [...],
- (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.

[...]

NOTES

In section 6 of Article III,

the words in the first and second pairs of square brackets were, respectively, inserted and substituted by the Public Health (Amendment) Ordinance, 1998, section 1(f)(i) and section 1(f)(ii), with effect from 1st October, 1999;

the words omitted in the third and fourth pairs of square brackets were repealed by the Public Health Ordinance, 1936, Amendment Ordinance, 1950, section 4, with effect from 1st March, 1950.

In its application to the Island of Alderney, section 6 of Article III is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

Penalty for default in complying with notice to abate a nuisance.

7. Subject to the provisions of the foregoing section, where a person upon whom [a notice served under section 4 or section 5 of this Article] 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 [Committee] 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 [or prevent the recurrence of] 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 [level 3 on the uniform scale], 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.

NOTES

In section 7 of Article III,

the words in the first and third pairs of square brackets were, respectively, substituted and inserted by the Public Health (Amendment) Ordinance, 1998, section 1(g)(i) and section 1(g)(ii), with effect from 1st October, 1999;

the word in the second pair of square brackets was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016;

the words and figure in the fourth pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.⁶

In its application to the Island of Alderney, section 7 of Article III is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

The following case has referred to section 7 of Article III:

States Board of Health v. Gaudion (1989) 8.GLJ.42.

Penalty for failure to obey order of Court.

8. If in any proceedings before the Ordinary Court in respect of default in complying with a requisition contained in [a notice served under section 4 or section 5 of this Article] the Court shall have made –

- (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 [level 5 on the uniform scale] 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.

NOTES

In section 8 of Article III,

the words in the first pair of square brackets were substituted by the Public Health (Amendment) Ordinance, 1998, section 1(h), with effect from 1st October, 1999;

the words and figure in the third pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.⁷

In its application to the Island of Alderney, section 8 of Article III is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

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.

NOTE

In its application to the Island of Alderney, section 9 of Article III is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

ARTICLE IV
POWERS OF THE SANITARY AUTHORITY

[...].

1. The Sanitary Authority is hereby empowered to require –

(a) ...

Closing Orders and Eviction Proceedings.

(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.

[...]

NOTES

In section 1 of Article IV,

the marginal note thereto, and paragraph (a) thereof, were repealed by the Public Health (Amendment) Ordinance, 1998, respectively section 1(i)(i) and section 1(i)(ii), with effect from 1st October, 1999;

the words omitted in square brackets were repealed by the Public Health (Amendment) Ordinance, 1968, section 1(a), with effect from 30th October, 1968.

In its application to the Island of Alderney, section 1 of Article IV is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect

from 1st January, 1949.

Section 1A.

[**1A.** (1) Where the evacuation of any premises is required under this Ordinance, notice in writing to that effect shall be served by the Sanitary Authority –

- (a) in the case where such premises are not in the actual occupation of the owner thereof, on both the owner and occupier of such premises,
- (b) in any other case, on the owner of such premises.

(2) If the premises in respect of which a notice has been served on any person under subsection (1) of this section 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 the Sanitary Authority may take eviction proceedings against that person:

Provided that such proceedings shall not be taken by the Sanitary Authority against that person if he is not the owner of those premises and eviction proceedings, or the execution of a judgment in pursuance of eviction proceedings, at the instance of the owner of those premises are or is still pending.

(3) The Sanitary Authority shall cite the owner of any premises in respect of which a notice has been served under subsection (1) of this section on any other person, being the occupier of those premises, to appear as a party to eviction proceedings taken by the Sanitary Authority against the occupier of those premises in pursuance of the provisions of the last preceding subsection and the owner and occupier shall be entitled to show cause why an eviction order shall not be granted.

(4) The award of costs in any eviction proceedings taken by the

Sanitary Authority in pursuance of the provisions of subsection (2) of this section shall be in the discretion of the Court.

(5) Any person who causes or permits any other person to enter into occupation of any premises at any time after the service on the owner of those premises of a notice under subsection (1) of this section in respect of those premises shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the uniform scale].]

NOTES

Section 1A of Article IV was inserted by the Public Health (Amendment) Ordinance, 1968, section 1(b), with effect from 30th October, 1968.

In section 1A of Article IV, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.⁸

Section 1B of Article IV was inserted by the Parochial Administration (Miscellaneous Amendments) Law, 2014, section 2(b), with effect from 1st September, 2015.

In its application to the Island of Alderney, section 1A of Article IV is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

Section 1B.

[**1B.** (1) Before the Sanitary Authority serves a notice under section 1A(1), it shall notify the Constables of the parish in which the relevant premises are situated, who shall have the right to proffer advice to the Sanitary Authority in relation to the same; and in any case where such advice is proffered, the Sanitary Authority shall keep those Constables informed about any subsequent action taken in respect of those premises under section 1A.

