

Unvalidated References:

Public Health Act 1973

Liquor (Licensing) Act 1963

Building Act 1971

Building Act 1971

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 226G.

Public Health (Sanitation and General) Regulation 1973

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Public Health (Sanitation and General) Regulation 1973

MADE under the *Public Health Act 1973*.

Dated 200 .

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears–

“**cesspit**” means any pit, whether constructed under or connected with a closet or not, that is used for the disposal of night-soil or offensive matter;

“**closet**” means any structure used in connection with the reception of night-soil;

“**depot**” means night-soil depot or a refuse depot;

“**domestic bird**” means any fowl, duck, geese, turkey, or guinea fowl;

“**dwelling**” includes a dwelling-house, store, office, workshop, hotel or other building;

“**incinerator**” means an apparatus for the destruction, by burning, of refuse, garbage and other rubbish;

“**night-soil**” includes all human excrementitious or faecal matter and human urine and all matters mixed with both or either;

“**night-soil depot**” means a night-soil depot established under Section 29;

“**pan**” means a pan provided by the Local Medical Authority for use in a dry-earth closet or urinal;

“**public place**” means a road or other place that the public are entitled to use, and includes a place to which the public ordinarily has access whether on payment or not;

“**refuse**” means any dung, offal, garbage, rubbish, dead animal or matter that is unwholesome or from which any offensive odour arises;

“**refuse bin**” means a receptacle for the deposit of household refuse;

“**refuse depot**” means a refuse depot established under Section 39;

“**sanitary convenience**” means a water closet, earth closet, privy or other receptacle for the disposal of night-soil, and includes a urinal;

“**underground water tank**” means a water tank any part of which is below the level of the surrounding ground;

“**vessel**” includes a ship, boat, lighter, pontoon or other vessel, whether in use in navigation, disused or used for purposes other than navigation.

2. UNOCCUPIED BUILDINGS.

Where there is no person in occupation of a building, the owner shall, for the purposes of this Regulation, be deemed to be the occupier.

3. APPLICATION.

Except where the contrary intention appears—

- (a) Parts II to VI, and Sections 77 and 78 apply to all towns and to such other areas as the Head of State, acting on advice, by notice in the National Gazette, directs; and
- (b) Part VII applies to all towns and to such other areas as the Minister, by notice in the National Gazette, directs.

PART II. – GENERAL SANITARY PROVISIONS.

4. CONVEYANCE OF REFUSE.

A person who conveys any refuse, or causes any refuse to be conveyed, through, in or on a public place otherwise than—

- (a) in a vehicle or receptacle properly covered to the satisfaction of the Local Medical Authority; or
- (b) if the refuse is moist or contains any liquid—in a covered water-tight vehicle or receptacle so constructed as to prevent the escape of its contents,

is guilty of an offence.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

5. KEEPING OF ANIMALS AND DOMESTIC BIRDS.

(1) Subject to Subsection (12), a person who, without the written consent of the Local Medical Authority, keeps any animal, other than a cat or dog, or permits any such animal to be kept, on his premises within a distance of 15m from a dwelling, hospital, or school building is guilty of an offence.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

(2) A person who, in a place to which this Part applies, keeps a pig is guilty of an offence.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

(3) Subject to Subsection (12), a person who, without the written consent of the Local Medical Authority, keeps any horses, cattle or goats on any premises is guilty of an offence.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

(4) The Local Medical Authority shall not give permission to keep any horses, cattle or goats unless a stable, cow yard, cattle shed or goat shed, as the case may be, that complies with Subsection (5) is provided to his satisfaction.

(5) Subject to Subsections (6) and (12), a person must not use any stable, cow yard, cattle shed or goat shed unless—

- (a) it is—

- (i) paved or flagged with stone pitchers or flagging; or
- (ii) completely floored or covered with asphalt or other material impervious to wet; and

(b) it is so drained that no liquid or drainage will stagnate or lodge in it.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

(6) The Minister may, by notice in the National Gazette, exempt a racecourse from Subsection (5) on such conditions as he thinks proper.

(7) Subject to Subsections (8) and (12), a person who, within the boundaries of a town, keeps domestic birds, or permits domestic birds to be kept, on premises occupied by him otherwise than in yards or runs—

- (a) securely fenced so as to prevent the escape of birds; and
- (b) having an area of not less than 10m², and where more than 10 birds are kept at any one time an additional 5m² for every five or part of five birds in excess of 10,

is guilty of an offence.

Penalty: A fine not exceeding K40.00.

(8) The Local Medical Authority may permit a person who it is satisfied proposes to use an intensive method of keeping domestic birds to keep them in an area less than that prescribed by Subsection (7).

