ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER P125

PUBLIC HEALTH ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 5/2001, in force 25 June 2001
Act 7/2016, in force 12 July 2016

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PUBLIC HEALTH ACT

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PUBLIC HEALTH ACT

Interpretation

1. In this Act—

"building" includes any public or private building, any house or dwelling place and any structure of whatever material constructed, but shall not include a temporary structure of poles and leaves or branches;

"Chief Medical Officer" means the person referred to as such in section 6;
(Act 7/2016, s. 2(b))

"Department" means the Department of Health Protection;
(Act 7/2016, s. 2(a))

"disease" includes any disease which, in any regulation respecting disease control, is listed, described or referred to as an infectious disease which is notifiable;

"drug" includes any substance or mixture of substances, whether intended for internal or external use, which is manufactured, sold or offered for sale for use in—

(a) the diagnosis, treatment, mitigation or prevention of a disease, or the symptoms thereof, in man or animal;

(b) restoring, correcting or modifying organic functions in man or animal; or

(c) disinfection in premises in which food is manufactured, prepared or kept, or for the control of vermin in such premises;

"Environmental Health Officer" means the person referred to as such in section 6;
(Act 7/2016, s. 2(c))

"food" includes ice and any article manufactured, sold or offered for sale as food or drink for man, as well as chewing gum and any ingredient that may be mixed with food or drink for any purpose whatever, but shall not include drugs;
(Act 5/2001, s. 1)

"Medical Officer" means a person duly appointed or authorised to act as a Medical Officer under this Act, and includes the Chief Medical Officer;
(Act 7/2016, s. 2(d))

"Minister" means the member of the Executive Council for the time being charged with the subject of health;

"nuisance" includes any act not warranted by law, or any omission to discharge a legal duty, which act or omission causes inconvenience or interferes with personal comfort, or is likely to be prejudicial to the public health or public safety;

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"occupier" includes the person in occupation or having the charge, management or control of any premises or building or part thereof, whether on his own account or on behalf of another person;

"offensive trade" includes any trade, business or manufacture from time to time listed or described as such in the regulations dealing with offensive trades and their suppression or control;

"officer" includes the Chief Medical Officer and other Medical Officers, Environmental Health Officers, Public Health Nurses and any other public officer who is a public health officer;
(Act 7/2016, s. 2(e))

"premises" includes lands, whether public or private, open or enclosed, built on or not, and all buildings, streets, docks, quays, wharves, streams, drains, privies, water closets, baths, sewage systems, ditches, vehicles, aircraft, ships, vessels, boats, hulks and barges;

"Public Health Nurse" means the person referred to as such in section 6;
(Act 7/2016, s. 2(f))

"street" includes any highway, bridge, road, lane, footway, footpath, yard, square, court, alley, or passage, whether a thoroughfare or not.

Duties, powers and functions of the Minister

2. The duties, powers and functions of the Minister shall extend to and include all matters relating to the promotion or preservation of the health of the people of Anguilla, and without restricting the generality of the foregoing, shall extend to and include—

(a) the prevention, treatment, limitation and suppression of disease, including the conduct of investigations and inquiries in respect thereof;

(b) the publication of reports, information and advice concerning public health, including advice to the Government, and the education of the public in the promotion and 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) subject to the provisions of any law dealing with the distribution and price of goods, the importation of foods and drugs, the sale and conditions of sale of foods and drugs in the interest of public health and the prevention of fraud or deception, and the seizure and destruction of foods and drugs which do not comply with the provisions of this Act or the regulations or of any other law of Anguilla; and

(e) the administration of this Act.

