

GOVERNMENT OF SIERRA LEONE

ACT NO.23

1960

PUBLIC HEALTH ORDINANCE

THE PUBLIC HEALTH ORDINANCE, 1960
ARRANGEMENT OF SECTIONS

PART I - PRELIMINARY

SECTION
NO.

1. Short title and commencement
2. Interpretation

PART II - ADMINISTRATION

3. Responsibility of the Minister.
4. Declaration of Health Areas.
5. Appointment of Authorities. Health
6. Responsibilities of Health Authorities.
7. Incorporation of Health Authorities constituted by Minister.
8. Health Authorities in default, and reorganisation of Health Authorities.
9. Expenses in respect of transferred functions.
10. Disposal of property on transfer of functions or re-organisation.
11. Endemic control area.
12. Appointment of Endemic Control Authorities.
13. Functions of Endemic Control Authorities.
14. Appointment of Provincial Medical Offices of Health.
15. Functions of Provincial Medical officers of Health.
16. Appointment of Medical Offices of Health.
17. Functions of Medical Offices of Health.
18. Medical Offices of Health not to be members of Health Authorities.
19. Public Health Superintendents.
20. Public Health Inspectors.
21. Training, qualifications and duties of Health Officers.

PART III - NUISANCES AND OFFENSIVE TRADE

22. Duties of Health Authorities.

STATUTORY NUISANCES

23. Statutory Nuisances.

INTIMATIONS, ABATEMENT NOTICES AND NUISANCE NOTICES

24. Intimations.
25. Abatement Notices and abatement by Health Officers.

26. Power of court to make nuisance order if abatement notice disregarded.
27. Court May prohibit use of building for human habitation.
28. Penalty for contravention of nuisance order and abatement of nuisance by Health Authority.
29. Costs of Health Authority in abating or preventing recurrence of nuisance.
30. Proceeding where act or default caused by act or default of more than one person.
31. Power of individual to make complaint as to statutory nuisance.
32. Health Authority may take proceedings in Supreme court for abatement of statutory nuisance.

OFFENSIVE TRADES

33. Offensive Trades.

PART IV **PREVENTION, NOTIFICATION AND TREATMENT OF DISEASE**

PREVENTION OF DISEASES

34. Rules for prevention of disease
35. Duty of head of family to give notice of certain diseases
36. Duty of Medical Practitioner to give notice of certain diseases
37. Powers to vary list of notifiable diseases

CONTROL OF NOTIFIABLE DISEASES

38. Power to declare infected Areas and to order evacuation
39. Entrance to and egress from, an infected area
40. Post mortem examinations when death suspected of being due to notifiable disease
41. Power to perform diagnostic tests
42. Health Officers may mark infected premises
43. Destruction of self animal vectors
44. Temporary isolation accommodation
45. Permanent isolation accommodation
46. Care and maintenance of inmates of isolation accommodation
47. Compulsory isolation of person suffering from notifiable disease
48. Surveillance and isolation of contacts
49. Cost of Maintenance
50. Evacuation, disinfection etc. of infected premises
51. Cost of evacuation, disinfection etc of infected premises
52. Penalty for letting houses in which infected persons have been lodging
53. Penalty for exposure of infected persons or things
54. Infected persons in public conveyances etc
55. Disinfection of public conveyances etc.
56. Officials who take persons suffering from a notifiable disease to hospital
57. Compensation

PART V - BURIAL GROUNDS AND BURIALS

58. Interpretation
59. Appointment of cemeteries
60. Maintenance of cemeteries
61. burial and exhumation of corpses
62. Re-opening of graves
63. Functions of Health Officer at re-opening of grave
64. Closing of cemeteries
65. Time limit for completion of burials
66. Burial where corpse is a danger
67. Removal of body of person dying in hospital from a notifiable disease
68. promotion of unnecessary contract with body of person dying from notifiable disease
69. Prohibition of burial of deceased children as still-born
70. Cremation
71. Register of burials

PART VI - DRAINAGE, SANITATION, WATER SUPPLIES AND HOUSING

72. Rules
73. Interpretation

DRAINAGE

74. Provision of public drains by Health Authorities
75. Powers of Health Authorities to construct and to acquire drains.
76. Agreements concerning drains between Health Authorities and Public works Department
77. Agreements concerning drains between different Health Authorities.
78. Interference with drains.
79. Responsibilities for maintenance of public drains
80. Discharge of private drains into public drains in certain Health Areas.
81. Notice of intended construction of private drains in certain Health areas.
82. Control of Health Authorities over construction of private drains
83. Where Health Authorities may join private to public drain
84. Adjustment of cost of joining private to public drain.
85. Where Health Authorities may require provision for drainage to be made
86. Where Health Authority may require combined drainage
87. Defective drains etc. in Urban Health Areas.

SANITATION

88. Sanitary services in Port, Labour and Urban Health Areas.
89. Provision in Health Areas of places for deposit of refuse
90. Prohibition of interference with refuse deposited for removal
91. Public latrines and night soil depositories

WATER SUPPLIES

- 92. Water supply
- 93. Protection of public from polluted water
- 94. Closing of wells where adequate public supply of water available.
- 95. Penalty for damaging or fouling water supply
- 96. Water gathering areas
- 97. Control of wells

HOUSING

- 98. Declaration of overcrowded areas
- 99. Publication of schedule of overcrowded areas
- 100. Powers of Health Officers inspecting overcrowded areas
- 101. Overcrowded dwelling houses
- 102. Notice to abate overcrowding
- 103. Penalties for failing to abate overcrowding

FILTHY OR VERMINOUS PREMISES OR ARTICLES AND VERMINOUS PERSONS

- 104. Cleaning of filthy or verminous premises
- 105. Cleansing or destruction of filthy or verminous articles
- 106. Cleansing of verminous persons and their clothing

RULES

- 107. Rules under this Part

PART VII – FOOD, SLAUGHTERHOUSES AND MARKETS

- 108. Interpretation

FOOD

- 109. Penalty for sale, etc of unsound food

INSPECTION

- 110. Examination of food and seizure of unsound food

FOOD POISONING

- 111. Notification of cases of food poisoning
- 112. Provision as to suspected food
- 113. Powers of sampling

SLAUGHTERHOUSES

- 114. Provision of public slaughterhouses and powers to close existing slaughterhouses etc.
- 115. Slaughter of animals for human consumption

MARKETS

- 116. Provision of public markets and powers to close existing markets etc.
- 117. Sale of fresh meat and fish
- 118. Examination of fresh meat before sale
- 119. Rules under this part

PART VIII – PROCEDURE AND GENERAL

- 120. Interpretation
- 121. Powers of entry
- 122. Application of ordinance to vessels and aircraft
- 123. Extent to which ordinance is binding on crown
- 124. Duties of police
- 125. Public Health Inspectors to have powers of constables
- 126. Penalties for obstructing execution of ordinance etc.
- 127. Summary proceedings for offences, expenses etc
- 128. Procedure where mode of proceeding not specially prescribed
- 129. Powers of reference
- 130. Over plus of distress to be returned on application
- 131. Distress not unlawful for want of form of warrant
- 132. Proceedings for fines, etc, to be taken within six months.
- 133. Evidence by defendant
- 134. Disposal of forfeited articles
- 135. Procedure
- 136. Procedure for neglect of vacant lands after three years
- 137. Recovery of expenses from owner and occupier
- 138. Appearance by Health Authority
- 139. Protection from personal liability of Health Authorities and officers
- 140. Appeal to Supreme court
- 141. Authentication of notices
- 142. Service of notices
- 143. Forms
- 144. Expenses of Health Authority
- 145. Saving of water rights
- 146. Powers of Ordinance to be cumulative
- 147. Rules
- 148. Repeals and amendments

Arrangement of Schedules
First Schedule – Forms
Second Schedule – Number Permitted
To Use House for Sleeping

In Her Majesty's name I assent to this Ordinance this 14th day of January, 1961

MAURICE H. DORMAN
GOVERNOR



NO. 23

Sierra Leone

1960

An Ordinance to consolidate and to amend the Law relating to Public Health in Sierra Leone

Be enacted by the legislature of Sierra Leone as follows:

PART I PRELIMINARY

1. This ordinance may be cited as the public Health Ordinance 1960 and shall come into operation on such date as the governor may order appoint:

Provided that the governor may, if he considers it necessary or expedient either by one Order or different orders appoint different dates for the coming into operation of different provisions thereof:

2. In this ordinance unless the context otherwise requires:-

“**Cesspool**” includes a settlement tank, septic tank or other tank for the reception or disposal of foul matter from a building or latrine

“**Corporation**” includes a limited liability company

“**Drain**” includes any sewer or drain used for the drainage of a building or a yard appurtenant to a building or for the drainage of surface water

“**Dustbin**” includes any ash pit, ash tub or other receptacle for the deposit of ashes or refuse

“**Endemic Control Area**” means any area declared as such under section 11

“**Endemic Control Authority**” means any endemic Control Authority appointed under section 12

“**Food**” means any article used as food or drink for human consumption, other than drugs or water, and includes-

- (a) any article which is intended for use in the composition or preparation of food; and
- (b) any flavouring matter or condiment and
- (c) any colouring matter intended for use in food

“Functions” includes powers and duties

“Health Area” means any area declared to be a Health Area under section 4:

“Health Authority” in respect of any Health Area declared under section 4, means that Health Authority appointed for that area under section 5, and in any area which has not been declared to be a Health Area under section 4 means the Medical Officer of Health for that area:

“Health Officer” means any Medical Officer, Medical Officer of Health, Health Development officer, Public Health Superintendent and Public Health Inspector;

“Hospital” means any premises or vessel for the reception of the sick whether temporarily or permanently;

“House” means any building in which persons are employed or reside and includes any tent, van or shed and any garden, yard, outhouse or other appurtenances belonging to any house or usually enjoyed therewith;

“Intimation” means an intimation in the form G prescribed in the First Schedule:

“Local authority: means –

- (a) in Freetown, the City council
- (b) in a Chiefdom, the Tribal Authority
- (c) in the Rural area a Rural District Council
- (d) in the Sherbro Urban District, the Sherbro Urban District Council
- (e) in the town for Bo, the Bo town Council
- (f) in any town which may hereafter be established under any legislation, the town Council of that town

“Medical Officer” means any Medical Officer in the employ of the government

“Medical Officer of Health” means any person who is a Medical Officer of Health by virtue of section 16:

“Medical Practitioner” means any medical practitioner registered as such under the Medical Practitioners, Dentists and Druggists Ordinance, and includes any Medical Officer whether or not he is so registered.

“Minister” means the Minister for the time being responsible for health

“Mosquito” includes the eggs, larvae and pupae of the mosquito

“Notifiable disease” means, subject to the provisions of any order made under section 37, any of the following diseases, namely – smallpox, yellow fever, plague, cholera, typhus, relapsing fever, typhoid and para-amoebic fever, dysentery (bacillary and amoebic), acute poliomyelitis and polio encephalitis, meningococcal meningitis and chicken pox, tuberculosis and trypanosomiasis.

“Occupier” means in the case of a building, or part of a building, the person in occupation or having the charge, management or control thereof, either on his own account or as agent of another person, and in the case of a vessel, means the master or other person in charge, or having the control or custody thereof;

“Owner” includes the person for the time being receiving the rent of any premises, whether on his own account or as agent or trustee or as receiver, or who would receive the same if such land or house were let to a tenant and includes the Crown and any local or native authority;

“Prejudicial to health” means injurious or likely to cause injury to health;

“Overcrowded Area” means any area declared as such by Order under section 98:

“Premises” includes messuages, building, lands, easements and hereditaments of any tenure, whether open or enclosed, whether built or not, whether public tribal or private and whether maintained or not under statutory authority;

“Province” means a Province delimited for the purposes of this Ordinance under section 14:

“Provincial Medical Officer” means a Provincial Medical Officer of Health appointed under section 14;

“Sanitary convenience” includes any form of water-closet, privy, latrine and urinal

“Statutory nuisance” means a statutory nuisance as defined in section 23

“Street” includes any highway, including a highway over any bridge and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, and whether or not there are houses in the street:

“Surface water” includes water from a roof

“Vehicle” includes a railway train

“Vermin” in its application to insects and parasites includes their eggs, larvae and pupae, and the expression “verminous” shall be constructed accordingly

“Vessel” includes every description of vessel used in navigation.

PART II – ADMINISTRATION

3. Subject to the provisions of section 6 it shall be the duty of the Minister, acting through the Ministry of Health to carry this ordinance into execution throughout Sierra Leone.
4. The Minister may by order declare any area in Sierra Leone to be-
 - (a) an Urban Health Area
 - (b) a rural Health Area:
 - (c) a Port Health Area or
 - (d) a Labour Health Area

5. (1) The Minister may by order appoint any person or body of persons to be the Health Authority of any Health Area;

Provided that the Minister shall appoint the local authority of the area within which a Health Area is situated to be the Health Authority of that Health Area, unless after consultation with the Minister responsible for local government he deems it expedient to appoint some other person or body of persons.

(2) Where a Health Area is situated within the area of more than one local authority, the Minister shall unless after consultation with the Minister responsible for local government, he deems it expedient to do otherwise appoint no less than two representatives of each such local authority to be the Health Authority for the Health Area.

6. Subject to the provisions of this ordinance with respect to the powers of the Minister and of officers of the Ministry of Health and of Endemic control Authorities, it shall be the duty of every Health Authority to carry this Ordinance in t execution in the Health are in respect of which it has been appointed by the Minister

7. (1) Whenever several persons, not being a cooperate body are appointed by the Ministry as a Health Authority such Health Authority shall be a corporate body by such name as may be specified in the Order by which it is appointed and shall have perpetual succession and may sue or e sued in its corporate name and hold such real or personal property as may be necessary or expedient for carrying into effect the provision

Provided that for the purpose of any Ordnance dealing with the acquisition of rights in and to the use of land in the protectorate, a health authority incorporated under this section shall be deemed to be a negative

(2) Any Health Authority incorporated under this section may, after giving six months notice of its intention to do so have and use a common seal, and until such notice has been given and has expired the signatures of the Chairman and two other members of the Health authority shall be deemed for all purposes of this Ordinance or of any other law to be the common seal of the Health Authority, and all reference3s in this ordinance or any other law to such seal shall be construed accordingly.