(2) For the avoidance of doubt, the Sanitary Authority shall take

account of, but is not under a duty to take any action in respect of, advice proffered under subsection (1).]

NOTE

Section 1B of Article IV was inserted by the Parochial Administration (Miscellaneous Amendments) Law, 2014, section 2(b), with effect from 1st September, 2015.

Execution of work left undone.

2. ...

NOTE

Section 2 of Article IV was repealed by the Public Health (Amendment) Ordinance, 1998, section 1(i)(iii), with effect from 1st October, 1999.

ARTICLE V

POWERS OF [AN AUTHORISED OFFICER] TO SPECIFY METHOD OF
ABATING PARTICULAR NUISANCES

[An authorised officer], 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 [an authorised officer] that —

Filthy or verminous premises.

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

- (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,

[an authorised officer] 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 whitewashing or distemping 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.

NOTE

In Article V, the heading thereto, and section 1 thereof, the words in square brackets were substituted by the Public Health (Amendment) Ordinance, 1998, section 1(j)(i), with effect from 1st October, 1999.

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, [an authorised officer] 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 [an authorised officer] 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.

NOTE

In section 2 of Article V, the words in square brackets were substituted by the Public Health (Amendment) Ordinance, 1998, section 1(j)(i), with effect from 1st October, 1999.

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, [an authorised officer] 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 [an authorised officer] 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 is deemed to be so overcrowded as to be injurious to, or prejudicial to, the health of its inmates if any overcrowding standard specified in Schedule III to this Ordinance is contravened in relation to the dwelling-house or the relevant part of the dwelling-house,]

- (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, [an authorised officer] shall have regard to the circumstances of such other user.

NOTES

In section 3 of Article V,

the words "an authorised officer" in square brackets, wherever occurring, were substituted by the Public Health (Amendment) Ordinance, 1998, section 1(j)(i), with effect from 1st October, 1999;

paragraph (a) of section 3 was substituted by the Public Health (Amendment) Ordinance, 2010, section 1, with effect from 1st November, 2010.

Insufficient water supply.

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, [an authorised officer] 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.

NOTES

In section 4 of Article V, the words in square brackets were substituted by the Public Health (Amendment) Ordinance, 1998, section 1(j)(i), with effect from 1st October, 1999.

In its application to the Island of Alderney, section 4 of Article V is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII and section 3(7), with effect from 1st January, 1949.

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, [an authorised officer] 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 [an authorised officer] may specify, a sanitary installation of such extent and character.

NOTE

In section 5 of Article V, the words in square brackets were substituted by the Public Health (Amendment) Ordinance, 1998, section 1(j)(i), with effect from 1st October, 1999.

Shops, factories, &c., unclean or insufficiently 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 [or likely to cause injury to health], [an authorised officer] 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.

NOTE

In section 6 of Article V, the words in the first pair of square brackets were inserted, and the words in the second pair of square brackets were substituted, by the Public Health (Amendment) Ordinance, 1998, respectively section 1(j)(ii) and section 1(j)(i), with effect from 1st October, 1999.

Contamination of water cistern.

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, [an authorised officer] may require the cistern to be –

- (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 [an authorised officer] may appear necessary in order to avoid the risk of contamination.

NOTE

In section 7 of Article V, the words in square brackets were substituted by the Public Health (Amendment) Ordinance, 1998, section 1(j)(i), with effect from 1st October, 1999.

Contamination of well, spring or stream.

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, [an authorised officer] 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 [an authorised officer], 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.

NOTE

In section 8 of Article V, the words in square brackets were substituted by the Public Health (Amendment) Ordinance, 1998, section 1(j)(i), with effect from 1st October, 1999.

Saving Right of Appeal.

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.

PART 3

INFECTIOUS AND CONTAGIOUS DISEASES [AND CAUSATIVE AGENTS]

[ARTICLE VI

MEANING OF NOTIFIABLE DISEASE [OR NOTIFIABLE AGENT]

Meaning of notifiable disease.

[1. (1) For the purposes of this Ordinance, the expression "**notifiable disease**" means any infectious or contagious disease which the [Committee] may from time to time by order declare to be a notifiable disease within the meaning of this section, and the expression "**infectious or contagious**" shall be construed accordingly.]

(2) Any power conferred by [subsection (1)] to make any order shall be construed as a power exercisable in like manner to vary or repeal the order.

[Meaning of notifiable agent.

1A. (1) For the purposes of this Ordinance, the expression "**notifiable agent**" means any causative agent which the [Committee] may from time to time by order declare to be a notifiable agent within the meaning of this section.

