



MONTSERRAT

CHAPTER 14.01

PUBLIC HEALTH ACT and Subsidiary Legislation

Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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CHAPTER 14.01

PUBLIC HEALTH ACT

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CHAPTER 14.01

PUBLIC HEALTH ACT

(Acts 16 of 1981, 3 of 1875, 8 of 1988 and 9 of 2011)

AN ACT FOR THE PROMOTION AND PRESERVATION OF THE HEALTH OF THE INHABITANTS OF MONTSERRAT AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH.

Commencement

[1 March 1982]

Short title

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

Interpretation

2. In this Act—

“**Board**” means the Public Health Advisory Board established under section 6(1);

“**Chief Medical Officer**” means the person appointed as such in the public service;

“**Medical Officer**” means any medical practitioner appointed by the Governor to be a Medical Officer and shall include the Chief Medical Officer and any other person designated by the Minister to be a Medical Officer for the purpose of this Act;

“**Minister**” means the Minister responsible for health matters;

“**owner**” includes the person for the time being entitled to receive the rent of the premises in relation to which the word is used, whether on his own account or as agent of or trustee for any other person, or who would be so entitled if the premises were let at a rent;

“**premises**” includes land whether open or closed, whether built on or not, whether public or private and whether or not maintained under any enactment and any aircraft, ship, vessel, boat, hulk, barge, tent, van, shed or similar structure;

“**Public Health Inspector**” or “**Public Health Assistant**” means a person appointed as such in the public service.

Minister to be responsible for health of inhabitants of Montserrat

3. The Minister shall generally be responsible for the promotion and preservation of the health of the inhabitants of Montserrat and for this purpose may divide Montserrat into such medical districts as he may determine, and

may assign such duties to Medical Officers and Public Health Inspectors and assistants in relation thereto as he thinks necessary.

Functions of Minister

4. (1) The Minister shall be responsible for the administration of the provisions of this Act, and without limiting the generality of the foregoing, his functions shall include—

- (a) the prevention, treatment, limitation and suppression of disease, including the conduct of investigations and enquiries in respect thereof;
- (b) the publishing of reports, information and advice concerning public health, including advice to the Government and the education of the public in the preservation of health;
- (c) the abatement of nuisances and the removal or correction of any condition that may be injurious to the public health;
- (d) ensuring adequate standards of hygiene in the handling, preparation and sale of food intended for public consumption;
- (e) the acceptance and administration of gifts of money or property from individuals or organizations donated for any unit of the health service administered under this Act.

(2) The Minister may—

- (a) delegate to the Public Health Advisory Board such of his functions under subsection (1) as he thinks fit; and
- (b) give directions to the Public Health Advisory Board as to the exercise and performance of any functions delegated to it under paragraph (a) and the Board shall give effect to such directions.

Governor acting on the advice of Cabinet may establish Health Services

5. (1) The Governor acting on the advice of Cabinet may establish at suitable places in any part of Montserrat—

- (a) general hospitals;
- (b) hospitals and other service units for special purposes;
- (c) health centres;
- (d) outpatients' clinics;
- (e) maternity hospitals;
- (f) district hospitals including infirmaries;
- (g) dispensaries;
- (h) combinations of all or any of the foregoing.

(2) Any institutions of a character similar to those listed in subsection (1) and existing at the commencement of this Act with the approval of the Governor acting on the advice of Cabinet shall be deemed to have been established by him for the purposes of this Act.

(Amended by Act 9 of 2011)

Governor acting on the advice of Cabinet to appoint Public Health Advisory Board

6. (1) The Governor acting on the advice of Cabinet shall establish a Public Health Advisory Board to advise the Governor acting on the advice of Cabinet, the Minister and the Chief Medical Officer, to make recommendations on any matter relating to public health in Montserrat and the exercise of any powers conferred by this Act, and to discharge any functions delegated to it by the Minister under section 4(2). *(Amended by Act 9 of 2011)*

(2) The members of the Board shall be the Chief Medical Officer, who shall be Chairman, and such other members, being not less than two or more than six, as the Governor acting on the advice of Cabinet may appoint. A member other than one appointed by virtue of his office shall hold office for such period not exceeding three years as the Governor acting on the advice of Cabinet may specify at the time of such appointment and shall be eligible for re-appointment. Any member other than one appointed by virtue of his office may resign from the Board by notice in writing to the Chairman, and the appointment of any member at any time may be terminated by the Governor acting on the advice of Cabinet. *(Amended by Act 9 of 2011)*

(3) The Board shall meet on such dates, not being less than twice a year, as the Chairman shall direct, and at any such meeting three members shall constitute a quorum.

(4) The Secretary of the Board shall be such member as the Governor acting on the advice of Cabinet may designate or in the absence of such designation, such member as the Chairman shall appoint. *(Amended by Act 9 of 2011)*

(5) The members of the Board shall receive such remuneration as the Governor acting on the advice of Cabinet may approve. *(Amended by Act 9 of 2011)*

(6) The Public Health Advisory Board shall invite the appropriate Medical Officer, or Public Health Inspector or the Veterinary Officer to attend every meeting thereof which is concerned with any matter relating to his functions and the Minister may attend any such meeting.

Chief Medical Officer to discharge functions of Minister

7. (1) Except as the Minister may otherwise direct the Chief Medical Officer shall discharge the functions conferred on the Minister under this Act and every Medical Officer, Public Health Inspector or other public health officer shall discharge his functions under this Act as directed by the Minister

or the Chief Medical Officer and in so doing shall be deemed to be acting under the authority of this Act.

(2) Subject to subsection (1) the Chief Medical Officer and Public Health Inspector may take such steps as are necessary for the execution and administration of this Act and of any regulations made thereunder and of any orders or directives given by the Governor, the Minister or the Chief Medical Officer and may call upon any member of the Police service to lend such assistance as may be required in the execution and administration thereof. (*Amended by Act 9 of 2011*)

Regulations

8. (1) The Governor acting on the advice of Cabinet may make regulations for the proper carrying out of the provisions of this Act and without limiting the generality of the foregoing may make regulations in relation to—

- (a) the forms to be used for the purposes of this Act;
- (b) notice to be given of notifiable and communicable disease, the treatment and prevention thereof and the isolation of patients suffering therefrom;
- (c) the prevention, treatment, limitation and suppression of disease, the closing or destruction of buildings in which infected persons have lodged or resided and the restriction of movement of such persons into and out of infected areas;
- (d) the prevention of the over-crowding of premises;
- (e) the maintenance of the proper sanitary conditions of premises;
- (f) the institution of measures for ensuring the purity of the water supply;
- (g) the prevention, abatement or removal of nuisances and insanitary conditions on premises;
- (h) the collection, removal and disposal of rubbish, night soil and other offensive matter;
- (i) the licensing of person, places and institutions for the carrying on of businesses which may have an effect on public health;
- (j) the method of carrying on any offensive trade or business;
- (k) the slaughtering of animals for use as food for human consumption;
- (l) the keeping of domestic animals;
- (m) the disposal of dead animals;
- (n) the control and destruction of mosquitoes, termites and other insects, rodents and other vermin;

- (o) the production and handling of food intended for human consumption;
- (p) the offering for sale of food, drugs, cosmetics and devices and prescribing standards of identity, composition and quality of such products;
- (q) the inspection of hotels, boarding houses and other places of accommodation;
- (r) the inspection and regulation of the places of business of barbers, hair-dressers and beauticians;
- (s) the inspection and regulation of any workplace with a view to eliminating any danger to persons working there;
- (t) the inspection of the sanitary conditions of beaches and swimming pools in the interest of public health;
- (u) the medical and dental examination and treatment of school children, the removing of children from school and the closing of schools in the interests of public health;
- (v) the interment or other disposal of the dead, and all matters incidental thereto including the inspection and regulation of undertaking establishments, morgues, crematoria and other places used in connection with the preparation, transportation and disposal of dead bodies;
- (w) the control and use of public baths, washrooms and sanitary conveniences;
- (x) the registration, management, control and inspection of hospitals, nursing homes, nurseries and kindergartens, in the interest of public health and the fees payable for the provision of services therein;
- (y) the protection of the public from radioactive material;
- (z) the importation of food and the designation of places from which food may not be imported in order to protect public health.

(Amended by Act 9 of 2011)

(2) Regulations made under the provisions of subsection (1) may provide that failure to comply with any such regulation shall be punishable by way of a fine of \$2,000 or imprisonment for a term of twelve months or by both such fine and such imprisonment.

(3) For the purposes of this section and of section 9, “works” or “work” includes the structural alteration of a building, the repair of a road whether public or private, and the removal or abatement of a nuisance.

Public Health Inspector may compel execution of works in interest of public health

9. (1) Where it appears to the Public Health Inspector that for the protection of or in the interest of public health any works on or in any premises are necessary the Public Health Inspector may serve or cause to be served on the owner or occupier of such premises a notice in writing, signed by the Public Health Inspector requiring such person to execute such works as the Public Health Inspector considers necessary.

(2) A notice under subsection (1) shall indicate the nature of the works to be executed and specify a period of time not being less than fourteen days at the expiration of which the Public Health Inspector may cause the works to be carried out if they have not previously been executed.

(3) A person served with a notice under subsection (1) or any person having an estate or interest in the premises to which the notice relates may, at any time before the expiration of the period of time specified in the notice pursuant to the provisions of subsection (2) and in accordance with any rules of court for the time being in force, appeal to a Judge in Chambers against the notice on any of the following—

- (a)* that the notice or requirement is not justified for the protection or in the interest of public health;
- (b)* that there is some informality, defect or error in or in connection with the notice;
- (c)* that the Public Health Inspector has refused unreasonably to approve the execution of alternative works;
- (d)* that the works required by the notice to be executed are unreasonable in character or extent or are unnecessary;
- (e)* that the time within which the works are required by the notice to be executed is not reasonably sufficient for the purpose;
- (f)* that the notice might lawfully have been served on the occupier of the premises to which it relates instead of the owner or on the owner instead of the occupier and it would have been equitable for it to have been so served;
- (g)* where the work is for the common benefit of the premises to which the notice relates and other premises that some other person, being the owner or occupier of the other premises to be benefitted, ought to contribute towards the cost of executing any works required.

(4) Where an appeal under subsection (3) is based on the ground specified in paragraph *(b)* thereof, the Judge shall dismiss the appeal if he is satisfied that the informality, defect or error was not a material one.

(5) Where the grounds upon which an appeal is brought under subsection (3) include a ground specified in paragraph *(f)* or *(g)* of that subsection, the appellant shall serve a copy of his notice of appeal on every

other person referred to therein and may serve a copy thereof on any other person having an estate or interest in the premises to which the notice under subsection (1) relates.

(6) On the hearing of an appeal under subsection (5) the Judge may make such order as he thinks fit in respect of the person by whom any work is required to be executed and the contribution to be made by any other person towards the cost of the work or as to the proportion in which any expenses which may become recoverable by the Governor under subsection (11) are to be borne by the appellant and such other persons.

(7) In exercising his powers under subsection (6) the Judge shall have regard—

- (a) as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of the tenancy and to the nature of the works required; and
- (b) in any case, to the degree of benefit to be derived by the different persons concerned.

(8) Where an appeal is brought under subsection (3), the Judge shall give directions for giving effect to his decisions including, where appropriate, directions for questioning the notice to which the appeal relates or for varying the terms of such notice in favour of the appellant.

(9) Where the notice to which the appeal relates is varied, or the appeal is dismissed, the Judge may, if he thinks fit, direct that the notice shall not come into force until such date (not being earlier than twenty eight days from the determination of the appeal) as he thinks fit.

(10) The determination of an appeal under subsection (3) by a Judge in Chambers shall be final.

(11) If at the expiration of the period specified in the notice under subsection (1) or directed by a Judge in the determination of an appeal under subsection (3) the work specified in the notice as varied by the Judge has not been executed, the Public Health Inspector may cause such work to be carried out and on completion thereof (if the person liable to pay is not destitute) may recover the reasonable cost as a debt due to the Crown in Civil proceedings.

