

Health Ordinance 1959

CONSOLIDATED ACTS OF SAMOA 2010

HEALTH ORDINANCE 1959

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THE HEALTH ORDINANCE 1959
1959 No.19

AN ORDINANCE to consolidate and amend certain laws relating to public health.

(28 September 1959)
(Commencement date: 1 October 1959)

1. Short title and commencement - This Ordinance may be cited as the Health Ordinance 1959, and shall come into force on the 1st day of October 1959.

2. Interpretation - In this Ordinance, unless the context otherwise requires:

"**Animal**" includes any bird, reptile, amphibian, or insect.

"**Chief Executive Officer**" has the same meaning as provided by the Ministry of Health Act 2006.

"**Cleansing**", in relation to any building, includes limewashing and the destruction of vermin, and, where appropriate, painting and papering.

"**Dwelling**" includes any building, tent, caravan, or other structure or erection, whether permanent or temporary, that is used or intended to be used in whole or in part for human habitation, and includes the land and any outbuildings and appurtenances belonging to a dwelling.

"**Infectious disease**" means any disease for the time being specified in the First Schedule to this Ordinance, and includes any other disease which may be declared by the Minister by notice in the *Samoa Gazette* to be an infectious disease.

"**Inspector**" means an officer of the Ministry appointed as an Inspector of Health under this Ordinance.

"**Medical Practitioner**" means a person qualified for appointment as a medical officer or to practise medicine or surgery in Samoa under the provisions of the Medical Practitioners Act 1975.

"**Minister**" has the same meaning as provided by the Ministry of Health Act 2006.

"**Ministry**" has the same meaning as provided by the Ministry of Health Act 2006.

"**Owner**", in relation to any land or premises, means any person in actual occupation thereof or entitled to occupy the same or receive the rents in respect thereof whether on his or her

own account or as agent of or trustee for any other person, but does not include the Government of Samoa as trustee for the beneficial owners.

"Premises" includes a ship or an aircraft.

PART I ADMINISTRATION

Health Ministry

3. Repealed by the Ministry of Health Act 2006 (No. 19)

4. Repealed by the Ministry of Health Act 2006 (No. 19)

5. Repealed by the Ministry of Health Act 2006 (No. 19)

6. Repealed by the Ministry of Health Act 2006 (No. 19)

7. Repealed by the Ministry of Health Act 2006 (No. 19)

8. Repealed by the Ministry of Health Act 2006 (No. 19)

9. Repealed by the Ministry of Health Act 2006 (No. 19)

10. Repealed by the Ministry of Health Act 2006 (No. 19)

11. Repealed by the Ministry of Health Act 2006 (No. 19)

PART II BUILDINGS

12. Requirements of dwellings - (1) No person shall erect or rebuild any building intended for use as a dwelling or shall sell, or let, or sublet, or permit to be occupied as a dwelling, any building or part of a building unless in every such case sufficient provision is made in accordance with regulations under this Ordinance, or, in the absence of such regulations, to the satisfaction of the Chief Executive Officer for the following matters, that is to say:

(a) An adequate and convenient supply of wholesome water available for the inmates of the dwelling;

(b) Suitable appliances for the disposal of refuse water in a sanitary manner; and

(c) Sufficient privy accommodation available for the inmates of the dwelling.

(2) Every person who commits an offence against this section is liable on conviction to a fine not exceeding 1 penalty unit.

(3) The owner of any dwelling erected or rebuilt in contravention of this section shall be liable on conviction, in addition to any penalty under the last preceding subsection, to a fine not

exceeding one-half of 1 penalty unit, for everyday during which such dwelling or any part thereof is inhabited whilst not in conformity with the requirements of this season.

13. Requirements for business premises - With respect to every factory, workroom, shop, office, warehouse or other business place in which persons are employed the following provisions shall apply:

- (a) Sufficient privy accommodation available for the use of the persons employed therein shall be provided in accordance with regulations under this Ordinance, or, in the absence of such regulations, then to the satisfaction of the Chief Executive Officer;
- (b) If the persons so employed are of different sexes, then the privy accommodation shall be separate for each sex and shall be so constructed and situated as to ensure complete seclusion for each sex;
- (c) If default is made in faithfully complying with any of the foregoing requirements of this section, the owner and occupier of the premises shall be severally liable to a fine not exceeding 1 penalty unit for every day on which the default occurs.

13A. Cleansing orders - (1) If the Chief Executive Officer is of opinion that any building needs cleansing in any respect in order to remove a danger to health or otherwise make it fit for human habitation or occupation, the Chief Executive Officer may issue an order in writing (hereinafter referred to as a cleansing order) and cause the cleansing order to be served on the owner or occupier of that building requiring him or her to cleanse that building in the manner and within the time specified in the cleaning order.

(2) If the owner or occupier of a building on whom a cleansing order is served makes default in cleansing that building or time specified in the cleansing order served on him or her:

- (a) He or she commits an offence, and is liable to a fine not exceeding 1 penalty unit and to a further fine not exceeding one-half of 1 penalty unit for every day during which such default continues; and
- (b) The Chief Executive Officer and necessary workmen employed by the Chief Executive Officer may enter on the land on which that building stands and may cause that building to be cleansed in the manner specified in the cleansing order served on the owner or occupier thereof, and recover the cost and expense of so doing as a debt due to the Government.