(3) The Minister may by order terminate the appointment of any person serving as a member of a Health Authority incorporated under this section and may by order appoint any person to fill any vacancy in the membership of such a Health Authority

(4) A Health Authority incorporated under this section shall have power to make rules with the approval of the Minister, for the regulation of its procedure in carrying into execution within its Health Area the provisions of this Ordinance.

8. (1) If the Minister is satisfied that a Health Authority has made default in the performance of any functions conferred or imposed upon it by this Ordinance or any other Ordinance for the time being in force, he may by order declare such Health Authority to be in default and may by the same or any other order direct such Health Authority to perform such of its functions in the manner and within such time or times as shall be specified in the Order.

(2) If any Health Authority in respect of which an order has been issued under subsection (1) fails to comply with any requirement of such Order within the time specified therein for compliance with such requirement or if for the purpose of the reorganization of health Authorities the Minister is satisfied that it is in the interest of the Public health that the functions of a Health Authority should be transferred to another person or body of persons, the Minister may, with the prior approval of the governor by Order-

- (a) transfer to such person or body of persons as he may think fit such of the functions of the Health Authority as shall be specified in the Order;
- (b) where such Health Authority is a corporate body appointed as a Health Authority by the Minister, cancel such appointment or suspend such Health Authority for such time as he may think fit from the performance of all or any of its functions under this or any other Ordinance and transfer such functions to such persons or body of persons as shall be specified in the order.

(3) Whenever the appointment of a Health authority has been cancelled or a Health Authority has been dissolved in accordance with the provision of subsection (2) of this section, the Minister may by order re-appoint such Health Authority from such date as shall be stated in the Order:

Provided that nothing in this subsection contained shall be construed as limiting the powers of the Minister to re-define the boundaries of any Health Area or to appoint any person or body of persons as a Health Authority for any Health Area.

(4) Any person or body of persons to whom any of the functions of a Health Authority has been transferred under the provisions of this section, when performing any such function and in respect thereof, shall be deemed to be such Health Authority and shall have all the powers and immunities of such Health Authority, including the power of affixing the common seal thereof, and, if such health Authority has no common seal, the signature of such person or the signatures of the Chairman and two other members of such body of persons shall be deemed to be the common seal of such Health Authority.

9. Where any of the functions of a Health Authority in default are transferred to any person or body of persons under the provisions of section 7, the expenses incurred by such person or body in discharging those functions shall be a debt due from such Health Authority to such person or body or of persons.

10. The Governor may by Order make provision for the custody, control, ownership or

disposal of any property movable or immovable leased or held by or in the control of any Health Authority, any functions of which has been transferred to any person or body of persons provided under section 8;

Provided that where a corporate body has been appointed as a health Authority, such order shall deal only with such property as is held by or controlled by such corporate body in its capacity as a Health Authority

11. The Minister may by order declare any area in Sierra Leone, respect of which he has approved and Endemic Control Scheme to be an Endemic control Area.

12. The Minister may by order appoint any Health Authority or any other person to be the Endemic control Authority for any endemic Control Area and the provisions of endemic Control Authority so appointed. The name of each Endemic Control Authority appointed under this section shall be specified in the order by which it is appointed.

13. (1) It shall be the duty of an Endemic Control Authority to carry out the Scheme approved for the Endemic Control Area for which it has been appointed and to this end such an Authority may with all necessary assistant, workmen and things enter upon such endemic Control Area and there construct such drainage or other works as appear to such Authority to be necessary for the control of endemic disease or the elimination of insect or animal vectors of endemic disease in such endemic Control Area, and for the maintenance thereof

(2) In addition to the powers and duties conferred and imposed upon it by subsection (1), an endemic Control Authority shall have within the area for which it has been appointed such powers and duties as are conferred or imposed upon a Health Authority by Part IV of this Ordinance for the prevention, treatment and notification of disease or by any rules made under section 34

Provided that where the whole or any part of any Health Area falls within the limits of any endemic Control Area, the Minister may by Order apportion such functions and the cost thereof between the Endemic Control Authority and the Health Authority of each such Health Area or portion thereof .

(3) An Endemic Control Authority and the officers thereof shall have all the rights, powers and immunities conferred upon health Authorities and Health Officers by Part VIII of this Ordinance

14. (1) The Minister shall for the purposes of this ordinance divide Sierra Leone into as many provinces as he may from time to time consider to be convenient for the effective administration of this ordinance and the governor shall appoint Provincial Medical Officer of Health to be in medical charge of each such province

(2) The governor shall not appoint any person to be a Provincial Medical Officer of Health unless such person holds a registered Diploma in Public Health or Public Health Science or any other similar qualification

Provided that the Governor may waive this requirement if in his opinion the person has had sufficient experience of public Health Administration.

15. A provincial Medical Officer of Health shall under the direction of the Chief Medical Officer within his province supervise, advise and direct Medical Officers of Health and other Health Officers and advise Health Authorities on all matters affecting the public health. He shall regularly visit all Health areas and other areas within his Province, perform all other duties imposed upon him by this Ordinance, and shall have within his province all the powers conferred by this Ordinance on Medical Officers of Health and Health Officers

16. (1) The governor may appoint a Medical Officer of a registered medical Practitioner, to be the Medical Officer of Health for any area or any areas in Sierra Leone.

(2) If no Medical Officer of Health has been appointed under subsection (1) for any area of Sierra Leone, the Medical Officer in Medical charge of that area shall be ex-officio the Medical Officer of Health thereof.

17. (1) The Medical Officer of Health for any area shall in any part of his area which has not been declared to be a Health Area, supervise the work of any Health Officer employed by the government and shall discharge the functions conferred and imposed by this Ordinance upon Health Authorities.

(2) The Medical Officer of Health for any area shall be the Medical Officer of health of the Health Authority of each Health Area in his area, and shall supervise the work of any Health Officer employed by or seconded to each such Health Authority and shall ensure to the best of his ability that all the duties imposed upon Health Authorities are duly performed by every Health Authority in his area, and shall report to his Provincial Medical Officer of health any failure of any such Health Authority to perform any of its duties.

18. (1) The Medical Officer of Health of each Health Authority shall attend all meetings of the Health Authority but shall not be a Member thereof or have a vote on any question before the Health Authority.

(2) The Minister may when the constitution of a corporate body appointed as the Health Authority of an Urban Health Area makes provision for the employment of a Medical Officer

of Health, appoint any properly qualified person as the Medical Officer of Health for such Urban Health Area.

19. The Governor may appoint and any Health Authority may employ, Public Health Superintendents, to carry out the provisions of this ordinance and to supervise, under the direction of Provincial Medical Officers of Health, Medical Officers of Health, and Health Development Officers, the work of Public Health Inspectors.

20. (1) The Governor may appoint and every health Authority shall employ one or more Public Health Inspectors.

(2) The Governor may second any Public Health Inspector employed by the government for duty with any Health Authority.

21. The Governor may by regulation prescribe the qualifications to be held and the duties to be performed by Health Officers and may by regulation prescribe courses of training for Public Health Inspectors, Public health Superintendents, whether employed by the government or by a Health Authority.

PART III NUISANCES AND OFFENSIVE TRADES

22. It shall be the duty of every Health Authority to cause its Health Area to be inspected from time to time for the detection of matters requiring to be dealt with under the provisions of this Ordinance as being statutory nuisances within the meaning of the next succeeding section.

Statutory Nuisances

23. without prejudice to the exercise by a Health Authority of any other powers vested in them by or under this Ordinance, the following matters may, subject to the provisions of this part of this Ordinance, be dealt with summarily and are in this Ordinance referred to as “statutory nuisances” that is to say:-

- (a) any premises in such a state as to be prejudicial to health or a nuisance;
- (b) any animal or bird kept in such a place or manner as to be prejudicial to health or a nuisance
- (c) any accumulation or deposit which is prejudicial to the health of or a nuisance to, the inhabitants of the neighborhood;
- (d) any dust or effluvia caused by any trade, business, manufacture, or process, and being prejudicial to the health of, or a nuisance to the inhabitants of the neighbourhood;
- (e) any pool, ditch, gutter, watercourse, cistern sanitary convenience, cesspool, drain, dung pit or ash pit, so foul or in such a state as to be prejudicial to health or a nuisance;
- (f) any collection of water or any water vessel, found to contain eggs or larvae of mosquitoes, or any premises, on which conditions whether natural or artificial are likely to cause the propagation or harboring of mosquitoes;
- (g) any well, tank, cistern, or water-butt used for the supply of water for domestic purposes which is so placed, constructed or kept as to render the water therein liable to contamination prejudicial to health;

- (h) any chimney (not being the chimney of any private dwelling house) emitting black smoke in such a quantity as to be a nuisance.

INTIMATIONS, ABATEMENT NOTICES, AND NUISANCE NOTICES

24. It shall be the duty of every Health Officer to inform the Health Authority of any statutory nuisance within a Health area and forthwith to bring the existence of the nuisance to the knowledge of the person responsible for such nuisance by an intimation in the Form A prescribed in the first Schedule

25. (1) A Health Authority shall, if satisfied of the existence of a statutory nuisance in any Health Area, serve a notice (in this Ordinance referred to as an "Abatement Notice") in the form B prescribed in the First Schedule on the person by whose act, default, or sufferance the

nuisance arises or continues, or if that person cannot be found, on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the nuisance, and to execute such works and take such steps as may be necessary for that purpose:

Provided that:-

- (a) where the nuisance arises from any defect of a structural character, the notice shall be served on the owner of the premises;
- (b) where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the owner or the occupier of the premises, the health Authority may itself so forthwith what it considers necessary to abate the nuisance and to prevent a recurrence thereof;
- (c) where the eggs or larvae of mosquitoes are found in any collection of water or any water-vessel, a Health Officer may himself forthwith abate the nuisance and do what is necessary to prevent the recurrence thereof and for that purpose may add to such collection of water or water-vessel any substance which is not dangerous or prejudicial to the health of man or domestic animals and which is inimical to the larvae of mosquitoes, to take such other reasonable measures as he may deem necessary;
- (d) if it appears to a Health Officer that any accumulation of noxious matter constituting a statutory nuisance ought to be removed without delay, he shall deliver an Intimation to the owner thereof or to the occupier of the premises on which it is found, and in such Intimation shall require the person to whom it is addressed to remove such matter within twenty-four hours after delivery to him of the said Intimation, if the person to whom such Intimations delivered fails to comply with the terms thereof, the Health Officer may remove the said matter and the cost of such removal and of any reasonable action taken by the Health Officer in regard to the disposal of the matter removed shall be a debt due by such person to the Health Authority having jurisdiction.

2. Nothing in this section shall empower a Health Officer or Health authority to damage or destroy food crops or crops, trees, or plants of economic importance grown for use or commerce, unless it is certified by a Medical Officer of Health that such destruction or damage is urgently necessary for the control of an outbreak of disease or of an epidemic which is, or is reasonably suspected to be caused by a notifiable mosquito borne disease.

26. 1. If the person on whom an abatement notice has been served makes default in complying with any of the requirements of the notice, or if the nuisance, although abated since the service of the notice is, in the opinion of the Health Authority may make a complaint to a magistrate or the native court having jurisdiction within the area and the magistrate or such native court may thereupon issue a summons in the form C in the First Schedule requiring the person on whom the notice was served to appear before such magistrate or native court.

2. If on the hearing of the complaint it is proved that the alleged nuisance exists or that although abated it is likely to recur on the same premises, the court shall make an Order (in this Ordinance referred to as "a nuisance order") in the Form D prescribed in the first schedule for either or both of the following purposes:-

(a) requiring the defendant to comply with all or any of the requirements of the abatement notice or otherwise to abate the nuisance within a time specified in the order and to execute any works necessary for that purpose:

(b) prohibiting a recurrence of the nuisance and requiring the defendant within the time specified in the order to execute any works necessary to prevent recurrence; and may also impose a fine not exceeding five pounds

(3) If it appears to the court that the person by whose act or default the nuisance arises, or the owner or occupier of the premises, cannot be found, the nuisance order may be addressed to and executed by the Health Authority.

27. Where on the hearing of a complaint under section 26 a nuisance proved to exist is such as to render a building in the opinion of the court unfit for human habitation, the nuisance order may prohibit the use of the building for that purpose until the court being satisfied that it has been rendered fit for human habitation, withdraws the prohibition.

28. (1) Any person who fails without reasonable excuse to comply with or knowingly contravenes, a nuisance order shall be liable to a fine not exceeding five pounds and a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefore.

(2) Without prejudice to the foregoing provisions of this section, where a nuisance order has not been complied with, the Health authority may abate the nuisance and do whatever may be necessary in execution of the order.

29. (1) Any expenses reasonably incurred by a Health Authority under this Part of this ordinance

in abating or preventing the recurrence of a statutory nuisance in respect of which a nuisance order has been made may be recovered by it

a) Where the order was made on some person other than the Health Authority from that person

- b) Where the order was made on the Health Authority from the person by whose act or default the nuisance was caused
And in either case if the person in question is the owner of the premises from any person who is for the time being the owner thereof

(2) In proceedings to recover any such expenses as aforesaid the court shall have power to apportion the expenses between persons by whose acts or default the nuisance is caused in such manner as the court may deem fair and reasonable.

30. (1) Where a statutory nuisance appears to be wholly or partly caused by the acts or defaults of two or more persons, proceedings may be instituted under the foregoing provisions of this Part of this Ordinance against any one of them or all or any two or more of them, may be included in the same proceedings and subject to those provisions, any one or more of the persons proceeded against may be ordered to abate the nuisance so far as it appears to the court to be caused by his or their acts or defaults, or maybe prohibited from continuing any acts or defaults which, in the opinion of the court, contribute to the nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of those persons would not separately have caused a nuisance, and the costs may be apportioned as the court may deem fair and reasonable.