Exercise of the duties, powers and functions of the Minister

3. In the exercise of his duties, powers and functions under section 2, the Minister shall have power—

(a) exercisable through Environmental Health Officers and other officers, to enter into or upon any premises, with or without the consent of the owner or occupier, and make

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such inspection or examination thereof as may be deemed necessary for the purposes of this Act;

(b) to enter and inspect public or private institutions utilised for the physical care or custody of any person accommodated therein whether by process of law or otherwise, and to insure that such institutions are maintained in a proper and sanitary condition as regards public health; and

(c) to make such orders and issue such directions as he deems advisable for the abatement of a nuisance or the removal of any condition which, in his opinion, is or may become injurious to the public health, including structural alterations or repairs to premises necessary therefor or in respect of any other matter that, in his opinion, is necessary for the purpose of this Act.

Establishment of health and sanitation districts

4. The Minister may establish health or sanitation districts for Anguilla, fix the boundaries thereof, and assign duties and functions in relation thereto to such officers as he may deem necessary.

Establishment of boards and committees

5. (1) The Minister may establish boards and committees to assist and advise him on matters relating to his duties, powers or functions under this Act. Such boards and committees may be established for the whole of Anguilla or for any specified area or areas thereof as he may from time to time deem necessary. He may delegate to such boards and committees such duties, powers and functions as he deems advisable.

(2) Any board or committee so established shall consist of such persons as in the opinion of the Executive Council are representative of some aspect of public health and, without limiting the generality of the foregoing, may include representatives of agriculture, labour, management, education, women's organisations, or medical or paramedical professions.

(3) Members of such boards or committees shall be appointed by the Executive Council to hold office during pleasure for a period not exceeding 3 years, but any person so appointed shall be eligible for re-appointment.

Chief Medical Officer and other public health officers

6. (1) 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.

(Act 7/2016, s. 3)

(2) 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.

(Act 7/2016, s. 4)

Functions of Medical Officer, etc. in execution and administration of the Act

7. 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.

(Act 7/2016, s. 5)

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Regulations

8. (1) The Minister may, with the approval of the Executive Council, make regulations for the proper execution and carrying out of the purposes and provisions of this Act generally, and in particular with respect to the following matters—

(a) prescribing forms;

(b) respecting the duties and functions of officers and prescribing qualifications therefor;

(c) the prevention, treatment, mitigation and suppression of disease, and, without limiting the generality of the foregoing—

(i) the listing or scheduling of diseases, including infectious diseases, notifiable diseases, or other diseases dangerous to the public health,

(ii) the reporting of cases or suspected cases of infectious or notifiable diseases,

(iii) the supplying of medical aid, accommodation and medicine and such other articles or things as may be necessary for preventing, mitigating, controlling or suppressing an epidemic or any infectious or other disease,

(iv) the removal, isolation or keeping under surveillance of persons living in localities which are declared by the Minister to be infected localities,

(v) preventing persons or conveyances from passing from one infected locality to any other locality,

(vi) detaining for inspection or disinfection persons or conveyances that have been exposed to infection in an infected locality,

(vii) the cleansing, purification and disinfection of places and things used by persons suffering from an infectious disease,

(viii) the establishment of quarantine or isolation hospitals and the placing therein of persons having an infectious disease or any disease dangerous to the public health,

(ix) the treatment of persons who are infected with infectious disease or disease dangerous to the public health, including the observation of persons suspected to be so infected and the removal of persons from unhealthy houses or who are living in congested or under unhealthy circumstances,

(x) regulating the entry or departure by aircraft, ships, vessels or boats to or from any place in Anguilla, and the landing and disinfection of passengers or cargoes thereon,

(xi) the inspections and house-to-house visitations by officers as may be necessary for the control, prevention, mitigation or suppression of disease,

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(xii) the compulsory vaccination or inoculation of persons residing in or entering Anguilla not already vaccinated or inoculated or not sufficiently protected by previous vaccination or inoculation, and the supply and quality of vaccine matter and serum,

(xiii) the compulsory examination by clinical and bacteriological or other methods and by specified tests of persons and, if necessary, the compulsory detention and treatment of persons infected or suspected of being infected with any infectious or notifiable disease or disease dangerous to the public health,

(xiv) the closing of schools, churches and places of public assembly or entertainment for the purpose of preventing or controlling the spread of disease,