14. Chief Executive Officer may issue closing order in default of repair - (1) If the Chief Executive Officer is of opinion:

- (a) That any premises are by reason of structural defects in such a state as to create a nuisance within the meaning of this Ordinance;
- (b) That any dwelling is by reason of its situation or structure, or state of disrepair, or insanitary condition, dangerous to health or otherwise unfit for human habitation;
- (c) That any dwelling is without an adequate supply of wholesome water as required by this Ordinance;
- (d) That any premises are without sufficient privy accommodation as required by this Ordinance,-

The Chief Executive Officer may issue an order (hereinafter referred to as a closing order) and cause the same to be served on the owner or occupier of such premises prohibiting the use of any such premises for human habitation or occupation until such repairs, alterations, or works as may be specified in the order have been carried out to his or her satisfaction.

(2) Notwithstanding anything in the foregoing provisions of this section, the Chief Executive Officer shall not, except by direction of the Minister, issue a closing order under this section unless he or she has first served on the owner or occupier a notice calling on him or her to effect or carry out any repairs, alterations, or works specified in that notice within a specified time and that notice has not been complied with.

15. Appeals against cleansing and closing orders - (1) Within 14 days after the service of a cleansing order or a closing order on an owner or occupier of any building or other premises, he or she may give notice of appeal to the Chief Executive Officer and to the Registrar of the District Court.

(2) Pending the expiration of the time for an appeal under this section and the determination of any such appeal the cleansing order or the closing order in question shall be deemed to be suspended.

16. Decision of Court - On any such appeal the Court may cancel the order, or may confirm it, either absolutely or subject to such conditions and modifications as the Court deems just, and the decision of the Court shall be final.

17. Failure to comply with closing order - Every person being the owner or occupier of any premises in respect of which a closing order is in force under this Ordinance who inhabits or occupies such premises or any part thereof, or who permits or suffers any other person to inhabit or occupy any such premises or part thereof, commits an offence and is liable on conviction to a fine not exceeding 1 penalty unit and to a further fine not exceeding one-half of 1 penalty unit for every day during which such offence continues.

18. Determination of closing order - As soon as the alteration, repairs, or works specified in a closing order have been executed to the satisfaction of the Chief Executive Officer, the Chief Executive Officer shall determine the order, and thereupon the order shall cease to have any force or effect.

19. Chief Executive Officer may require demolition - On the application of the Chief Executive Officer by notice of motion that a building or part of a building should be demolished as herein provided on the ground that:

(a) Any repairs, alterations, or works required to be executed in connection with such building pursuant to a closing order issued under the foregoing provisions of this Ordinance have not been so executed;

(b) Any such building or part thereof is in a condition unfit for use or occupation, or dangerous to the health either of the occupier or of any other person or persons,-

a Judge of the Supreme Court may make an order (herein referred to as a demolition order) that the building or part thereof be taken down and removed at the expense in all things of the

owner within such time as may be specified in the order.

20. Enforcement of order - If the owner of any building fails to comply with a demolition order issued in respect thereof, or any part thereof, he or she shall be liable on conviction to a fine not exceeding 1 penalty unit; and the Chief Executive Officer on behalf of the Minister may cause such building or part to be taken down or removed and may recover from the owner in any Court of competent jurisdiction all costs and expenses incurred in connection therewith.

21. Offence in respect of order - Every person being the owner or occupier of any premises in respect of which or of part of which a demolition order under section 19 is made who inhabits or occupies such premises or part thereof, or permits or suffers any other person to inhabit or occupy such premises or part, commits an offence and is liable on conviction to a fine not exceeding 1 penalty unit and to a further fine not exceeding one-half of 1 penalty unit for every day during which such offence continues:

PROVIDED THAT in cases where application is made to the Court for a demolition order, no offence shall be deemed to have been committed under this section by reason of the occupation of the premises or part thereof prior to the date of such order.

PART III NUISANCES

22. Nuisances defined - Without limiting the meaning of the term "nuisance", a nuisance shall be deemed to be created in any of the following cases, that is to say:

- (a) Where a pool, ditch, gutter, or watercourse, privy or other sanitary convenience, cesspool, drain, or ventpipe is in such a state or is so situated as to be dangerous to health or offensive;
- (b) Where any accumulation or deposit is in such a state or is so situated as to be dangerous to health or offensive;
- (c) Where any premises (including any accumulation or deposit thereon) are in such a state as to harbour or to be likely to harbour rats or other vermin;
- (d) Where any premises are so situated, or are of such construction or are in such a state, as to be dangerous to health or offensive;
- (e) Where any gutter, drain, spouting, or down-pipe of a building causes dampness in such building or in any adjoining building by reason of its insufficiency or defective condition;
- (f) Where any building or part of a building is so overcrowded as to be dangerous to the health of the occupants, or does not, as regards air space, floor space, lighting, or ventilation, conform with the requirements of this or any other Ordinance, or of any regulations made thereunder;
- (g) Where any factory, workroom, shop, office, warehouse, or other place of trade or business:
 - (i) Is not kept in a clean state, and free from offensive effluvia from any drain or sanitary convenience;
 - (ii) Is not provided with appliances so as to carry off in a harmless and inoffensive manner any fumes, gases, vapours, dust or impurities generated therein;

- (iii) Is so overcrowded while work is carried on therein, or is so badly lighted or ventilated, as to be dangerous to the health of the persons employed therein;
- (h) Where any buildings or premises used for the keeping of animals or birds are so constructed, situated, used, or kept, or are in such a condition as to be dangerous to health or offensive;
- (i) Where any animal or bird, or any carcase or part of a carcase, is so kept or allowed to remain as to be dangerous to health or offensive;
- (j) Where any offensive trade is so carried on as to be dangerous to health or unnecessarily offensive;
- (k) Where any chimney (including the funnel of any ship, but not including the chimney of a private dwelling) sends forth smoke in such quantity or of such nature, or in such manner as to be dangerous to health or offensive, or in any manner contrary to any regulations;
- (l) Where any street, road, right of way, passage, yard, premises, or any land is in such a state as to be dangerous to health or offensive;
- (m) Where any well or other source of water supply or any cistern or other receptacle for water which is used or is likely to be used for domestic purposes or in the preparation of food, is so placed or constructed or is in such a condition as to render the water therein offensive, or liable to contamination, or likely to cause danger to health;
- (n) Where any offal or material liable to be dangerous to health or offensive is deposited on the foreshore or in the harbour of Apia.