(2) Proceedings against several persons included in one complaint shall not abate by reason of the death of any of the persons so included but may be carried on as if the deceased person had not been so included.

(3) Where some only of the persons by whose acts or defaults a nuisance has been caused have been proceeded against under this Ordinance, they may without prejudices to any other remedy, recover in a summary manner from the other persons who where not proceeded against a proportionate part of the costs of, ad incidental to, the proceedings and the abatement of the nuisance and of any fine or costs ordered to be paid in the proceedings

31. Complaint of the existence of a statutory nuisance under this Ordinance may be made to
a
magistrate or the native court having jurisdiction within the area by any person aggrieved by the nuisance, and thereupon the like proceedings shall be had with the like incidents and consequences as to the making of orders, penalties for disobedience of orders and otherwise, as in the case of a complaint by the Health Authority, but any order made in such proceedings may, if the court after giving the Health Authority an opportunity of being heard thinks fit, direct the Authority to abate the nuisance.

32. If in the case of any statutory nuisance a Health Authority is of opinion that summary proceedings would afford an adequate remedy, it may in its own name take proceedings in the Supreme court for the purpose of securing the abatement or prohibition of that nuisance, and such proceedings shall be maintainable notwithstanding that the Health Authority has suffered no damage from the nuisance.

OFFENSIVE TRADES

33. (1) Any person who on any premises in any Health Area, establishes without the consent of the Health Authority an offensive trade as hereinafter defined, shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(2) The Minister may make rules for the control of offensive trades, and may prescribe penalties for the infringement of any of the provisions of such rules not exceeding a fine on summary conviction of fifty pounds and in the case of a continuing offence, to a further fine not exceeding five pounds for every day on which the offence continues after conviction therefore.

(3) For the purposes of this section -
“Offensive trade” means any of the following trades; - Manufacturers of business, namely: the trade or business of a soap maker, soap boiler, soap refiner, tanner, leather dresser, fell-monger, dye worker, slaughter house proprietor, blood boiler, fat extractor, fat melter, and any other trade declared by order of the Minister from time to time to be an offensive trade

PREVENTION, NOTIFICATION AND TREATMENT OF DISEASE **PREVENTION OF DISEASE**

34. (1) The Governor may make rules for the whole or any part of Sierra Leone for all or any of the following purposes:-

- a) For the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases
- b) For preventing danger to public health from any vessel, aircraft or vehicle arriving at any place in Sierra Leone
- c) For preventing the spread of infection by means of any vessel, aircraft or vehicle leaving any place in Sierra Leone, so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any other country; and
- d) For the vaccination and immunization of persons against epidemic, endemic or infectious diseases and for the proper regulation and control of vaccination and immunization

(2) Without prejudice to the generality of the powers conferred by subsection (1), rules made under this section may provide for -

- a) The signals to be displayed by vessels or aircraft having on board any case of epidemic, endemic, or infectious disease
- b) The questions to be answered by masters, pilots, and other persons on board any vessel, aircraft to vehicle as to cases of such disease on board during the voyage or journey or on arrival
- c) The detention of any vessel, aircraft or vehicle and of persons on board thereof;
- d) The duties to be performed in cases of such diseases by masters, pilots and other persons on board vessels aircraft or vehicles
- e) The charges to be made in respect of any service rendered under such rules and the recovery and disposal of such charges;
- f) The penalties for any infringement of any of the provisions of such rules not exceeding on summary conviction a fine of one hundred pounds and in the case of a continued offence, a further fine not exceeding fifty pounds for every day on which the offence continues after conviction therefore

purpose of
this

an offence and
exceeding one hundred pounds.

- (3)
 - a) any Health Officer, Officer of the Port and Marine Department and Customs Officer may enter any vessel, aircraft or vehicle and
 - b) any Health Officer may enter any premises including any dwelling house, and may examine and inoculate or vaccinate any person for the executing or superintending the execution of any rule made under section; and any person who obstructs any such officer in the execution of his duty under any such rule shall be guilty of liable on summary conviction to a fine not

NOTIFICATION OF DISEASE

35. (1) Where an inmate of any house is suffering or appears to be suffering from smallpox or meningitis, the head of the family to which that inmate (In this section referred to as “patient”) belongs and in his default every person in charge of or in attendance on the patient and, in default of any such person, the occupier of the premises in which the patient is or any other person living there as soon as he becomes aware that the patient is suffering from either of those diseases, and any person who is aware of, or has reasonable ground for suspecting any outbreak of disease , which appears to be a notifiable disease, shall inform a Medical Officer, Health Officer, Tribal Authority, or District Commissioner, who shall without delay inform the nearest Medical Officer, or Medical Officer of Health, and the Provincial Medical Officer of Health.

(2) Any person who willfully conceals any case which he has reason to believe is smallpox or meningitis shall be guilty of an offence and liable on conviction before a magistrate or native court having jurisdiction within the area to a fine not exceeding five pounds or to imprisonment with or without hard labour for a period not exceeding two months or to both such fine and imprisonment.

36. (1) Every medical practitioner attending on, or called in to visit any patient suffering from a notifiable disease, send to the Medical Officer of Health of the area in which the patient is ill a certificate stating the full name, house or place where he is ill, and the notifiable disease from which, in the opinion of that medical practitioner the patient is suffering and where the certificate refers to the inmate of a hospital it shall specify the place from which, and the date at which the inmate was brought to the hospital and it shall be sent to the Medical Officer of Health of the area in which the said place is situated or the Provincial Medical Officer of Health of such area.

(2) Any medical practitioner who fails to send a certificate as required by subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five pounds.

(3) The Chief Medical Officer or any Medical Officer of Health shall upon application, supply forms of certificate for use under the last proceeding subsection free of charge to any medical practitioner.

37. (1) The minister may by order add any disease to or remove any disease from the list of diseases contained in the definition of “notifiable disease” in section 2, and may in such order provide that any disease so added shall be a notifiable disease only in any specified part or parts of Sierra Leone or that any disease so removed shall cease to be a notifiable disease only in any specified part or parts in Sierra Leone

(2) Any order make under subsection (1) shall come into force on such date not being earlier than one week after the publication of such order in the Gazette, as shall be stated in such order.

CONTROL OF NOTIFIABLE DISEASE

38. (1) Whenever the Minister is satisfied that a notifiable disease has broken out in any place in Sierra Leone, he may by order declare such place or any portion of it or any area in which such place is instituted, to be an infected area, and may by the same or by a different order, order the evacuation of the whole or any part of such infected area by such time as shall be stated in such order.

(2) Whenever an order for the evacuation of any area has been make under subsection (1) and it still in force, any person who resides or carries on business in such area after the time fixed in such order for the evacuation of that area shall be guilty of an offence;

Provided that this subsection shall not apply to any person proceeding along a thoroughfare declared in the evacuation order as being open to the public, or to any person who has in his possession a written permit signed by a Medical Officer of Health to the extent authorized by and subject to the conditions specified in such permit.

(3) Any person convicted of an offence under subsection (2) shall be liable on summary conviction for a first offence, to a fine not exceeding twenty-five pounds, and for a second or subsequent offence, to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a period not exceeding six months, or to both such fine and imprisonment.

39. (1) A Health Authority may prohibit the entrance to, and egress from, and infected area in its Health Area of any person going to, or coming from any infected area; and may, in like manner, prohibit any of the inhabitants of its Health Area from entering or approaching any infected area, or, alternatively, may restrict such entry or egress, or make it conditional on the production of evidence of vaccination or inoculation, or of freedom of contact from infected persons, or on any other conditions.

Provided that such prohibitions, restrictions, and conditions are approved by the Medical Officer of health as adequate and necessary for the effective prevention of the spread of infection, and are published in the Gazette and in some other manner whether orally or in writing within the Health Area concerned as the Medical Officer of Health may direct.

(2) Any person who fails to comply with any prohibition, restriction or conditions made by a Health Authority under subsection (1), shall be guilty of an offence and liable on summary conviction, for a first offence, to a fine not exceeding twenty-five pounds and for a second or subsequent offence, to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a period not exceeding six months or to both such fine and imprisonment.

40. (1) Whenever in the opinion of a Medical Officer of Health there is reason to suspect that a person has died of a notifiable disease, it shall be lawful for the Medical Officer of Health to order that the body of the deceased person shall be conveyed to such place as the Medical Officer of Health shall appoint for such examination as he shall consider necessary.

(2) Any person who obstructs or interferes with any other person in the performance of that other person's duty under an order given by a Medical Officer of Health under subsection (1) or who prevents any other person from carrying out any of his duties under any such order or who fails to carry out or obey any order given to him by a Medical Officer of health under subsection 91) shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten pounds or to imprisonment with or without hard labour for a period not exceeding three months.

41. (1) It shall be lawful for any Medical Officer of Health or any nurse, dresser, or dispenser authorized by him and under his supervision, or any medical practitioner authorized thereto by him to perform any diagnostic test that shall from time to time be approved by the Minister, by order, on any person, for the detection of infection with, or immunity to, any notifiable disease, or the presence or prevalence of any endemic disease.

(2) Any person who fails to submit to having any such diagnostic test performed upon him by a person authorized under subsection 91) to perform such test shall be guilty of any offence and liable on summary conviction to a fine not exceeding five pounds.

(3) The Minister shall not approve of any diagnostic test which is prohibited by any International Sanitary convention or Regulations.

42. A Health Officer may place or cause to be placed on or about any premises in which any case of notifiable disease has occurred any mark for the purpose of denoting the occurrence of the disease and may keep such mark affixed for such time as he may deem necessary, and any person removing or obliterating the mark without authority shall be guilty of an offence and liable to summary conviction to a fine not exceeding five pounds

43. (1) Subject to the provisions of section 57, a Medical Officer of Health may order the destruction of any animals which he has reason to believe are likely to be the agents in the transmission of infectious disease to man, and may dispose of the carcasses of any animals destroyed in such manner as he may think proper.

(2) Any person who obstructs or interferes with any other person in the performance of that other person's duty under an order given by a Medical Officer of Health under subsection 91), or who prevents any other person from carrying out any of his duties under any such order or who fails to carry out or obey subsection (1), shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds, and, in the case of a continuing offence, to a further fine not exceeding ten pounds for every day on which the offence continues after conviction therefore.

44. (1) A Health Authority may provide, and if so ordered by the Minister shall provided, temporary emergency huts or houses for the accommodation in isolation of persons suffering from a notifiable disease. Such temporary accommodation shall so far as possible be situated in a readily accessible place either immediately outside or inside a town or village but well removed from any inhabited dwelling. A Health Authority may temporarily requisition suitable land for this purpose.

(2) As soon as the emergency requiring such accommodation is past the Medical Officer of Health shall order the removal of the temporary huts or houses, and they shall be forthwith dismantled or destroyed under the supervision of a Health Officer and any materials used in their construction shall be burnt, buried or disinfected and the whole area shall be rendered innocuous to the satisfaction of the Health Officer.

45. In addition to or in place of temporary accommodation provided for in the preceding section, the Health Authority of any Health Area may, and if so ordered by the Minister, the accommodation for the isolation of cases or suspected cases of notifiable disease, and for the

separate isolation of any persons who have been or are suspected to have been, in contact with any case of notifiable disease.

46. A Health authority which provides accommodation for the isolation of cases of notifiable disease, or contacts, as provided for the care and maintenance of persons, whether patients or contacts, confined therein.

47 (1) A Medical Officer of Health may order any person suffering or suspected to be suffering from a notifiable disease to be removed to a hospital, or other place provided by the government, or by a Health Authority, to be detained there until in the opinion of the Medical Officer of Health he can be discharged with safety to the public. During such time as any such person is kept in isolation, no person other than those specially detailed by the Health Authority or Medical Officer of Health for the duty of attending such persons, shall visit or approach the place of confinement or shall any confined person leave the precincts of the place, without the permission of the medical officer of health.

(2) Any person who obstructs or interferes with any other person in the performance of that other persons duty under an order given by a Medical Officer of Health under subsection (1) or who prevents any other person from carrying out any of his duties under any such order, or who tries to carry out any of his duties under any such order, or who fails to carry out or obey any order given to him by a Medical Officer of Health under subsection (1), or who contravenes any of the prohibitions contained in subsection (1), shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence, to a further fine not exceeding five pounds for every day on which the offence continues after conviction therefore

48 (1) A Medical Officer of Health may order any person having had personal communication or contact with a person suffering from a notifiable disease, or whom he suspects on reasonable grounds to have had such communication or contact-

- a) To be placed under surveillance or
- b) To be detained in segregation

Provided that a person shall not be ordered to be detained in segregation unless the Medical Officer of health considers the risk of transmission of the infection by such person to be exceptionally serious.

(2) A person placed under surveillance under subsection (1) shall not be isolated but shall be permitted to move about freely but shall make such reports or notifications and shall submit to such medical examinations and enquires as the Medical Officer of Health may reasonably require of him, or as may be prescribed in any rule made under section 34.

(3) A person detained in segregation under subsection (1) shall remain in such place, other than a place set apart from persons suffering or suspected of suffering from a notifiable disease, as the Medical Officer of Health shall order, and shall not leave the precincts of such place without the permission of the Medical officer of Health.

(4) a) Any person placed under surveillance under subsection (1) who fails to comply with any of the requirements of subsection (2);
and
b) Any person who has been detained in segregation under subsection (1) who leaves the place where he is detained without the permission of the Medical Officer of Health;
shall be guilty of an offence and liable on conviction before a magistrate or native court having jurisdiction within the area to a fine not exceeding ten pounds.

49. A Health authority or the government, as the case maybe, may make such charges for the cost of maintenance of persons held in isolation or segregation under section 47 and 48 as may be approved by the Minister by order.