(Amended by Act 8 of 1988 and incorporating Act 3 of 1875)

Enforcement Orders to prevent disease

10. (1) Where the Public Health Advisory Board or a Medical Officer reports to the Minister—

- (a) the existence of any local condition in any part of Montserrat tending to endanger public health, and there are no powers under any law other than this section whereby such condition may be guarded against; or
- (b) that any part of Montserrat appears to be threatened with or affected by any communicable disease in epidemic proportions,

and that measures apart from, or in addition to those specifically provided for in this Act should be taken promptly,

the Governor acting on the advice of Cabinet may by order direct the enforcement of any measures recommended by the Public Health Advisory Board, or any other measures that he thinks expedient for removing or otherwise guarding against any such condition and the probable consequences thereof, or for preventing or mitigating as far as possible any such disease. (*Amended by Act 9 of 2011*)

(2) An order made under this section may extend to the whole of Montserrat, or to such part thereof or to such particular places as may be specified therein.

(3) A copy of every order made under this section shall be posted in a conspicuous place at every police station in Montserrat.

(4) A person who contravenes the provisions of any order made under this section shall be guilty of an offence under this Act.

Governor acting on the advice of Cabinet may prohibit the assembly of persons

11. (1) Where there is prevalent in Montserrat or in any part thereof any communicable disease in epidemic proportions, the Governor acting on the advice of Cabinet may, by order published in a newspaper and by radio, prohibit the assembly of persons exceeding such number as may be prescribed in that order at any place specified therein, and such prohibition may be made applicable to the whole of Montserrat or to any part thereof. (*Amended by Act 9 of 2011*)

(2) Every person who is present at, or promotes, aids, or assists in the promotion of any assembly prohibited under subsection (1) shall be liable on summary conviction to a fine of \$500 or to imprisonment for a term of three months or to both such fine and such imprisonment.

(3) Any constable may require any assembly prohibited under subsection (1) to disperse, and any person who fails to obey such requirement shall be liable on summary conviction to a fine of \$500 or to imprisonment for a term of three months or to both such fine and such imprisonment.

Governor acting on the advice of Cabinet may order closure of public places or schools

12. (1) Where there is prevalent in Montserrat or in any part thereof, any communicable disease in epidemic proportions, and the Governor acting on the advice of Cabinet is satisfied that it is in the interest of public health to do so, he may by order published in a newspaper and by radio, direct that any public place or any school in Montserrat, or in the area in which such disease is prevalent, shall be closed for such period as he thinks necessary. (*Amended by Act 9 of 2011*)

(2) Any person who fails to comply with any order made under subsection (1), shall be liable on summary conviction to a fine of \$1,000 or to imprisonment for a term of six months or to both such fine and such imprisonment.

(3) Where an offence is a continuing offence the offender shall be liable to a further fine of \$500 for every day for which the offence continues, and in default of payment, to imprisonment for a period of six months.

Power of entry

13. (1) The Chief Medical Officer, a Medical Officer, a Public Health Inspector or any person authorised in writing by the Governor may at all reasonable times enter, if necessary using such force as may be required, any premises for the purpose of—

- (a) ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Act or any regulations made thereunder;
- (b) ascertaining whether or not circumstances exist which would authorise or require the Minister or Governor acting on the advice of Cabinet to take any action or execute any work under this Act or any regulations made thereunder; (*Amended by Act 9 of 2011*)
- (c) taking any action executing any work authorised or required to be taken under this Act or any regulations made thereunder;
- (d) performing any function conferred on the Minister or on any medical officer or authorised person under this Act or any regulations made thereunder; or
- (e) generally examining and inspecting the premises.

(2) Any Medical Officer or person authorised to enter any premises under subsection (1) in leaving any occupied premises which he has entered pursuant to that subsection, shall leave the premises as effectually secured against trespassers as he found them.

Proof of authority of authorised person

14. (1) Where any power of entry conferred under section 15 is to be exercised by a person authorised by the Governor, the person claiming the right to enter shall produce the document authorising him in that behalf.

(2) A document purporting to have been signed by the Governor shall be deemed until the contrary is proved to have been signed by that person.

Offences

15. (1) Any person who—

- (a) assaults, resists, obstructs or intimidates; or

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- (b) uses indecent, abusive or insulting language to; or
- (c) interferes with or hinders; or
- (d) by any gratuity, bribe, promise or other inducement prevents or attempts to prevent the due execution of his duty by;

any officer or other person acting under the authority of this Act or any of the regulations made thereunder shall be liable on summary conviction to a fine of \$500 or to imprisonment for a term of six months or to both such fine and such imprisonment.

(2) Any person who fails to carry out any of the provisions of this Act or any regulation made thereunder or contravenes any of the provisions of this Act or any regulation made thereunder shall be guilty of an offence and liable on summary conviction to a fine of \$500 or to imprisonment for a term of three months or to both a fine and such imprisonment and in the case of a second or subsequent offence to a fine of \$1,000 or to imprisonment for a term of six months or to both such fine and such imprisonment.

(3) It shall be the duty of police officers to aid and assist in carrying out the provisions of this Act. (*Inserted from Act 3 of 1875*)

Protection of public officers

16. Nothing done by the Minister, the Chief Medical Officer or Public Health Inspector or any person acting under the authority of any of them shall, if such a thing was done *bona fide* for the purpose of executing any of the provisions of this Act, subject such person to any action, liability, claim or demand whatsoever.

Persons entitled to take proceedings

17. Proceedings against any person for an offence against this Act and for the recovery of any fine under this Act or any regulations made thereunder may be instituted by any person authorised in that behalf by the Minister and such authorised person may prosecute or conduct such proceedings.

Costs of actions against Board, etc.

18. (1) In any action, suit, prosecution or other legal proceedings brought against the Public Health Advisory Board or any person in respect of any act done in pursuance or execution or intended execution of the provisions of this Act, the plaintiff shall not recover unless he alleges in his pleading and proves at the trial, that such act was done either maliciously or without reasonable or probable cause.

(2) Any damages or costs recovered in any action, suit, prosecution or legal proceeding brought against the Public Health Advisory Board or any person aforesaid, and the costs of the defendant as between solicitor and client shall be paid out of the Consolidated Fund.

Prosecutions to be commenced within six months

19. All prosecutions for offences against this Act or any regulations made thereunder shall be commenced within six calendar months of the commission of such offence.

Reference to owner or occupier in certain proceedings

20. Where in any proceedings under this Act relating to nuisances it becomes necessary to mention or refer to the owner or occupier of any premises and his name is unknown or cannot on reasonable enquiry be ascertained, it shall be sufficient to designate him as the “owner” or “occupier” of such premises, without name or description.

Provision for expenses

21. The expenses of establishing and maintaining any services provided by the Governor acting on the advice of Cabinet under the provisions of section 5, the expenses of the Public Health Advisory Board and any other expense which may be incurred in carrying out the provisions of this Act shall be defrayed out of moneys appropriated for those purposes by the Legislative Assembly. *(Amended by Act 9 of 2011)*

MOSQUITO CONTROL REGULATIONS

ARRANGEMENT OF REGULATIONS

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4. Inspection of premises
5. Obstruction by occupier and forcible entry
6. Duties of occupiers
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18. Stagnant water
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20. Offence by owner or occupier
21. Power of forcible entry
22. Offences and penalties

MOSQUITO CONTROL REGULATIONS

(S.R.O.s 5/1957, 24/1957 and 13/1961)

Short title

1. These Regulations may be cited as the Mosquito Control Regulations.

Interpretation

2. In these Regulations—

“**occupier**” means, in the case of land not occupied by any tenant or other person, the owner of the land;

“**officer of the Board**” includes any member of the Board, any medical officer of Montserrat and any servant or agent of the Board;

“**owner**” includes any person receiving rent or profits from any tenant or occupier thereof or who would receive such rent and profits if the premises were let whether on his own account or as agent for any other person;

“**premises**” includes messuages, buildings, lands, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority and any ship, air-ship, vessel, boat, hulk, barge, tent, van, shed, or similar structure.

Spraying

Spraying of premises

3. (1) It shall be lawful for any member of the Department to spray premises when ordered by the Chief Medical Officer or any other Medical Officer so to do.

- (2) No premises shall be sprayed unless at least twenty four hours notice in writing of such spraying shall have been given to the occupier of such premises.

- (3) Where the occupier of any premises cannot be found after reasonable enquiry, or when it is not reasonably practicable to give notice otherwise, notice may be given by posting the same up in some conspicuous place on the premises.

Inspection of premises

4. When ordered by the Chief Medical Officer or any other Medical Officer so to do it shall be lawful for any member of the Department, between the hours of seven in the morning and six in the afternoon of any day, to inspect premises and to examine all articles likely to contain water found in or upon such premises:

Provided that, in the case of business premises the said inspection shall take place during any period of time in which the business may be in progress.

Obstruction by occupier and forcible entry

5. (1) If the occupier of any premises refuses or fails to admit upon his premises any person duly authorised under regulation 3 or 4 to enter such premises such occupier shall be guilty of an offence against these Regulations.

(2) If any occupier commits an offence against paragraph (1) it shall be lawful for an officer of the Department for the purpose of spraying or inspecting as aforesaid to enter upon the premises of such occupier by force if need be and with such assistance as may be required on condition that—

- (a) the officer has served on the occupier, a notice of his intention at least twenty four hours in advance;
- (b) the officer has a written authority from the Board and shows such authority to the occupier if requested by him to do so.

Duties of occupiers

6. (1) When notified that premises are to be sprayed, the occupiers thereof shall, before the time fixed for spraying, remove all foodstuffs, clothing and any other article which they have been warned may be damaged by spraying: Provided that, they shall not remove mosquito nets and bedding which shall be sprayed.

(2) The occupiers of premises which are being sprayed shall extinguish all fires and naked flames on the premises during the process of spraying.

(3) If the occupier of any premises after receiving due notice fails to comply with the requirements of this regulation, he shall be guilty of an offence against these Regulations.

Limitations on spraying

7. (1) Mattresses shall not be sprayed if objection thereto is taken by the owners thereof.

- (2) Only the outside of the backs of food-safes shall be sprayed.

General

Receptacles for storage of water

8. (1) The owner or occupier of premises shall place all tanks, drums, vats, barrels, or other receptacles intended for the storage of water in such positions that they are accessible for inspection of their contents.

(2) All wall-tanks shall be placed not less than six inches from the nearest wall and not less than fifteen inches from the nearest part of the ceiling or roof: Provided that, automatic flushing tanks may be affixed to, or placed within six inches of a wall, if inspection of the contents thereof is convenient.

(3) When a member of the Department has completed his inspection of the contents of any tank, drum, vat, barrel, or other receptacle intended for the storage of

water the owner or occupier of the premises shall forthwith render such receptacle mosquito-proof.

(4) If the occupier after receiving reasonable notice in writing from the Board directing him to do so fails to comply with the requirements of this regulation, he shall be guilty of an offence against these Regulations.

Covered drains and sewer-traps

9. (1) Each covered drain shall be provided with an inspection chamber which shall be placed in a position which is easily accessible for the purpose of inspection.

(2) All sewer-traps shall be placed in positions which are easily accessible for the purpose of inspection.

Drinking water for animals

10. (1) All receptacles used to provide drinking water for animals or poultry shall be such as can be quickly and completely emptied at any time.

(2) If any person after receiving reasonable notice in writing from the Board requiring him to do so fails to comply with the requirements of this regulation he shall be guilty of an offence against these Regulations.

Wells

11. All wells shall be rendered and kept mosquito-proof or permanently stocked with larvivorous fish of a species to be approved by the Chief Medical Officer.

Finding of mosquitoes in aquatic stages

12. (1) If any member of the Department finds any mosquito in its aquatic stages in any water or in any receptacle containing water, he shall, according to his judgment and the circumstances of the case—

- (a) apply the larvicide used by the Department; or
- (b) require the occupier of the premises to stock the water with larvivorous fish of a species approved by the Chief Medical Officer; or
- (c) render the receptacle, if it be of little or no commercial value, incapable of holding water; or
- (d) report the matter to the Chief Medical Officer or any other Medical Officer.

(2) If the occupier of any premises on being required in writing to stock any water with larvivorous fish under paragraph (1)(b) fails to comply with such requirement he shall be guilty of an offence against these Regulations.

Inspection cards

13. Any member of the Department may affix a card or other document to any tank or vat, or in any inconspicuous position on any premises for the purpose of

recording notes or any inspection of a tank or other receptacle containing water, and no person may remove or deface any such card or document.