(9) When directed by the Local Medical Authority, the occupier of any premises where domestic birds are kept must pave the ground underneath the roosts or perches with concrete or mineral asphalt.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

(10) Subject to Subsection (12), where an animal or domestic bird develops any contagious or infectious disease injurious to human beings, the person who keeps it must, when directed by the Local Medical Authority, immediately cause it to be destroyed.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

(11) Subject to Subsection (12), the occupier of any premises on which any animal or domestic bird is kept or housed must cause the place of keeping or housing to be thoroughly cleansed as often as is necessary for the purpose of keeping the place in a clean and sanitary state.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

(12) The Minister may, by notice in the National Gazette, exempt any area from all or any of the provisions of this section.

6. CLEANSING OF STABLES, ETC.

The occupier of premises that contain a stable, horse yard, cow yard or cattle shed must—

- (a) if the stable, yard or shed is used as such, cause it to be cleansed daily; and
- (b) provide an approved box or bin for the reception of all refuse in the stable, yard or shed; and
- (c) cause the box or bin—
 - (i) to be kept covered; and
 - (ii) if used, to be emptied and cleansed twice at least in each week, or at more frequent intervals if the Local Medical Authority so requires; and
- (d) not allow flies to breed in the box or bin or allow it to become insanitary; and
- (e) cause all refuse to be disposed of—
 - (i) in accordance with this Part; and
 - (ii) in such a manner as to prevent the breeding of flies,

and, if not removed immediately, to be placed in the box or bin.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

7. KEEPING OF OFFENSIVE MATTER ON PREMISES.

The occupier of premises who keeps, or permits to be kept or to remain, on the premises—

- (a) any matter that is unwholesome or smells offensive; or
- (b) any matter or thing that is in such a condition as to be dangerous, injurious or prejudicial to health,

is guilty of an offence.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

8. STORING OF MANURE.

The occupier of any premises may store garden manure under and subject to the conditions of a permit issued by the Local Medical Authority.

9. CLEANLINESS OF PREMISES.

(1) The occupier of premises must keep the premises in a clean condition and free from stagnant water or any accumulation of decomposing organic fluid or solid matter.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

(2) When required in writing by the Local Medical Authority or an inspector, the occupier of premises must carry out, within the time specified in the requirement, such cleansing operations as are specified in the requirement, to the satisfaction of the Local Medical Authority or the inspector.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

(3) Where the occupier has not, at the expiration of the time specified in a requirement under Subsection (2), caused the cleansing operations to be carried out, the Local Medical Authority may carry out the operation and recover the cost from the occupier in a District Court or Local Court.

10. RATS AND VERMIN.

The occupier of any premises where conditions favourable to the breeding and existence of rats, mice, mosquitoes or other vermin exist, must, within such time as is specified in a written order issued by the Local Medical Authority and served on him, remove such conditions as are required by the order.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

11. OVERCROWDED DWELLINGS.

Where, in the opinion of the Local Medical Authority, a dwelling is so overcrowded as to be dangerous to the health of the inmates, the occupier of the dwelling shall, within such time as is specified in a written order issued by the Local Medical Authority and served on him, abate the overcrowding to the extent specified in the order.

12. STRUCTURAL DEFECTS.

Where, in the opinion of the Local Medical Authority, insanitary conditions exist on premises by reason of a structural defect in the premises, the owner of the premises shall, within such time as is specified in a written order issued by the Local Medical Authority and served on him, repair the defect.

13. PREMISES UNFIT FOR HUMAN HABITATION.

(1) Where, in the opinion of the Local Medical Authority, a building used as a dwelling is in such a condition as to be dangerous to the health of the inmates, the Local Medical Authority may, by written order served on the inmates and the owner, require—

- (a) the inmates to leave the building; and
- (b) the owner to cease using the building as a dwelling or allowing it to be so used.

(2) A person who refuses or neglects to comply, within the time specified in the order, with an order under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months, and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

14. DEPOSIT OF REFUSE ON PUBLIC PLACE.

(1) A person who deposits any refuse or offensive, noxious or dangerous matter or thing in or on a public place is guilty of an offence.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

(2) For the purpose of this section, an employer shall be deemed to be responsible for the acts of his employee unless the employer shows that he took all reasonable and practicable steps to ensure the observance of this section by the employee.

15. FLYPROOFING IN LICENSED PREMISES.

(1) Notwithstanding Section 3, this section applies throughout the country.

(2) The Local Medical Authority may, by written notice, direct the holder of a publican's licence under the *Liquor (Licensing) Act 1963* to cause any room or place in his licensed premises to be protected from the ingress of flies and other insects to the satisfaction of the Local Medical Authority.

(3) The holder of a publican's licence who fails to comply with a direction under Subsection (2) within three months from the date of the service of the notice is guilty of an offence.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

PART III. – SANITARY CONVENIENCES.**16. POWER TO DIRECT BUILDING OF CLOSETS.**

(1) The Local Medical Authority may, by written notice, direct the owner of premises to build on the premises a closet in accordance with this Part, within a period not exceeding 30 days from the date of the service of the notice.