50 (1) Subject to the provisions of section 57 a Medical Officer of Health being aware of, or reasonably suspecting the presence of a notifiable disease in his area, may by notice in writing order the evacuation, disinfection, fumigation or demolition of any infected premises or any premises reasonably suspected of being infected, or the disinfection, fumigation, or destruction of such articles, including bedding and clothing as he may suspect to be infected;

Provided that no premises shall be demolished unless they are of temporary construction, or are so dilapidated, or in such disrepair, that efficient disinfection is impracticable.

(2) Any person who obstructs or interferes with any other person in the performance of that other persons duty under a order given by a Medical Officer of health under sub-section (1), or who prevents any other person from carrying out any of his duties under any such order or who fails to carry out or obey any order given to him by a Medical officer of health under subsection (1), shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds, and in the case of a continuing offence, to a further fine not exceeding five pounds for every day on which the offence continues after conviction therefore

51 Any order made under section 50 shall be carried out in such manner and by such person as the Medical officer of health may direct, and any expenses incurred in carrying out the order shall be borne by the Health Authority in a health Area, and elsewhere by the Government.

52. Any person who knowingly lets for hire any house or part of a house, in which any person has been suffering from any notifiable disease without having had such house, or part of such house and the articles therein properly disinfected to the satisfaction of the Medical officer of Health for the area in which such house is situated, as testified by a certificate under his hand,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

53. Any person who-

- a) knowing that he is suffering from a notifiable disease, willfully exposes himself, without proper precaution against spreading the said disease, in any street, public place, shop or inn, or does any act or thing which he knows will tend to spread the said diseases or
- b) Being in charge of any person so suffering, so exposes such sufferer or does any such act or thing;-
- c) Gives, lends, sells, transmit removes or exposes, without previous disinfection, any bedding, clothing or other article which he knows has been exposed to infection from any such disease;

Shall be guilty of an offence and liable on conviction before a magistrate or native court having jurisdiction within the area to a fine not exceeding ten pounds or to imprisonment with or without hard labour for a period not exceeding three months.

54. Any person who, knowing that he is suffering from any notifiable disease, enters any ship, public conveyance, or place of entertainment or public meeting place, without previously notifying to the person in charge thereof that he is so suffering shall be guilty of an offence and liable on conviction before a magistrate or native court having jurisdiction within the area to a fine not exceeding five pounds or to imprisonment for a period not exceeding one month, and in addition may be ordered to pay to the owner of the ship, public conveyance or place of entertainment the amount of any expenses which such owner may incur in disinfecting such ship, public conveyance, or place of entertainment.

55. Every person in charge of any ship or public conveyance shall to the satisfaction of the Medical Officer of Health immediately provide for the disinfection of such ship or public conveyance after it has to his knowledge conveyed any person suffering from any notifiable disease, and, if he fails to do so, shall be guilty of an offence and liable on conviction before a magistrate or native court having jurisdiction within the area to a fine not exceeding five pounds;

Provided that where the person in charge, or owner, of any such ship or public conveyance, is unable in the opinion of the Medical Officer of Health effectually to cleanse and disinfect such ship or public conveyance, the same may be cleansed and disinfected by the Medical Officer of Health at the expense of the owner thereof.

56 (1) Every Health Officer, administrative officer, paramount chief, constable or in the case of a native subject to the jurisdiction of native courts, any officer of a native court, may without warrant apprehend and take, or cause to be apprehended or taken to a hospital any person whom he shall find in any street, public place, shop inn, or public conveyance whom he believes on reasonable grounds to be suffering from any notifiable disease.

(2) Any person taken to a hospital and the provisions of subsection (1) who leaves the precincts of such hospital without the permission of the Medical Officer of Health in whose area such hospital is situated, shall be guilty of an offence and liable on conviction before a magistrate or native court having jurisdiction within the area to a fine not exceeding ten pounds.

57. (1) The owner of any building, article or thing destroyed in pursuance of an order made under section 50, and the owner of any animal destroyed in pursuance of an order made under section 43, shall be entitled to compensation to be paid out of the general revenue of Sierra Leone or out of the funds of a Health Authority or both as the Minister shall direct.

(2) All claims shall be sent in the first instance to the Chief Medical Officer and, in any case where the amount claimed as compensation is disputed, the claimant may sue in any court of competent jurisdiction for the compensation claimed by him;

Provided that no action shall be taken in any court in respect of any such claim for compensation which is not received by the Chief Medical officer within twelve months of the happening of the event in respect of which the claim is made

PART V BURIAL GROUNDS AND BURIALS

58. In this Part, unless the context otherwise requires – “Cemetery” means a cemetery declared to be a cemetery under section 59;

“Health Area” – Means a Health Area declared to be a Health Area under section 4

59. (1) The Health Authority of a Port Health Area may, and the Health Authorities of all other Health Areas shall subject to the approval of the Minister, set apart a fenced area or areas as a place or places for the burial of bodies of human beings.

(2) No new cemetery shall be established within four hundred yards of any source of water supply and no cemetery not already in use on the commencement of this Ordinance shall be established inside a town in any Health Area.

(3) The Minister shall by order declare all areas approved by him to be cemeteries

60. A Health Authority shall keep all cemeteries within its Health Area reasonably free from high grass, high weeds, high crops, rubbish and refuse, and shall allot within the same cemetery or within separate cemeteries such separate areas as may be necessary for the use of persons of different religious faiths and denominations;

61. (1) No person shall in any Health Area –
a) Bury the body of a human being in any place other than a cemetery or
b) Exhume the interred body of a human being –

- Health
- (i) unless authorized so to do by special license in writing for that purpose given by the governor; or
 - (ii) without giving notice of the intended exhumation to the Health Authority, or at any time other than that fixed by the Health Authority for the exhumation or
- c) Bury the body of a human being at a depth less than six feet from the surface of the ground

(2) Any person who contravenes any of the provisions of subsection 91) shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds:

Provided that notwithstanding the foregoing provisions of this section, where by virtue of any faculty, legally granted, or by usage or otherwise, there was, on the 21st day of December 1888, any right of interment in, or under, any church or chapel or mosque in a Health Area or in any vault of any such church or chapel or mosque in any churchyard or burial ground in a Health Area or any exclusive right of interment in any such ground had been purchased or acquired, it shall be lawful for the Minister from time to time on a application and on being satisfied that the exercise of such right will not be injurious to health, to grant a license for the exercise of such right during such time, and subject to such restrictions, as the Minister may think fit, but such license shall not prejudice or in anywise affect the authority of the ordinary, or of any person, who, if this section has not been passed, might have prohibited or controlled interment under such right, nor dispense with any consent, which would have been required, nor otherwise give to such right any greater force or effect than the same would have had if this section had not been passed.

62. (1) In any Health Area any grave in which a human body has been buried shall not be re-opened for the purpose of the burial of another body, without the authorization in writing of the Health Authority. Such authorization shall not be given within two years of a previous burial in such grave without the consent of the Minister.

(2) Any person who, in any Health Area, re-opens any grave in which a human body has been buried, otherwise than in accordance with the provisions of paragraph (b) of subsection (1) of section 61 or of subsection (1) of this section, shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

63. In any Health Area the re-opening of any grave or any exhumation made in accordance with either of the last two preceding sections shall be supervised by a health Officer, who shall take all necessary measures for the prevention of nuisance or danger to health. Any person engaged in any such re-opening or exhumation who fails to comply with all reasonable requirements of the Health Officer, or who obstructs the Health Officer in the performance of his duties under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

64 (1) In case it appears to the Ministry, upon representation being made, that, for the protection of the public health burials in any cemetery or part thereof in a Health Area should be wholly discontinued, or should be discontinued subject to any exception or qualification, it shall be lawful for the Minister to order that after a time mentioned in the order, burials in such cemetery or

part thereof shall be discontinued either wholly or subject to any exceptions or qualifications mentioned in such order

Provided that notice of such representations and of the time when it shall be considered by the Minister shall be published in the Gazette and shall be affixed on some conspicuous place within the Health Area affected by such representation, one month before such representation is considered.

(2) It shall not be lawful after the time mentioned in any such order for the discontinuance of burials to bury the dead in any cemetery or part thereof, as the case may be in which burials have by any such order been ordered to be discontinued, except as in section 61 or in such order excepted and every person who shall after such time as aforesaid, bury any human body or in anywise act or assist in the burial of any such body, contrary to such order shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

65. (1) In any Health Area-

- a) No person shall keep or cause to be kept any human corpse unburied beyond the space of thirty-six hours unless the time for such burial or interment be extended by license in writing by the Health Authority or by any order of a coroner
- b) It shall be the duty of the nearest relatives of a deceased person or in default of such relatives the owner or occupier of the house in which he was normally resident at the time of his death to bury the dead body or cause it to be buried
- c) If the relatives or the owner or occupier of the residence of a deceased person cannot be found the Health Authority, subject to any order or instruction of a Coroner, shall bury the body, and the expenses of attendance on such burial may be recovered from the nearest relative or relatives of the deceased in any court of competent jurisdiction.

(2) Any person whose duty it is under this section who fails to bury such body in accordance with the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds

66. (1) In any Health Area or in any place other than Health Area, if a Justice of the Peace, Magistrate, Paramount Chief or District Commissioner is satisfied on a certificate of a health Officer that the retention of a human corpse in any building would endanger the health of the inmates of the building, or the public health, he may order that the body be removed by, and at the cost of, the Health Authority in a Health Area, or such local government body as he may

specify elsewhere, to a mortuary or other place specified in the order and that the necessary steps be taken to secure that it is buried within a time limited by the order or if he considers immediate burial necessary, immediately.

(2) An order under this section shall be an authority to any person named therein to do all acts necessary for giving effect to the order.

(3) Any person who obstructs or interferes with any other person in the performance of that other person's duty under an order given under this section, or who prevents any other person from carrying out any of his duties under any such order or who fails to carry out or obey any such order which is directed to him shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment not exceeding three months or to both such fine and imprisonment

67. (1) If a person dies in a hospital while suffering from a notifiable disease and the Medical officer of Health for the area in which such hospital is situated or some other registered medical practitioner certifies that in his opinion it is desirable in order to prevent the spread of infection, that the body should not be removed from the hospital except for the purpose of being taken direct to a mortuary or being forthwith buried, it shall not be lawful for any person to remove the body from the hospital except for such a purpose.

(2) In any such case as aforesaid, when the body is removed for the purpose of burial from the hospital or any mortuary to which it has been taken it shall forthwith be taken to some place of burial and there buried.

(3) A person who contravenes any provision of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten pounds.

68. Every person having the charge of control of premises in which is lying the body of a person who is known to have died while suffering from a notifiable disease shall take such steps as maybe reasonable practicable to prevent persons coming unnecessarily into contact with or in proximity to the body and if he fails to do so shall be guilty of an offence and liable on conviction before a magistrate or native court having jurisdiction within the area to a fine not exceeding five pounds.

69. (1) Any person who in any Health Area, willfully buries or procures to be buried the body of any deceased child as if it were still-born shall be guilty of an offence and liable on conviction before a magistrate or native court having jurisdiction within the area to a fine not exceeding ten pounds

(2) In an Urban Health Area the Health Authority shall not permit to be buried in any cemetery the body of any deceased child as if it were still-born and shall not permit to be buried, or bury in such cemetery any still-born child before there is delivered to it either

- a) a written certificate that such child was not born alive signed by a registered medical practitioner, who was in attendance at the birth, or has examined the body of such child; or
- b) a declaration signed by some person who would, if the child had been alive, have been required by the Births and Deaths registration ordinance or the Births and Deaths 1948 to give information concerning the birth to the effect that no registered medical practitioner was present at the birth or that his certificate cannot be obtained and that the child was not born alive or
- c) if there has been any inquest an order of the Coroner authorizing the burial of such child

70. Notwithstanding the provisions of this Part relative to the burial of the dead, the Health Authority of an Urban Health Area may, in order to satisfy the religious beliefs of any deceased person or his relatives, make arrangements for cremation. Such arrangements shall as far as is practicable ensure that no offence is caused to the religion of the deceased and his relatives, nor to local public opinion, and that no danger is caused to the public health;

Provided that no such cremation shall take place in any place in Sierra Leone without the written authority of the Coroner who may make such enquiry or demand such documents or information or impose such conditions as he may deem fit, and who may refuse such authority without giving any reason for his refusal

71. The Health authority of each Health Area shall keep a register of burials for every cemetery in its health Area.

72. (1) The Governor may make rules for the further or better carrying out of the provisions and purposes of this Part

(2) In particular, and without prejudice to the powers conferred by subsection (1), the Governor may make rules governing all or any of the following matters-

- a) The proper maintenance and sanitation of cemeteries
- b) The proper conduct of burials and cremation
- c) The form of registers of burials and the manner in which such registers are to be kept
- d) The selection and maintenance of burial grounds in areas other than Health Areas and the burial of dead persons in such areas
- e) The prescription of penalties to be imposed on summary conviction for the breach of any rule made under this section

Provided that no such penalty shall exceed imprisonment for a term of six months or a fine of one hundred pounds or both such fine and imprisonment

PART VI

DRAINAGE SANTIATION, WATER SUPPLIES AND HOUSING

73. In this part, unless the context otherwise requires ‘Health Area under section 4: and “Health Authority” means the Health Authority of such a Health Area.

DRAINAGE

74. A Health Authority may provide such public drains as may be necessary for effectually draining its Health Area and the Minister may by order direct a Health Authority to provide such public drains in any Urban Health Area, Labour Health Area or Port Health Area. It shall be the duty of any Health Authority constructing public drains to make provision for effectively disposing of the contents of drains without nuisance.