Roof-gutters

14. (1) Roof-gutters shall have sufficient capacity and fall to ensure that the rain water will not be retained at any point thereof.

(2) Wherever there are roof-gutters the owner thereof shall arrange that the roof-gutters shall be accessible for inspection.

(3) If the owner of any premises after receiving reasonable notice in writing fails to comply with the requirements of paragraphs (1) and (2), he shall be guilty of an offence against these Regulations.

(4) Occupiers of premises shall keep trimmed and free from mosquito larvae all trees, shrubs, hedges, and plants, and prevent all trees and shrubs from overhanging roof-gutters on their or on any other person's premises.

(5) The occupier of any premises shall take all necessary steps to prevent water from collecting in roof-gutters, to prevent mosquitoes from breeding therein and to destroy all mosquitoes in their aquatic stages found therein.

(6) If any owner or occupier after receiving notice fails to comply with the requirements of paragraphs (4) and (5); he shall be guilty of an offence against these Regulations.

Storing of water

15. (1) Unless otherwise provided—

- (a)* water may be stored in barrels, large vessels, or other similar water containers;
- (b)* such barrels, large vessels, or other similar containers, shall conform to models approved from time to time by the Department for the purpose of such storage;
- (c)* such barrels, large vessels, or other similar water containers, where used for storing water, shall be mosquito-proofed or kept constantly stocked with larvivorous fish provided and maintained by the occupier of the premises, such fish being of a species approved by the Department;
- (d)* artificial ponds, lakes, and basins which contain water shall be stocked with larvivorous fish provided and maintained by the occupier of the premises, such fish being of a species approved by the Department.

(2) If the occupier of any premises after receiving notice fails to comply with the requirements of paragraphs (1)(*b*), (*c*) and (*d*), he shall be guilty of an offence against these Regulations.

Drainage of water from buildings and premises

16. (1) No part of any building or premises or of any wall or other structure surrounding such building or premises shall be so constructed as to be capable of retaining water unless provision is made whereby such water may easily be drained therefrom.

(2) Upon notice in writing being given by the Department to the owner of any building or premises or any wall or other structure as aforesaid that any part thereof is capable of retaining water and that no provision is made whereby such water may easily be drained therefrom such owner shall forthwith cause the said part to be constructed in accordance with the provisions of paragraph (1), and if he fails to do so he shall be guilty of an offence against these Regulations.

Cemeteries

17. (1) Flower vases, jars, jardinières and other ornamental articles in cemeteries shall not be allowed to contain water.

(2) Any such receptacle shall be permanently filled with sand.

(3) Mausoleums, vaults and burial urns shall be maintained in such a condition as not to collect water.

(4) The occupier of a cemetery shall be responsible for ensuring that water does not collect in excavations or tombs therein.

(5) If the occupier of any cemetery after receiving due notice fails to comply with the requirements of this regulation, he shall be guilty of an offence against these Regulations.

Stagnant water

18. (1) No person shall expose any empty bottle (broken or otherwise), empty tin, coconut shell, uncovered barrel, box or any other articles in such manner as to cause the same to be a receptacle for stagnant water or a breeding place for mosquitoes.

(2) The presence of mosquito larvae in any collection of water shall be proof that such water is stagnant.

(3) If any person after receiving due notice fails to comply with the requirements of paragraph (1) he shall be guilty of an offence against these Regulations.

Hindrance or obstruction prohibited

19. Any person who hinders or obstructs any officer of the Board in the execution of any duty imposed upon him by these Regulations shall be guilty of an offence against these Regulations.

Offence by owner or occupier

20. Where an obligation is imposed by any of these Regulations upon an owner or occupier, both the owner and the occupier of such premises or either of them may be proceeded against and convicted of an offence against such regulations:

Provided that, the Magistrate may dismiss the charge against either notwithstanding his default if the Magistrate is satisfied that under the terms of any contract between them it was the duty of the other to perform the obligation in respect of which the offence was committed, and that in the circumstances it would be in the interest of justice to so dismiss the charge.

Power of forcible entry

21. (1) When any person is guilty of an offence against these Regulations for having failed to comply with the requirements of any of these Regulations it shall be lawful for an officer of the Board to fulfil the requirement in respect of which the offence has been committed at the expense of the person in default and for the purpose of doing so to enter the premises of such person by force if need be with such assistance as may be required on condition that—

- (a) the officer has served on the person in default a notice of his intention at least twenty four hours in advance;
- (b) the officer has a written authority from the Board for the purpose and shows such authority to the person in default if requested by him to do so.

(2) Any expense incurred by the Board under this regulation in fulfilling any requirement in respect of which an offence has been committed as aforesaid shall constitute an ordinary civil debt owed by the person in default to the Board and shall be recoverable summarily under the provisions of the Magistrate's Court Act.

Offences and penalties

22. Any person who commits an offence against any of these Regulations shall be liable on summary conviction for every such offence to a fine of \$96 or to imprisonment for a term of three months, and in addition shall be liable, in the case of a continuing offence, to a fine of \$10 for each day during which the offence continues.

PUBLIC HEALTH (SLAUGHTER OF ANIMALS) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title
2. Interpretation
3. Restrictions on the slaughter of animals
4. Procedure before slaughter
5. Inspection of carcass
6. Ownership of carcass
7. Disposal of carcasses
8. Fees for services at Abattoir
9. Duties of Manager of Abattoir
10. Offences

FIRST SCHEDULE: Values of Hides and Skins

SECOND SCHEDULE: Fees for Abattoir Services

PUBLIC HEALTH (SLAUGHTER OF ANIMALS) REGULATIONS

– SECTION 8

(*S.R.O. 6/1983*)

Commencement

[12 December 1983]

Short title

1. These Regulations may be cited as the Public Health (Slaughter of Animals) Regulations.

Definitions

2. In these Regulations—

“**Abattoir**” means the Government Abattoir administered by the Department of Agriculture;

“**Meat animal**” or “**animal**” means any cattle, sheep, goat or pig;

“**Meat Inspector**” means a person appointed in the public service to act as inspector of meat in the Department of Health;

“**small stock**” means any sheep, goat or pig;

“**Veterinary Officer**” means a person appointed in the public service to carry out the functions of a veterinary officer in the Department of Agriculture.

Restrictions on the slaughter of animals

3. (1) No person shall slaughter any meat animal which is intended for human consumption other than at the Abattoir except in the following cases—

- (a) small stock intended for consumption by the owner and his or her own immediate family may be slaughtered by such owner on his own premises:

Provided that, meat so slaughtered may not be sold to any person nor distributed for consumption other than by the owner's immediate family;

- (b) if any meat animal has been so severely injured or damaged as to require slaughter but moving such animal to the Abattoir would cause excessive suffering to it, such animal may be slaughtered '*in situ*' by its owner or some person acting on his authority upon approval notified in writing by the Veterinary Officer:

Provided that, the carcass of any animal so slaughtered shall be immediately taken to the Abattoir for inspection by a Meat Inspector and shall be disposed of in accordance with his instructions;

- (c) if any meat animal has been exposed to infection, as certified in writing by the Veterinary Officer, it may be slaughtered '*in situ*' by its owner or some person acting on his authority and the carcass shall be disposed of as directed by the Veterinary Officer.

(2) No person shall slaughter any animal for human consumption if he knows or suspects that such animal is diseased, overheated, or in an emaciated or exhausted condition.

Procedure before slaughter

4. (1) The hours of inspection and of slaughter at the Abattoir shall be such as may be appointed by the Director of Agriculture from time to time. Notice of such hours and any change therein shall be published at the Abattoir, at the Department of Agriculture, at the Public Market, at the Court House, and if possible on Radio Montserrat and in a local newspaper at least five days before such change takes effect.

(2) Every animal intended for slaughter shall be brought to the Abattoir not less than six hours before the time appointed for slaughter, to allow sufficient time for inspection of such animal, unless a shorter time is allowed by the Meat Inspector in any particular case.

(3) A Meat Inspector shall examine and may mark before slaughter any animal taken to the Abattoir and intended for human consumption and with the approval of the Veterinary Officer may seize and order the destruction of any animal found unfit for such purpose, whereupon he shall mark all parts and organs thereof as condemned:

Provided that, if the owner disputes any order of a Meat Inspector under this sub-regulation, the matter shall be referred to the Director of Agriculture, whose decision shall be final.

(4) Every animal brought to the place of slaughter shall be treated in a humane manner and kept watered. If kept there over twelve hours it shall be fed by the owner or the person in control of the said animal at least once during the period and so often as the Veterinary Officer may require.

(5) Every person shall before proceeding to slaughter any animal cause the same to be securely fastened in such manner as to permit of its being slaughtered with as little difficulty, risk, pain or suffering as possible and shall in the process of slaughtering use only such instruments and appliances as are prescribed or approved by the Director of Agriculture and shall adopt such methods and precautions as shall occasion as little pain and suffering to the animal as possible.

Inspection of carcass

5. (1) After an animal has been slaughtered at the abattoir, the carcass with all the eviscerated organs thereof shall be examined by a Meat Inspector and no person shall remove from the Abattoir any carcass or organs thereof unless the same has been passed by a Meat Inspector as fit for human consumption as evidenced by a stamp duly marked on all separate parts of such carcass and on the organs.

(2) Should a Meat Inspector find in any carcass signs of disease rendering it unfit for human consumption he shall after consultation with the Veterinary Officer order the destruction of the carcass and shall clearly mark all parts and organs thereof as condemned:

Provided that, if the owner thereof disputes such order, it shall be referred to the Director of Agriculture, whose decision thereon shall be final.

(3) No meat or organ of any animal shall be sold unless it has been certified by a Meat Inspector as fit for human consumption.

Ownership of carcass

6. (1) After any animal has been slaughtered at the abattoir, the whole of the carcass (less the hide or skin) shall remain the property of the owner of the animal.

(2) The hide or skin of any animal slaughtered at the abattoir, other than of pigs, shall become the property of the Department of Agriculture of the Government of Montserrat but the value thereof at the rate specified in the First Schedule hereto will be set off against or deducted from the slaughter fee payable by the owner in respect of that animal:

Provided that, the Director of Agriculture may in exceptional cases in writing permit the owner of an animal to retain the hide or skin thereof with no deduction or set-off from the slaughter fee being allowed in such cases.

Disposal of carcasses

7. (1) No meat nor the organs of any animal shall be sold at the abattoir.

(2) Subject to the provisions of regulation 9(2), no carcass or part thereof will be released to its owner until it has been hung for a minimum of twelve hours at the abattoir.

(3) Any owner may request that a carcass be hung for more than twelve hours, and if there is room in the abattoir that will be done, without additional charge up to twenty four hours. However, for every additional twenty four hours hanging or part thereof after the first twenty four, a fee shall be payable, as prescribed in the Second Schedule hereto.

(4) The owner of every animal slaughtered at the abattoir or his agent may specify how he wishes the carcass to be delivered, whether whole or in sections, and shall pay the prescribed fee for any cutting of the carcass. Unless otherwise requested by the owner or his agent, carcasses will be split into two halves.

Fees for services at Abattoir

8. The fees set out in the Second Schedule hereto shall be payable in advance in respect of the seven matters therein referred to by the owner of every animal taken to the abattoir for slaughter.

Duties of Manager of Abattoir

9. (1) The person appointed to manage the abattoir shall keep a book in which he shall record—

- (a) the names and addresses of all persons engaged in slaughtering animals or handling meat at the abattoir;
- (b) in respect of each animal—
 - (i) the name and address of the owner;
 - (ii) its kind, sex, colour or brand mark;
 - (iii) its place of origin;
 - (iv) the day and hour of its arrival at the abattoir;
 - (v) the day and hour of its slaughter;
 - (vi) the manner of the disposal of the carcass.

(2) The head, hide, skin and all blood and refuse from the slaughter of any animal shall be disposed of in a sanitary manner within twelve hours after slaughter:

Provided that, nothing in this sub-regulation shall preclude the delivery of the hide and skin of any carcass to a tannery.

(3) No dog shall be permitted to enter or be upon the premises of the abattoir.