23. Penalties for nuisances - Every person by whose act, default, or sufferance a nuisance arises or continues (whether such person is or is not the owner or occupier in respect of which such nuisance exists) is liable to a fine not exceeding 1 penalty unit, and if the person convicted can lawfully abate such nuisance he or she is liable to a further fine not exceeding one-half of 1 penalty unit for every day or part of a day during which such nuisance remains unabated after such conviction.

24. Provisions of this Ordinance to be in addition to other rights, etc. - The provisions of this Ordinance relating to nuisances shall be deemed to be in addition to and not to abridge or affect any right, remedy, or proceeding under any other Ordinance or at law or in equity:

PROVIDED THAT no person shall be punished for the same offence both under the provisions of this Ordinances and any other law or enactment.

25. Provisions of this Ordinance to apply to Government and Government officers - The provisions of this Ordinance relating to nuisance and of any regulations made under this Ordinance shall, unless otherwise specifically provided therein, apply to nuisances created by the Government of Samoa or by any officer thereof in his capacity as such officer.

26. Proceedings in respect of nuisances - (1) A Judge of the Supreme Court, if satisfied that a nuisance exists on the premises, or that though abated it is likely to recur, may by order:

- (a) Require the owner and occupier to abate the nuisance effectively;
- (b) Prohibit the recurrence of the nuisance;
- (c) Both require the abatement and prohibit the recurrence of the nuisance;

(d) Specify the work to be done in order to abate the nuisance or prevent its recurrence, and the time within which they shall be done.

(2) If the Judge is of opinion that by reason of the nuisance any dwelling or other building is unfit for human occupation, the Judge may, by the same or any subsequent order, prohibit the use thereof for that purpose until the nuisance has been effectively abated to the Judge's satisfaction to prevent its recurrence.

(3) Any order made under the last preceding subsection may be rescinded by the Judge when the Judge is satisfied that the nuisance has been effectively abated or, as the case may be, that due provision has been made to prevent its recurrence; but until the order is rescinded it shall not be lawful to let or occupy the dwelling or building to which the order relates.

(4) Every person who makes default in duly complying with any order made under the foregoing provisions of this section is liable to a fine not exceeding 1 penalty unit for every day on which the default occurs.

(5) If the default consists of not doing the works necessary in order to abate the nuisance effectively or to prevent its recurrence the Chief Executive Officer, on behalf of the Minister, shall cause the works to be done at the expense in all things of the owner and occupier, who shall be jointly and severally liable for the cost of the works.

POLLUTION OF WATERCOURSES

27. Repealed by section 55(1) of the Water Act 1965.

PART IV INFECTIOUS DISEASES

28. Powers of Chief Executive Officer on outbreak of infectious disease - (1) In the event of the outbreak of any infectious disease the Chief Executive Officer may, with the authority in writing of the Minister, exercise any of the following powers:

(a) He or she may take possession of and occupy and use such lands and buildings whether public or private as in his or her opinion are required for the accommodation and treatment of patients;

(b) He or she may by requisition in writing served on the owner or other person for the time being in charge of any vehicles require the exclusive use of such vehicles for the conveyance of patients or of persons in attendance on patients, or otherwise for use in connection with the outbreak of disease as aforesaid;

(c) He or she may by requisition in writing served on the occupier of any premises or on any person from the time being in charge of any premises require to be delivered to him or her or in accordance with his or her order such drugs, and articles of food or drink, and such other materials as he or she deems necessary for the treatment of patients.

(2) Every person who suffers any loss or damage by the exercise of any of the powers conferred on the Chief Executive Officer by this section shall be entitled to compensation to be determined in case of dispute by the Supreme Court.

(3) Every person who refuses or fails to comply with any requisition under this section, or who counsels, procures, aids, or incites any other person so to do, or who interferes with or obstructs the Chief Executive Officer or any person acting under the authority of the Chief Executive Officer in the exercise of any powers under this section, shall be liable on conviction to a fine not exceeding 2 penalty units.

29. Special powers of Chief Executive Officer - (1) The Chief Executive Officer may from time to time, if authorised in writing so to do by the Minister, exercise the following special powers for the purpose of preventing the outbreak or spread of any infectious disease:

(a) He or she may declare any land, building, or thing to be insanitary and may prohibit the use for any specified purpose of any such land, building or thing;

(b) He or she may cause any insanitary building to be pulled down, and the timber and other materials thereof to be destroyed or otherwise disposed of as he or she thinks fit;

(c) He or she may cause insanitary things to be destroyed or otherwise disposed of as he or she thinks fit;

(d) He or she may cause infected animals to be destroyed in such manner as he or she thinks fit;

(e) He or she may require persons to report themselves or submit themselves for medical examination at specified times and places;

(f) He or she may require persons, places, buildings, premises, animals, and things to be isolated, quarantined, or disinfected as he or she thinks fit;

(g) He or she may forbid persons, ships, aircraft, animals, or things to come, or to be brought to any port or place in Samoa from any port or place which is or is supposed to be infected with any infectious disease;

(h) He or she may forbid persons to leave the place in which they are isolated or quarantined until they have been medically examined and found to be free from infectious disease, and until they have undergone such preventive treatment as he or she may in such case prescribe;