(2) Any power conferred by subsection (1) to make any order shall be construed as a power exercisable in like manner to vary or repeal the order.

(3) In subsection (1), "**causative agent**" means any organism, substance or other agent, the presence of which in any person, or on any premises, in

the Bailiwick of Guernsey, the [Committee] believes may pose a serious risk to public health.]

Orders to be laid before States.

2. Every order made by the [Committee] under the provisions of [this article or Article VII] shall be laid before a meeting of the States as soon as may be after the making thereof and if, at that meeting or at the next subsequent meeting, the States resolve that the order be annulled the order shall cease to have effect but without prejudice to anything previously done thereunder or to the making by the [Committee] of a new order.]

NOTES

The words in square brackets in, first, the title of Part 3 and, second, the cross-heading of Article VI were inserted by the Public Health (Amendment) Ordinance, 2014, respectively section 2 and section 3, with effect from 1st January, 2015.

Article VI was substituted by the Public Health (Amendment) Ordinance, 1973, section 1(a), with effect from 25th July, 1973.⁹

In Article VI,

subsection (1) of section 1 and the word, parentheses and figure in square brackets in subsection (2) thereof were substituted, section 1A was inserted and the words and numerals in square brackets in section 2 were substituted by the Public Health (Amendment) Ordinance, 2014, respectively section 4(a), section 4(b), section 5 and section 6, with effect from 1st January, 2015;¹⁰

the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

In its application to the Island of Alderney, Article VI is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

The following Orders have been made under Article VI:

Public Health (Notifiable Diseases and Notifiable Agents) Order, 2014;
Public Health (Notifiable Diseases and Notifiable Agents) (Amendment) Order, 2020;
Public Health (Notifiable Diseases and Notifiable Agents) (Amendment) Order, 2022;
Public Health (Notifiable Diseases and Notifiable Agents) (Amendment) Order, 2025.

[ARTICLE VII

NOTIFICATION OF NOTIFIABLE DISEASE [OR NOTIFIABLE AGENT]

Cases of notifiable disease to be notified.

1. (1) If a medical practitioner becomes aware, or suspects, that a patient whom he is attending is suffering from a notifiable disease he shall, unless he believes, and has reasonable grounds for believing, that some other such practitioner has complied with this subsection with respect to such patient, forthwith send to the Medical Officer of Health, a certificate [in the form and manner prescribed by order of the [Committee],] stating –

- (a) the name, age and sex of the patient and the address of the premises where the patient is,
- (b) particulars of the notifiable disease from which the patient is, or is suspected to be, suffering and the date, or approximate date, of its onset,
- [(c) if the premises aforesaid are a hospital, the address of the premises from which the patient came to the hospital, and
- (d) any other particulars prescribed by order of the [Committee].]

[(1A) Subsection (1B) applies to the following persons –

- (a) a laboratory representative who becomes aware or has reasonable grounds to believe that –
 - (i) a sample has been taken from or provided by a person who is or was present in the Bailiwick of Guernsey,
 - (ii) the sample has been tested, examined or analysed by the laboratory representative or a laboratory of which the laboratory representative is in charge, or for which the laboratory representative acts as an agent, and
 - (iii) the person referred to in subparagraph (i) is suffering from a notifiable disease, and
- (b) any other person designated by order of the [Committee] who becomes aware or has reasonable grounds to believe that a person is suffering from a notifiable disease in any circumstances prescribed by the order.

(1B) A person to whom this subsection applies shall, unless he believes on reasonable grounds that a medical practitioner has sent the certificate required to be sent by subsection (1) in respect of the person believed to be suffering from a notifiable disease ("**the sufferer**"), promptly send a written notice to the Medical Officer of Health, in the form and manner prescribed by order of the [Committee], stating (to the extent that this information is known to the person to

whom this subsection applies) –

- (a) the name, age and sex of the sufferer and the address of the premises where the sufferer is believed to be staying or residing,
- (b) particulars of the notifiable disease from which the sufferer is, or is believed to be, suffering,
- (c) where applicable, the premises where the sufferer is or was present, and
- (d) any other particulars prescribed by order of the [Committee]].

(2) In this section and section 1A of this Article –

"hospital" means any institution for the reception and treatment of persons suffering from illness, any maternity home and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation,

"illness" includes mental disorder and any injury or disability requiring medical, surgical or dental treatment or nursing,

"laboratory representative" means –

- (a) the States Analyst,
- (b) any person managing, or in charge of the day-to-day operations of, a laboratory (whether or not the

laboratory is located in this Island), or

- (c) any person acting as an agent for a laboratory (whether or not the laboratory is located in this Island), and

"the States Analyst" means the States Analyst for the time being appointed by the States of Guernsey [Policy & Resources Committee] and includes, where such person is appointed in writing by the [Policy & Resources Committee] to discharge all or any relevant functions of the States Analyst, a person who is a public analyst or a food examiner for the purposes of the Food Safety Act 1990 (Chapter 16 of 1990).]