Offences

10. Any person who—

- (a) marks any animal or carcass with a mark resembling that of a Meat Inspector or other authorised person so as to indicate falsely that any animal or carcass has been inspected and passed as fit for human consumption;
- (b) slaughters any animal for human consumption contrary to the provisions of these Regulations;

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(c) otherwise fails to comply with any provision of these Regulations which applies to him;

shall be guilty of an offence and liable on summary conviction to a fine of \$1,000 or to imprisonment for a term of twelve months or to both such fine and such imprisonment.

FIRST SCHEDULE

(Regulation 6(2))

VALUES OF HIDES AND SKINS

<i>Animal</i>	<i>Condition</i>	<i>Value \$</i>
Cattle	Good	17
Sheep/ Goat	Good	4

SECOND SCHEDULE*(Regulation 8)***FEES FOR ABATTOIR SERVICES****1. Slaughter of any animal**

(Based upon live-weight and inclusive of skinning, evisceration and cleaning, and cool room hanging for between twelve and twenty four hours free of charge)

<i>Animal Live-weight</i>	<i>Slaughter Fee EC\$</i>
0 – 50 lbs.	10
51 – 100 lbs.	15
101 – 300 lbs.	25
301 – 500 lbs.	35
501 – 800 lbs.	45
801 – 1000 lbs.	60
1001 – 1200 lbs.	75
1201 lbs. Upwards	90

2. Hanging in Cooler Room

(Per twelve hours after first twenty four hours. Based on dead-weight calculated as one-half of the live-weight of any animal)

<i>Animal Dead-weight</i>	<i>Carcass</i>			<i>Hanging Fee EC\$</i>
	<i>Whole</i>	<i>Side</i>	<i>Quarter</i>	<i>Rental Joints or Cuts</i>
0 – 50 lbs.	\$1	\$0.75	\$0.50	5¢ per lb.
51 – 400 lbs.	2	1.50	1.00	5¢ per lb.
401 lbs. Upwards	5	3.75	2.50	5¢ per lb.

3. Freezer Storage

(Limited availability. Offal has priority)

Per twelve hours .10¢ per lb. weight.

PUBLIC HEALTH (NUISANCES) REGULATIONS – SECTION 8(1)

(S.R.O.s 12/1983 and 10/1990)

Commencement

[11 September 1983]

Short title

1. These Regulations may be cited as the Public Health (Nuisances) Regulations.

Interpretation

2. (1) In these Regulations, the following shall be capable of being held to be a nuisance—

- (a) any place, matter or thing and any deposit or accumulation of liquid or solid matter that is in such a state, or so placed, made or left, as to be insanitary, injurious or dangerous to public health or safety or likely to become so;
- (b) the existence in or on any premises of—
 - (i) flies, mosquitoes or other insects capable of transmitting or causing diseases;
 - (ii) bedbugs, cockroaches or other vermin; or
 - (iii) mice, rats or other like rodents, bats; and
 - (iv) any other animal which is suspected of carrying a contagious disease;
- (c) the existence of any condition, matter or thing which in the opinion of a Medical Officer provides or may provide food, or harbourage, or may or may not be a breeding place for insects capable of transmitting or causing disease or for vermin or rodents;
- (d) any yard, enclosures or other place which is not free from bush and woods, and is not adequately drained and cleaned;
- (e) any gutter or ditch not kept free from bush, grass, woods or stagnant water or refuse;
- (f) the presence of any premises or in any place of empty bottles (broken or otherwise) empty tins, coconut shells, uncovered barrels, boxes, or anything that may serve as a receptacle for water and as a breeding place for mosquitoes or other insects capable of transmitting or causing disease;
- (g) any eaves, gutter or drainpipe in which water has collected;
- (h) anything which substantially interferes with the entrance of sunlight into or with free ventilation of any neighbouring premises or building;

- (i) any house, residential building or part of a house or residential building which is overcrowded (contrary to any enactment);
- (j) any water supply system which is not maintained in a sanitary manner;
- (k) any water tap, pipe, pump or other means of obtaining water needlessly allows water to run to waste, accumulate and become stagnant;
- (l) any water supply system in such a condition that the water passing through, when used for domestic purpose, could be injurious to health;
- (m) any sanitary convenience not properly constructed and maintained;
- (n) any sanitary convenience located so near to any house as to be insanitary, offensive, injurious or dangerous to health or likely to become so;
- (o) any discharge, except in accordance with a permit granted by the Minister or a Medical Officer, of any industrial waste or other noxious matter on to any beach or into the sea or into any river, ravine, water-course, pond, ditch, drain or other place;
- (p) any workplace not ventilated so as to render harmless to workers employed therein all grass, vapours, dust or other impurities generated in the course of the work carried on therein; or
- (q) any workplace so overcrowded as to be injurious to the health of the persons employed therein; and
- (r) any chimney emitting smoke or grit in such quantity or of such density as to be prejudicial or injurious to the public health.

(2) Any act not authorised by law or any failure to discharge a legal duty or any contravention of the provisions of any other regulations made under the Public Health Act, which act or failure or contravention prejudicially affects or is liable prejudicially to affect the public health or safety, shall be deemed to be a nuisance.

Overcrowding

3. (1) For the purpose of regulation 2(q) a workplace shall be deemed to be so overcrowded as to be injurious to the health of the persons employed therein if there is less than 300 cubic feet of space to every person employed in a work place.

(2) In calculating for the purpose of this regulation the amount of cubic space in any room, no space more than fourteen feet from the floor shall be taken into account, and where a room has a gallery, the gallery shall be treated for the purpose of this paragraph as if it were partitioned off from the remainder of the room and formed a separate room.

(3) For the purpose of regulation 2(i) a house or residential building shall be deemed to be so overcrowded if less than forty four square feet is occupied by each person.

Offence

4. (1) Any person who—

- (a) commits a nuisance;
- (b) aids and abets another person to commit a nuisance; or
- (c) being the owner or occupier of any premises causes or knowingly permits a nuisance to exist thereon;

shall be guilty of an offence.

(2) A person guilty of an offence under these Regulations shall be liable to a fine of \$500 or \$75 for each day that the nuisance is allowed to exist after the notice is served.

**PRIVATE HOSPITALS AND NURSING HOMES
(REGISTRATION CONTROL) REGULATIONS – SECTION 8**

(S.R.O.s 8/1984 and 47/2010)

Commencement

[1 January 1984]

Short title

1. These Regulations may be cited as the Private Hospitals and Nursing Homes (Registration Control) Regulations.

Interpretation

2. In these Regulations the expressions—

“private hospital” and “nursing home” include any premises used, or intended to be used, for the reception of, and the providing of nursing for, persons suffering from any sickness, injury or infirmity, and the expression “nursing home” includes a maternity home for the reception of pregnant women or women immediately after child birth, but neither expression includes—

- (a) any hospital or other premises maintained or controlled by the Government and established under section 5 of the Public Health Act; or
- (b) any mental hospital or institution used or intended to be used for the reception of, and the provision of nursing or other medical treatment for, mentally disordered patients.

Registration of private hospitals and nursing homes

3. (1) A person who carries on a private hospital or a nursing home without being registered under these Regulations in respect of such premises commits an offence and is liable on summary conviction to a fine of \$2,000 or imprisonment for twelve months, or to both. *(Amended by S.R.O. 47/2010)*

(2) An application for registration under these Regulations—

- (a) shall be made to the Minister; and
- (b) shall be accompanied by a fee of \$1,000.

(3) Subject to the provisions of regulation 4, the Minister shall, on receiving an application for registration, register the applicant in respect of the premises named in the application and shall issue to the applicant a certificate of registration.

(4) The certificate of registration issued under these Regulations shall be kept affixed in a conspicuous place on the premises.

Refusal of registration

4. The Minister may refuse to register an applicant in respect of a private hospital or a nursing home if he is satisfied—

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- (a) that the applicant or any person employed or proposed to be employed by the applicant at the premises, is not a fit person to carry on or be employed at the premises of such a description; or
- (b) that, for reasons connected with situation, construction, state of repair, accommodation, staffing or equipment, the premises are not fit to be used for the purpose; or
- (c) that the use of the premises for the purpose is for any reason undesirable; or
- (d) in the case of a private hospital or a nursing home other than maternity home—
 - (i) that the premises are not, or will not be, under the charge of a person who is either a registered medical practitioner or a qualified nurse and is or will be resident in the premises; or
 - (ii) that there is not or will not be a proper proportion of qualified nurses among the persons having the superintendence of, or employed in the nursing of patients; or
- (e) in the case of a maternity home—
 - (i) that the person who has, or will have, the superintendence of the nursing of the patients is not either a qualified nurse or a certified midwife; or
 - (ii) that any person employed, or proposed to be employed, in attending to any woman in child birth, or in nursing any patient, is not either a registered medical practitioner, a certified midwife, a pupil midwife, or a qualified nurse.

Cancellation of registration

5. The Minister may at any time cancel the registration of a person in respect of a private hospital or a nursing home—

- (a) on any ground which would entitle him to refuse an application;
- (b) on the ground that that person has been convicted of an offence against the provisions of the Public Health Act or any regulations made thereunder.

PUBLIC HOSPITAL REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title
 2. Interpretation
 3. Administration of the hospital
 4. Admission of patients
 5. Hospital fees
 6. Payment of fees
 7. Payment to Surgeons, Physicians and Medical Practitioners
 8. Treatment given without charge
 9. Use of ambulance
 10. Visiting
 11. Discipline of patients
- SCHEDULE: Fees

PUBLIC HOSPITAL REGULATIONS – SECTION 8

(S.R.O.s 11/1985, 5/1987, 16/1988, 29/2009 and 9 of 2011)

Commencement

[1 January 1985]

Short title

1. These Regulations may be cited as the Public Hospital Regulations.

Interpretation

2. In these Regulations—

“**Alien**” means any person who is not a resident or a Caribbean resident;

“**caribbean resident**” means a citizen of the Caribbean Community established by the Caribbean Community Act;

“**Chief Medical Officer**” means a registered medical practitioner with a degree or diploma in Public Health or Community Medicine who is appointed by the Governor to direct the Health Services. A Registered Medical Practitioner may be appointed as Acting Chief Medical Officer notwithstanding that he does not possess a post-graduate diploma or degree in Public Health or Community Medicine;

- “**child**” means person from birth until end of full time attendance at an institution offering primary, secondary or technical education, who is normally domiciled in Montserrat;
- “**day**” means any period between midnight and the succeeding midnight provided that, when the number of days a patient is in hospital is calculated, the day of admission shall be counted as the first day irrespective of the hour of admission, and the day which a patient is discharged shall not be included in the calculation irrespective of the hour of discharge;
- “**general ward**” means a ward containing four beds;
- “**hospital**” means any public hospital in Montserrat;
- “**Hospital Administrator**” means a person who holds a minimum qualification or certificate in hospital administration/management or the diploma in Community Health (HA), or any other equivalent qualification. An Administrative Officer may be appointed Hospital Administrator notwithstanding that he does not possess a certificate in Hospital Administration;
- “**Indigent**” means persons of all ages listed as such and presented with a certificate of indigence by the Community Service Section;
- “**Medical emergency**” means a medical condition requiring hospital treatment within eight hours of its onset;
- “**Medical Officer**” means a registered medical practitioner appointed as a medical officer in the public service of Montserrat;
- “**Physician**” means any registered medical practitioner holding a specialist degree in internal medicine, paediatrics or psychiatry;
- “**Principal Nursing Officer**” means a registered nurse/midwife with a minimum post-graduate qualification of a Diploma in Community Health or Public Health, who is responsible for all matters relating to nursing in Montserrat;
- “**private patient**” means any patient cared for by a registered medical practitioner whose professional service is not paid for by the Government of Montserrat;
- “**private ward**” means a ward containing one bed;
- “**public patient**” means any patient cared for by any medical officer;
- “**Registered Medical Practitioner**” means a person who is duly registered under the provisions of the Medical Act to practise medicine in Montserrat;
- “**Registered Nurse/Midwife**” means a person who is duly registered as a nurse and/or midwife, under the provisions of the Nurses and Midwives Act;
- “**resident**” means a person born in Montserrat and/or domiciled therein;
- “**semi-private ward**” means a ward containing two beds;
- “**Senior Nursing Officer**” means a registered nurse/midwife with a minimum post-graduate qualification of certificate in nursing administration and who is directly responsible for nursing matters in the hospital;

“**Specialist degree**” means a degree granted by the Royal College of Surgeons, the Royal College of Physicians or the Royal College of Obstetricians in the United Kingdom or the University of the West Indies, or any University or Postgraduate institution;

“**student**” means persons normally resident in Montserrat who are on *bona fide* vacation from their attendance at an institution offering full time education, provided that, such persons are not gainfully employed immediately prior to the onset of the condition causing their hospitalization;

“**Surgeon**” means any registered medical practitioner who holds a specialist degree in surgery;

“**The Community Services Section**” means the Community Services Department of the Ministry of Education, Health and Community Services.