(i) He or she may forbid the removal of ships, aircraft, animals, or things from one port or part of Samoa to another or from the place where they are isolated or quarantined, until they have been disinfected or examined and found to be free from infection;

(j) He or she may prohibit the keeping of animals or of any species of animal in any specified part of Samoa;

(k) He or she may forbid the discharge of sewage, drainage, or insanitary matter of any description into any watercourse, stream, lake, or source of water supply;

(l) He or she may, by order published as widely as he or she considers practicable in Samoa, or by notices posted in conspicuous places, require all theatres and other places of public amusement, all billiard rooms, all churches, reading rooms and public halls, and all other premises where people are accustomed to assemble for any purpose within Samoa or within any defined area thereof, or any of such premises as aforesaid, to be closed for admission to

the public either until further order or for any fixed period, and either absolutely or subject to such qualifications as he or she thinks fit;

(m) He or she may, by order published in like manner, prohibit until further order or for any fixed period, and either absolutely or subject to such qualifications as he or she thinks fit, the congregation of people at any racecourse, recreation ground, or other place within Samoa;

(n) He or she may prohibit until further order or for a fixed period the attendance of children under the age of 16 years in schools, Sunday schools, theatres, or places of public amusement within Samoa, or within any defined area thereof.

(2) The Chief Executive Officer, and any inspector or other person authorised in that behalf by the Chief Executive Officer, may at any time, with or without assistants, enter on any lands or premises and inspect the same and all things thereon or herein, and may do, with respect to any persons, places, land, buildings, premises, animals, or things, whatever in the opinion of the Chief Executive Officer is necessary or expedient for the purpose of carrying out the foregoing provisions of this section.

(3) In no case shall the Chief Executive Officer or any inspector or other authorised person incur any personal liability by reason of anything lawfully done under the powers conferred by this section.

30. Penalties for obstructing Chief Executive Officer - (1) Every person who in any way, directly or indirectly, by any act or default:

(a) Obstructs or hinders the Chief Executive Officer in the exercise of the functions and powers under the foregoing provisions of this Part, or obstructs or hinders any inspector or other person acting with the authority or by direction of the Chief Executive Officer;

(b) Does anything which the Chief Executive Officer in the exercise of the aforesaid functions and powers forbids to be done;

(c) Refuses, delays, or neglects to comply with any direction or requirement of the Chief Executive Officer in the exercise of the aforesaid functions and powers,-

commits an offence and is liable on conviction to a fine not exceeding 2 penalty units, and in the case of a continuing offence to a further fine not exceeding 2 penalty units, for every day on which the offence is continued after the first day.

(2) Any person who is isolated or quarantined by order of the Chief Executive Officer pursuant to the foregoing provisions of this Ordinance, and who unlawfully leaves the place of isolation or quarantine, may be arrested by any officer of the Ministry or by any constable without warrant and returned forthwith to the place of isolation or quarantine.

31. Register of infectious diseases - The Chief Executive Officer shall keep a register of every case of infectious disease to his or her knowledge occurring in Samoa, and every medical practitioner who becomes aware that any person is suffering from an infectious disease shall forthwith notify the Chief Executive Officer.

32. Duty of occupier of building - When any person is suffering from any sickness the symptoms of which create a reasonable suspicion that it is an infectious disease, it shall be the

duty of the occupier or other person for the time being in charge of the land or building in which such person is living to consult a medical practitioner employed by the Ministry or to notify the Chief Executive Officer of the existence of a disease suspected to be an infectious disease.

33. Duty of master of ship or aircraft - When any person on board a ship or aircraft in any harbour, port, or other place in Samoa is suffering from any sickness the symptoms of which create a reasonable suspicion that it is an infectious disease, it shall be the duty of the master of such ship or person in charge of such aircraft to notify the Chief Executive Officer of the existence of such disease.

34. Chief Executive Officer may enter premises - The Chief Executive Officer or any medical practitioner employed by the Ministry may at all reasonable times enter any premises in which he or she has reason to believe that there is or recently has been any person suffering from an infectious disease or recently exposed to the infection of any such disease, and may medically examine any person on such premises for the purpose of ascertaining whether such person is suffering or has recently suffered from any such disease.

35. Chief Executive Officer may order *post mortem* - If the death of any person is suspected to have been due to an infectious disease, and the facts relating to the death cannot with certainty be ascertained without a *post mortem* examination, or if it is desirable for preventing the occurrence or spread of an infectious disease that the facts relating to the death of any person should be ascertained, the Chief Executive Officer may order a *post mortem* examination of the body of the deceased person to be made by a medical practitioner.

36. Isolation of persons likely to spread infectious disease - (1) The Chief Executive Officer or any medical practitioner employed the Ministry or any inspector, in any case where in the interests of the public health he or she thinks it expedient so to do, may make an order for the removal of any person suffering from any infectious disease to a hospital or other place where such person may be effectually isolated.

(2) An order under this section shall be made in every case where the Chief Executive Officer or such medical practitioner or inspectors is satisfied that the patient cannot without removal be effectually isolated or properly attended.

(3) An order under this section may be executed by the Chief Executive Officer or such medical practitioner or inspector or by any person authorised in that behalf by the Chief Executive Officer or such medical practitioner or inspector, and may be executed by force if necessary.

(4) Every person who wilfully disobeys an order under this section or who obstructs or delays or in any way interferes with the prompt execution thereof commits an offence and is liable to a fine not exceeding 1 penalty unit.