75. (1) A Health Authority may, in the Health Area, -

- a) Construct a public drain –
 - (i) in, under or over any street; and
 - (ii) in, on, or over any land not forming part of a street after giving reasonable notice to every owner and occupier of that land
- b) by agreement acquire, whether by way of purchase, lease or otherwise any drain or drainage-disposal works

Provided that no drain constructed in accordance with this section shall join, cross, or interfere in any way with a street or street drain maintained by the Public works Department without the agreement of the Minister of Works, or maintained by the Railway Department without the consent of the Minister of communications.

(2) Any person to whom notice is given under subsection (ii) of paragraph (a) of subsection (1) may appeal in writing to the Minister whose decision shall be final.

76. A Health Authority and the Director of Public Works may agree that -

- a) any street drain or other drain maintained by the Government may, on such terms as may be agreed, be used by the Health Authority for the purpose of conveying surface water from premises or streets or the contents of public drains maintained by the Health Authority.

b) Any public drain maintained by the Health Authority may, upon such terms as may be agreed, be used by the government for conveying water from roads or the contents of any drains maintained by the government

77. The Health Authority of any Health Area may, by agreement with the Health Authority of another Health Area, cause any public drain to communicate with a public drain, or discharge into a drainage system, in that other Health Area or the Minister may direct the Health Authority of any Health Area to receive and dispose of the drainage from an adjacent Health Area in such manner and on such terms as may be agreed between the Health Authorities concerned or, failing such agreement, as the Minister shall direct.

78. (1) No person in any Health Area shall by any building or by the construction of a road, path, drain, water pipe or in any other way block or interfere with the proper working of any public or private drain or the proper drainage of surface water from any premises.

(2) The Health Authority shall serve a notice in writing upon any person who causes any such blockage or interference with drainage in contravention of this section requiring him within a specified time to restore the drainage to its former state or to make such alternative provision for drainage as the Health Authority shall approve,. Any person who fails without reasonable excuse to comply with the requirements of a notice served on him in accordance with this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds and the Health Authority may restore the drainage to its former state or make such alternative provision as it may consider necessary and may recover, in any court of competent jurisdiction, from the person on whom the notice was served, the cost of such restoration or alternative provision

79. It shall be the duty of every Health Authority to maintain cleanse and empty all public drains within its Health Area.

Provided that the maintenance other than the cleansing, of street drains constructed by the government in connection streets maintained by the government shall be the duty of the government.

80. Subject to the provisions of this Ordinance the owner or occupier of any premises in an Urban Health Area or Port Health Area shall be entitled to have his private drains made to communicate with any public drain provided by the Health authority of such Health Area or by the government.

Provided that nothing in this section shall entitle any person to discharge foul water into a drain provided for surface water unless such foul water has been subjected to a process of

settlement or purification specifically approved by the Health Authority for the particular premises from which the foul water is to be drained.

81. (1) Any person intending to construct a private drain or to join a private drain to a public drain in any Urban Health Area or Port Health Area shall **five** the Health Authority thereof notice in writing of his proposals, and at anytime within twenty one days after receipt of such notice the Health Authority may by notice in writing served upon him refuse to permit the construction or communication to be made if it appears to it that the mode of construction or condition of the drain would be prejudicial to its drainage system

(2) Any person on whom a notice of refusal has been served under subsection (1) may within seven days of such service appeal in writing to the Minister whose decision shall be final.

(3) Any person to whom permission to construct a private drain or to join a private drain to a public drain has been refused under subsection (1) who constructs such private drain or joins such private drain to a public drain, shall, unless he has received the permission of the

Minister under subsection (2) be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds, and the Health Authority may take such steps as it considers necessary to render such private drain harmless to its drainage system and may recover the cost thereof from him in any Court of competent jurisdiction

82. (1) Where a person proposes to construct a private drain in any Urban Health Area or Port Health Area the Health Authority may by notice in writing served upon him require him to construct the drain in such a manner as regards material, or size of pipes, depth, fall, direction or outfall or otherwise, that it may form part of any general system of drainage or any public drain that the Health Authority has provided or proposes to provide.

(2) Any person, upon whom a notice has been served under the provisions of subsection (1) who constructs a private drain otherwise than is required in such notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds and the Health Authority may construct such private drain in the manner and with the materials specified in the said notice and may recover the cost thereof from him in any court of competent jurisdiction.

83. (1) Where in accordance with section 81 a person gives the Health Authority of an Urban Health Area or Port Health Area notice of his intention to join his private drain to a public drain, the Health Authority may within fourteen days after receipt of the notice inform such person by notice in writing service upon him that it intends itself to make the communication; but it shall not be obligatory on the Health Authority to make the communication until the cost of the work as estimated by it has been paid to it, or security for payment has been given to its satisfaction.

(2) Any person upon whom a notice has been served by a Health Authority under subsection (1) who himself joins or causes to be joined, his private drain to a public drain shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds and the Health Authority may remove any part of such private drain to the public drain and may recover the cost of such removal and joining from such person in any Court of competent jurisdiction.

84. If any payment made to the Health authority under the provisions of section 83 exceeds the expenses reasonably incurred by it the excess shall be refunded by it and if and so far as those expenses are not covered by the payment. If any made to it, the Health Authority may recover in any court of competent jurisdiction the expenses or the balance thereof from the person for whom the work was done.

85. (1) If it appears to a Health Authority in any Urban Health Area or Port Health Area that in the case of any premises satisfactory provision has not been, but ought to be, made for drainage, it shall by notice in writing served upon him require the owner of the premises to make such provision within such period as shall be specified in the notice and may for that purpose direct the owner to construct a private drain to connect with a public drain, or to discharge into a settlement tank, a soak away pit or into some other suitable place.

Provided that no person shall be required to connect a private drain with a public drain unless that public drain is within one hundred feet of the premises to be drained.

(2) Any person, upon whom a notice has been served by a Health Authority under subsection (1) who fails to comply therewith within the time specified thereby, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds and the Health Authority may itself make such provision and may recover the cost from such person in any court of competent jurisdiction

86. (1) Where it appears to a Health Authority in an Urban Health Area that two or more premises may be drained more advantageously in combination, the Health Authority may require that such premises be drained in combination into a public drain by a combined drain to be constructed either by the owners of the premises in such manner as the Health Authority may direct or if the Health Authority so elects, by the Health Authority on behalf of the owners.

(2) A Health Authority which makes such a requirement shall fix the proportions in which the expenses of constructing and of maintaining and repairing the combined drain are to be borne by the owners concerned.

(3) Any owner aggrieved by the decision of a Health Authority under subsection (2) of this section may appeal to a magistrate but, subject to any such appeal, any expenses reasonably incurred in constructing or in maintaining or repairing, the combined drain shall be borne in the proportions so fixed, and these expenses, or as the case may be, contributions thereto,

may be recovered accordingly by the person, whether the Health Authority or owners, by whom they were incurred in the fires instance.

87. (1) If it appears to a Health Authority in an Urban Health Area that any private drain, or combined drain, or any settlement tank, septic tank, soil pipe, soak away pit, main water pipe, spout, sink or other necessary appliances for the drainage of any premises is defective or in such a condition as to be prejudicial to health or a nuisance, the local health authority shall by notice in writing served upon him require the owner or owners of the premises concerned to do or cause to be done such work as maybe necessary to remove the defect to abate the nuisance within such period as shall be specified in the notice.

(2) Any person on whom a notice has been served under subsection (1) may within seven days of such service appeal in writing to the Minister whose decision shall be final.

(3) any person on whom a notice has been served under subsection (1) who fails to comply with the requirements thereof within the time stipulated therein, shall, unless he has appealed to the Minister under subsection (2) and his appeal has been allowed, be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds and the Health Authority may itself comply with such requirements and may recover the cost thereof from such person in any court of competent jurisdiction.

88. (1) A Port Health Authority, a Labour Health Authority and the Health Authority of an Urban Health Area may, and if required by the Minister shall, undertake the performance of all or any of the following services, that is to say –

- a) The removal of house refuse from premises
- b) The cleansing of earth closets, privies, and cesspools of any of them

in either case as respects the whole or any part of its Health Area

(2) The Health Authority shall make reasonable charges for the services which it provided under subsection (1), which services maybe performed either at the request of the occupier of any premises requiring them or at the requirement of the Health Authority, who may require any occupier to accept such services.

89. In any part of any Health Area where there are premises not serviced by the Health Authority as provided for in subsection (1) or the preceding section, the Health Authority shall provide and maintain places for the deposit of house – refuse, so situated and maintained that such places shall not be a nuisance or be injurious to the public health.

90. (1) In any Health Area it shall not be lawful for any person other than an officer or employee of a Health Authority acting in connection with the removal and disposal of refuse –

- by a
the
- a) to sort over or disturb the contents of any dustbin when placed in any street or forecourt for the purpose of its contents being removed
Health Authority; of
 - b) To sort over or disturb the material deposited in any place provided by
Health Authority for the deposit of refuse
 - c) to deposit refuse in any dust-bin except at such time as may be notified in
the Gazette by the Health Authority.

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and liable on conviction before a magistrate native court having jurisdiction within the area to a fine not exceeding five pounds.

91. (1) In every Health Area the Health authority thereof shall provide –
- a) Such places as may be necessary in the interests of public health for the deposit of night soil from pail latrine and of animal excreta and
 - b) Public sanitary conveniences in proper and convenient situations for the use of persons visiting markets, wharves, ferries or any other
public places
nuisance
where such conveniences may be needed to prevent

(2) All public latrines and nightsoil depositories provided in compliance with the provisions of subsection (1) shall be of a design and type approved by the Medical Officer of Health

WATER SUPPLIES

92. (1) Every Health Authority shall, as far as is reasonably practicable, ensure that every house and school in its Health Area has available within a reasonable distance a sufficient supply of wholesome water for domestic purposes

(2) It shall be the duty of every Port Health Authority to ensure that a Port Health Area is provided with a supply of pure drinking water, and if no such supply is otherwise provided for the Port Health Area, the Port Health Authority shall itself provide for such a supply.

93. (1) If a Health Authority is of the opinion that the water obtained from any well, tank or other supply in its Health Area but not vested in it, being water which is, or is likely to be used for domestic purposes, or in the preparation of food or drink for human consumption, is, or is likely to become so polluted as to be prejudicial to health, the Health Authority may apply to a Court of summary jurisdiction and thereupon a summons may be issued to the owner or occupier of the premises to which the source of supply belongs or to any other person alleged to have control thereof.

(2) Upon the hearing of the summons, the Court shall hear any user of the water who claims to be heard and may cause the water to be analyzed at the cost of the Health Authority

and may make an order directing the source of supply to be permanently or temporarily closed or cut off, or the water there from to be used for certain purposes only, or such other order as appears to the court to be necessary to prevent injury or danger to the health of persons using the water or consuming food of drink prepared therewith or there from.

(3) If a person on whom an order is made under this section fails to comply therewith he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds and the court may, on the application of the Health Authority, authorize it to do whatever may be necessary for giving effect to the order, and any expenses reasonably incurred by the Health Authority in so doing may be recovered by it from the person in default in any court of competent jurisdiction.

94. (1) Where in any Health Area an adequate public supply of potable water is provided by any Health Authority, Government Department or public utility corporation, the Health Authority may by notice in the Gazette order the closure of any wells within one hundred and thirty yards of a public pump stand pipe or other point of delivery of a public supply, within such period as shall be stated in such notice.

(2) Should any well affected by a notice published under subsection (1) not be closed within the period stipulated is situated and any person who draws water from such well, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds and the court may authorize the Health Authority to close the well, and any expenses incurred by the Health Authority in so doing may be recovered by it from the person convicted in any court of competent jurisdiction.

95. Any person who does any act whereby any well, pipe main, fountain, pump, standpipe or reservoir is willfully or maliciously damaged, or is guilty of any act or neglect whereby water used or likely to be used solely or partly as drinking water or for domestic purposes shall be fouled, or rendered likely to be fouled, either by washing himself or other persons or animals, clothes, or other articles in or near such water or by depositing human or animal excreta, or any refuse, filth, rubbish or dead animal or other noxious substance in or near such water or in any other way whatsoever, shall be guilty of an offence and liable on conviction before a magistrate or native court having jurisdiction within the area to a fine not exceeding ten pounds.

96. (1) A Health Authority may by notice in the Gazette declare any area within its Health Area to be a water gathering area

(2) Any person who does any act whereby a water gathering area declared under subsection (1), or the water gathered from it, shall be fouled or rendered likely to be fouled shall be guilty of an offence and liable on conviction before a magistrate or native court having jurisdiction within the area to a fine not exceeding five pounds.

97. (1) No well or water hole shall be dug in any Health Area without the previously obtained written sanction of the Health Authority, and all wells shall be protected from a contamination by such linings, copings, provisions for drainage or other means as may be required by rules made under the provisions of section 107 and to the satisfaction of the Health Authority.

(2) A Health Authority shall not sanction the digging of any well or water-hole within the distance of one hundred feet of any cesspit, or place used for the disposal or deposit of filth, refuse or rubbish, or within four hundred yards of any place of burial of the bodies of men or animals.

(3) Any person who digs or causes to be dug any well or water-hole in contravention of the provisions of subsection (1) shall be guilty of an offence and liable on conviction before magistrate or native court having jurisdiction within the area to a fine not exceeding **the pounds**, and the Health Authority may fill in or otherwise close any such well or water-hole or may protect the same from contamination and may recover the cost thereof from such person in any court of competent jurisdiction.

HOUSING

98. (1) In every Urban Health Area, Port Health Area and Labour Health Area it shall be the duty of the Medical Officer of Health thereof to cause inspections to be made from time to time in his Health Area to ascertain as nearly as possible the number of dwelling houses therein which are overcrowded or the proportion of dwelling houses therein which are overcrowded and to report annually to the Minister the number or proportion of overcrowded houses in his Health Area.