(xv) the location, construction, inspection, control, licensing, operation and maintenance of nursing homes, maternity homes, convalescent homes, private hospitals, homes for children, for the aged or infirm, and homes for physically or mentally handicapped persons, including the compulsory removal of aged, helpless and uncared-for persons to public institutions,

(xvi) the protection of the health of persons exposed to conditions, substances or processes which occur in any industry or occupation and which may be injurious to health, and

(xvii) quarantine or other measures to be taken by and in respect of persons suffering from any infectious or notifiable disease;

(d) for preventing the overcrowding of premises used for human habitation or business purposes, the amount of floor and air space for each occupant thereof and the lighting and ventilation of such premises;

(e) respecting the site, construction, plumbing, sewage disposal and sanitary conditions of buildings used for human habitation or for business purposes, and for the periodical inspection thereof;

(f) respecting the location and construction of water closets, cesspools, cesspits, privies, drains, sewage systems and sewers, and their cleansing;

(g) for the inspection, cleansing, purifying, ventilating and disinfecting of premises by the owners, occupiers and persons having the care and charge thereof;

(h) for the protection of water from contamination and pollution and, without limiting the generality of the foregoing, for—

(i) the inspection and approval of sources of supply, and the conditions, if any, on which such approval is granted,

(ii) the testing and analysis of water,

(iii) the construction, alteration, maintenance and purification of water supplies and water distribution systems,

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(iv) the supervision and control of any river, stream, spring or part thereof contributing to a public water supply,

(v) the regulation and prohibition of persons bathing, washing clothes or cleansing vehicles, utensils or animals at or in any river, stream, or spring, or part thereof contributing to a public water supply, or at any part of a domestic water system,

(vi) prescribing or limiting the purpose for which water may be used and prescribing or defining the manner in which it shall be used and distributed, and

(vii) the disposal of waste water and effluents;

(i) respecting matters or conditions which shall be deemed to constitute a nuisance and the prevention, abatement or removal of nuisances and unsanitary conditions on public or private property which are or may become injurious to the public health;

(j) respecting the sanitary disposal of garbage and other waste matter including—

(i) the fixing of times for collection and removal,

(ii) the method of removal and disposal,

(iii) the place of disposal, and

(iv) the duties of owners and occupiers of premises in relation to the disposal of garbage and waste matter;

(k) respecting the method of the carrying on of a trade, business or manufacture that may become offensive or that by regulation is declared to be offensive or that may affect the public health;

(l) respecting the keeping of domestic animals including dogs, poultry, swine, goats, sheep, horses, mules, donkeys and cattle, and the places where such animals or poultry may or may not be kept and the control or supervision to be exercised by the owner;

(m) respecting the slaughtering or killing of animals and poultry for use as food for human consumption, the place and manner of slaughter, the construction, conduct, control, cleanliness, maintenance, licensing and inspection of places therefor, including the enclosures thereto or in connection therewith;

(n) for the examination of animals and poultry before and after slaughter and of meat thereof and the actions to be taken resulting from such examination;

(o) for the medical examination and the registration and licensing of persons engaged in the slaughter of animals and poultry;

(p) for the disposal of dead animals, including the imposing on any authority or person the duty of disposing thereof;

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(q) for the control and destruction of rodents, mosquitoes and other insects, termites, snails, bats and other vermin, and for the licensing and control of persons engaged in the business of their destruction;

(r) regulating dairies and any premises where any business in relation to the production, reconstitution, sale, delivery or distribution of milk is carried on, including the construction, equipping, maintenance, licensing and inspection of such places, the medical examination and licensing of persons engaged therein, and the pasteurization and labelling of milk;

(s) the inspection and testing of cattle and goats, the milk of which is intended for sale for human consumption;

(t) nominating a Competent Authority for the purpose of certification for export of any fishery products;

(Act 5/2001, s. 2)