37. Offences in respect of infectious diseases - (1) Every person commits an offence and is liable to a fine not exceeding 1 penalty unit who:

(a) While to the person's own knowledge suffering from any infectious disease wilfully is in any public place without having taken proper precautions against the spread of infection;

(b) While in charge of any person suffering as aforesaid takes that person into or allows that person to be in any public place without having taken proper precautions against the spread of infection;

(c) While suffering as aforesaid enters any public conveyance, or while in charge of any person so suffering takes that person into any public conveyance, without in every such case notifying the driver or conductor of the fact;

(d) Being the owner or driver or conductor of a public conveyance fails or neglects to disinfect the conveyance or cause the same to be disinfected forthwith after it has to his or her knowledge been entered by any person suffering as aforesaid.

(2) If an offence under this section relates to a public conveyance, the convicting Court shall order the defendant (not being the owner) to pay to the owner of the conveyance the expenses incurred in disinfecting the same.

38. Offences in respect of property exposed to infection - Every person commits an offence and is liable to a fine not exceeding 1 penalty unit who:

(a) Lends, sells, transmits, or exposes any things which to his or her knowledge have been exposed to infection from any infectious disease, unless they have first been effectively disinfected or proper precautions have been taken against spreading the infection;

(b) Lets for hire any dwelling or part of a dwelling in which there then is or within the previous 6 months has been, any person to his or her knowledge suffering from an infectious disease, unless the dwelling or part thereof as the case may be, and all things therein liable to infection, have been effectively disinfected to the satisfaction of the Chief Executive Officer, before the person hiring goes into occupation; or

(c) When letting or negotiating to let to any person for hire any dwelling in which any person suffering from an infectious disease is then living, or any part of such dwelling, does not disclose the fact.

39. Disinfecting of premises - (1) When the Chief Executive Officer is of opinion that the cleansing or disinfecting of any premises or of any article is necessary for preventing the spread or limiting or eradicating the infection of any infectious disease or otherwise for preventing danger to health or for rendering premises fit for occupation he or she may by notice in writing require the owner or occupier to cleanse or disinfect such premises or article within a time specified in the notice.

(2) If the owner or occupier fails to carry out any work within the time specified in the notice or in any other case where the Chief Executive Officer thinks fit to do so, the Chief Executive Officer may authorise any person he or she thinks fit with or without assistants to enter on any premises and to carry out such disinfecting and cleansing, and the cost of such disinfection or cleansing shall be recoverable from the owner or occupier as a debt due to the Government.

40. Power to burials - (1) Where the body of any person who has died is in such a state as to be dangerous to health the Chief Executive Officer or medical practitioner may order the body to be buried forthwith, or within a time limited in the order, and may if he or she thinks fit order the body, pending burial, to be removed to the nearest mortuary or other suitable place.

(2) Every person who in any way prevents or obstructs the due and prompt execution of any order under this section or of any of the powers exercisable under this section is liable to a fine not exceeding 1 penalty unit.

PART V ABATTOIRS, BAKERIES, AND DAIRIES

41. Interpretation - In this Part of this Ordinance, if not inconsistent with the context:

"**Abattoir**" means any place where animals are killed for the purpose of producing meat to be sold either solely or partly for human consumption.

"**Bakery**" means any place where bread, cakes, buns, biscuits, pastry, or other similar goods to be sold either solely or partly for human consumption are prepared or baked.

"**Dairy**" means any cowshed or other building or any place where cows are stalled or kept for the purpose of milking in order to produce from such cows either solely or partly for human consumption any milk, cream, or butter.

42. Premises to be licensed - It shall be the duty of the owner or occupier of any abattoir, bakery, or dairy to procure annually from the Chief Executive Officer a licence to use the same as an abattoir, bakery, or dairy respectively.

43. Condition precedent to issue - A licence to use an abattoir, bakery, or dairy shall not be issued unless the fees hereinafter prescribed shall have first been paid and the Chief Executive Officer is satisfied that the premises sought to be licensed are capable of being used as an abattoir, bakery, or dairy, as the case may be, without danger to the public health.

44. Fees payable - The fees payable for the issue of an abattoir, bakery, or dairy licence shall be the amounts prescribed by law.

45. Duration of licence - Save as hereinafter provided every licence issued under this Ordinance shall remain in force until the 31st day of March next after the date on which it was issued and shall then expire.

46. Unlicensed premises not to be used - No person shall use or permit to be used any abattoir, bakery, or dairy unless a licence to use the same as such has been issued under this Ordinance and remains in force.

47. Offences - (1) Any person who uses an abattoir, bakery, or dairy or permits the same to be used in contravention of the provisions of the last preceding section hereof commits an offence and shall be liable to a fine not exceeding 1 penalty unit for every day or part of a day during which the offence shall continue.

(2) Every owner, occupier, or manager of an abattoir, bakery, or dairy who fails to keep the same and all appliances used in connection therewith in a clean and sanitary state and condition is guilty of an offence and shall be liable to a fine not exceeding 1 penalty unit.

48. Closing orders - If in the opinion of the Chief Executive Officer any shop, premises, or

other place wherein any foodstuffs, food, or drink is sold or prepared or manufactured for sale either solely or partly for human consumption are not capable of being so used without danger to public health he or she may issue a closing order in respect of such shop, premises, or place and the provisions of sections 14 to 18, both inclusive, of this Ordinance shall mutatis mutandis apply to any such order.

49. Offence - Every person being the owner or occupier of any shop, premises, or place in respect of which a closing order under the last preceding section is in force who carried on or permits to be carried on therein or any part thereof the business of selling or preparing or manufacturing for sale of food or drink solely or partly for human consumption commits an offence and shall be liable to a fine not exceeding 1 penalty unit for every day or part of a day during which the same shall continue.

50. Administration of this Part may be transferred to other Ministry's - Regulations may from time to time be made providing that the responsibility for the administration of the several matter provided for in this Part or any of them may be transferred from the Ministry of Health to any other Ministry or Instrument of the Executive Government of Samoa.