[Cases of notifiable agent to be notified.]

1A. (1) This section applies to the following persons –

- (a) a medical practitioner who becomes aware or has reasonable grounds to believe that a notifiable agent is or was present in any patient whom the medical practitioner is attending,
- (b) a laboratory representative who becomes aware or has reasonable grounds to believe that –
 - (i) a sample taken from or provided by a person who is or was present in the Bailiwick of Guernsey, or taken or provided from any premises in the Bailiwick of Guernsey, has been tested, examined or analysed by the laboratory representative or a laboratory of which the laboratory representative is in charge, or for which the laboratory representative acts as an

agent, and

- (ii) the testing, examination or analysis indicates that a notifiable agent is or was present on the person or premises concerned, and
- (c) any other person designated by an order of the [Committee] who becomes aware or has reasonable grounds to believe that a notifiable agent is or was present in any person or on any premises in any circumstances prescribed by the order.

(2) A person to whom this section applies ("A") shall, unless A believes on reasonable grounds that any other person has sent the notice required to be sent by this subsection in respect of the person or premises in or on which the notifiable agent is believed to be or have been present, promptly send a written notice to the Medical Officer of Health, in the form and manner prescribed by order of the [Committee], stating (to the extent that this information is known to A) –

- (a) the name, address and sex of the person, or the address of the premises, in or on which the notifiable agent is believed to be or have been present,
- (b) particulars of the notifiable agent concerned, and the date on which that notifiable agent is believed to have been so present, and
- (c) any other particulars prescribed by order of the [Committee].

[Committee] may order exemptions.

1B. The [Committee] may from time to time make an order to exempt any person from an obligation imposed on the person under the provisions of section 1 or 1A of this Article.]

Penalty for failure to notify.

2. A [person] who fails to comply with an obligation imposed on him under the provisions of [section 1 or 1A of this Article] shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].

Payment for certificate.

3. The [Committee] shall pay to a medical practitioner for each certificate duly sent by him under section one of this Article a fee in such sum as the [Committee] may from time to time determine.]

NOTES

The words in square brackets in the cross-heading of Article VII were inserted by the Public Health (Amendment) Ordinance, 2014, section 7, with effect from 1st January, 2015.

Article VII was substituted by the Public Health (Amendment) Ordinance, 1973, section 1(b), with effect from 25th July, 1973.

In Article VII, the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

In section 1 of Article VII,

first, the words in the first pair of square brackets in subsection (1) were inserted, second, paragraph (c) and paragraph (d) thereof were substituted and, third, subsection (1A) and subsection (1B) thereof were inserted and subsection (2) was substituted by the Public Health (Amendment) Ordinance, 2014, respectively section 8(a), section 8(b) and section 9, with effect from 1st January, 2015;¹¹

the words "Policy & Resources Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016.

Section 1A and section 1B of Article VII were inserted by the Public Health (Amendment) Ordinance, 2014, section 10, with effect from 1st January, 2015.

In section 2 of Article VII,

the words in the first and second pairs of square brackets were substituted by the Public Health (Amendment) Ordinance, 2014, section 11, respectively paragraph (a) and paragraph (b), with effect from 1st January, 2015;

the words and figure in the third pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.¹²

The functions, rights and liabilities of the Policy Council and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

In its application to the Island of Alderney, Article VII is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII and section 3(7), with effect from 1st January, 1949.

The following Order has been made under Article VII:

Public Health (Notifiable Diseases and Notifiable Agents) Order, 2014.

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 [a notifiable 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.

NOTES

In section 1 of Article VIII, the words in square brackets were substituted by the Public Health (Amendment) Ordinance, 1973, section 1(c), with effect from 25th July, 1973.

In its application to the Island of Alderney, section 1 of Article VIII is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

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.

Compensation 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 [Committee], 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 [Committee] 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.

NOTES

In section 2 of Article VIII, the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

In its application to the Island of Alderney, section 2 of Article VIII is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 1954, section 10(3) (as originally enacted), the expression "Police Court" in this section shall be deemed to refer to the Magistrate's Court, with effect from 17th January, 1955.

In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 2008, section 47(3), the reference in this section to the "Magistrate" shall be construed as a reference to a Judge of the Magistrate's Court within the meaning of the 2008 Law, with effect from 1st September, 2009.

Isolation of persons suspected of infection.

3. Where it appears to the Medical Officer of Health that any person has come in contact with a patient suffering from [a notifiable 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.