(u) prescribing measures to be taken for the protection of the public health with respect to the production, preparation, manufacture, storage, distribution and sale of food intended for human consumption, and without limiting the generality of the foregoing—

(i) for the licensing and inspection of shops, restaurants and other eating establishments, including hotels and all other buildings or premises where any food, cooked or uncooked, is sold or prepared for sale, whether to be consumed on such premises or to be taken therefrom for the purpose of human consumption,

(ii) for the location, construction, furnishing and equipment, cleanliness and maintenance of any building or premises or other place in which any article of food is manufactured, prepared, handled, stored or sold and in particular, without limiting the generality of the foregoing—

(A) bakeries, bakeshops and bread shops,

(B) meat and butcher shops,

(C) dairies and milk shops,

(D) grocery and provision shops,

(E) markets,

(F) street vending of foods,

(G) aerated water factories or plants,

(H) ice factories and other places where ice is manufactured, and

(I) confectionary and ice cream shops, including places where ice cream is manufactured,

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(iii) for the licensing and inspection of premises where any article of food is manufactured, prepared, packed, handled, stored or sold,

(iv) regulating and prohibiting the sleeping in bakeries, shops, or places where food is manufactured, prepared, kept, stored or sold for human consumption,

(v) for the medical examination, registration and licensing of persons engaged in the handling of foods, and

(vi) regulating the supply and treatment of water used in any aerated water factory or ice factory or other place or places in which food is manufactured, processed, prepared, packed, stored or sold;

(vii) closing of food premises that do not comply with the provisions of the Act;
(Act 5/2001, s. 2)

(v) respecting—

(i) the labelling and packaging and the offering, exposing and advertising for sale of foods, drugs, cosmetics and devices,

(ii) the sale or condition of sale of any food, drug, cosmetic or device, and the use of any substance as an ingredient in any food, drug, cosmetic or device, and

(iii) the seizure, forfeiture and destruction of any food, drug, cosmetic or device, the sale of which would not be in accordance with, or would be in violation of, the regulations;

(w) prescribing standards of identity, composition, strength, potency, purity, quality or other property of any article of food, drug, cosmetic or device;

(x) respecting the conditions under which foods, drugs, cosmetics and devices may be imported into Anguilla, subject to any law relating to customs, excise or revenue;

(y) exempting any food, drug, cosmetic or device from any or all of the provisions of this Act or of the regulations, and prescribing the conditions of such exemptions;

(z) requiring persons who sell foods, drugs, cosmetics or devices to maintain such books and records as the Minister may consider necessary for the proper enforcement and administration of this Act and of the regulations;

(aa) respecting the powers and duties of Environmental Health Officers and analysts and the taking of samples and the seizure, detention, forfeiture and disposition of articles;

(ab) establishing schedules of drugs, the sale of which is subject to special conditions in the interest of the public health;

(ac) for the purposes only of the preservation of the public health, respecting the inspection, control, licensing, operation and maintenance of hotels, apartment buildings, motels, boarding houses, lodging houses and other places where accommodation is provided for cash or other consideration;

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(ad) for the forcible entry into premises to which this Act or the regulations apply, where the owner or occupier does not give permission for the inspection and examination thereof, or where the owner or occupier cannot be located;

(ae) respecting the cleanliness, inspection and licensing of barbers, beauticians, barber shops, hairdressing and beauty shops;

(af) for the inspection and control of bathing beaches and swimming pools, including the sanitation, accommodation, sanitary conveniences and water supply;

(ag) for the medical and dental inspection and treatment of school children, the removal of children from school, and the closing of schools in the interest of the public health;

(ah) for the interment or other disposal of the dead, the preparation and transportation of dead bodies, the entry of dead bodies from outside Anguilla, the regulation and inspection of undertaking establishments, morgues, crematoria and other places used in connection therewith, the licensing thereof, and the management and maintenance of cemeteries and the conditions under which new cemeteries may be established;

(ai) respecting the performance of post-mortem examinations;

(aj) prescribing fees for licences granted under this Act or the regulations;

(ak) prescribing penalties not exceeding the sum of $5,000 on summary conviction for the infringement of any regulation.