(2) A person who fails to comply with a direction under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

17. CONSTRUCTION OF CLOSETS.

(1) Subject to the *Building Act 1971*, closets shall be constructed as follows:–

(a) each closet shall have–

- (i) an internal area of not less than 1.2m²; and
- (ii) a clear width of not less than 750mm; and
- (iii) a height measured from the floor to the wall-plate level of not less than 2,100mm;

(b) the floor shall be–

- (i) finished with concrete or other impervious material approved by the Local Medical Authority; and
- (ii) suitably graded;

(c) the surface of the floor shall be at least 150mm above the highest point of the surface of the ground adjoining the closet;

(d) there shall be a ventilation opening of not less than 0.2m², opening direct to the outside air;

(e) substantial walls and doors capable of providing privacy shall be provided;

(f) in a building containing a range of adjoining closets, the partitions between closets shall–

- (i) start not more than 300mm; and
- (ii) end not less than 1,750mm,

above the floor;

(g) closets for the use of both males and females shall not be constructed in a range, but ranges of closets for the separate use of each sex may adjoin if the ranges are completely separated by a dividing wall at least 100mm in thickness extending from the wall to the roof;

- (h) each pan closet shall be provided with a movable box seat completely covering the pan, furnished with a box lid that is insect-proof when down;
- (i) a pan closet shall not be erected or maintained within 6m from a building used for human habitation or the preparation of food.

(2) The occupier of the premises on which a closet is installed must maintain it in a fit and clean condition.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

18. CESSPITS.

(1) A cesspit must be constructed so that it is deep, dark and fly-proof.

(2) A cesspit must not be constructed on premises without the written authority of the Local Medical Authority.

(3) The Local Medical Authority may, by written notice, direct the owner or occupier of premises to fill up any cesspit within the time specified in the notice.

(4) A cesspit must not be used when the night-soil in it reaches within 600mm of the natural surface of the adjoining ground.

(5) Where—

- (a) the night-soil in a cesspit reaches within 600mm of the natural surface of the adjoining ground and the cesspit is not emptied; or
- (b) the Local Medical Authority so directs,

the contents of the cesspit must be covered with not less than 50kg of lime and the lime covered with clean earth to a height of 300mm above the natural surface of the adjoining ground.

19. PROVISION OF DEODORIZING MATERIAL.

(1) A closet must be provided with a suitable receptacle for, and an adequate supply of, deodorizing or muscifuge material, such as blue oil, kerosene, phenol or other suitable substance.

(2) The occupier of premises must cause sufficient deodorizing or muscifuge material to be added each day to the contents of the part in every closet on the premises.

(3) The occupier may use dry earth, oiled sawdust, ashes or other dry deodorizing substance instead of a liquid deodorizer, but the quantities of any deodorizing substance used must be sufficient to keep the contents of the pan free from flies and offensive odours.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

20. NUMBER OF CLOSETS TO BE PROVIDED.

Subject to the *Building Act 1971*, the owner of premises must provide sanitary conveniences on the premises in accordance with the following scale:—

- (a) for each dwelling house or tenement, and for each flat in a tenement—at least one closet;
- (b) for each building used as a factory, warehouse, shop, office or other business, and for each school—separate closets for each sex at the rate of—
 - (i) one closet for every 20 (or part of 20) males; and
 - (ii) one closet for every 20 (or part of 20) females,

who are ordinarily present in or about the building;

- (c) for each hotel, boarding school, boarding house, lodging-house or other place where numbers of persons ordinarily lodge or reside—separate closets for each sex at the rate of—
 - (i) one closet for every 12 (or part of 12) males; and
 - (ii) one closet for every 12 (or part of 12) females,

who ordinarily lodge or reside in the building;

- (d) for each public hall or place of entertainment, amusement or recreation—at least one closet for male persons and one closet for female persons, and such additional closets as the Local Medical Authority orders;
- (e) for each church, chapel or club—such number of closets as the Local Medical Authority directs.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

21. URINALS.

In addition to the closets required to be provided by Section 20, the owner of premises must provide such number of urinals on the premises as the Local Medical Authority, by written notice, directs.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

22. LIGHTING OF CLOSETS, ETC.

The occupier of any hotel, club, public hall or place of entertainment, amusement or recreation must cause all closets and urinals available for public use on the premises to be adequately lit at all times of the night during which the premises are open to the public.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

23. NOTICES ON CLOSETS.

(1) Where, at any hotel, club, public hall or place of entertainment, amusement or recreation, separate closets are provided for each sex in accordance with this Part, a legible notice shall be erected on each closet indicating the sex for which it is provided.