NOTES

In section 3 of Article VIII, the words in square brackets were substituted by the Public Health (Amendment) Ordinance, 1973, section 1(c), with effect from 25th July, 1973.

In its application to the Island of Alderney, section 3 of Article VIII is modified in accordance with the provisions of the Alderney (Application of

Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

[Powers of M.O.H.: Medical examination of persons.]

3A. Where it appears to the Medical Officer of Health –

- (a) that there is reason to believe that a person is or has been suffering from a notifiable disease other than ophthalmia neonatorum or, in the case of diphtheria, dysentery (amoebic or bacillary), infective jaundice, paratyphoid fever, scarlet fever or typhoid fever, though not suffering from such a disease, is carrying an organism which is capable of causing the disease, and
- (b) that in such person's own interest, or in the interest of his family, or in the public interest, it is expedient that he should be examined, and
- (c) that such person is not under the treatment of a medical practitioner or that the medical practitioner who is treating him consents to such person being examined,

the Medical Officer of Health may by notice in writing signed by him require such person to be examined by the Medical Officer of Health or by a medical practitioner nominated by the Medical Officer of Health.]

NOTES

Section 3A of Article VIII was inserted by the Public Health (Amendment) Ordinance, 1973, section 1(d), with effect from 25th July, 1973.

In its application to the Island of Alderney, section 3A of Article VIII is modified in accordance with the provisions of the Alderney (Application of

Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

[Powers of M.O.H.: Medical examination of group of persons.

3B. Where it appears to the Medical Officer of Health –

- (a) that one of a group of persons though not suffering from diphtheria, dysentery (amoebic or bacillary), infective jaundice, paratyphoid fever, scarlet fever or typhoid fever, is carrying an organism that is capable of causing the disease, and
- (b) that in the interest of those persons or their families, or in the public interest, it is expedient that those persons should be examined,

the Medical Officer of Health may by notice in writing signed by him require such persons to be examined by the Medical Officer of Health or by a medical practitioner nominated by the Medical Officer of Health.]

NOTES

Section 3B of Article VIII was inserted by the Public Health (Amendment) Ordinance, 1973, section 1(d), with effect from 25th July, 1973.

In its application to the Island of Alderney, section 3B of Article VIII is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

[Powers of M.O.H.: Measures to prevent the spread of food and food borne infections.

3C. (1) Where it appears to the Medical Officer of Health that a person

–

- (a) is suffering from food poisoning which may be caused by an infection, or
- (b) is suffering from, or is shown to be a carrier of, an infection to which this subsection applies,

and that it is desirable for the protection of the public health that measures should be taken to prevent the spread of infection, the Medical Officer of Health may by notice in writing signed by him –

- (i) require such person to discontinue or to refrain from engaging in any occupation connected with food until such person is notified by the Medical Officer of Health that the risk of causing infection is removed,
- (ii) require that such measures as shall be specified in the notice shall be taken for the protection of the public health, being measures which in the opinion of the Medical Officer of Health are desirable to prevent the spread of infection by such person, and
- (iii) require the assistance of any other person reasonably able to assist in securing compliance with any requirement under this subsection,

and if such person is already engaged in any occupation connected with food, the Medical Officer of Health shall send a copy of any notice served on such person

under this section to his employer, if any, and to any other person reasonably able to assist in securing compliance with any requirement under this subsection.

(2) Where it appears to the Medical Officer of Health that there is reason to believe that a person engaged in any trade or business connected with food may be a carrier of an infection to which this subsection applies and that it is expedient for the purpose of preventing the spread of infection that such person be examined the Medical Officer of Health may by notice in writing signed by him –

- (a) require such person to be examined by the Medical Officer of Health or by a medical practitioner nominated by the Medical Officer of Health, and
- (b) require the responsible manager of such trade or business to give every reasonable assistance in securing compliance with the requirement under the last preceding paragraph.

(3) The infections to which subsections (1) and (2) of this section apply are diphtheria, typhoid, paratyphoid and other salmonella infections, amoebic and bacillary dysentery, scarlet fever, and staphylococcal infections likely to cause food poisoning.

(4) In any case in which the Medical Officer of Health has under the provisions of subsection (1) of this section required a person to discontinue or to refrain from engaging in any occupation connected with food, the [Committee], on proof of loss of income resulting therefrom, may give to such person such financial assistance and during such period as to the [Committee] shall seem just.

(5) Any dispute arising as to the amount of financial assistance or as to the period during which such assistance should be given under the provisions of

the last preceding subsection shall be determined by the Royal Court sitting as an Ordinary Court and the decision of the Royal Court shall be final.

(6) In this section the expression "**connected with food**", in relation to an occupation, trade or business, means connected with the preparation or handling of food or drink for human consumption.]