PART VI MISCELLANEOUS

51. Power of entry and inspection - For the purposes of this Ordinance the Chief Executive Officer or any inspector or other person authorised in that behalf by the Chief Executive Officer may at all reasonable times enter any dwelling, building, land or premises and inspect the same, and may execute thereon any works authorised under or pursuant to this Ordinance.

52. Obstruction of officers - Every person commits an offence against this Ordinance and is liable to a fine not exceeding 1 penalty unit who obstructs, hinders, impedes, resists, or opposes any person in the execution of any powers conferred on him or her by or pursuant to this Ordinance.

53. Service of documents - (1) Any notice, requisition, order, or other document required to be served on any person for the purposes of this Ordinance may be served by causing the same to be delivered to that person or to be left at his or her usual or last place of abode or business or to be sent by registered letter addressed to such usual or last known place of abode or business.

(2) If any notice, requisition, order, or other document as aforesaid is required to be served on the owner or occupier of any premises, and such owner or occupier or his or her place of abode or business is unknown, such document may be served by affixing the same on some conspicuous part of the premises.

(3) Any notice, requisition, order, or other document served by post as aforesaid shall be exempt from postage if the envelope is marked "Notice under the Health Ordinance".

54. Interference by owner or occupier - If in the performance of any duty imposed on him or her by this Ordinance the owner of any premises is in any way obstructed or hindered by the occupier or the occupier by the owner, the one who obstructs or hinders the other is liable to a fine not exceeding 1 penalty unit for every day on which he or she so obstructs or hinders.

55. Medical examination of school children - The Chief Executive Officer or any medical practitioner or other officer authorised in that behalf by the Minister may at all reasonable times enter any school and examine the children attending the school, and may notify the parents or guardians of any such child of any disease or bodily defect from which the child may be suffering.

56. Committing or conspiring or attempting to commit offence - Every person who commits or attempts to commit or conspires to commit or incites or aids any other person to commit an offence against this Ordinance for which no penalty is specially provided elsewhere than in this section is liable for every such offence to a fine not exceeding 1 penalty unit and in the case of continuing offences to a further fine not exceeding 1 penalty unit for every day or part of a day during which such offence continues.

57. Repealed by section 42(2) of the Food and Drugs Act 1967.

58. Regulations - (1) The Head of State, acting by and with the advice of Cabinet, may from time to time make regulations providing for any matter arising under this Ordinance or any matter which in the Head of State's opinion may be necessary or expedient to carry this Ordinance into effect.

(2) Without limiting the generality of the power conferred by this section, the power to make regulations shall include the power to make regulations:

(a) Providing for the payment of fees or charges for any inspection of any premises or other property, the examination of any plan or document, or the taking of any step or the doing of any matter authorised by this Ordinance or any regulations made thereunder, or in respect of medical or hospital treatment or maintenance or the supply of medicines:

(aa) Defining who shall be deemed to be residents of Samoa, and providing for the payment of fees or charges by them on a lower scale than for non-residents in respect of medical or hospital treatment or maintenance or the supply of medicines;

(ab) Conferring on the Minister power to remit or reduce any fee or charge on the ground that the treatment, maintenance or medicines provided are for an infectious disease and are necessary in the interest of public health, or on the ground that neither the patient nor anyone liable for his or her maintenance is able to pay for the treatment, maintenance or medicines by reason of poverty, conditional in either case on a proper record being kept of all remissions and reductions and of the reasons therefor;

(ac) Providing that any fee or charge for medical or hospital treatment or maintenance or the supply of medicines to any expatriate officer of the Public Service who is serving therein as a member of the New Zealand Volunteer Service Abroad Organisation or the United States of America Peace Corps or any similar organisation of any other foreign country shall not be payable by that officer or the organisation of which he or she is a member, but may be made payable by the Ministry in which that officer is serving;

(ad) Conferring on the Chief Executive Officer power to fix any fee or charge up to a prescribed maximum where the service may vary according to the circumstances of the case;

(ae) Providing as to the time and manner of payment of any fee or charge for medical or hospital treatment or maintenance or the supply of medicines;

(af) Providing as to the government and management of public hospitals and the patients therein or attending thereat, the admission and discharge of patients, the admission of visitors and the powers and duties of the staff;

(b) Prescribing fines not exceeding 2 penalty units for offences against any regulation made under the Ordinance or any Ordinance, enactment, or regulation specified or referred to in the Second Schedule;

(c) Further defining the functions of the Ministry, and adding to, amending, or deleting any enactment, regulation, or matter specified in the Second Schedule;

(d) Adding to, amending, replacing, or revoking any regulations made pursuant to the provisions of this section or of any Ordinance mentioned in the Second Schedule or the Third Schedule.

(3) The Minister may from time to time make and promulgate in such manner as the Minister may think fit, rules relating to any matter which is a function of the Ministry:

PROVIDED THAT no rules shall be made which are repugnant to any regulations made under this Ordinance, and on the making of any regulation, any rule inconsistent with such regulation shall be deemed to be subject thereto.

(4) It shall be the responsibility of the Minister to lay all such regulations made under this Ordinance before the Legislative Assembly within 28 days after the making thereof if the Assembly is then in session, and, if not, to lay such regulations before the Assembly within 28 days after the commencement of the next ensuing session.

59. Repealed by the Ministry of Health Act 2006 (No. 19)

60. Repeals and savings - (1) The Ordinances specified in the Third Schedule are hereby repealed.

(2) As from the coming into force of this Ordinance, the Samoa Health Order 1921, *NZ Gazette No. 17* of the 16th day of February 1921, page 479, and the Samoan Health Amendment Order 1929, *NZ Gazette* of the 2nd day of May 1929, page 1317, shall cease to be part of the law of Samoa.