(2) A person who, without lawful excuse, enters a closet on which a notice has been erected in accordance with Subsection (1) indicating that the closet is provided for the sex other than the sex of that person is guilty of an offence.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

24. NOTIFICATION OF CERTAIN NUISANCES.

Where on any premises—

- (a) a pan leaks or overflows; or
- (b) the contents of a pan are liable to escape; or
- (c) any nuisance results from a pan; or
- (d) a pan is not regularly emptied in accordance with this Part,

the occupier of the premises must give notice to the Local Medical Authority within 24 hours.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

25. NOTICE TO ABATE NUISANCE.

On discovering the existence of a nuisance in connection with a sanitary convenience on any premises, the Local Medical Authority shall give written notice to the occupier of the premises—

- (a) to remove or abate the nuisance; and

- (b) to purify the locality of the nuisance by cleaning, disinfection or other means,

and the occupier must comply immediately with the notice.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

26. ALTERATIONS TO SANITARY CONVENIENCES, ETC.

Where, in the opinion of the Local Medical Authority, it is necessary in the interests of health or decency that a sanitary convenience be repaired, reconstructed or removed, the occupier of the premises on which the sanitary convenience is situated must, on receipt of a written notice from the Local Medical Authority requiring him to do so—

- (a) immediately cease using the sanitary convenience; and
- (b) within such time as is specified in the notice—
 - (i) carry out such alterations or repairs as the Local Medical Authority specifies; or
 - (ii) remove the sanitary convenience.

27. TEMPORARY SANITARY ACCOMMODATION.

A building or other work requiring the assembly of a number of employees shall not be commenced until a sanitary convenience approved by the Local Medical Authority has been provided.

28. SANITARY CONVENIENCES TO BE USED.

A person who voids urine or excreta on the surface of the ground or in any place other than a sanitary convenience is guilty of an offence.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

PART IV. – REMOVAL AND DISPOSAL OF NIGHT-SOIL AND REFUSE.

Division 1.

Night-soil.

29. NIGHT-SOIL DEPOTS.

The Minister–

- (a) may establish a night-soil depot for every town or area to which this Part applies; and
- (b) shall provide for the removal and disposal of night-soil.

30. DEPOSIT OF NIGHT-SOIL.

Except as is otherwise provided in this Regulation, a person who deposits night-soil on the surface of the ground or in any place other than a sanitary convenience is guilty of an offence.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

31. REMOVAL OF NIGHT-SOIL TO DEPOTS.

(1) Except as is otherwise provided in this Regulation, on the removal of any night-soil from a sanitary convenience it shall be deposited at a night-soil depot, and shall be disposed of there as prescribed.

(2) The Local Medical Authority may authorize the deposit of night-soil in the sea.

32. PROVISION OF PANS.

The Minister shall provide every pan closet with a closet pan.

33. UNAUTHORIZED REMOVAL OF NIGHT-SOIL.

Except as is otherwise provided in this Regulation, a person other than a person authorized by the Local Medical Authority must not remove the night-soil in any pan, cesspit or other sanitary convenience.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

34. UNAUTHORIZED REMOVAL OF PANS.

(1) Except as is otherwise provided in this Regulation, a person other than a person authorized by the Local Medical Authority must not remove a pan.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

(2) A pan shall be removed as often as the Local Medical Authority thinks necessary.

(3) When a pan is removed, an empty and clean pan shall be substituted for it.

(4) The person removing the pan from a closet must—

(a) cover the pan with an adequate lid; and

(b) convey it, with its contents so covered, in an effectively closed vehicle provided by the Local Medical Authority, to a night-soil depot, between such hours of the day as are fixed by the Local Medical Authority.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

35. DEPOSIT OF REFUSE IN PAN.

A person who deposits refuse in a pan is guilty of an offence.

36. DISPOSAL OF NIGHT-SOIL AT NIGHT-SOIL DEPOTS.

All night-soil conveyed to a night-soil depot shall be disposed of in accordance with Section 37, and all water used in washing pans shall be similarly dealt with.

37. CONDUCTING OF NIGHT-SOIL DEPOTS.

(1) Where any night-soil depot is used for the burial of night-soil, the Local Medical Authority and the persons employed at the depot must comply with the requirements of this section.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

(2) An inspection of the night-soil depot shall be made at least once a month by the Local Medical Authority, and once in every quarter a written report on the state of the depot shall be forwarded by it to the Minister.

(3) A trench having a floor of rock or of impervious or impermeable earth shall not be used for the disposal of night-soil.

(4) The night-soil trenched into the soil shall—

(a) be in a layer not more than 150mm in depth or 600mm in width; and

(b) be immediately covered evenly with earth to a depth of not less than 300mm.

(5) A trench shall not be more than 600mm or less than 300mm in depth, or more than 600mm in width, and where possible trenches shall be 450mm in depth and 300mm in width.

(6) A strip of undisturbed earth not less than 300mm in width shall be left between each two trenches.

(7) Unless the written approval of the Minister has been previously obtained, the ground into which night-soil has been trenched shall not be used for a similar purpose a second time within two years.