NOTES

Section 3C of Article VIII was inserted by the Public Health (Amendment) Ordinance, 1973, section 1(d), with effect from 25th July, 1973.

In section 3C of Article VIII, the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

In its application to the Island of Alderney, section 3C of Article VIII is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

Certificate of freedom 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.

NOTE

In its application to the Island of Alderney, section 4 of Article VIII is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

Penalty for evading isolation.

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 [level 2 on the uniform scale].

NOTES

In section 5 of Article VIII, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.¹³

In its application to the Island of Alderney, section 5 of Article VIII is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

Penalty for permitting infected pupil to attend school.

6. If any person knowingly permits –
- (a) a pupil who is suffering from [a notifiable disease], or

- (b) a pupil who is residing in premises infected with [a notifiable 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 [level 2 on the uniform scale].

NOTES

In section 6 of Article VIII,

the words in the first and second pairs of square brackets were substituted by the Public Health (Amendment) Ordinance, 1973, section 1(c), with effect from 25th July, 1973;

the words and figure in the third pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.¹⁴

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 [a notifiable 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 [level 2 on the uniform scale].

NOTES

In section 7 of Article VIII,

the words in the first pair of square brackets were substituted by the Public Health (Amendment) Ordinance, 1973, section 1(c), with effect from 25th July, 1973;

*the words and figure in the second pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*¹⁵

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 [a notifiable 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.

NOTES

In section 8 of Article VIII, the words in square brackets were substituted by the Public Health (Amendment) Ordinance, 1973, section 1(c), with effect from 25th July, 1973.

In its application to the Island of Alderney, section 8 of Article VIII is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

[Construction of references to medical examination.

9. In this Article references to a person being examined by a medical practitioner shall be construed as including references to such person being submitted to bacteriological and radiological tests and other similar investigations.]

NOTE

Section 9 of Article VIII was inserted by the Public Health (Amendment) Ordinance, 1973, section 1(e), with effect from 25th July, 1973.

PART 4

ARTICLE IX
INSPECTION OF FOOD, FARMS AND DAIRIES

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

1. ...

Inspection of farms and dairies.

2. ...

NOTE

Article IX was repealed by the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016, section 93, Schedule 12, with effect from 3rd October, 2019.¹⁶

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. ...

Hindrance, obstruction, and disobedience during emergency.

2. ...

Remedy of aggrieved person.

3. ...

NOTE

Article X was repealed by the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, section 26(1)(a), Schedule 3, Part 1, with effect from 4th February, 2013.¹⁷

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.

NOTE

In its application to the Island of Alderney, section 1 of Article XI is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

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 [Committee], effectually to carry out the requirements of [an authorised officer in respect of the abatement of a nuisance or the Medical Officer of Health in respect of prevention of the spread of infection], the [Committee] 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.

NOTES

In section 2 of Article XI,

the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

the words in the third pair of square brackets were substituted by the Public Health (Amendment) Ordinance, 1998, section 1(k)(i), with effect from 1st October, 1999.

In its application to the Island of Alderney, section 2 of Article XI is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

Failure of Constables to serve notice.

3. ...

NOTE

Section 3 of Article XI was repealed by the Public Health (Amendment) Ordinance, 1998, section 1(k)(ii), with effect from 1st October, 1999.

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 [a notifiable 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 [level 3 on the uniform scale].

NOTES

In section 4 of Article XI,

the words in the first pair of square brackets were substituted by the

Public Health (Amendment) Ordinance, 1973, section 1(c), with effect from 25th July, 1973;

the words and figure in the second pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(5), Schedule, Part II, with effect from 1st July, 1989.¹⁸

In its application to the Island of Alderney, section 4 of Article XI is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

Penalty for using infected vehicle.

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 [a notifiable 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 [level 2 on the uniform scale].

NOTES

In section 5 of Article XI,

the words in the first pair of square brackets were substituted by the Public Health (Amendment) Ordinance, 1973, section 1(c), with effect from 25th July, 1973;

the words and figure in the second pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.¹⁹

In its application to the Island of Alderney, section 5 of Article XI is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

Designation of owner and occupier.

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.

Penalty for unauthorised entry into isolation hospital.

7. Any person who enters an isolation or other hospital in which a person suffering from [a notifiable disease] is confined, without the permission of the Medical Officer of Health first obtained, shall be liable to a fine not exceeding [level 2 on the uniform scale].

NOTES

In section 7 of Article XI,

the words in the first pair of square brackets were substituted by the Public Health (Amendment) Ordinance, 1973, section 1(c), with effect from 25th July, 1973;

the words and figure in the second pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.²⁰

In its application to the Island of Alderney, section 7 of Article XI is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

Powers to be additional.

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.

[Confidentiality.