(2) If in the opinion of a Medical Officer of Health making a report under subsection (1) such overcrowding as exists in his Health Area or any part of his health Area can only be abated in the absence of a reduction of population by the construction of new houses the Medical

Officer of Health shall state in such report the number of new houses that he estimates would be required for that purpose and shall recommend therein that his Health Area of such part thereof as he may specify should be declared an overcrowded area. On receipt of such a recommendation the Minister ay by order declare that such Health Area, or such part of it as shall be defined in the Order is an overcrowded area.

99. A schedule of overcrowded areas shall be kept by the Minister and publish at the beginning of each year in the gazette and an area shall not be removed from the schedule except on the report of a medical officer of health that by reason of reduction of population or increase of new houses no further new houses are required for the abatement of overcrowding in his Health Area.

100. For the purpose of enabling the provisions of section 98 to be carried out, a Health Officer may require the occupier of any dwelling house in an Urban Health Area, Port Health Area or a Labour Health Area to inform him of the number, ages and sex of all the persons sleeping in the house, and if the occupier fails to furnish such information or willfully furnishes information which he knows to be false in any material particularly he shall be guilty of an offence and liable on summary conviction to a fine not exceeding two pounds.

101. Subject to the provisions of subsection (2) of section 102, a dwelling house in an Urban Health Area, Port Health Area or a Labour Health Area shall be deemed to be overcrowded at any time when the number of persons sleeping in such dwelling house is in excess of the number permitting in the second schedule for a house of that size. In determining for the purpose of this section the number of persons sleeping in a house no account shall be taken of a child under one year old, and a child who has attained the age of one year and is under ten years old shall be reckoned as one-half of a unit.

102. (1) On the receipt of a report from the Medical Officer of Health that a dwelling house in an Urban Health Area, Port Health Area or Labour Health Area is overcrowded the Health Authority of the Health Area concerned shall give notice in writing to the occupier or the owner of such dwelling house ordering him to abate the overcrowding within a time (which shall not be less than one month) that shall be specified in the notice. The notice shall inform the person to whom it is delivered of the total permitted number of persons that may occupy such dwelling house.,

(2) When any area has been declared to be an overcrowded area the Minister shall by order increase for the overcrowded area the permitted number of persons allowed for any dwelling house under the Second schedule. No notice shall be served in accordance with this section in an overcrowded area unless the number of persons sleeping in the dwelling house to which it refers exceeds the increased number of persons allowed for that dwelling house by an Order made under this subsection.

103. (1) An occupier of a dwelling house who fails to comply with notice to abate overcrowding as provided for in the preceding section shall be guilty of an offence and liable on conviction before a magistrate or native court having jurisdiction within the area to a fine not exceeding two pounds and to a further fine not exceeding ten shillings for every day subsequent to the day on which he is convicted, on which the overcrowding continues.

(2) The owner of a dwelling house in an Urban Health Area, Port Health Area or a Labour Health Area who causes or permits such dwelling house to be overcrowded shall be guilty of an offence and liable on conviction before a magistrate or native court having jurisdiction within the area to a fine not exceeding five pounds and to a further fine not exceeding two pounds

for every day subsequent to the day on which he is convicted, on which the overcrowding continues.

(3) The owner of an overcrowded dwelling house in an Urban Health Area, Port Health Area or Labour Health Area shall be deemed to cause or permit such dwelling house to be overcrowded whether such dwelling house is an overcrowded area or not –

a) if, after service upon him of a notice as provided for in section 102, he fails to take such steps as are reasonably open to him for securing abatement of the overcrowding within the time specified in the notice, including if necessary, legal proceedings or

b) if, when letting such dwelling house after the day this ordinance comes into force, the owner of such dwelling house or any person effecting the letting thereof on his behalf, had reasonable cause to believe that it would become overcrowded, or failed to make any enquiries of the proposed occupier as to the number, ages and sex of the persons who would be allowed to sleep in such dwelling house.

FILTHY OR VERMINOUS PREMISES OR ARTICLES AND VERMINOUS PERSONS

104. (1) where it appears to a Health Authority upon a certificate of a Medical Officer of Health or a Public Health Superintendent that any premises used for human habitation in its Health Area –

a) are in such a filthy or unwholesome condition as to be prejudicial to health or;

b) are verminous

the Health Authority shall give notice to the owner or occupier of the premises requiring him within such time as shall be specified in such notice, to take such steps to remedy the condition of the premises by cleansing, disinfecting, white-washing or otherwise as shall be specified in the notice, and in the case of verminous premises the notice may require, among other things, the removal of well-paper or other covering on the walls and the taking of such other steps as are necessary for the purpose of destroying or removing vermin within the time specified in the notice.

(2) If a person on whom a notice under this section is served fails to comply with the requirements thereof he shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds and to a further fine not exceeding two pounds for every day subsequent to the day on which he is convicted on which the offence continues, and the Health Authority may itself carry out the requirements and recover the expenses reasonably incurred by it in so doing from such person in any court of competent jurisdiction.

(3) Where a Health Authority takes action in regard to verminous premises under subsection (1), the notice given there under may require that within such time as shall be specified in the notice it shall be allowed to employ insecticides, baits and poisons for killing rodents in such premises, but in that case the Health Authority shall itself bear the cost of its operations.

105. When it appears to a Health Authority on the certificate of a Medical Officer of Health or a Public Health Superintendent that any article in any premises in its Health Area –

- a) is in so filthy a condition as to render its cleansing, purification or destruction necessary in order to prevent injury or danger of injury, to the health of any person in the premises; or
- b) is verminous, or by reason of its having been used b, or having been in contact with, any verminous person is likely to be verminous

the Health Authority shall cause that article to be cleansed, purified, disinfected or destroyed as the case may require at its own expense and if necessary for that purpose, to be removed from the premises.

106. (1) Where it appears to a Health Authority, upon a report from a Medical Officer of Health or a Public Health superintendent, that any person in its Health Are, or the clothing of any person in its Health Area, is verminous, then if that person consents to be removed to a cleansing station, it may cause him to be removed to such a station and, if he does not so consent, it may apply to a magistrate, and the magistrate, if satisfied that it is necessary that he or his clothing should be cleansed, may make an order for his removal to such a station and for his detention therein for such period and subject to such conditions as may be specified in the order.

(2) Where a person has been removed to a cleansing station in pursuance of the last preceding subsection, the Health Authority shall cause such measures to be taken as may in the opinion of the Medical Officer of Health or Public Health Superintendent be necessary to free him and his clothing from vermin.

(3) The cleansing of females under this section shall be carried out only by a registered Medical Practitioner or by a woman duly authorized by the Medical Officer of Health

(4) Any consent required to be given for the purposes of this section may, in the case of a person under the age of sixteen year, be given on his behalf by his parent or guardian.

(5) No charge shall be made in respect of the cleansing of a person or his clothing under this section.

RULES

107. (1) The Governor may make rules for the further or better carrying out of the provisions and purposes of this part in all Health Areas or in any Health area or part of a Health Area, and such rules may, without prejudice to the generality of the foregoing powers deal with all or any of the matters in respect of which rules may be made under subsection (2).

(2) The Governor may make rules for all areas of Sierra Leone which are not or for any area which is not, a Health Area, and such rules may deal with all or any of the following matters:-

- a) The building, drainage and maintenance in a sanitary condition of houses and compounds
- b) The repair or alternation of existing buildings, the demolition or alteration of buildings erected contrary to any rules made under this section, or to any directions given by any person authorized
- c) The demolition or alternation of any repairs or alterations made to buildings contrary to any rules made under this section or to any directions given under such rules;
- d) the position of houses, buildings and erections, relative to neighboring roads, streets or open spaces and to other houses and on the plot of land on which the same are built, and the area of such plot which maybe occupied by any houses, buildings or erections;
- e) The construction, drainage, and maintenance of roads, and the preservation of places as open spaces in and around towns and villages;
- f) Surface scavenging and the removal of nightsoil and refuse and the disposal and destruction of refuse, nigh soil and sewage;
- g) The regulation of latrines, cesspools, cesspits, dustbins and refuse tips and their maintenance in a sanitary condition;
- h) The cleansing of streets and open spaces
- i) The provision and proper construction of rubbish receptacles on private premises
- j) The control and regulation of premises used by the public for the washing of clothes
- k) The maintenance in a sanitary condition of any vessel
- l) The selection of sites for, and the maintenance of rest houses and camps
- m) The control and keeping of cattle and other domestic animals in such a manner as not to be a nuisance or prejudicial to the public health, and their admission to any Health Area or part of a Health Area.
- n) The selection, protection, and maintenance of water supplies, including gathering areas, and the selection of sites for, and the supervision and their protection of wells or other means employed for the storage of water, and prohibiting or regulating the sinking of wells.
- o) The prescription of penalties to be imposed on conviction for the breach of any rule made under this section;

Provided that no such penalty shall exceed imprisonment for a term of six months or a fine of one hundred pounds or both such fine and imprisonment

PART VII
FOOD, SLAUGHTERHOUSES AND MARKETS

108. In this part, unless the context otherwise requires –
 “*Health Area*” means a Health area declared to be Health Area under section 4;

“ *Public market*” means a public market established or appointed under section 116
“*Public slaughterhouse*” and “public slaughter place” means a public slaughterhouse or public slaughter place established or appointed under section 114

FOOD

109. (1) A person who –
a) Sells or offers or exposed for sale, or has in his possession for the public of sale, or of preparation for sale, or
b) deposits with, or consigns to, any person for the purpose of sale or of sale or of preparation for sale
any food intended for, but unfit for human consumption shall, subject to the provisions of this section, be guilty of an offence.

(2) Where food in respect of which an offence under paragraph (a) of the preceding section has been committed, was sold to the offender by some other person, knowing that it was intended for human consumption and having at the time of sale reasonable cause to believe that it was unfit, that person also shall be guilty of an offence.

(3) Where a person is charge with an offence under subsection (1) or under the last preceding subsection, it shall be for him to prove either that he gave notice to the person with whom he deposited, or to whom he consigned or sold, the food in question that it was not intended for human consumption, or that at the time when he delivered or dispatched it to that person, either it was fit for human consumption or he die not know and could not with reasonable diligence have ascertained, that it was unfit for human consumption.

(4) In every Health Area, any meat from, or the carcass of, any animal which was not slaughtered in a public slaughter house, or which was slaughtered otherwise than in accordance with the provisions of section 115, shall be deemed for the purposes of this section to be unfit for human consumption

Provided that the provisions of this subsection shall not apply to frozen meat or carcasses imported into Sierra Leone.

(5) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

INSPECTION

110. (1) In any Health Area a Health Officer may at all reasonable times examine any food intended for human consumption which has been sold, or is offered or exposed for sale, or is in the possession of, or has been deposited with or consigned to, any person for the purpose of sale of

preparation for sale, and if it appears to him unfit for human consumption, may seize it and remove it in order to have it dealt with by a Magistrate or Justice of the Peace.

(2) A Health Officer who seizes food under the preceding subsection shall inform the person in whose possession it was found of his intention to have it dealt with by a magistrate or Justice of the Peace, and any person who under the preceding section might be liable to a prosecution in respect of the food shall, if he attends at the application for its condemnation, be entitled to be heard and call witnesses.

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

FOOD POISONING

111. If a registered medical practitioner becomes aware, or suspects, that a patient whom he is attending is suffering from food poisoning, he shall forthwith send to the Medical Officer of Health or the Provincial Medical Officer of Health a certificate stating –

- a) The name, age and sex of the patient and the address of the premises where the patient is; and
- b) Particulars of the food poisoning from which he is, or is, suspected to be, suffering

112. (1) If a Medical Officer of Health has reasonable ground for suspecting that any food, of which he or any other Health Officer has procured a sample, is likely to cause food poisoning, he may give notice to the person in charge of the food that until his investigations are completed, the food, or any specified portion thereof, is not to be used for human consumption and either is not to be removed, or is not to be removed except to some place specified in the notice.

(2) A person who used or removes any food in contravention of the requirement of a notice given under this section shall be liable on conviction to a fine not exceeding ten pounds.

(3) If, as a result of his investigations, the Medical Officer of Health is satisfied that the food in question, or any portion thereof, is likely to cause food poisoning, he may deal with it as food failing within subsection (1) of section 110 of this ordinance and subsection (2) and (3) of that section shall apply accordingly; but if he is satisfied that it may safely be used for human consumption, he shall forthwith withdraw his notice.

113. (1) A Medical Officer of Health or a Health Officer, appointed for the purpose by him, may –

- a) Purchase any sample of food

b) Take samples for analysis, or for bacteriological or other examination, of any food which he reasonably suspects to be the cause of an outbreak of food poisoning.

(2) A Health Officer, who purchases or takes a sample in accordance with this section, shall forthwith inform the person from whom the sample is brought or taken of his intention to have the sample analyzed or otherwise examined and shall pack the sample and seal it in his presence.

SLAUGHTERHOUSES

114. (1) A Port Health Authority may, and every other Health Authority shall provide a public slaughter-house or public slaughter-houses or proper public slaughter-places for the slaughter of animals intended for human food. The site and design of all slaughter-houses and slaughter places shall be subject to the approval of the Provincial Medical officer of Health, places for the slaughter of swine shall be appointed =, and kept separate from places for the slaughter of cattle, sheep goats or any other animal intended for human consumption.

(2) The Minister may by order close any existing slaughter-house or slaughter place and a Health Authority may by notice in the Gazette close any existing slaughter-house or slaughter place within its Health Area.

(3) Any person who slaughters any animal intended for human food in a slaughter house or slaughter place which has been closed under subsection (2) shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds.

115. (1) No person shall slaughter in any Health Area any animal intended for food for human consumption except at a public slaughter-house or public slaughter place or otherwise than in accordance with the provisions of this ordinance or of any rules made there under;

Provided that a Health Authority may issue licenses to slaughter such animals, otherwise than for sale, to such persons, at such places, and subject to such conditions as the Medical Officer of Health may recommend;

Provided further that nothing in this section shall apply to the slaughtering of sheep or goats by Mohammedans for the first four days of the festival of Bairam, and for the first two days of the festival of Ramadan, or to any wild animal or game shot, trapped, or otherwise killed in the bush for food for human consumption.