(8) Grass or other forms of vegetable life shall be allowed to grow with moderate freedom on ground into which night-soil has been trenched.

(9) A border strip of land at least 6m wide around the outside of the disposal area shall be reserved from all disposal and not otherwise used without the consent of the Minister, but the strip may be used for the planting of a tree border, ornamental hedge or other approved fence.

(10) A supply of water sufficient for the cleansing of pans shall be made available.

(11) All water from the pans shall be properly disposed of—

- (a) in trenches in the manner specified for the disposal of night-soil; or
- (b) by sub-soil irrigation.

(12) Where water is laid on to the disposal ground from a service used for drinking or domestic purposes, the pipe serving the disposal ground shall be disconnected on the boundary by discharging into a tank of suitable capacity and elevation.

(13) After the disposal of its contents and before it again leaves the depot or disposal ground, each pan shall be immediately cleansed by—

- (a) washing and scrubbing with hot water, and then submersion in boiling water for not less than five minutes; or
- (b) washing and scrubbing with hot water and rinsing in clean water, and then submersion in a solution containing 1% of an approved disinfectant, such as cyllin or izol, for not less than five minutes; or
- (c) washing and scrubbing with hot water and rinsing in clean water, and then subjection to steam under pressure in an apparatus approved by the Local Medical Authority.

(14) Before it is first used, the internal surface of each pan shall be properly covered with boiled tar or other approved material, and that covering shall be regularly renewed when necessary so as to protect properly the whole internal surface of the pan and to afford a smooth non-adherent surface.

38. ACCESS TO CLOSETS, ETC.

For the purpose of removing night-soil, a person authorized by the Local Medical Authority may—

- (a) enter premises and inspect a closet or other sanitary convenience at any time during the hours appointed by the Local Medical Authority; and
- (b) do any work that is necessary.

Division 2.***Refuse.*****39. REFUSE DEPOTS.**

The Minister—

- (a) may establish a refuse depot for every town or area to which this Part applies; and
- (b) shall provide for the removal and disposal of refuse.

40. PROVISION OF REFUSE BINS.

(1) The owner or occupier of premises must provide a sufficient or a specified number of water-tight bins for the reception of the refuse arising from or existing on the premises.

(2) Refuse bins—

- (a) shall be constructed of impervious or non-absorbent material and fitted with two handles for carrying and lifting and with a close-fitting fly-proof cover or lid; and
- (b) shall not have a holding capacity of more than 0.1m³, or such greater amount, not being more than the holding capacity of a 200 litre drum, as is approved by an inspector in any particular case.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

41. CLEANING, ETC., OF REFUSE BINS.

The occupier of premises—

- (a) must cause all refuse bins in use on the premises to be kept continuously covered except when being filled or emptied; and
- (b) must cause the bins and their covers to be—
 - (i) kept as clean as practicable; and
 - (ii) maintained in good order and condition; and
- (c) must not allow the bins to become a nuisance.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

42. BURNING OF REFUSE.

(1) The occupier of premises must cause all refuse that can be readily destroyed by fire to be so destroyed daily.

(2) All refuse not destroyed by fire shall be deposited daily in refuse bins.

(3) A person must not, without the written permission of the Local Medical Authority, deposit, in a refuse bin, or permit to be deposited in a refuse bin, hot ashes, stones, earth or liquid matter.

(4) Where refuse is of a size or kind that cannot conveniently be disposed of in accordance with Subsection (1) or (2)–

- (a) the occupier may, with the written permission of the Local Medical Authority, take the refuse to a refuse depot; or
- (b) the Local Medical Authority may, at the expense of the occupier, cause the refuse to be taken to the refuse depot.

43. PLACING OF REFUSE BINS FOR COLLECTION.

(1) The occupier of premises must cause all refuse bins on the premises to be placed in positions convenient for collection as often, and at such times, as the collection is usually made by the Local Medical Authority.

(2) Except as otherwise provided in Subsection (3), refuse bins shall be placed–

- (a) within the boundaries of the premises and not more than 6m from an entrance opening on to a road from which the refuse collection is effected; or
- (b) in such other position as is approved by the Local Medical Authority.

(3) A person must not place a refuse bin or permit a refuse bin to be placed or to remain on a public road or thoroughfare or public place without the permission of the Local Medical Authority.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

44. EMPTYING OF REFUSE BINS.

Except as is otherwise provided in this Regulation, a person, other than a person authorized by the Local Medical Authority, must not–

- (a) remove the contents of a refuse bin from any premises; or

- (b) interfere with or remove a refuse bin, or the contents of a refuse bin, that is on a public road or thoroughfare or a public place.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

45. ACCESS TO REFUSE BINS, ETC.

A person authorized by the Local Medical Authority may—

- (a) enter any premises at any time during the hours appointed by the Local Medical Authority; and
- (b) do such work as is necessary for the purpose of emptying refuse bins or removing refuse.

Division 3.

General.