9. (1) This section applies to any information from which an

individual or body may be identified and which is acquired by a person in carrying out the person's functions under this Ordinance or the Law.

(2) A person mentioned in subsection (1) shall not disclose any information to which this section applies without the consent of every individual who, and every body which, can be identified from that information, except to the extent that its disclosure –

(a) is expressly authorised or required by or under this Ordinance, the Law or any other enactment, or

(b) appears to that person to be necessary –

(i) to enable functions under this Ordinance or the Law to be carried out,

(ii) in the interests of –

(A) the investigation, detection or prevention of offences, or

(B) the apprehension or prosecution of offenders, or

(iii) to comply with an order of a court of this Island.

(3) A person who fails to comply with or contravenes subsection (2) shall be guilty of an offence and liable, on conviction, to a fine not exceeding level 1 on the uniform scale.]

NOTES

Section 9 of Article XI was inserted by the Public Health (Amendment) Ordinance, 2014, section 12, with effect from 1st January, 2015.

In its application to the Island of Alderney, section 9 of Article XI is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII and section 3(7), with effect from 1st January, 1949.

PART 6

PENALTIES AND REPEALS

ARTICLE XII

PENALTIES

Unless otherwise provided in this Ordinance –

Hindrance or obstruction.

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 [level 1 on the uniform scale].

NOTES

In section 1 of Article XII, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.²¹

In its application to the Island of Alderney, section 1 of Article XII is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

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 [level 2 on the uniform scale].

NOTES

In section 2 of Article XII, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.²²

In its application to the Island of Alderney, section 2 of Article XII is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

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.

NOTE

The Ordinance was made and came into operation on 14th March, 1936.

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
[Medical Officer of Health]

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 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 [States [Committee for Housing], [Committee for the Environment & Infrastructure], or other appropriate authority], in cases where such permission is necessary to carry out the requirements of this notice.

NOTES

In Schedule I,

the words in the first pair of square brackets were substituted, and the words omitted in the second pair of square brackets were repealed, by the Public Health Ordinance, 1936, Amendment Ordinance, 1950, respectively section 3(a) and section 3(b), with effect from 1st March, 1950;

the words in the third pair of square brackets were substituted by the Public Health (Amendment) Ordinance, 1967, section 1(b), with effect from 27th September, 1967;

the words "Committee for Housing" in the first pair of square brackets within the third pair of square brackets were substituted by the Machinery of Government (Transfer of Functions) Ordinance, 2025, section 3, Schedule 2, paragraph 10(2), with effect from 15th July, 2025;²³

the words in the second pair of square brackets within the third pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(a), with effect from 1st May, 2016.²⁴

The functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²⁵

In its application to the Island of Alderney, Schedule I is modified in

accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

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 –

Tome III du Recueil d'Ordonnances.

28 octobre 1848
5 février 1850
[8 avril 1850]
30 septembre 1850
20 janvier 1851
28 avril 1851
6 octobre 1851
19 janvier 1852
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 1^{er} 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 199.

L'Ordonnance relative aux Maladies Contagieuses passée 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.

NOTE

In Schedule II, the date in square brackets was substituted by the Public Health Amendment Ordinance, 1949, section 3, with effect from 20th July, 1949.²⁶

OVERCROWDING STANDARDS

1. Section 3(a) of Article V refers to the following overcrowding standards –
 - (a) volume standard – the ratio of volume of space in any room (in cubic metres) to the number of persons inhabiting the room shall be at least 13 to 1,
 - (b) room standard 1 – the number of rooms available as sleeping accommodation shall be such that no male and female, of the age of 10 years or more, have to sleep in the same room, unless they are married together or cohabiting in a relationship which is equivalent to the relationship of husband and wife,
 - (c) room standard 2 – the number of persons sleeping in the dwelling-house or the relevant part of it shall not exceed the maximum number specified in Table 1 in relation to the number of rooms available as sleeping accommodation, and
 - (d) space standard – the number of persons sleeping in any room available as sleeping accommodation shall not exceed the maximum number specified in Table 2 in relation to the floor area of the room.
2. Table 1 and Table 2 are set out below –

Table 1
(room standard 2)

Consolidated text

Number of rooms available as sleeping accommodation	Maximum number of persons
1	2
2	3
3	5
4	7.5
5 or more	2 per room

Floor area of room available as sleeping accommodation	Maximum number of persons
10.2 m ² or more	2
8.3 m ² or more but less than 10.2 m ²	1.5
6.5 m ² or more but less than 8.3 m ²	1
4.6 m ² or more but less than 6.5 m ²	0.5

3. For the purposes of this Schedule, including Table 1 and Table 2 –
- (a) a child under the age of one year shall not be counted as a person,
 - (b) a child aged one year or more but below 10 years of age shall be counted as 0.5 of one person,
 - (c) a room is available as sleeping accommodation if –

- (i) it is not a kitchen, bathroom or hallway,
 - (ii) it is of a type normally used in the locality either as a living room or as a bedroom, and
 - (iii) it has a floor area of 4.6 m² or more, and
- (d) the floor area of a room excludes any part of the room that has a ceiling height of less than 1.5 m.]

