

THE PUBLIC HEALTH (AMENDMENT) BILL
(No. XXX of 2006)

Explanatory Memorandum

The object of this Bill is to amend the Public Health Act in order to enable officers of the Ministry of Health to take immediate measures to prevent the proliferation of mosquitoes in order to eradicate diseases such as Chikungunya, Malaria and Dengue fever.

2. Provision has also been made for the Sanitary Authority to serve on an occupier of premises a fixed penalty notice where he fails to remove or abate an accumulation of water containing or likely to contain mosquito larvae on any part of his premises

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*Minister of Health and
Quality of Life*

24 November 2006

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
 2. Interpretation
 3. Section 2 of principal Act amended
 4. Section 18 of principal Act amended
 5. New section 32A added to principal Act
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A BILL

To amend the Public Health Act

ENACTED by the Parliament of Mauritius, as follows -

1. Short title

This Act may be cited as the Public Health (Amendment) Act 2006.

2. Interpretation

In this Act –

“principal Act” means the Public Health Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended by deleting the definition of “occupier” and replacing it by the following definition –

“occupier” includes –

- (a) where premises are subdivided and let to lodgers or tenants, the person receiving or collecting the rent payable by them;
- (b) where the person in occupation of any premises is a group or body of persons, corporate or incorporate, the individual entrusted with the management of the group or body;
- (c) the individual in actual occupation of the premises; and
- (d) in the case of a construction site, the contractor;

4. Section 18 of principal Act amended

Section 18 of the principal Act is amended –

- (a) by repealing paragraph (p);
- (b) in paragraph (q), by deleting the words “found to contain any immature stage of the mosquito” and replacing them by the words “likely to be injurious or dangerous to health”.

5. New section 32A added to principal Act

The principal Act is amended by adding immediately after section 32, the following new section –

32A. Measures to prevent the proliferation of mosquitoes

- (1) Notwithstanding any other provision of this Act, every occupier of premises shall ensure that no collection or accumulation of water containing or likely to contain mosquito larvae exists on any part of the premises.
 - (2) The Sanitary Authority may, at all reasonable times, inspect, and enter on or into, any premises for the purpose of verifying that the occupier is complying with subsection (1).
 - (3) Subsections (1) and (2) shall bind the State.
 - (4) (a) Where an occupier contravenes subsection (1), the Sanitary Authority shall serve on him a notice requiring him to forthwith remove or abate the collection or accumulation of water within such delay as may be specified in the notice.

(b) The Sanitary Authority may, after the expiry of the delay specified in the notice, do whatever may be necessary to remove or abate the collection or accumulation of water and may, for that purpose, forcibly enter the premises in respect of which the notice has been served, with or without the assistance of the police.

© All expenses incurred in removing or abating the collection or accumulation of water pursuant to paragraph (b) shall be recoverable from the occupier.
- 5 (a) Notwithstanding this Act or any other enactment, where an occupier fails to comply with the notice referred to in subsection (4), the Sanitary Authority shall, after the expiry of the delay specified in the notice, serve on the occupier a notice calling upon him to pay the appropriate penalty.
- (b) A notice under paragraph (a) shall –
- (i) be in such form as may be approved by the Sanitary Authority;

- (ii) be drawn up in quadruplicate; and
- (iii) specify –
 - (A) the name and address of the person committing the offence, where the name and address have been ascertained ;
 - (B) the time and place of the offence;
 - (C) the appropriate penalty payable and the time within which it is to paid;
 - (D) the District Court where the appropriate penalty is payable; and
 - (E) the name, and identity card number, of the Sanitary Authority officer who detected the offence.

© Every person on whom a notice is served under paragraph (a) shall, within 20 days of the service and on production of the notice, pay the appropriate penalty at the appropriate District Court.

(d) Any person on whom a notice is served under paragraph (a), who fails to pay the appropriate penalty within the delay specified in the notice, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees.

(6) In this section –

“appropriate District Court” means the District Court of the district in which the premises in respect of which an offence has been detected are located;

“appropriate penalty” means a penalty of 1,000 rupees.