46. POWER OF ENTRY.

An inspector may enter any premises at any time when night-soil or refuse is being removed for the purpose of supervising or directing the removal.

47. UNLAWFUL ENTRY ON DEPOTS.

A person who, without lawful excuse—

- (a) enters on or within the precincts of a depot; or
- (b) interferes with any plant, implement or matter on or at a depot,

is guilty of an offence.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

48. STRAYING ANIMALS, ETC.

(1) A person who allows an animal or domestic bird to stray on or within the boundaries of a depot is guilty of an offence.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

(2) An animal or domestic bird straying on or within the boundaries of a depot may be seized and, subject to Subsection (3), sold, destroyed or otherwise disposed of.

(3) If the owner of an animal or domestic bird seized under Subsection (2) is known, he shall be notified of the intended disposal, and may take possession of the animal or bird.

49. CONTROL OF DEPOTS.

A person depositing night-soil or refuse at a depot must deposit the night-soil or refuse in such place and in such manner as the Local Medical Authority or a person in charge of the depot directs.

Penalty: A fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

50. CHARGES FOR SERVICES.

(1) The charges for sanitation and garbage services provided by the State are the costs of providing the services, as assessed by the Minister.

(2) The charges for sanitation and garbage services provided by a Local-level Government are the costs of providing the services, as assessed by the Council.

(3) An assessment of costs under Subsection (1) or (2) may be averaged over the whole or any part of the country.

(4) The charges assessed under Subsection (1), and the areas (if any) in relation to which they are assessed, shall be notified in the National Gazette.

(5) The charges assessed by a Local-level Government, and the area (if any) in relation to which they are assessed, shall be notified by rule.

(6) The minimum charge for any service is the charge payable for one week's service.

(7) This section does not prevent a special charge being made to meet the costs of a special service provided.

51. LIABILITY FOR CHARGES.

(1) Subject to this Part, unless there is reason to the contrary the occupier of a dwelling is liable in the first instance for charges under Section 50.

(2) If the occupier defaults for one week after the service of an account, the owner of the dwelling may be called on to pay the charges.

(3) For the purposes of Subsection (1), where an employee is housed on premises supplied by his employer the employer shall be deemed, in the absence of an agreement with the employee approved by the Local Medical Authority, to be the occupier of the premises.

(4) Notwithstanding this Part, where a building the property of the State is occupied by a person other than the State, the occupier is solely liable for charges under Section 50.

52. OCCUPATION OF DWELLINGS.

(1) An occupier must give written notice to the Local Medical Authority when a dwelling is first occupied by him.

(2) When a new dwelling is about to be occupied the intending occupier must give written notice to the Local Medical Authority of the intended occupation.

Penalty: A fine not exceeding K10.00.

53. VACANT BUILDINGS.

(1) Where a dwelling is left vacant, the former occupier and the owner are both liable for the charges for services until the occupier or the owner gives written notice to the Local Medical Authority that the dwelling is vacant.

(2) If the pans or refuse bins of an unoccupied dwelling are in fact used by anyone, the owner is liable, notwithstanding that notice of its being vacant has been given, for charges for services for the purpose of removing, emptying and cleansing the pans or receptacles, until the Local Medical Authority is satisfied that the services are no longer being used.

54. AGREEMENTS FOR REMOVAL OF NIGHT-SOIL, ETC.

(1) The Minister may enter into an agreement with a person for the removal of any night-soil, refuse or dead animals from private or public places.

(2) An agreement referred to in Subsection (1) may contain a condition for the forfeiture of a deposit made by the person entering into the agreement in the event of a breach of the provisions of the agreement by him.

PART V. – POLLUTION OF WATER SUPPLY.

55. INTERPRETATION OF PART V.

In this Part, unless the contrary intention appears–

“**polluted water supply**” means a water supply that, in the opinion of the Local Medical Authority, is or may be injurious to health;

“**water supply**” includes a river, spring, stream, water course, creek, swamp, waterhole, lake, pond, tank, dam or reservoir.

56. POLLUTED WATER SUPPLIES.

The Local Medical Authority may–

- (a) direct that a person shall not use or permit the use of a polluted water supply; and
- (b) direct that a person shall not do an act calculated to pollute a water supply; and
- (c) perform or direct the performance of such other acts as are reasonably necessary to prevent or reduce the pollution of a water supply.

57. OBSTRUCTION, ETC.

(1) A person who–

- (a) refuses or fails to comply with a direction given under Section 56; or
- (b) without reasonable excuse, (proof of which is on him), hinders the Local Medical Authority in the exercise of his powers under Section 56,

is guilty of an offence.

Penalty: A fine not exceeding K40.00.

(2) It is a defence to a charge of an offence against Subsection (1) that the person charged could not reasonably have been expected to know of a direction given or act performed or directed to be performed under Section 56.

