



ANGUILLA

A BILL FOR

PUBLIC HEALTH (AMENDMENT) ACT, 2016

Published by Authority

PUBLIC HEALTH (AMENDMENT) ACT, 2016

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I Assent

Christina Scott
Governor

Date

ANGUILLA

PUBLIC HEALTH (AMENDMENT) ACT, 2016

No. /2016

A BILL FOR

AN ACT to amend the Public Health Act, R.S.A. c P I25.

[Gazette Dated: , 2016] [Commencement: Assent under section 57 of the Constitution]

ENACTED by the Legislature of Anguilla

Interpretation

1. In this Act “the Principal Act” means the Public Health Act, R.S.A. c. P I25.

Amendment of section 1

2. Section 1 of the Principal Act is amended by—

(a) adding the word “Protection” after the word “Health” in the definition of “Department”;

(b) substituting the definition of “Director of Health Services” with the following—

“Chief Medical Officer” means the person referred to as such in section 6;”;

- (c) substituting the definition of “Environmental Health Officer” with the following—

“Environmental Health Officer” means the person referred to as such in section 6;”;

- (d) deleting the words “Director of Health Services” in the definition of “Medical Officer” and replacing it with the words “Chief Medical Officer”;

- (e) substituting the definition of “officer” with the following—

“officer” includes the Chief Medical Officer, other Medical Officers, Environmental Health Officers, Public Health Nurses and any other public officer who is a public health officer”;

- (f) substituting the definition of “Public Health Nurse” with the following—

“Public Health Nurse” means the person referred to as such in section 6; and

- (g) deleting the definitions of “Act” and “regulations”.

Repeal and substitution of section 6

3. Section 6 of the Principal Act is repealed and substituted with the following—

Chief Medical Officer and other public health officers

“6. There shall be appointed a Chief Medical Officer, other Medical Officers, Environmental Health Officers, Public Health Nurses and other public officers who are public health officers for the administration of this Act.

Repeal and substitution of section 7

4. Section 7 of the Principal Act is repealed and substituted with the following—

Delegation of Minister’s authority

“7. Subject to any direction of the Minister the Chief Medical Officer is authorised to carry out, exercise and perform the duties, functions and powers conferred on the Minister under this Act.”.

Insertion of section 7A

5. The following is inserted as section 7A of the Principal Act—

Medical Officer etc. in execution and administration of the Act

“7A. Every Medical Officer, Environmental Health Officer, Public Health Nurse and other public health officer may take any necessary step for the execution and administration of any provision of this Act and may call upon any person to assist him or her in the performance of those functions.”.

Repeal and substitution of section 10

6. Section 10 of the Principal Act is repealed and substituted with the following—

Regulations coming into force before publication

“10. (1) Where in the opinion of the Minister the time required for the publication of a regulation in the Gazette would be prejudicial to the public health by reason of any epidemic, outbreak of disease or any other emergency he may temporarily dispense with publication and the regulation shall be effective immediately.

(2) Notwithstanding subsection (1) the regulation shall be published in the Gazette as soon as possible and if not published within 30 days after it was made it shall cease to have any force or effect but without prejudice to the power of the Minister to make new regulations concerning the same subject matter.

(3) Where the Minister dispenses with publication under subsection (1) he shall publish the regulation by radio announcements, newspaper publication and affixing same to the doors and walls of public buildings.”.

Amendment of section 13

7. Section 13 of the Principal Act is amended by substituting the words “Director of Health Services” with the words “Chief Medical Officer”.

Citation

8. This Act may be cited as the—
Public Health (Amendment) Act, 2016.

Leroy C. Rogers

Speaker

Passed by the House of Assembly this day of , 2016

Lenox J. Proctor
Clerk of the House of Assembly

PUBLIC HEALTH (AMENDMENT) ACT, 2016

OBJECTS AND REASONS

The purpose of this Bill is to remove the reference to Director of Health Services and substitute it with Chief Medical Officer wherever it appears in the Act and to address ancillary matters.

The post of Director of Health Services existed in the public service prior to 2004 but the Act was not amended to reflect the new situation. That situation must have emasculated the purpose and usefulness of the Act.

The definitions of Chief Medical Officer, Environmental Health Officer and Public Health Nurse are replaced since those offices are offices in the public service thus no one can be appointed to them by virtue of section 6 of the Public Health Act.

The definition of “Department” is amended to reflect the correct name.

The definition of “Act” and “Regulation” are deleted since there is no need for those definitions.

Section 6 of the Act is repealed and substituted because the present section is badly drafted and lacks clarity.

Section 7 of the Act uses superfluous language and lacks clarity consequently it was redrafted and is reflected in the new clause 7 and clause 7A.

Section 10 of the Act is repealed and substituted. The present section refers to section 9 of the Act the purpose of which is unclear. Generally one sees the use of superfluous language and a lack of clarity.

Clause 13 substitutes the words “Director of Health Services” with the words “Chief Medical Officer”.

Rupert Jones
Honourable Attorney General