Administration of the hospital

3. (1) The Chief Medical Officer will be responsible for policies determining the medical care of patients in the hospital.

(2) Any registered medical practitioner managing patients in the hospital shall be responsible for the medical care of patients in their charge, and the Government must be indemnified by the registered Medical Practitioners for any loss, damage, injury or death that may occur during the periods when they are managing patients in the hospital.

(3) The Chief Medical Officer shall be responsible for pharmacy, laboratory, and x-ray services.

(4) The management of the hospital will be carried out by the Hospital Administrator in accordance with the specified regulations and Financial Regulations and Procurement Regulations.

(5) The Chief Medical Officer in consultation with two other registered medical practitioners may temporarily withdraw any medical officer from the care of patients in the hospital by reason of the exigencies of the Public Services. If he considers the clinical competence of any registered medical practitioner to be impaired by physical or mental disease or addiction to drugs or alcohol, he may suspend such practitioner’s right of access to his patients in the hospital until such time as the practitioner has, in the opinion of the Chief Medical Officer and two other registered medical practitioners, recovered.

(6) The Senior Nursing Officer will be responsible for the nursing care of patients in the hospital.

Admission of patients

4. (1) A patient requiring hospital treatment either as an out-patient or an in-patient must, except as an emergency admission, be referred to the hospital by the patient’s own private doctor.

(2) Patients may choose to be admitted to a private, semi-private or general ward, provided they pay the respective charges.

(3) Patients may be admitted under the care of their private doctor, or the Medical Officer of their region, or the Medical Officer on call, or the appointed surgeon.

(4) The Medical Officer in charge of any private patient must state whether or not his/her private patient may be attended by the doctor on call and if he/she wishes to be informed of any change of management.

(5) Any medical officer or patient may request a second opinion, and the care of a patient may be transferred to any other medical officer, either on the direction of the doctor in charge, or at the patient's request.

(6) Patients with a surgical condition and requiring surgical treatment must be admitted under the care of the surgeon. Surgery may be performed in certain circumstances by other medical officers, provided approval has been given by the appointed surgeon and/or the Chief Medical Officer. When a surgical opinion is requested by any medical officer, responsibility for the care of the patient may be transferred to the surgeon, or be shared by both the surgeon and the referring medical officer.

(7) *Obstetrics admissions.* All patients admitted to the ward shall be under the care of the appointed Obstetrics Medical Officer, unless the patient wishes to be under the care of another medical officer. When the Obstetrics Medical Officer is asked for a second opinion, care of the patient may either be transferred to the Obstetrics Medical Officer, or be shared by both the referring doctor and the Obstetrics Medical Officer.

(8) *Casualty cases.* Patients presenting to the casualty department who require admission must be assessed by and admitted under the care of the Medical Officer on call. Those not requiring admission but needing treatment by a doctor on call, must be referred for follow-up to either the patient's private practitioner, or the Medical Officer of his region.

(9) A patient may be admitted to or discharged from the hospital on the authority of any registered Medical Officer, provided that, the instruction is made by the registered medical practitioner responsible for the patient's care.

(10) Each registered medical practitioner, may have no more than two private patients on any ward at the same time.

Hospital fees

5. (1) The fees specified in the Schedule of these Regulations shall be payable to the person designated by the Hospital Administrator to collect fees in respect of the several matters to which they are applicable as specified in the Schedule.

(2) Fees shall be charged separately for—

- i – Ward charges – Accommodation, meals and nursing care;
- ii – Consultation charges;
- iii – Charges for investigations;
- iv – Charges for medicines;
- v – Charges for surgery and special treatments.

(3) Non Montserratians shall pay two times the rate set out, provided that residents of the United Kingdom visiting Montserrat shall on Production of a British National Health Service Medical Card pay the same rates as residents of Montserrat.

(Inserted by S.R.O. 5/1987 and amended by Act 9 of 2011)

Payment of fees

6. (1) Prior to the admission of any patient, the officer admitting the patient will provide him or her and/or next of kin with a schedule of fees payable for treatment in the hospital and will obtain from the patient or his/her next of kin a signed undertaking to pay such fees before the patient's discharge from the hospital.

(2) Prior to admission as an in-patient, every patient will be required to advance all fees which he/she might be expected to incur during his/her stay in hospital. On discharge, such payment will be set off against the total fees then owing.

(3) Whenever a patient is admitted as a private patient, the attending physician shall deposit 25% of his consultation fee, plus a deposit (\$30) to cover charges which will be made if the private patient requires the service of the medical officers on call. When these fees are not paid, the patient shall be admitted as a 'public patient'.

(4) Bills will be presented to patients before their discharge from the hospital, and are to be paid before they leave. Patients with medical insurance policies are not exempted from this requirement and must make their own arrangements to claim payment from the insurance.

(5) Any patient whose account has not been settled within one month from the date on which it fell due will not, except for emergencies, be given further treatment, until the previous account has been settled, provided due notice of such account was given. In an emergency, such a patient shall be admitted only as a public patient on a general ward.

(6) The fees detailed at items 1, 2, and 8 in the Schedule hereto shall be payable to the person designated by the Hospital Administrator to collect fees. In exceptional cases supported by a certificate of indigence from the Community Services section, the Financial Secretary may waive all or any part of the fee.

(7) The fees set out as items 3, 4, 5, 6, 7 and 8 in the Schedule hereto shall be charged to both in-patients and out-patients.

(8) Subregulations (1) and (2) shall not apply in the case of a patient admitted as a medical emergency or as a result of an accident and who is brought to the hospital directly from the place of the accident.

Payment to Surgeons, Physicians and Medical Practitioners

7. (1) The Chief Medical Officer shall determine the fees to be paid by private patients in accordance with item 3 in the Schedule hereto. Any Surgeon or Physician or Registered Medical Practitioner who provides treatment to such a patient shall receive 75% of such fees, but it shall not be competent for a surgeon or physician to levy both surgical and medical fees in respect of the same episode of illness.

(2) Whether any surgical procedures constitute a major or minor operation for purposes of the Schedule hereto shall be determined by a surgeon in accordance with accepted medical practice.

(3) A surgeon or physician may see patients by referral and if he or she is a private patient, may charge and collect as his personal fee, a fee in accordance with item 3 in the Schedule hereto from any private patient in respect of any consultation undertaken by him at the hospital, provided that, it shall not be competent for such a charge to be made on an in-patient already under his care.

(4) An officer precluded from private medical practice, either as a specialist or as a general practitioner, by reason of the terms of his contract with the Montserrat Government, or an overseas Government, may not be paid any fees or retain any proportion of any fee paid by any patient.

Treatment given without charge

8. A. The persons specified in subregulations (1), (2), (3) and (4) shall be entitled to diagnostic investigations, consultation and treatment free of charge:

(1) In a Private ward (if available)—

- (a) Sisters, Medical Officers, Health Department Heads, and Officers of the Montserrat Defence Force who are injured or taken ill whilst in training camp or during a period of embodiment and who hold a substantive rank above that of 2nd Lieutenant;
- (b) Members of the Royal Montserrat Police Service of the substantive rank of Inspector and above;
- (c) Prison Officers of the rank of Chief Officer and above.
(Amended by Act 9 of 2011)

(2) In Semi-Private ward—

- (a) Members of the Royal Montserrat Police Service below the substantive rank of Inspector and Nurses other than Sisters;
- (b) Members of the Montserrat Prison Service holding a rank below Chief Officer.
(Amended by Act 9 of 2011)

(3) In a General ward—

- (a) Patients who are indigent;
- (b) Children (*see* interpretation);
- (c) Students (*see* interpretation);
- (d) Members of the Montserrat Defence Force who are injured or taken ill whilst in training camp or during a period of embodiment and who hold a substantive rank of Corporal or below;
- (e) Resident Montserratian over sixty;
- (f) All pregnant women up to two months post natal period.

(4) No charge shall be made to any employee of the Government of Montserrat in respect of any medical examination and/or investigations provided that, such examination and/or investigations have been previously requested by an officer of the Government duly authorised to make such requests.

B. In stock medicines for Diabetes Mellitus, Hypertension, Tuberculosis, Syphilis and certain chronic diseases approved by Chief Medical Officer shall be dispensed free of charge to residents.

Use of ambulance

9. (1) the ambulance shall only be used at the request of a registered medical practitioner, except that in cases of emergency the Principal Nursing Officer, a District Nurse, Family Nurse Practitioner, Senior Nursing Officer or a Police Officer may call for use of the ambulance.

(2) Charges for the use of ambulance shall be levied in accordance with Part 8 of the Schedule hereto.

Visiting

10. Patients may receive visits at the discretion of the Nurse in charge of the particular ward at such times as are publicised by notice by the Hospital Administrator from time to time. Visits may be permitted to the Hospital outside the publicised times by the permission of the Nurse or Sister in charge at the time.

Discipline of patients

11. (1) Patients shall not be permitted to receive any alcoholic or other liquors except on prescription.

(2) No smoking shall be allowed in the Hospital except where authorised by the Chief Medical Officer or Hospital Administrator.

(3) Patients shall conduct themselves in a proper manner and shall not use radios so as to cause annoyance to the other patients.

SCHEDULE OF FEES**PART 1***(Amended by S.R.O. 16/1988 and 29/2009)*

These rates are for residents of Montserrat; Caricom residents shall pay 1½ times the rates set out; Non-Caricom Residents shall pay two times the rates set out.

Services	Cost \$
AMBULANCE	
Ambulance fee	20/trip
CASUALTY	
Casualty fee	25
CEMETERY SERVICES	
Opening of Grave Permission - Adult	15
Opening of Grave Permission - Child	10
Tomb Space	50
COMMUNITY NURSING SERVICES	
(a) Vaccines	
Hepatitis B /dose	25
Influenza	25
Yellow Fever/ dose	25
(b) Other Fees/Products	
Pap Smear	35
Replacement Vaccination Cards	10
DELIVERY	
Caesarian Section	600
Failure to Pre-book	10
Normal	100
Use of Delivery Room	25
DENTAL	
Dental X-ray	30
HISTOLOGY	
Courier cost/-one sample	85
Courier cost/two samples	135
Courier cost/three samples	185
HOSPITAL WARDS	
General Ward	
Residents/day	20
CARICOM Residents /day	30
Non-Caricom Residents/day	100

LABORATORY		
(a)	Hematology	
	Bleeding Time	5
	Clotting Time	5
	Crossmatch/Unit	20
	Direct Coombs	10
	Eosinophil	5
	ESR	5
	Full Blood count (Haemoglobin, PCV/HCT, MCV, MCHC, MCH, Platelet, RBC, Automated Differential Count)	20
	Group & Rh	10
	Haemoglobin	5
	Indirect Coombs	5
	Malaria Smear	5
	Partial Thromboplastin Time	5
	Peripheral Film	10
	Prothrombin Time	5
	Reticulocyte count	5
	Sickle Test	5
(b)	Bacteriology	
	Albumin/Glucose	10
	Blood C & S	25
	CSF alb/glucose	20
	CSF C & S	20
	CSF Cell Count	20
	Ear Swabs C & S	20
	Endocervical Swabs C & S	25
	Eye Swabs C & S	20
	Faeces C & S	20
	Faeces OB	10
	Faeces OCP	10
	Fluid C & S	20
	Fungus	20
	Gram Stain	10
	Microscopy	10
	Nasal Swabs C & S	20
	Pus Swabs C & S	20
	Semen Analysis	20
	Skin Swabs C & S	20
	Sputum AFB	20
	Sputum C/S	20
	Throat Swabs C & S	20
	Urethral Swabs C & S	25
	Urinalysis	10
	Urine C & S	20
	Vaginal Swabs C & S	25
	Wound Swabs C & S	20