58. DISPOSAL OF OFFENSIVE MATTER.

A person who deposits or permits to be deposited in any place any offensive matter or thing by which a water supply is liable to be polluted is guilty of an offence.

Penalty: A fine not exceeding K100.00.

PART VI. – MOSQUITOES.**59. ALLOWING PREMISES TO BE BREEDING PLACES.**

The owner or occupier of premises, and the owner, agent or master of a vessel, who allows–

- (a) the premises or vessel; or
- (b) anything placed or being on the premises or vessel,

to be, or to be likely to become, a breeding place for mosquitoes is guilty of an offence.

Penalty: A fine not exceeding K50.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

60. VESSELS.

The owner, agent or master of a vessel must not allow water or other liquid in which mosquitoes are likely to breed to lie or remain on, or to be stored in, the vessel, whether in bilges, tanks or other receptacles, unless–

- (a) it is free from mosquito larvae and is constantly and effectively protected against the ingress and egress of mosquitoes by the means prescribed by Section 61; or
- (b) it is effectively treated with kerosene or other oil or substance approved for the purpose by the Local Medical Authority.

Penalty: A fine not exceeding K50.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

61. STORAGE TANKS.

The owner or occupier of premises must keep every tank, cistern or receptacle (whether above or below ground) on the premises, that is used or intended to be used for holding or storing water or other liquid in which mosquitoes are likely to breed, constantly and effectively protected against the ingress and egress of mosquitoes by means of–

- (a) brass, copper or bronze wire mesh not coarser than 18 meshes to 25mm each way; or
- (b) flap valves or other mechanical means approved by the Minister,

at every opening into the tank, cistern or receptacle.

Penalty: A fine not exceeding K50.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

62. PONDS, ETC.

The owner or occupier of premises must continually and effectively prevent every pond, pool, puddle, trough, drain, inlet, flush-tank, garden barrel, fountain or other place or receptacle on the premises, that habitually or occasionally contains water or other liquid in which mosquitoes are likely to breed, from acting as a breeding place for mosquitoes by—

- (a) keeping the water or other liquid constantly covered or treated with kerosene or other oil or substance approved for the purpose by the Local Medical Authority; or
- (b) keeping the water constantly stocked with fish capable of destroying mosquito larva; or
- (c) covering all openings, and keeping them covered, with—
 - (i) brass, copper or bronze wire mesh not coarser than 18 meshes to 25mm each way; or
 - (ii) other material impenetrable by mosquitoes; or
 - (iii) flap valves or other mechanical means approved by the Minister; or
- (d) completely drawing off or emptying the water or other liquid and allowing it to dry; or
- (e) in the case of a receptacle capable of being so treated in accordance with this paragraph—thoroughly scrubbing the interior of the receptacle once at least in every seven days after emptying and before refilling.

Penalty: A fine not exceeding K50.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

63. SWAMPS.

(1) Where on any premises there is a swamp, pool, pond, puddle or other accumulation of water or other liquid in which mosquitoes are likely to breed that, in the opinion of the Local Medical Authority, cannot be constantly and effectively prevented from being a breeding place for mosquitoes otherwise than by—

- (a) draining it or filling it in; or
- (b) draining it and filling it in,

the Local Medical Authority may give written notice to the owner or occupier of the premises—

- (c) to drain it or fill it in; or
- (d) to drain it and fill it in,

to the satisfaction of the Local Medical Authority, within a time limited by the notice.

(2) The owner or occupier of the premises on which a drain is made in pursuance of a notice under Subsection (1) must—

- (a) keep the drain in good order and free from obstruction; and
- (b) when required by the Local Medical Authority, adjust or raise the level of the surface of the land adjacent to the drain to the satisfaction of the Local Medical Authority in such a way that—
 - (i) any water or other liquid on the premises flows into the drain without obstruction; and
 - (ii) water or other liquid does not remain or stand on any portion of the premises in such a way that mosquitoes are likely to breed in it.

Penalty: A fine not exceeding K50.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

64. WATER IN CANS.

(1) At least once in every seven days, the owner or occupier of premises must—

- (a) empty all water from any can, bowl, bottle, tub, bucket, pot, barrel, jug, vase, flower-pot, safe-dish or other receptacle in use and kept on the land or premises; and
- (b) thoroughly cleanse and dry it before refilling it.

(2) The owner or occupier of premises, and the owner, agent or master of a vessel, must not allow any disused tin, bottle, can or other receptacle or any rubbish, that is holding or collecting water or other liquid in which mosquitoes are likely to breed, to remain on the premises or vessel unless he effectively prevents it from serving as a breeding place for mosquitoes.

Penalty: A fine not exceeding K50.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

65. GUTTERS, ETC.

The owner or occupier of premises must construct, maintain and repair every gutter, drain, roof, spouting, roof-gutter, downpipe or other similar structure, channel or conduit on the premises so as to effectively prevent water from remaining or standing in such a manner that mosquitoes are likely to breed in it.