(3) All Orders and regulations of Samoa made under the Samoa Health Order 1921 (NZ) and the Samoa Health Ordinance 1921, and being Board of Health Regulations Nos.1 to 16 (both inclusive) which are in force at the commencement of this Ordinance, shall continue in force as if made under this Ordinance.

(4) In all Ordinances, regulations, Orders, and bylaws made before the commencement of this Ordinance, relating to matters which are functions of the Ministry, all administrative powers vested in the High Commissioner shall be deemed to be vested in the Minister, and all powers, functions, and duties of the Chief Medical Officer and the Medical Officer shall be powers, functions, and duties of the Chief Executive Officer.

SCHEDULES

FIRST SCHEDULE

INFECTIOUS DISEASES (Section 2)

PART I: Cholera

Plague
Relapsing fever (epidemic louse-borne)
Small pox
Typhus (epidemic louse-borne)
Yellow fever

PART II: Acute anterior poliomyelitis

Anthrax
Cerebro-spinal meningitis (meaning gonococcal)
Chickenpox (Varicella)
Dengue
Diphtheria
Dysentery: Amoebic
Bacillary (Shigellosis)
Other types
Encephalitis
Enteric fevers (Typhoid fever, Paratyphoid fever)
German measles (Rubella)
Infantile diarrhoea
Infective hepatitis
Influenza
Leprosy
Leptospirosis
Measles (Rubeola or Morbilli)
Mumps
Ophthalmia neonatorum (gonococcal)
Psittacosis (Ornithosis)
Puerperal fever
Scarlet fever
Tetanus
Tuberculosis: Syphilis
Other sites
Typhus (flea borne)
Typhus (mite borne)
Undulant fever (Brucellosis)
Venereal diseases: Gonorrhoea
Syphilis
Other types
Whooping cough (Pertussis)
Yaws (Framboesia)

This Schedule was substituted for the original First Schedule by section .2 of the Health Amendment Act 1969.

SECOND SCHEDULE

Section 3

ENACTMENTS AND MATTERS TO BE ADMINISTERED BY THE MINISTRY OF HEALTH

New Zealand Regulations
1938, Serial No. 87: The Samoa Village Regulations 1938 and amendments thereof (so far as they relate to cleaning of villages, cemeteries and burials, latrines, water supplies, keeping of animals, and treatment of disease).

The Samoa Quarantine Order 1920: New Zealand Order-in-Council dated 1st day of April 1920

The Samoa Quarantine Amendment Order 1931 *New Zealand Gazette* No. 75, 15 October 1931

The Samoa Quarantine Regulations 1941 New Zealand Regulations 1941 Serial No.200

The Samoa Quarantine Aircraft Regulations 1946

The Samoa Dangerous Drugs Regulations 1955 New Zealand Regulations 1946 Serial No. New Zealand Regulations 1955, Serial No.38 (in so far as they confer powers and impose duties on the Chief Executive Officer of Health).

1931, No. 3: The General Laws Ordinance 1931, section 23A.

1953, No. 8: The Water Supply Ordinance 1953, sections 10(2), 16, 17, and 18.

The Samoa Dangerous Drugs Regulations 1955 (NZSR 1955/38) are no longer in force in Samoa.

The General Laws Ordinance 1931 (No. 3) has been repealed by the Police Offences Ordinance 1961, section 24.

The Water Supply Ordinance 1953 (No. 8) has been repealed by the Water Act 1965, section 55 (1).

SAMOA GAZETTE			
	NO	PAGE	DATE
The Board of Health Regulations No.2 of the 25th day of November 1921	8	30	5 January 1922
The Board of Health Regulations No.3 of the 1st day of December 1927 regulation No. 7 and Form 3 inserted by Board of Health Regulation No.15 (relating to cause of death and duration of last illness)	47	205 993	12 January 1928
The Board of Health Regulations No.4 of the 1st day of January 1923	18	57	03 March 1923
The Board of Health Regulations No.5 of the 1st day of September 1923	22	72	11 August 1923
The Board of Health Regulations No.6 of the 1st day of September 1923 (in so far as they relate to drainage, the structure and cleaning of privies, and health sanitation)	22	70	1 August 1923
The Board of Health Regulations No.8 dated the 28th day of September 1929 (in so far as they relate to fees for drainage, sanitation works)	58	270	10 October 1929
The Board of Health Regulations No.9 dated the 7th day of December 1931	71	387	29 December 1931
The Board of Health Regulations No.12 dated the 7th day of December 1938	109	626	7 December 1938
The Board of Health Regulations No.13 dated the 16th day of September 1942	130	864	1 October 1942
The Board of Health Regulations No.14 dated the 3rd day of July 1943	132	883	21 July 1943

THE HEALTH AMENDMENT ACT 1965

AN ACT to amend the Health Ordinance 1959 to provide further control of offensive trades.

(15 October 1965)

1. Short title - This Act may be cited as the Health Amendment Act 1965, and shall be read together with and be deemed part of the Health Ordinance 1959 (hereinafter referred to as the principal Ordinance).

2. Interpretation - In this Act, unless the context otherwise requires:

"**Offensive trade**" means any trade, business, manufacture or undertaking for the time being specified in the Schedule to this Act.

3. Power to amend Schedule - The Head of State, acting on the advice of Cabinet, may from time to time by Order add to or omit from the list of offensive trades set out in the Schedule to this Act the name or description of any trade, business, manufacture or undertaking, or otherwise amend that list; and every such Order shall have effect according to its tenor.