[Subsidiary]

(c) Biochemistry	
Albumin	10
Alkaline Phosphatase	10
Amylase	10
Bench Jones Protein	10
Bilirubin Direct	10
Bilirubin Total	10
Blood Urea Nitrogen	10
Calcium	10
Creatinine Serum	10
Creatinine Urine	10
Creatinine Clearance	10
Cholesterol	10
Cholinesterase	10
Creatinine Kinase	10
Glucose (FBS/RBS)	10
Glucose (SGTT)	10
Glucose Tolerance (Normal)	20
Glucose Tolerance (Extended)	20
Glucose Fasting & 2 HhrPP	6
Glucose CSF	5
GOT/AST	10
GPT/ALT	10
HDL Cholesterol	10
LDH	10
Protein	10
Potassium	10
Sodium	10
Troponin	10
Triglyceride	10
Uric Acid	10
(d) Miscellaneous	
Anti-streptolysin O (ASO)	15
CEA Semiquantitative	20
Chlamydia	40
C-Reactive Protein (CRP)	15
H. pylori	25
Hepatitis B	FREE
Hepatitis C	40
HIV	FREE
Infectious Mononucleosis (MONO)	15
Lupus Erythrematosis	15
Pregnancy Test	20
Rheumatoid Arthritis (RA)	15
VDRL	FREE
(e) Immunochemistry	
PSA	70

Thyroid	80
T3	30
T4	30
TSH	30
(f) General Practitioner	
Consultation	50
Review	10
Outpatient	20
(e) Surgeon	
Outpatient Consultation	50
Minor Operation	250
Intermediate Operation	500
Major Operation	800
(f) Anaesthetist	
Minor Operation	50
Intermediate Operation	75
Major Operation	100
(g) Physician/Visiting Specialist	
Consultation	20
(h) Obstetrician/Gynaecologist	
Consultation	50
Minor Operation	250
Intermediate Operation	500
Major Operation	800
(i) Midwifery	
Consultation	20
MORTUARY	
First Day	150
Additional Day	150
Air conditioner (for imported/cremated bodies)/day	75
PHARMACY	
(a) Drugs Administered on Ward	
Analgesics/dose	2
Intravenous Fluids/bag	5
Low Molecular Weight Heparin (LMWH)/dose	15
Anti D Rhogam/vial	100
Narcotic Analgesics/dose	5
Cephalosporins & Augmentin Injections/dose	10
All other inpatient items/dose	5
(b) Glucose Meters & Paraphernalia	
Glucose Metre	80
Glucose Strips	60
Lancets	20
(c) Outpatient Treatment/Item	10
(d) Contraceptives	
Oral	10
Injectable	15

Intrauterine Device	35
PHYSIOTHERAPY	
Physiotherapy Services/session	50
USE OF OPERATING THEATRE	
Minor Surgery	30
Major Surgery	60
X-RAY FEES	
Abdomen (KUB)	20
Abdomen-Erect	20
Abdomen-Supine	20
Arm	20
Barium Enema	75
Barium Swallow	45
Barium Meal	75
Cervical Spine	20
Cholecystogram	60
Chest (PA/LAT)	30
Chest A.P.Lateral	35
Chest Oblique	20
ECG	25
Elbow	20
Femur	25
Fingers	15
Foot	20
Hand	15
Hip	20
Hysterosalpingogram	75
IVP Routine	75
Jaw	20
Kidney, Ureter and Bladder	20
Knee	20
Leg	20
Lumbar Spine	20
Mandible	20
Pelvis	20
Shoulder	20
Sinogram	60
Sinuses	20
Skull & Spine	20
T.M.J	20
Thoracic Inlet	20
Thoracic Spine	25
Toes	20
Ultrasound	75
Wrist	15

PART 2

(Inserted by S.R.O. 16/1988)

The fees payable for a day for accommodations by a non-resident person who is not from the Caribbean or from the United Kingdom – \$300

COMMUNITY HEALTH SERVICES REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title
 2. Interpretation
 3. Administration of Community Health Services
 4. Districts services
 5. Chronic diseases
 6. Care of the elderly
 7. Maternal and child health
 8. Pharmacy services
 9. Fees
 10. Environmental health
 11. Discipline of patients
-

COMMUNITY HEALTH SERVICES REGULATIONS – SECTION 8

(S.R.O. 12/1988)

Commencement

[30 August 1988]

Short title

1. These Regulations may be cited as the Community Health Services Regulations.

Interpretation

2. In these Regulations unless the context otherwise requires—

“**Alien**” means any person who is not a resident or a Caribbean resident;

“**Caribbean resident**” means any citizen of the Caribbean Community established by the Caribbean Community Act;

“**Chief Medical Officer**” means a registered medical practitioner with a degree or diploma in Public Health or Community Medicine who is appointed by the Governor to direct the Health Services. A Registered Medical Practitioner may be appointed as Acting Chief Medical Officer notwithstanding that he does not possess a post-graduate diploma or degree in Public Health or Community Medicine;

“**child**” means a person from birth until end of full time attendance at an institution offering primary, secondary or technical education, who is normally domiciled in Montserrat;

“**day**” means the period between midnight and the succeeding midnight;

“**District**” means the area designated as falling within any of the three named St. George’s or Eastern District, St. Peter’s or Northern District, St. Anthony’s or Central District;

“**District Clinic**” means the buildings designated by the Health Department as a “District Clinic” for each district;

“**District Health Team**” means the management team responsible for district health services, comprised of the District Medical Officer, the Public Health Nurse, District Nurses, the district environmental health officer, and lay representative(s) of the community;

“**Environmental Health Officer**” means a person who holds a diploma in Environmental Health, and is appointed environmental health officer in the health department and includes a Public Health Inspector, or a Public Health Assistant to whom the function of the environmental health office is specially assigned;

“**hospital**” means the any public hospital;

“**Hospital Administrator**” or “**Health Services Administrator**” means a person who holds a minimum qualification of Certificate in Hospital Administration or Management or the Diploma in Community Health (HA), or any other equivalent qualification and includes an Administrative Officer appointed Hospital Administrator notwithstanding that he does not possess a Certificate in Hospital Administration;

“**Indigent**” means persons of all ages listed as such and presented with a certificate of indigence by the Community Services Section;

“**Medical Emergency**” means a medical condition requiring hospital treatment within eight hours of its onset;

“**Medical Officer**” means a registered medical practitioner appointed as a medical officer in the public service of Montserrat;

“**Pharmacist**” means a person who is duly registered as a pharmacist under the provisions of the Medical Act;

“**Principal Nursing Officer**” means a registered nurse/midwife with a minimum postgraduate qualification of a Diploma in Community Health or Public Health, who is responsible for all matters relating to nursing in Montserrat;

“**Private Patient**” means any patient cared for by a registered medical practitioner whose professional service is not paid for by the Government of Montserrat;

“**Public Health Nurse**” means a registered Nurse or Midwife with a minimum post graduate qualification of Diploma in Community Health or Public Health, who is appointed Public Health Nurse for a district;

“**Public Patient**” means any patient cared for by any medical officer;

“Registered Medical Practitioner” means a person who is duly registered under the provisions of the Medical Act to practice medicine in Montserrat;

“Registered Nurse or Midwife” means a person who is duly registered as a nurse and or midwife, under the provisions of the Nurses and Midwives Act;

“resident” means a person born in Montserrat and/or domiciled therein;

“student” means persons normally resident in Montserrat who are on a *bona fide* vacation from their attendance at an institution offering full time education;

“The Community Services Section” means the Community Services department of the Ministry of Education, Health and Community Services.

Administration of Community Health Services

3. (1) The Chief Medical Officer shall be responsible for policies determining the medical care of patients presenting to Government Health Services.

(2) Any registered medical practitioner, managing patients, shall be responsible for the medical care of patients in their charge.

(3) The Management of community health services shall be carried out by the District Health Team, in accordance with specified regulations and guidelines of the Health Department. The District Health Team, in co-ordination with the Chief Medical Officer and the Principal Nursing Officer shall be responsible for the planning and implementation of Health Care Programmes.

Districts services

4. (1) A nurse shall be resident in each district and be available for emergency calls from any member of the community at all times. (twenty four hrs./day)

(2) The Public Health Nurse shall be responsible to the Principal Nursing Officer for the management of district clinics and nursing services in the district to which she is appointed.

(3) A medical officer shall be appointed for each district. He shall conduct at least one consultation session per week, at a specified time, at each clinic in his district. The district medical officer shall be available at all times for emergency referrals by the district nurse. When the district medical officer is not available, emergency referrals are to be sent to the medical officer on call at the hospital.

(4) Any resident in the community, who develops an acute illness or sustains an injury, may attend the district clinic, and receive attention from medical staff available. The district nurse may refer patients to the District Medical Officer at any consultation session in the district, or to the medical officer on call at the hospital, in accordance with specified guidelines of the Health Department.

Chronic diseases

5. Persons with Hypertension, Diabetes Mellitus, Heart Disease, Chronic Respiratory disease including asthma, tuberculosis, and certain other specified chronic diseases, shall be offered regular follow up at district clinics.

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Care of the elderly

6. Any person over the age of sixty may request and be allowed assessment by the District Medical Officer, at least once per year.

Maternal and child health

7. Each district clinic shall keep a register of all children, and participate in the maternal and child health Programme of the Health Department.

Pharmacy services

8. When possible, medicines available shall be dispensed by a pharmacist at the district clinics or at other specified places.

Free medicines will be dispensed only to those aged over sixty and under sixteen, the indigent, students, health, police and prison staff, and all persons with the listed chronic diseases referred to in regulation 5. All other prescriptions must be filled in private pharmacies.

Fees

9. No fee shall be charged for community health services provided to any Resident person within the meaning of these Regulations. “**Aliens**” and “**Caribbean Residents**” however, shall pay fees for community services at the rates specified in the Public Hospital Regulations.

Environmental health

10. The Environmental Health Officer for the district shall be responsible to the Principal Environmental Health Officer for all environmental health matters in his district.

Discipline of patients

11. Patients shall conduct themselves in a proper manner and not cause annoyance to the health staff or other patients.

**PUBLIC HEALTH (COLLECTION AND
DISPOSAL OF REFUSE) REGULATIONS**

ARRANGEMENT OF REGULATIONS

PART 1

PRELIMINARY

REGULATION

1. Short title
2. Interpretation

PART 2

REFUSE COLLECTION SERVICE

3. Refuse collection service
4. Responsibility of occupiers
5. Installation of incinerators

PART 3

ENFORCEMENT

6. Litter wardens
7. Function of litter wardens
8. Offences against littering and handling of refuse
9. Offence against discharging certain substances
10. Offence against the keeping of disused vehicles
11. Storage of refuse offence
12. Collection service vehicles
13. Interference by animals
14. Litter warden may serve notice
15. Fixed penalty notice
16. Contents of notice
17. Wardens may request particulars
18. Abatement Notice
19. Offence

SCHEDULE: Forms

PUBLIC HEALTH (COLLECTION AND DISPOSAL OF REFUSE) REGULATIONS
– SECTION 8

(S.R.O. 68/1996)

Commencement

[1 November 1996]

PART 1

PRELIMINARY

Short title

1. These Regulations may be cited as the Public Health (Collection and Disposal of Refuse) Regulations.

Interpretation

2. For the purposes of these Regulations unless the context otherwise requires—
- “**authorised officer**” means the Principal Environmental Health Officer;
- “**disused vehicle**” or “**disused appliance**” means a vehicle or appliance or part thereof, as the case may be, that, by reason of its condition, appears to the authorised officer to have been abandoned;
- “**dwelling house**” means any place of habitation;
- “**litter**” means refuse that is not deposited in accordance with these Regulations;
- “**Minister**” means the Minister responsible for Health and “**Ministry**” shall be construed accordingly;
- “**other building**” includes barracks, common lodging houses, factories, hospitals, hotels, place of worship, schools, stores, shops and supermarkets;
- “**premises**” includes—
- (a) land whether open or closed, whether public or private and whether or not maintained under any enactment; and
 - (b) any aircraft, ship, vessel, van or similar structure;
- “**refuse**” includes all solid waste, liquid waste or other waste matter;
- “**rubbish**” includes house sweepings, wood, leaves, trimmings from shrubs, sawdust, paper, cardboard, grass, rags, old shoes, tyres and all other combustible material;
- “**trade refuse**” means the refuse of any trade or manufacture;
- “**waste matter**” include material composed of soil, earth, stones, wasted concrete blocks, glassware, ashes, metals and other non-combustible material which is, has been or is to be discarded.