Penalty: A fine not exceeding K50.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

66. CUTTING DOWN, ETC., OF VEGETATION.

(1) When required by the Local Medical Authority, the owner or occupier of premises must cut down and remove any undergrowth or vegetation (other than trees) growing on the land or premises and likely to harbour mosquitoes or to obstruct a watercourse.

(2) On receipt of an order signed by the Local Medical Authority and a District Officer, the owner or occupier of premises must cut back and trim the branches of any trees growing on or projecting over the premises that—

- (a) overhang any roof, gutter, tank, drain, spouting or downpipe; or
- (b) deposit, or are likely to deposit, any leaves or debris in or on any roof, gutter, tank, drain, spouting or downpipe.

Penalty: A fine not exceeding K50.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

67. INTERFERENCE WITH DRAINS, ETC.

A person who—

- (a) interferes with, obstructs, damages or destroys a drain made by the owner or occupier of premises; or
- (b) willfully damages, destroys or removes a screen or protective covering affixed to a tank or other receptacle,

is guilty of an offence.

Penalty: A fine not exceeding K50.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

68. LEAVING EMPTY TINS, ETC., IN STREETS.

A person who deposits any empty or partly empty tin, bottle or other receptacle, or causes such a receptacle to be deposited, on a street, road, foreshore or other public place is guilty of an offence.

Penalty: A fine not exceeding K50.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

69. DISTURBANCES TO SURFACE OF GROUND.

(1) A person who, without the written permission of the Local Medical Authority, digs, turns up, displaces or otherwise disturbs the surface of any ground in such a manner as to cause a depression liable to hold water or accumulate rubbish is guilty of an offence.

(2) A person who, without the prior written permission of the Local Medical Authority, cuts turf or removes soil or other material from any public or private premises must, without delay, fill in the excavation, up to the level of the surrounding surface, with clean sound earth or other material.

Penalty: A fine not exceeding K50.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

70. DESTRUCTION, ETC., OF PLANTS RETAINING WATER.

(1) The Local Medical Authority may order the destruction, recess drainage or other treatment approved by the Local Medical Authority, of any plant or tree that retains water.

(2) The owner or occupier of premises who fails to comply with an order under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K50.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

71. INSPECTION.

The Local Medical Authority, an inspector or a person authorized in writing by the Local Medical Authority or an inspector may enter into any premises between the hours of 6 a.m. and 5 p.m., on any day except Sunday, for the purpose of inspecting the premises or giving effect to this Part.

PART VII. – INCINERATORS.

72. INSTALLATION.

(1) Subject to Subsection (2), a person must not install an incinerator unless the site and type of the incinerator are approved by the Local Medical Authority.

Penalty: A fine not exceeding K100.00.

(2) Subsection (1) does not apply to an incinerator installed–

- (a) in or for the domestic purposes of a private dwelling-house; or
- (b) exclusively for the destruction of sanitary napkins.

73. EMISSION OF UNDUE SMOKE, ETC.

A person who operates an incinerator, or allows an incinerator to be operated, in such a manner that it emits into the air–

- (a) undue quantities of smoke, soot, ash or other by-products of incineration; or
- (b) unwholesome odours,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

74. CHARGING AND EMPTYING INCINERATORS.

(1) The Local Medical Authority may instruct the owner or operator of an incinerator in the manner of charging or emptying the incinerator.

(2) An owner or operator who fails to comply with instructions given under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K100.00.

75. REFUSE, ETC., FOR INCINERATION.

(1) Refuse and garbage for incineration shall be covered, and kept in impervious containers, until incinerated.

(2) The ash and other products of an incinerator shall be kept in covered, impervious containers until disposed of in a manner approved by the Local Medical Authority.

76. CLEANLINESS OF SURROUNDINGS.

The owner of an incinerator must ensure that the incinerator and the area surrounding the incinerator are kept clean at all times, except during the charging or the removal of ash and other products of incineration.

Penalty: A fine not exceeding K100.00.

PART VIII. – MISCELLANEOUS.

77. HOURS OF ENTRY.

The prescribed times for the purpose of Section 11(a)(ii) of the Act are between 8 a.m. and 5 p.m. on any day except Sunday.

78. INDEMNITY.

Nothing done or omitted to be done in good faith under this Regulation by the Minister, the Departmental Head, a Local Medical Authority, an inspector or an officer or person acting under the direction of a Local Medical Authority or an inspector subjects him to any action, penalty, liability, claim or demand.

79. LIABILITY OF THE STATE.

The State is not liable for the payment of any charge under this Regulation in respect of premises owned by it.

80. GENERAL PENALTY.

A person who contravenes or fails to comply with a provision of this Regulation for which no other penalty is provided is guilty of an offence and is liable to a fine not exceeding K100.00 and in addition, in the case of a continuing offence, a fine not exceeding K10.00 for every day during which the offence continues.