NOTE

Schedule III was inserted by the Public Health (Amendment) Ordinance, 2010, section 2, Schedule, with effect from 1st November, 2010.

¹ The words "Committee for Health & Social Care" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

² The words in the second pair of square brackets in the definition of the

expression "Sanitary Inspector" were previously amended, in part, by the Public Health (Amendment) Ordinance, 1998, section 1(a)(ii), with effect from 1st October, 1999.

3 The functions, rights and liabilities of the Health and Social Services Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Health and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 4, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

4 These words and figure were previously substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.

5 The word "President" was previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

6 These words and figure were previously substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.

7 These words and figure were previously substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.

8 These words and figure were previously substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.

9 Prior to its substitution, Article VI was amended by the Public Health Amendment Ordinance, 1949, section 2, with effect from 20th July, 1949; and the Public Health (Amendment) Ordinance, 1963, section 1, with effect from 27th March, 1963.

10 Prior to its substitution, subsection (1) of section 1 was amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

11 Prior to its substitution, paragraph (d) of subsection (1) of section 1 of Article VII was amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

12 These words and figure were previously substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.

13 These words and figure were previously substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986, section 1, Schedule, with

effect from 30th April, 1986.

14 These words and figure were previously substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.

15 These words and figure were previously substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.

16 Prior to its repeal, Article IX was amended by the Food and Drugs (Food Hygiene) Ordinance, 1975, section 36, with effect from 1st January, 1976; the Public Health (Amendment) Ordinance, 1968, section 1(c) and section 1(d), with effect from 30th October, 1968; and in its application to the Island of Alderney, section 2 of Article IX was modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

17 Prior to its repeal, Article X was modified in its application to the Island of Alderney in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949; and amended as follows: (i) section 1 of Article X was amended by the Machinery of Government (Transfer of Functions) (Guernsey) (No. 2) Ordinance, 2006, section 2, Schedule, with effect from 27th September, 2006; and the functions, rights and liabilities of the Health and Social Services Department and of its Minister arising under or by virtue of section 1 were transferred to and vested in, respectively, the Emergency Powers Authority and its Chairman by the Machinery of Government (Transfer of Functions) (Guernsey) (No. 2) Ordinance, 2006, section 1, Schedule, with effect from 27th September, 2006, subject to, first, the savings and transitional provisions in section 3 of the 2006 Ordinance and, second, the provisions of section 4 of the 2006 Ordinance; (ii) section 2 of Article 3 was amended by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986; the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989; and (iii) section 3 of Article X was amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), with effect from 6th May, 2004, and the functions, rights and liabilities of the Board of Administration and of its President arising under or by virtue of section 3 were transferred to and vested in, respectively, the Home Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the Machinery of Government (Transfer of Functions) (Guernsey) (No. 2) Ordinance, 2006, section 2, Schedule, with effect from 27th September, 2006, and the functions, rights and liabilities of the Health and Social Services Department and of its Minister arising under or by virtue of section 3 were transferred to and vested in, respectively, the Emergency Powers Authority and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) (No. 2) Ordinance, 2006, section 1, Schedule, with effect from 27th

September, 2006, subject to, first, the savings and transitional provisions in section 3 of the 2006 Ordinance and, second, the provisions of section 4 of the 2006 Ordinance.

18 These words and figure were previously substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.

19 These words and figure were previously substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.

20 These words and figure were previously substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.

21 These words and figure were previously substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.

22 These words and figure were previously substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.

23 These words were previously substituted by the: Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 17, with effect from 6th May, 2004; Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 7(a), with effect from 1st May, 2016; and the functions, rights and liabilities of the Committee for Employment & Social Security and its President or Vice-President arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Housing Department and its Minister or Deputy Minister by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 7(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance; the functions, rights and liabilities of the Housing Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Housing Authority and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 17, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

24 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 19, with effect from 6th May, 2004.

25 The functions, rights and liabilities of the Environment Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Island Development Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 19, with effect from 6th May,

2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

26 Prior to this substitution, the date was amended by the Ordonnance provisoire supplémentaire a l'Ordonnance provisoire relative a la Santé Publique, 1936, of the 4th April, 1936 (No. XVI of 1936), which Ordinance was never printed in the Recueils d'Ordonnances.