4. Restrictions on establishing and carrying on offensive trade - (1) No person shall establish any offensive trade, or erect or extend any premises for the purposes of or in connection with any offensive trade, except with the prior consent in writing of the Director of Works and of the Chief Executive Officer of Health and subject to such conditions as either of them may impose. For the purposes of this subsection a person who recommences an offensive trade in any premises after not less than 2 years' disuse of those premises for the purposes of any such trade shall be deemed to establish an offensive trade.

(2) No person shall carry on any offensive trade except on premises for the time being described in a current licence issued under the Business Licences Ordinance 1960.

(3) No person shall carry on any offensive trade established in contravention of subsection (1) of this section, or carry on any offensive trade in any premises erected or extended in contravention of that subsection.

(4) No person who acts in contravention of or fails to comply in any respect with any provision of this section commits an offence and is liable to a fine not exceeding \$260 and, in the case of a continuing offence, to a further fine not exceeding \$25 for every day on which the offence has continued.

5. Appeal against decision of Director of Works or Chief Executive Officer Health - (1) Any person who is aggrieved by the refusal of the Director of Works or of the Chief Executive Officer of Health to consent to the establishment of any offensive trade, or to the erection or extension of any premises, or by any conditions imposed by either of them when consenting in writing, may by motion, within 3 months after being notified of the refusal or the condition, as the case may be, appeal to the Supreme Court against such refusal or condition, as the case may be.

(2) The Supreme Court, after hearing the appellant and the respondent and any relevant evidence adduced by them or either of them, may direct that the respondent consent unconditionally or subject to such conditions as the Court thinks fit or that any condition imposed by the respondent be waived or amended or may make such other order in the premises as shall to the Court seem just.

REVISION NOTES 1997

The Health Ordinance 1959, No.19 appearing in this reprint comprised that Act amended as indicated below.

Section 2: The definition of Director has been replaced by a definition of Chief Executive Officer and corresponding amendments have been made throughout the Act, all as set out in sections 2 and 6 of the Health Amendment Act 1981, No.5 and the Schedule to that Act.

Section 4: The amendment set out in the Public Service (Special Posts) Act 1989, section 10(2) and the Third Schedule to that Act has been made to this section.

Section 7: The amendments and additions to this section specified in section 3 of the Health Amendment Act 1981 have all been incorporated into this section.

Section 9 & Section 10: Similarly the amendments and additions to these two sections specified in sections 4 and 5 respectively of the Health Amendment Act 1981 have all been incorporated into these sections.

The maximum fines specified in various sections and subsections (13 in all) have been amended in accordance with the Omnibus Fees and Charges Amendment Act 1988, No. 41 section 3 and the Schedule to that Act, and amendments have also been made to section 4(4) of the Health Amendment Act 1965 in accordance with 1988, No.41.

REVISION NOTES 2008

This law has been generally edited as provided for by section 5 of the *Revision and Publication of Laws Act 2008*. The following general revisions have been made –

- (a) References to Western Samoa have been amended to Samoa in accordance with an amendment to the Constitution of Samoa in 1997.
- (b) The fines have been amended and are stated as penalty units as provided for by the *Fines (Review and Amendment) Act 1998*.
- (c) All references to the male gender have been made gender neutral.
- (d) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (e) Amendments have been made to up-date references to offices, officers and statutes.
- (f) Other minor editing has been done in accordance with the lawful powers of the Attorney General.

The following amendments have been made to specific sections of the Act to incorporate amendments made by Act of Parliament passed since the publication of the *Western Samoa Statutes Reprint 1978-1996* –

By the Ministry of Health Act 2006 (No. 19) -

Section 2 The definitions of "Board", "Director-General", "Minister" and "Department" were deleted.

New definitions for "Chief Executive Officer", "Minister" and "Ministry" were inserted.

The words "Director-General" were deleted from the Act and replaced with "Chief Executive Officer" and the word "Department" was replaced with "Ministry".

This law has been consolidated and revised by the Attorney General under the authority of the *Revision and Publication of Laws Act 2008* and is an official version of this Act as at 31 December 2007. It is an offence to publish this Act without approval or to make any unauthorised change to an electronic version of this Act.

Revised and consolidated by the Legislative Drafting Division under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo (Parliamentary Counsel)

REVISION NOTES 2008 No. 2

The commencement date is inserted after the assent date under the general powers of the Attorney General. No amendment has been made to this law since the publication of the *Consolidated and Revised Statutes of Samoa 2007*.

This law has been consolidated and revised by the Attorney General under the authority of the *Revision and Publication of Laws Act 2008* and is an official version of this Act as at 31 December 2008. It is an offence to publish this Act without approval or to make any unauthorised change to an electronic version of this Act.

Revised and consolidated by the Legislative Drafting Division under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo (Parliamentary Counsel).

REVISION NOTES 2009

There were no amendments made to this law since the publication of the *Consolidated and Revised Statutes of Samoa 2007*.

This law has been consolidated and revised by the Attorney General under the authority of the *Revision and Publication of Laws Act 2008* and is an official version of this Act as at 31 December 2009. It is an offence to publish this Act without approval or to make any unauthorised change to an electronic version of this Act.

Revised and consolidated by the Legislative Drafting Division under the supervision of Papalii Malietau Malietoa (Parliamentary Counsel).

REVISION NOTES 2010

There were no amendments made to this law since the publication of the *Consolidated and Revised Statutes of Samoa 2007*.

This law has been revised by the Attorney General under the authority of the Revision and Publication of Laws Act 2008 and is an official version of this Act as at 31 December 2010. It is an offence to publish this Act without approval or to make any unauthorised change to an electronic version of this Act.

Revised by the Legislative Drafting Division under the supervision of Papalii Malietau Malietoa (Parliamentary Counsel).

The Health Ordinance 1959 is administered by the Ministry of Health