(2) Any person acting in contravention of the provisions of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds, and the carcasses or meat from the carcass may be seized as unfit in accordance with the provisions on section 110

(3) A Health Authority shall make provision for the proper inspection of meat at all public slaughter-houses or public slaughter places within its Health Area, and any Medical Officer of Health, Veterinary Officer, or Health Officer may inspect any animal before slaughter or any carcass or meat after slaughter.

MARKETS

116. (1) The Health Authority of an Urban Health Area and a Labour Health Authority shall, and any other Health Authority may, public markets within their areas or appoint places to be public markets

(2) The Minister may by order close any existing market or market place, and a Health Authority may by notice in the Gazette close any existing market or market-place within its Health Area.

(3) The site of any public market and the design of any market buildings to be erected thereon shall be subject to the approval of the Provincial Medical Officer of Health.

117. (1) No person in any Urban Health Area or Labour Health Area shall expose or offer for sale any fresh meat or fish, other than dried, salted or smoked fish, except at a public market or such other place as shall be approved in writing for the sale of fresh meat and fish by the Health Authority. This section shall not apply to canned, bottled or preserved meat or fish.

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and liable on conviction before a magistrate or native court having jurisdiction within the area to a fine not exceeding ten pounds.

118. (1) No person in any Urban, Port of Labour Health Areas shall expose or offer for sale or sell any fresh meat other than meat from wild animals or game shot, trapped or otherwise killed in the bush for human consumption, which has not been inspected and found fit for human consumption by a Health Officer appointed by the Medical Officer Health of the Health Area for the inspection of meat for human consumption

Provided that the provisions of this section shall not apply to frozen imported meat which has been inspected on importation into Sierra Leone and found fit for human consumption by a Health Officer appointed by the Medical Officer of Health of the Port Health Area where such meat was imported.

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and liable on conviction before a magistrate or native court having jurisdiction within the area to a fine not exceeding ten pounds

119. (1) The Minister may make rules for the further or better carrying out of the provisions and purposes of Health Area, and such rules may without prejudice to the generality of the foregoing powers, deal with all or any of the matters in respect of which rules may be made under subsection (2).

(2) The Minister may make rules for all areas of Sierra Leone which are not, or for any area which is not, a Health Area, and such rules may deal with all or any of the following matters:-

- a) The control and regulation of places selected as markets, slaughter-houses and slaughter places and the prescribing of charges for their use
- b) The disposal of food which shall be condemned as being unsold, and the disposal of carcasses of animals
- c) The prevention of unnecessary pain or suffering before or in the process of slaughtering animals, and prescribing the methods of slaughtering animals
- d) The control of trades concerned in the manufacture preparation, storage, sale or distribution of food for human consumption, namely the trade or business of mineral water manufacturer, ice manufacturer, wine and spirit seller, baker, butcher, hotel, boarding house, lodging house or restaurant keeper, cold storage establishment keeper wine storer, wine blender, wine bottler and any other trade from time to time declared by the Minister by order to be a trade concerned in the manufacturer, storage, and distribution of food for human consumption
- e) The prescription of penalties to be imposed on conviction for the breach of any rule made under this section;

Provided that no such penalty shall exceed imprisonment for a term of six months or a fine of one hundred pounds, or both such fine and imprisonment

PART VII PROCEDURE AND GENERAL

120. In this part, unless the context otherwise requires, "Health Area" means a Health Area declared to be a Health Area under section 4

121. (1) A Health Officer shall, on producing if so required, some duly authenticated document showing his authority, have a right to enter with or without assistants any premises in the area for which he is appointed at any hour between sunrise and sunset, or in the case of business premises at any hour when that business is in progress or is usually carried on –

- a) for the purpose of ascertaining whether there is, or has been, on or in connection with the premises, any of any rules made there under; or
- b) for the purpose of ascertaining whether or not circumstances exist which would authorize or require the Minister or a Health Authority or any Health Officer to take any action or execute any work under this ordinance or any rules or order made there under; or
- c) for the purpose of taking action or executing any work, authorized or required, by this ordinance or by any rules or order made under this ordinance, to be taken or executed by the Minister or by a Health Authority or by a Health Officer
- d) generally, for the purpose of the performance by the Minister, the Health Authority, or any Health Officer of their functions under this ordinance or any rules or order made there under

(2) If it is shown to a magistrate or a Justice of the Peace or Paramount Chief on sworn information in writing –

- a) that admission to any premises has been refused or that refusal is apprehended, or that the premises are unoccupied, or the occupier temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object at the entry and
- b) the there is reasonable ground for entry into the premise for any such purpose as aforesaid

the magistrate or Justice of the Peace or Paramount Chief as the case may be, may by warrant under his hand authorize a Health Officer to enter the premises if need be by force;

Provided that such a warrant shall not be issued unless the magistrate or Justice of the Peace or Paramount Chief is satisfied entire that notice of the intention to apply for a warrant has been given to the occupier, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of entry.

(3) A Health Officer entering any premises by virtue of this section or of a warrant issued there under, may take with him such other persons as maybe necessary, and, on leaving any unoccupied premises which is has entered by virtue of such a warrant, shall leave there as effectually secured against trespassers as he found them.

(4) Every warrant granted under this section shall continue in force until the purpose for which entry is necessary has been satisfied

(5) Where a house, or part of a house, is alleged to be overcrowded in contravention of the provisions of this ordinance, a warrant under this section may authorize an entry into such house at any hour of the day or night specified in the warrant.

(6) A Medical Officer of health with or without assistants may enter any premise at any hour of the day or night for the purpose of investigating and dealing with cases of notifiable disease in accordance with this ordinance

122. (1) For the purposes of this ordinance, any vessel lying in any river or other water shall be subject to this jurisdiction of the Health Authority, in the same manner as if it were a house within the Health Area.

(2) The master of any such vessel or the pilot of any such aircraft shall be deemed, for the purpose of this ordinance to be the occupier of such vessel or aircraft.

(3) This section shall not apply to any vessel or aircraft under the command or charge of any officer hearing Her Majesty's commission, or to any vessel or aircraft belonging to any foreign government.

123. This ordinance shall be binding on the Crown;

Provided that the Governor may by Order direct that allow any of the provisions of this ordinance shall not apply to any vessel, house or other premises being property belonging to Her Majesty the Queen or to Her Majesty's Forces or to a Government Department or which is held in trust for Her Majesty for purposes of Her Majesty's forces or of a Government Department.

124. Every constable shall give information to the Health Authority or Medical officer of Health of any offence which he knows or has reason to believe has been committed against this ordinance within the area of jurisdiction of such health Authority or Medical Officer of Health.

125. Every health Officer while acting as such shall, by virtue of his appointment and without being sworn in, be deemed to be a police constable, and have all the powers and privilege of a police constable for the purpose of the execution of his duty under this ordinance, but for no other purpose.

126. (1) Any person who –
a) Willfully obstructs any person acting in the execution of this Ordinance
or of any rule, order or warrant made or issued there under;
or
b) Destroys pulls down, injures or defaces any rule, notice, or other matter
put up by the Ministry of Health Authority, or any board or other
thing upon which such rule notice or other matter is placed or
inscribed; or

c) Willfully damages, interferes with, destroys or renders useless any works executed or any materials or things placed in, under or upon any premises by or under the orders of the Minister or of any Health Authority or any property belonging to the Ministry of Health or a health Authority; shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment not exceeding twelve months or to both such fine and imprisonment. In addition the minister or Health Authority may recover in any Court of competent jurisdiction from any person who contravenes paragraph © of this section, as a debt due to the Minister of Health Authority, as the case may be all costs and expenses incurred in re-executing the works or replacing the materials or things or property so interfered with or damaged, destroyed or rendered useless.

(2) Where the occupier of any premise prevents the owner thereof from obeying or carrying into effect any provision of this ordinance, a magistrate, on complaint, shall by order require such occupier to permit the execution of any works which appear to the magistrate necessary for the purpose of obeying or carrying into effect such provision of this ordinance, and if within twenty-four hours after service on him of the order, such offence and liable, on summary conviction, to a fine, not exceeding five pounds for every day during the continuance of such non-compliance.

(3) If the occupier of any premises, when requested by, or on behalf of, the Health Authority concerned to state the name and address of the owner of the premises, refuses or willfully omits to disclose or willfully misstates the same, he shall (unless he shows cause to the

satisfaction of the magistrate for his refusal omission or misstatement) be guilty of an offence and liable on conviction before a magistrate or native court having jurisdiction within the area to a fine not exceeding five pounds.

127. All offences, fines, penalties, forfeitures, costs and expenses under this ordinance, or any rules or order made under this ordinance directed to be prosecuted or recovered before a magistrate or a native court, or prosecution or recovery of which is not otherwise provided for, may be prosecuted and recovered as follows: -

a) all expenses incurred in carrying out the provisions of this ordinance may be ascertained before the magistrate or native court together with such costs of the proceedings as the magistrate or native court may think proper and if the sums adjudged be not paid the party against whom the adjudication is made the same shall be levied by distress and sale of his goods and chattels by warrant of the magistrate or native court making the adjudication

b) All offences under this ordinance, or any rules or order made under this ordinance, may be prosecuted before a magistrate or native court as the case may be and any fine, penalty, or forfeiture imposed or incurred under the authority of this ordinance, may, upon proof on oath of the offence in respect of which such fine, penalty or forfeiture is alleged to have been incurred, be received before the magistrate of native court, together with such costs as the magistrate or native court may think proper, and if the sums adjudged be not paid by the party against whom the adjudication is

made, the same may be levied by distress and sale of his goods and chattels by warrant of the magistrate or native court making the adjudication, and the said magistrate or native court may order that any offender, convicted as last aforesaid, and adjudged to pay any fine, penalty, or to incur any forfeiture, be detained and kept in safe custody until return can be conveniently made to the said warrant, unless he gives sufficient security by way of recognizance, or otherwise, for his appearance, on the day appointed for the return of the said warrant, such day not being more than eight days from the time of taking the security, and if, before issuing such warrants, or upon the return thereof, it appears to the said magistrate or native court that no sufficient distress can be had to pay the said fine or penalty, the magistrate or native court may, by warrant cause the offender to be committed to the goal nearest to the place at which the offence has been committed, there to remain, without any bail, or for any term not exceeding three months, with or without hard labour, unless such fine or penalty and costs be sooner paid.

128. In proceedings before the magistrate or native court under this ordinance, in any case in which the mode of proceeding is not specifically prescribed, the magistrate or native court may summon the party charged to appear before the said magistrate or native court by whom the matter is to be determined, at a time and place to be named in such summons, and upon appearance of the party charged to appear before the said magistrate or native court by whom the matter is to be determined, at a time and place to be named in such summons, and upon appearance of the party charged, or in his absence, upon proof of service of the summons on him personally or of the leaving of a copy thereof at his last known place of abode or business, the said magistrate or native court may hear and determine the matter, and for that purpose examine parties, or any of them and

their witnesses, on oath and the cost of such proceedings shall be in the discretion of the magistrate or native court.

129. A Magistrate may, in respect of any matter which appears to such magistrate proper for the decision of the Supreme Court, refer the same to the court, and the Supreme court may either dispose of the matter, or refer the same back to the magistrate, with such directions as it may think fit.

130. Where, in this ordinance, any sum of money whatsoever is directed to be levied by distress and sale of goods and chattels of any person, the over plus, if any, arising from such sale shall, after satisfying such sum and the costs and expenses of distress and sale, be returned to such person on demand

131. No distress, levies under this ordinance, shall be unlawful, nor shall any person making the same be a trespasser, on account of any defect, or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall he be a trespasser *ab initio* on account of any irregularity afterwards committed by him.

132. No fine or penalty shall be recovered or forfeiture incurred under the provisions of this ordinance, unless proceedings for the recovery of the same shall have been commenced within six months after the commission or the occurrence of the offence to which the fine, penalty, or forfeiture attaches.

133. Any person charged with an offence under this ordinance, and the wife or husband of such person, may, if such person thinks fit be called, sworn examined and cross examined as an ordinary witness in the case.

134. All things forfeited under this ordinance may be sold or disposed of in such manner as the Court ordering the forfeiture may direct, and the proceeds arising from any such sale, and all fines recovered under this ordinance shall be paid into the general revenue of Sierra Leone.

135. (1) Where any nuisance under this ordinance appears to be wholly or partially caused or committed by the acts or defaults of two or more persons, the Health Authority or other complainant may institute proceedings against any one of such persons, or may include all or any two or more of them in one proceeding and any one or more of such persons may be ordered to abate the nuisance, so far as it appears to the court of competent jurisdiction to be caused by his or their acts, or defaults, or may be prohibited from continuing any acts or default which in the opinion of such court, contribute to the nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately, have caused a nuisance and the costs may be distributed as to such court may appear fair and reasonable.

(2) Proceedings against several persons, included in one complaint, shall not abate by reason of the death of any among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included.

(3) Where some only of the persons, by whose act, or default, any nuisance has been caused, have been proceeded against under this ordinance, they shall, without prejudice to any other remedy be entitled to recover in a summary manner, from the other persons who were not proceeded against, a proportionate part of the costs of, and incidental to such proceedings and stating such nuisance, and of any fine and costs ordered by such court to be paid in such proceedings.

(4) Whenever in any proceedings under the provisions of this ordinance relating to nuisance, it becomes necessary 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.