PART 2

REFUSE COLLECTION SERVICE

Refuse collection service

3. (1) The Ministry shall, as far as may be practicable provide a refuse collection service at such times and places as it considers appropriate.

(2) The Minister shall by notice published in a newspaper circulating in Montserrat make known the areas and districts for which the refuse collection service is provided, and the notice shall in respect of each area or district state the days and the hours during which refuse collection will be carried out, and any alteration in any such service shall be notified in like manner.

(3) The Minister shall cause to be provided sites convenient for the placing of receptacles for the deposit of refuse and shall prescribe suitable sites for the proper disposal thereof.

(4) The Minister shall cause all collected refuse to be disposed of in such manner as to prevent the breeding of flies, rodents or other vermin and so as to prevent the creation of a nuisance or of any situation likely to be injurious to the public health.

Responsibility of occupiers

4. (1) The owner, occupier, or person in charge of a dwelling house or other building shall—

(a) in respect of that house or building provide for the temporary storage of refuse, one or more receptacles suitably covered, of reasonable weight, of a capacity—

(i) in the case of a dwelling house, not exceeding four cubic feet; and

(ii) in the case of every other building, not exceeding twenty seven cubic feet;

and of a type approved by the Authorised Officer;

(b) keep his premises clean and free of refuse;

(c) where a refuse collection service is available, place for removal of its contents the receptacle provided under paragraph (a) as near the adjoining road as possible (but not so as to impede or obstruct vehicular traffic) on such days and between such hours as the Minister may specify.

(2) The owner or occupier of a dwelling house and the owner or person in charge of a building situated in an area or district for which no refuse collection service is provided shall at least once in every seven days dispose of all refuse from his premises in a manner approved by the Authorised Officer.

(3) Notwithstanding paragraph (1)(c), the owner or occupier of a dwelling house or other building may make his own arrangements for disposal of refuse located

on his premises provided that, the method of disposal is approved by the Authorised Officer.

Installation of incinerators

5. (1) The Minister may, on an application made to him for that purpose, permit the installation and operation of incinerators of a type and size approved by him.

(2) A permit granted under sub-regulation (1) shall specify the conditions under which such incinerators may be operated.

PART 3

ENFORCEMENT

Litter wardens

6. (1) Every Environmental Health Officer shall be a litter warden.

(2) The Governor may by instrument in writing appoint other persons to be litter wardens.

Function of litter wardens

7. A litter warden shall assist in the administration of these Regulations.

Offences against littering and handling of refuse

8. (1) No person shall—

- (a) place, deposit, or cause or permit to be placed or deposited any refuse on any pavement, street, road, lane, path, beach or other public place or on the premises of another person, except on such sites and in such manner and during such hours as the Minister may approve;
- (b) except with the authority of the Authorised Officer, disturb, remove or carry away any refuse placed in any receptacle for removal by the refuse collection service;
- (c) remove any refuse from a disposal site;
- (d) sell or give away any refuse collected by the refuse collection service without the permission of the Minister or deposit it in any place other than at a disposal site approved as such by the Authorised Officer;
- (e) take or receive any refuse from a refuse collection vehicle or induce by any means whatsoever an employee or independent contractor of the Government to deal with any refuse otherwise than as prescribed by these Regulations.

(2) Any person who contravenes the provisions of this regulation commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of twelve months or to both such fine and imprisonment.

(3) Where on a conviction under this regulation the Magistrate is satisfied that the Government or some other person has incurred, or will incur expenses in the

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removal of refuse unlawfully placed or deposited by the person convicted, the Magistrate shall, in addition to any penalty incurred under paragraph (2) make an order for the payment by the convicted person of a sum which in the opinion of the Magistrate fairly represents the cost of removing the refuse.

Offence against discharging certain substances

9. (1) No person shall—

- (a) without the approval of the Minister, discharge or cause to be discharged from any factory, distillery, work-shop or work-place or from any building, into any drain, river, stream or ghaut or unto any land any substance likely to be hazardous to the health of any person or likely to be injurious to vegetation or which is likely to create a nuisance;
- (b) deposit into any drain, a substance which is likely to obstruct that drain.

(2) A person who contravenes the provisions of this regulation commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of twelve months or to both such fine and imprisonment.

Offence against the keeping of disused vehicles

10. (1) No person shall—

- (a) place or cause to be placed in any street, road, land, beach or other public place, or on any premises any disused vehicle or any disused appliance;
- (b) place or cause to be placed into any drain, ghaut, gully or ravine any disused vehicle or any disused appliance;
- (c) being the owner or occupier of premises permit to remain on such premises any disused vehicle or any disused household appliance.

(2) A person who contravenes the provisions of this regulation commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of twelve months or to both.

(3) Where on a conviction under this regulation the Magistrate is satisfied that the Government or some other person has incurred, or will incur expenses in the removal of any disused motor vehicle or disused appliance unlawfully placed or kept by the person convicted, the Magistrate shall, in addition to any penalty imposed under paragraph (2) make an order for the payment by the convicted person of a sum which in the opinion of the Magistrate fairly represents the cost of removing the disused motor vehicle or disused appliance as the case maybe.

Storage of refuse offence

11. (1) A person who stores on any premises for use in any trade or industry any refuse or disused vehicle or disused appliance without a permit issued by the Minister commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of twelve months or to both such fine and imprisonment.

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(2) A person who at the time of entry into force of these Regulations stores on premises for use in trade or industry any refuse or disused vehicle or disused appliance shall be deemed to have been issued a permit so to do for a period of six months from the date of entry into force of these Regulations.

(3) A permit under sub-regulation (1) may be issued on such conditions as the Minister may specify and a permit shall be liable to revocation for breach of any condition specified therein.

Collection service vehicles

12. (1) No person being the owner or operator of a vehicle used for the collection of refuse shall permit that vehicle to be driven on any road or street or to be on any premises—

- (a) in a condition which is likely to be injurious to the health of any person through the spread of any infectious disease or germ; or
- (b) in a manner which permits the refuse being carried to fall or be blown from the vehicle.

(2) A person who contravenes the provisions of this regulation commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of twelve months or to both such fine and imprisonment.

(3) Where on a conviction under this regulation the Magistrate is satisfied that the Government or some other person has incurred, or will incur expenses in the removal of refuse which has fallen or blown from a vehicle the Magistrate shall, in addition to any penalty imposed under paragraph (2) make an order for the payment by the convicted person of a sum which in the opinion of the Magistrate fairly represents the cost of removing the refuse.

Interference by animals

13. A litter warden may impound any animal which interferes in any way with refuse deposited in a manner and at a site approved by the Minister for subsequent disposal.

Litter warden may serve notice

14. (1) Without prejudice to any proceedings under these Regulations where any person deposits or causes to be deposited any litter or disused vehicle or disused appliance on any public place or on any premises, a litter warden may serve or cause to be served on that person a notice requiring him, within the time specified in the notice, to remove and dispose of the litter or disused vehicle or appliance in such manner as the litter warden approves.

(2) Where a person on whom a notice under paragraph (1) is served fails to comply with the notice, a litter warden may—

- (a) authorise any other person in writing to enter the premises or other place and remove the litter, disused vehicle or appliance; and

(b) as a civil debt before a Magistrate, recover from the person on whom the notice is served, any expenses reasonably incurred in the removal of the litter or disused vehicle.

(3) Where the person on whom a notice under paragraph (1) would have been served is unknown or cannot be found, a litter warden may, without serving the notice, cause the litter or disused vehicle or appliance to be removed in accordance with paragraph (2).

(4) Subject to paragraph (5), any litter, garbage or a disused vehicle removed under paragraph (2) or (3) may be disposed of in a manner approved by a litter warden.

(5) Where an article removed in accordance with paragraph (2) or (3) is claimed by any person in writing and in a manner approved by the Minister, the Minister may, upon payment by that person of the expenses incurred in respect of its removal or storage, and subject to such conditions as may be imposed, permit the person to remove the article.

Fixed penalty notice

15. (1) Where a litter warden observes that a person has placed or deposited refuse on any pavement, street, road, beach or any public place in contravention of Regulation 8, he may serve on that person a notice in the form of “**Form A**” appearing in the Schedule.

(2) A person is exempt from any further liability in respect of a contravention under paragraph (1) if before the expiration of a period of ten days from the date of the notice he pays a penalty of \$100 in accordance with the provisions of this regulation.

(3) Notwithstanding paragraph (2) where the government or other person incurs expenses in the removal of any refuse deposited contrary to paragraph (1) the government or such other person may, as a civil debt before a Magistrate recover from the person on whom the fixed penalty notice was served, any expenses reasonably incurred in the removal of the refuse.

(4) Payment of a penalty under this section shall be made in the Magistrate’s Court and the payment of the fixed penalty shall be treated for all purposes as payment of a fine imposed after a summary conviction; and a certificate by the clerk of the court indicating payment or non-payment of the fixed penalty is *prima facie* evidence of all the facts stated in the certificate.

Contents of notice

16. (1) A notice under regulation 15 shall be prepared in triplicate and the original served on the person who deposited the refuse. The second copy shall be sent to the Magistrate’s Court and the third copy retained by the litter warden.

(2) The notice shall—

(a) contain a statement of the alleged contravention of these Regulations with particulars sufficient to inform the offender adequately of the allegation;

- (b) specify the period allowed for payment of the fixed penalty after the expiration of which proceedings will be brought;
- (c) specify the amount of the fixed penalty and the place where payable.

(3) Where a penalty is not paid within the time specified in the notice, the Magistrate may issue a summons in accordance with section 14 of the Criminal Procedure Code.

Wardens may request particulars

17. Where a litter warden finds a person committing an offence under these Regulations, he may require such person to state his name and place of residence for the purpose of instituting proceedings against such person.

Abatement Notice

18. (1) Notwithstanding the provisions of these Regulations where an act or activity committed or carried on by any person amounts to an offence under these Regulations a litter warden may issue to the person responsible an abatement notice in the form set out as Form "B" in the Schedule requiring that person to terminate the act or activity within such time as may be specified in the notice.

(2) Where a litter warden issues an abatement notice under paragraph (1) a person to whom it is addressed and who fails to comply with the notice within the period specified therein commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of six months, and the litter warden may institute proceedings with respect to that offence or may lodge a complaint with the police.

(3) Proceedings for an offence under paragraph (2) of this regulation shall not preclude the institution of proceedings in respect of the act or activity which is the subject of the abatement notice.

(4) A person aggrieved by an abatement notice issued by the litter warden may appeal to the Chief Medical Officer within twenty four hours of its receipt and the Chief Medical Officer may confirm, modify or rescind the notice.

Offence

19. A person who—

- (a) assaults, resists, obstructs or intimidates; or
- (b) uses indecent, abusive or insulting language to; or
- (c) by any bribe, promise or other inducement prevents or attempts to prevent the due execution of duty by;

a litter warden is liable on summary conviction to a fine of \$500 or to imprisonment for a term of six months or to both such fine and imprisonment.

SCHEDULE

FORMS

FORM A

(Regulation 15)

PUBLIC HEALTH (COLLECTION AND DISPOSAL) REGULATIONS

FIXED PENALTY NOTICE

To
(Name of offender)

of
(Address)

You are hereby charged with the commission of an offence under regulation 15 of the Public Health (Collection and Disposal of Refuse) Regulations which provides that no person shall deposit litter or refuse in any public place or on the premises of another person.

You will be exempted from further liability for this offence if within ten days of the date of this notice you pay the sum of \$100 at the Offices of the Magistrate’s Court.

.....
Litter warden

Date:

FORM B

(Regulation 18)

PUBLIC HEALTH (COLLECTION AND DISPOSAL) REGULATIONS

ABATEMENT NOTICE

Name:

Address:

Take notice that pursuant to regulation 18 of the Public Health (Collection and Disposal) Regulations you are hereby ordered to.....