136. Whenever it shall appear that, for three years continuously, a Health Authority in the colony has had, or shall have, to keep lots of land in its Health Area free from weeds, owing to no owner appearing to possess, or be entitled to the possession of, such lot, the like steps may be taken by the Attorney General as in ordinary cases or escheat, save that the notice to be given by him shall be one year, and if the court is satisfied that for the three years no owner has appeared, the court may make an order to the similar effect as if an escheat had occurred, and the land shall vest in the crowns. The same notice as near as may be shall be given, the same procedure shall be followed and the same rights of appearance and appeal shall exist as in ordinance escheat cases. The land thus declared the property of the Crown shall be disposed of as in ordinary escheats. This section may by order of the Governor be extended to areas which have not been declared to be Health Areas under section 4

137. Any costs and expenses which are recoverable under this ordinance by a Health Authority from an owner of premises, may be recovered from the occupier for the time being of such premises and the owner shall allow the occupier to deduct any money which he pays under this section out of the rent, from time to time becoming due, in respect of the premises, as if the same had been actually paid to the owner as part of the rent;

Provided that –

- i) The occupier shall not be so required to pay any further sum than the amount of rent which either is for the time being due from him or which after demand from him of such costs or expenses and notice to pay any rent without first deducting the same, becomes payable by him, unless he refuses, on the application of the Health Authority, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded from any such occupier is greater than the aforesaid amount of rent, shall lie on such occupier and\

- ii) Nothing in this section shall affect any contract between and owner and occupier of any premises, whereby the occupier agrees to pay or discharge all rates, dues, and sums of money payable in respect of such premises, or shall affect any contract whatsoever between landlord and tenant.

138. A Health Authority may appear before any Court and may institute and carry on any proceedings which it is authorized to institute or carry on, under this ordinance, by any officer of such authority, or any other person duly authorized in such behalf.

139. No matter or thing done, and no contract entered into by any Health Authority, and no matter or thing done by any member of such Authority, or by any officer of such authority or other person whomsoever acting under the direction of such authority, shall, if the matter or thing done or the contract were entered into bona fide for the purpose of executing this ordinance, subject them, or any of them personally, to any action, liability, claim or demand whatsoever and any expense incurred by any such Authority, member, officer, or other person acting as last aforesaid, shall be borne and re-paid out of the general revenue of Sierra Leone.

140. (1) Any person who deems himself aggrieved by an conviction or order made by a Magistrate Court on determining any information or complaint under this ordinance, may, save as otherwise provide in this ordinance appeal there from to Supreme Court.

(2) Any person who deems himself aggrieved by any conviction or order made by a native court may, save as otherwise provided in this ordinance, appeal there from in the manner provided in the native courts ordinance.

141. Notices, orders, and other documents under this ordinance, shall be in writing, and shall be signed by the person issuing such notice or other document, or by such other person as is duly authorized in that behalf.

142. (1) Any notice, order, or other document required or authorized to be served under this ordinance may be served by delivering the same, or a true copy thereof, either to or at, the usual or last known residence of the person to whom it is addressed, or, where addressed to the owner or occupier of premises, then to some person on the premises, or if there is no person on the premises who can be so served, then by fixing the same, or a true copy thereof, on some conspicuous part of the premises; it may also be served by sending the same, or a true copy thereof, by registered post, addressed to a person at such residence or premises as above mentioned.

(2) Any notice required or authorized for the purposes of this ordinance to be service on a Health Authority, may be serviced by delivering it in writing at, or by sending it by registered post to, the office of the Health Authority, addressed to such Health Authority.

(3) Any notice by this ordinance, required to be given to, or served on, the owner or occupier of any premises, may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given or served without further name or description.

143. The forms in the first schedule to this ordinance, or firms to the like effect, varied as circumstances may require, may, unless other forms are prescribed by the Minister, be used, and shall be sufficient for all purposes.

144. (1) Where any local authority has been appointed a Health Authority under this ordinance, any expenses incurred by that Health Authority in carrying out its functions under this ordinance shall be a lawful expense against the funds of that local authority.

(2) Where the Minister has appointed representative of a local authority to be a health Authority under the provisions of section 5 (2) of this ordinance, he may prescribe by order what contribution, if any, shall be made by each such local authority to the expenses of the Health Authority in carrying out its functions under this ordinance.

145. Nothing in this ordinance shall be construed to authorize any health Authority injuriously to affect the navigation of any rive or canal, or to divert or diminish any supply of water or right belonging to any river or canal; or injuriously to affect any reservoir, canal, river, or stream, or the feeders thereof, or the supply, quality, or fall or water, contained in any reservoir, canal, river, stream, or in the feeders thereof, in cases where any person would, if this ordinance has not been passed, have been entitled by law to prevent or to be relieved against the injuriously affecting of such reservoir, canal, river, streams, feeder, or such supply, quality, or fall of water, unless the Health Authority first obtain the consent in writing of the person so entitled as aforesaid.

146. All powers, rights, and remedies given by this ordinance, shall be in addition to and not in derogation of, any other powers, rights, and remedies, conferred by any ordinance, law, or custom, and all such other powers, rights, and remedies may be exercised and put in force in the same manner, and by the same authority, as if this ordinance has not been passed.

147. The governor may make rules for the further and better carrying out of the provisions and purposes of this ordinance and such rules may, without prejudice to the generality of the foregoing powers, make provision for Labour Health Areas and, in particular, may deal with all or any of the following matters: -

a) The examination of servants by medical officers, and such measures as may be necessary to prevent the introduction or spread of infectious and notifiable diseases, the compulsory employment of qualified medical practitioners by employers, and in default thereof the recovery from the employers of the cost of medical attendance

provided by the Government and of the erection and maintenance of hospitals erected by the Government;

b. The provision of the housing, rations and food of servants for whom the employer is obliged to provide housing accommodation or food under their contracts of service, the inspection of such housing, rations and food, and the observance of all sanitary precautions.

- c. The planning and layout of towns, villages and camps in Labour Health Areas, and the construction of streets, lanes, buildings, markets, open spaces, drains, latrines, incinerators, wells and tanks in such areas.
- d. The provision of the housing, ration and food of servants in Labour Health Areas whether or not the employer is obliged to provide housing accommodation or food under their contracts of service, the inspection of such housing rations and food and the observance of all sanitary precautions
- e. The provision of adequate arrangements for the care of sick and injured servants and the inspection of such arrangements;
- f. The prescription of penalties to be imposed on summary conviction for the breach of any rule made under this section

Provided that all rules or orders made or given under any of the ordinances hereby repealed and in force at the time of coming into operation of this repeal of the ordinance under which they were made or given shall be deemed to have been made and given under this ordinance and shall continue in force until other provision shall be made by virtue of this ordinance.

(2) Section 61 of the Rural Area Ordinance, 1949, is hereby amended by the deletion from subsection (1) thereof, of paragraph (b) thereof.

(3) Section 56 of the Sherbro Urban District Council Ordinance, 1950, is hereby amended by the deletion of paragraph (e) thereof.

(4) Section 56 of the Bo Town Council Ordinance, 1954, is hereby amended by the deletion of paragraph © thereof.

(5) Section 78 of the Employers and Employed Ordinance is hereby amended by the deletion from subsection (1) thereof of paragraphs (vii) to (xi) inclusive:

Provided that all rules or orders made or given under any of the aforesaid paragraphs (vii) to (xi) inclusive and in force at the time of the coming into operation of this subsection shall be deemed to have been made and give under this ordinance and shall continue in force until other provision shall be made by virtue of this ordinance.

**FIRST SCHEDULE
FORM A
Form of Intimation**

.....Health Authority
.....19....

To:.....

This is to inform you that at the premises situated at:..... the nuisance or offence against the Public Health Ordinance 1959, or rules, numbered..... and marked in the following list exists and you should abate it by:..... within.....days

The officer who delivers this form will show you how to abate it or you may enquire at the Health Office between the hours of:.....

Signed:..... Health Officer

LIST

1. Mosquito breeding in.....
2. Conditions likely to cause mosquitoes.....
3. Domestic water supply liable to contamination in a well, tank, etc
4. Foul pool, ditch, gutter, drain, sanitary convenience etc.....
5. Dust, smell or effluvia caused by.....
6. Accumulation or deposit of dirt, etc.....
7. Animal or bird causing nuisance by.....
8. Premises defective or prejudicial to health because.....
9. Defective drainage.....
10. Defective or unauthorized well.....
11. House overcrowded.....
12. Premises filthy or verminous.....

SECOND SCHEDULE

(Sec.101)

Number of persons permitted to use a house for sleeping for the purposes of section 101 of this ordinance “*the number permitted*” means in relation to any house the number specified as follows: -

<i>Where a house consist of</i>	<i>number Permitted</i>
On room	2
Two rooms	3
Three rooms	5
Four rooms	7½
Five rooms or more	10 with an additional 2 in respect of each room in excess of five

Provided that no regard shall be had to any room having a floor area of less than 50 sq. ft.

FORM OF NOTICE REQUIRING ABATEMENT OF NUISANCE,

To: {*person causing the nuisance, or owner or occupier of the premises at which the nuisance exists a the case may be*}

Take notice that under the provisions often public Health Ordinance, 1960, the {*describe the health Authority*} being satisfied of the existence at {*describe premise where the nuisance exists*} of a nuisance being {*describe the nuisance for instance, premises in such a state as to be a nuisance, or injurious or dangerous to health or for further instance, a ditch or drain so foul as to be a nuisance of injurious or dangerous to health*} do hereby require you within {*specify the time*} from the service of this notice to abate the same {*and to execute such works and do such things as may be necessary for that purpose, or and for that purpose to specify any works to be executed*} {*and the said (Authority) do hereby require you within the said period to do what is necessary for preventing the recurrence of the nuisance, and for that purpose to etc*}

{*Where the nuisance has been abated, but is likely to recur, say, being satisfied that at etc., there existed recently, to wit on or about the.....day of..... The following nuisance, namely (describe nuisance) and that, although the said nuisance has since the last-mentioned day been abated the same is likely to recur at the said premises. Do hereby require you within (specify the time) to do what is necessary for preventing the recurrence of the nuisance and for that purpose to etc*}

If you make default in complying with the requisitions of this notice {*or if the said nuisance though abated, is likely to recur*} a summons will be issued requiring your attendance before a court to answer a complaint which will be made for the purpose of enforcing the abatement of the nuisance, or prohibiting the recurrence thereof or both and for recovering the costs and penalties that maybe incurred thereby.

DATED this day of.....20.....

SIGNATURE OF OFFICER OF HEALTH AUTHORITY

FORM C

(Sec. 26)

Form of Summons

Summons

To A,B, of.....{or to the owner or occupier of}
{describe premises} situated {insert such description of the situation as may be sufficient to
identify the premises}.

You are required to appear before {describe the tribunal} at the Court holden at on the day
of next at the hour of in the noon to answer the complaint this day made to me
by..... That at the premises above mentioned {or insert any other description or
reference as maybe sufficient to identify the premises} in the Health Areas of {describe the
Health Authority} the following nuisance exists {describe the Health Authority} the following
nuisance exists {describe the nuisance and add, where the person causing the nuisance is
summoned}, and that the said nuisance is caused by the act, default of sufferance of you A.A.

{Where the nuisance is discontinued, but is likely to be repeated, say, to answer the complaint,
etc, that at etc, there existed recently, to wit, on or about..... day
of..... the following nuisance (describe the nuisance and add, where the person
causing the nuisance is summoned, and that the nuisance was caused, etc) and although the said
nuisance has since the said last-mentioned day been abated or discontinued that the same or the
like nuisance is likely to recur at the said premises }

Given under my hand and seal this.....day of..... 20.....

FORM D

(Sec. 26)

Form of Nuisance Order

To A.B. of..... {or to the owner or occupier of}
(describe premises) situated (insert such description of the situation as maybe sufficient to
identify the premises}

Whereas the said A.B (or the owner or occupier of the said premises within the nearing of the
Public Health Ordinance 1960) has this day appeared before me {or us, describing the Court} to
answer the matter of a complaint made by, etc, that at, etc, (follow the words of complaint in
summons} or in now proved to my (or our) satisfaction that a summons has been duly served
according to the public health ordinance, 1960, requiring the said A.B. (or the owner or occupier
of the said premises} to appear this day before me (or us) to answer the matter of complaint made
by, etc, that at, etc

{Any of the following orders may be made or a combination of any of them as the case seems to
require}

Now on proof here had before me {or us} that the nuisance so complained of does exist
at the said premises {add, where the order is made or the person causing the nuisance, add that
the same is caused by the act, default or sufferance of A.B. I (or we} in pursuance of the Public
Health Ordinance, 1960, do order the said A.B (or the said owner or occupier) within {specify the
time} from the service of this order, according to the said Ordinance {here specify the nuisance to
be abated, as for instance, to prevent the premises being a nuisance or injurious or dangerous to
health, or, for further instance, to prevent the ditch or drain being a nuisance or injurious to
health} {and state any works to be executed as for instance, to whitewash and disinfect the
premises or, for further instance, to clean out the ditch}

And I (or we) being satisfied that, notwithstanding the said nuisance may be temporarily
abated under this order, the same is likely to recur, do therefore prohibit the said A.B (or the said
owner or occupier} from allowing the recurrence of the said or a like nuisance, and for that
purpose I (or we) direct the said A.B (or the said owner or occupier} {there specify any work to
be executed as for instance, to fill up the ditch}.

Now, on proof here had before me (*or we*) that at or recently before time of making the said complaint, to wit, on..... The nuisance so complained of did exist at the said premises, but that the same has since been abated (*add, where the order is made on the person causing the nuisance, and that the nuisance was caused by the act, default or sufferance of A.B.*) yet, notwithstanding such abatement, I (*or we*) being satisfied that it is likely that the same or the like nuisance will recur at the said premises, do therefore prohibit (*continue as in Prohibition Order No.1*).

Now, on proof here had before me { or us } that the nuisance is such as to render the dwelling house {describe the house} situated at {insert such a description of the situation as may be sufficient to identify the dwelling house} unfit in my {or our} judgment for human habitation, I (or we) in pursuance of the Public Health Ordinance 1960, do hereby prohibit the use of the said dwelling house for human habitation.

Given under the hand and seal of me (or the hands and seals of us, describing the Court)

THIS DAY OF 20

J.S. (L.S.)

J.P. (L.S.)