.....

.....

within days or a summons may be issued with respect to the offence.

Should you refuse to comply with the terms of this notice proceedings shall be instituted against you for so refusing.

.....
Litter warden

Date: _____

BUILDING AND SANITARY REGULATIONS – SECTION 20

(S.R.O.s 5/1934, 12/1939, 7/1941, 4/1947, 21/1968 and Act 9 of 2011)

Short title

1. These Regulations may be cited as the Building and Sanitary Regulations.

Bakeries

2. No building or premises shall be used as a bakery until the same has been registered as fit and suitable for the purpose by the Sanitary Inspector to whom all applications must be made, and until a certificate has been obtained from him to that effect.

3. No person who makes or bakes bread, biscuits, confectionery, etc. in his or her private dwelling shall place such bread, biscuits, confectionery etc. on sale, unless he or she has first obtained a certificate from the Sanitary Inspector that the premises on which such bread, biscuits, confectionery, etc. is made or baked are fit and suitable for the purpose of making and baking bread, biscuits, confectionery, etc.

4. No privy, urinal, ash-pit, manure heap, cesspit or any stable, shed, or structure in which any animal or fowl or bird of any description is kept shall be in proximity to a bakery or premises in which bread, biscuits, or confectionery is made or baked.

5. All bakeries or premises in which bread, biscuits, or confectionery is made or baked shall be kept in a clean and sanitary condition to the satisfaction of the Sanitary Inspector.

6. The Sanitary Inspector may refuse to give the certificate applied for or withdraw a certificate previously given if he considers the bakery or premises in which bread, biscuits or confectionery is made or baked to be in an unsatisfactory condition likely to be prejudicial to the making or baking of clean and wholesome bread, etc.

7. Any person who without being the holder of a certificate aforesaid from the Sanitary Inspector shall make or bake bread, biscuits or confectionery and place the same on sale shall be guilty of an offence against these Regulations.

8. Every person engaged in the making or baking of bread, cakes, or confectionery for sale, and every person who is a vendor of bread, cakes, or confectionery, shall obtain a certificate from a Medical Officer that he or she is free from any form of infectious or contagious disease or from any cutaneous disease contagious or otherwise. Such certificate shall be endorsed by a Medical Officer every six months and be produced, on demand, to any officer of the Board of Health or member of the Police service. *(Amended by Act 9 of 2011)*

9. No person shall be employed in the making or baking of bread unless he or she shall be in possession of such certificate as required by the preceding section and the owner of any bakery who shall employ such person shall be guilty of an offence against these Regulations.

10. Any Officer of the Board or an Officer or N.C.O. of the Police service may, at any time, enter into and inspect any bakery or any room connected therewith kept or

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used for the making, baking, or sale of bread, biscuits or confectionery or the storing of any articles whatsoever to be used in connection with such bakery. (*Amended by Act 9 of 2011*)

Control of Aerated Water Factories

11. No aerated water shall be sold in Montserrat unless the same shall have been made in a factory or house duly registered by the Sanitary Inspector.

12. Any person desirous of carrying on an aerated water factory shall make application in writing to the Sanitary Inspector to have the same registered as such, also to have himself registered as owner or manager thereof, stating in such application particulars of the building, its suitability for the purpose and its situation.

13. On receiving an application to register an aerated water factory it shall be the duty of the Sanitary Inspector to proceed within seven days thereafter to inspect the premises indicated in such application and if the premises be in a sanitary condition to register and certify the same in the name of the applicant.

14. Any duly authorised agent of the Board of Health may enter any premises used as an aerated water factory for the purpose of inspecting such factory and the machines and bottles used therein between the hours of 6 a.m. and 6 p.m.

15. If any aerated water factory is found to be insanitary the owner or manager on being called upon shall within twelve hours cause such premises to be put in a proper sanitary condition.

16. Every aerated water factory shall have its supply of water taken direct from a service tap in the said premises or from any cistern in the said premises, such cistern having been approved by the Board of Health, and such water intended to be used in the manufacture of aerated products shall be either distilled or duly filtered before use and shall not be passed through pipes or allowed to collect in any vessel made of any material capable of contaminating the products of such factory.

17. All filters used in any factory must be approved by the Board of Health; and any owner or manager using any filter after intimation in writing to him that the Board of Health disapprove of the same shall be guilty of an offence against these Regulations.

18. (1) No person who shall be afflicted with any form of cutaneous disease, contagious or otherwise, or with any other contagious or infectious disease, shall be employed in or about any aerated water factory.

(2) Any manager or owner of an aerated water factory employing any person so afflicted shall be guilty of an offence against these Regulations.

Sale of bread and cakes

19. All vendors of bread, cakes or confectionery shall cause the same to be covered with a clean piece of cloth or gauze, or to be so protected as to keep flies off such bread, cakes, or confectionery.

Butchers

20. Any person exercising the trade of a butcher or acting as a butcher's assistant shall conform to the Public Health (Slaughter of Animals) Regulations.

21. Any person exercising the trade of a butcher or acting as a butcher's assistant outside of the boundaries of the Town of Plymouth must obtain a certificate from the Sanitary Inspector authorising him to carry on such occupation. Before such licence is issued, he shall be required to produce a certificate from a Medical Officer stating that he is free from any infectious or contagious disease or from any cutaneous disease, contagious or otherwise. Such certificate shall be endorsed by a Medical Officer every six months and shall be produced, on demand, to any officer of the Board or to any member of the Police service. Such endorsement to be free of charge. (*Amended by Act 9 of 2011*)

22. Any premises or place used as a shop for the sale of meat shall be kept in a clean and sanitary condition. All meat shall be covered with a clean cloth.

INFECTIOUS DISEASES (EQUINE ENCEPHALOMYELITIS) REGULATIONS

– SECTION 20

(S.R.O. 17/1943)

Commencement

[12 December 1943]

Short title

1. These Regulations may be cited as the Infectious Diseases (Equine Encephalomyelitis) Regulations.

Interpretation

2. In these Regulations—

“Port Health Officer” means any duly qualified medical practitioner;

“ship” means any ocean-going vessel.

Preventive measures

3. On arrival in Montserrat of any ship which has, at any time during the preceding two months called at any place infected with equine encephalomyelitis, the Harbour Master after the ship has been admitted to pratique shall inform the Port Health Officer accordingly and it shall be lawful for such Port Health Officer or a Sanitary Inspector authorised by him in that behalf, together with such other persons as may be necessary for the purpose, to board such ship forthwith and if he shall think fit to disinfect or cause to be disinfected to his satisfaction the whole or any part of such ship.

Certificate of disinfection

4. Whenever the Master of any ship boarded and disinfected as aforesaid shall so demand, the Port Health Officer shall furnish him a free certificate stating the measures which have been applied to the ship.

INFECTIOUS DISEASES (INFANTILE PARALYSIS) REGULATIONS

– SECTION 20

(S.R.O. 5/1942)

Commencement

[22 April 1942]

Short title

1. These Regulations may be cited as the Infectious Diseases (Infantile Paralysis) Regulations.

Prevention of the spread of disease

2. Every person arriving in Montserrat from any place which is infected with infantile paralysis shall be examined by a Medical Officer and shall thereafter present himself for surveillance at such place and time or times as may be appointed by the Medical Officer and every such person while undergoing such surveillance may be removed to any hospital or place of reception as may be directed.

INFECTIOUS DISEASES (PREVENTION) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title
 2. Interpretation
 3. Prohibited areas
 4. Restriction on entering and leaving prohibited areas
 5. Persons to enforce Regulations
 6. Public vaccinators
 7. Vaccination of children
 8. Vaccination of persons other than children
 9. Medical practitioner may vaccinate
 10. Inspection of vaccinated persons
 11. Persons insusceptible to successful vaccination
 12. Penalty
-

INFECTIOUS DISEASES (PREVENTION) REGULATIONS – SECTION 20

(L.I. 3/5/1923 and Act 9 of 2011)

Short title

1. These Regulations may be cited as the Infectious Diseases (Prevention) Regulations.

Interpretation

2. In these Regulations—
“**the Authority**” means the Authority appointed under regulation 5;
“**child**” means a person who is of the age of five years and under the age of fourteen years;
“**infection and disease**” shall mean small pox and other anomalous forms of varioloid disease;
“**parent**” includes any person having the custody of a child;
“**person**” does not include a child under the age of five years.

Prohibited areas

3. (1) For preventing the spread of infection and disease the Governor acting on the advice of Cabinet may, from time to time, by regulations, declare any area of Montserrat to be a prohibited area within the meaning of these Regulations and

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thereupon such area shall be deemed to be a prohibited area until the regulations declaring the same to be such an area be revoked. (*Amended by Act 9 of 2011*)

(2) Whenever any area is declared a prohibited area, no person residing therein shall leave such area, and no person residing outside such area shall enter the same without the permission of the Authority first had and obtained.

Restriction on entering and leaving prohibited areas

4. Any member of the Police service or any Local Constable may restrain (and, if necessary, by force) any person from leaving the prohibited area or from entering that area, and if any person leaves the prohibited area, he may be apprehended and brought back to such area. (*Amended by Act 9 of 2011*)

Persons to enforce Regulations

5. The Governor shall appoint such person or persons as he may think fit to be the Authority to enforce and execute these Regulations.

Public vaccinators

6. The Governor may—

- (a) appoint the Chief Medical Officer to be Superintendent of Vaccination for the purposes of these Regulations, and such public vaccinators and subordinate officers as are required for performing the duties prescribed by these Regulations;
- (b) appoint the districts and places within which the several vaccinators and subordinate officers shall carry on their duties.

Vaccination of children

7. (1) The parent of every child shall take or cause the child to be taken to the public vaccinator of the vaccination district in which such child is then resident.

(2) The public vaccinator to whom the child is brought shall with all reasonable despatch vaccinate or re-vaccinate it free of charge unless in the opinion of a qualified medical practitioner the operation cannot be performed without danger to the child or unless such child in the opinion of a qualified medical practitioner has been successfully vaccinated within the previous five years.

Vaccination of persons other than children

8. Every other person in Montserrat shall forthwith submit himself for vaccination or re-vaccination by a public vaccinator and the public vaccinator shall with all reasonable despatch vaccinate or re-vaccinate that person free of charge unless in the opinion of a qualified medical practitioner the operation cannot be performed without danger to that person or unless such person has been successfully vaccinated within the previous five years.

Medical practitioner may vaccinate

9. (1) A parent or other person may take any child to be vaccinated or re-vaccinated by, and every person required to submit to vaccination may be vaccinated or re-vaccinated by, a medical practitioner instead of a public vaccinator, and if any medical practitioner undertakes such vaccination or re-vaccination he shall perform all the duties connected with such vaccination or re-vaccination as are required by these Regulations to be performed by a public vaccinator and shall have the powers and authority of a public vaccinator in respect of such vaccination or re-vaccination.

(2) The parent taking any child to a medical practitioner for vaccination or re-vaccination, and every other person who submits himself for vaccination or re-vaccination by a medical practitioner, shall be subject to the provisions of these Regulations as to the time and manner of such vaccination or re-vaccination, subsequent inspection and certificates.

Inspection of vaccinated persons

10. (1) Upon the same day in the following week when the operation has been performed by the public vaccinator—

- (a)* the parent shall take the child; and
- (b)* every other person shall go;

to such place as is directed by the public vaccinator there to be inspected by the Superintendent of Vaccination or a qualified medical practitioner deputed in that behalf by the Superintendent for the purpose of ascertaining the result of the operation.

(2) In the event of the vaccination being unsuccessful, and if the Superintendent of Vaccination or the medical practitioner deputed by him so directs—

- (a)* the parent shall cause the child; and
- (b)* every other person shall suffer himself;

to be forthwith again vaccinated and inspected as on the previous occasion.

Persons insusceptible to successful vaccination

11. If the Superintendent of Vaccination or medical practitioner deputed by him finds that a child or other person is insusceptible of successful vaccination, he shall deliver to the parent or other person a certificate under his hand to that effect and the child or other person shall thenceforth not be required to be vaccinated.

Penalty

12. If any person acts in contravention of or is guilty of any offence under these Regulations he shall be liable on summary conviction for every such offence to a penalty of \$24.