Scope of Regulations

9. Regulations made under this Act may be made to have effect throughout Anguilla or be limited to such parts or areas thereof as may be specified.

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 public health by reason of any epidemic, outbreak of disease or 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 announcement, newspaper publication and affixing a copy of the regulation to the doors and walls of public buildings.

(Act 7/2016, s. 6)

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Offences and penalties generally

11. Any person who—

(a) refuses to answer, or knowingly gives an untrue answer, to any enquiry made or addressed to him by an officer acting under the authority of this Act or of the regulations, or intentionally withholds any information from or knowingly furnishes any false information to such officer;

(b) refuses or omits to do any act which he is required to do by this Act or the regulations, or to carry out any order, instruction or condition lawfully made, given or imposed by any officer or other person acting under the authority of this Act or the regulations;

(c) assaults, resists, wilfully obstructs, intimidates, uses abusive language to or interferes with any officer or other person acting under the authority of this Act or the regulations;

(d) offers or gives any bribe to an officer or other person acting under the authority of this Act or the regulations in connection with his duties or powers thereunder, or being such officer or other person as aforesaid, demands, solicits or accepts such a bribe;

(e) obstructs in any manner whatsoever an officer in the proper execution or administration of this Act or the regulations; or

(f) fails or neglects to carry out or infringes any provision of this Act or of the regulations;

is guilty of an offence and is liable upon summary conviction, where no other penalty is specifically imposed therefor, to a fine of $2,500 or to imprisonment for a term of 6 months or to both.

Limitation of proceedings

12. A prosecution under section 11 or under the regulations, may be instituted at any time within 12 months from the time the subject matter of the prosecution arose or the offence was committed, whichever is later.

Who may lay information

13. Any information may be laid or prosecution instituted by the Attorney General or by or on behalf of the Chief Medical Officer or with the consent of the latter, by any other officer.

(Act 7/2016, s. 7)

Liability of employer

14. In a prosecution under this Act or the regulations, it shall be sufficient proof of the offence to establish that it was committed by an employee or agent of the accused or by a person ostensibly in his employment, whether or not he is identified or has been prosecuted for the offence, and the employer or principal may be prosecuted and convicted together with or instead of such employee or agent unless he proves that the offence was committed without his knowledge and consent and that he exercised all due diligence to prevent the commission of the offence.

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Reference to owner or occupier of premises

15. Whenever in any notice or any proceedings under the provisions of this Act or the regulations it becomes necessary to mention or refer to the owner or occupier of any lands or premises, it shall be sufficient to designate him as the "owner" or "occupier" of the premises (naming them) without further name or description.

Service of notices and documents

16. Any notice, order or other document made or given under this Act or the regulations may be served by delivering the same or a true copy thereof either to the person to whom it is addressed or to his usual or last known place of abode or business or, when addressed to the owner or occupier, then to some adult person on the premises, or if there is no such person, then by affixing one copy of the notice or other document to some conspicuous part of the premises, and in case of emergency, any such notice, if verbally given to the person whom this Act or the regulations require to be served or notified, shall be sufficiently given.

Action may be taken at expense of owner or occupier

17. (1) If a notice or order requires action to be taken within a time specified therein, either as regards the structural alteration, demolition or closure of premises, or the removal or abatement of a nuisance or other thing required of the owner or occupier under this Act or the regulations and it is not done within the time so provided, then, after the expiration of the time specified in the notice, or, if an appeal has been made against the notice or order and upon appeal the notice or order has been confirmed with or without variation, after the expiration of 14 days from the final determination of the appeal, or of such longer period as the Court in determining the appeal may fix, a Medical Officer or an Environmental Health Officer may proceed to have the same done at the expense of the owner or occupier, as the case may be.

(2) Any expenses incurred by the Medical Officer or Environmental Health Officer under this section may, subject as hereinafter provided, be recovered by him by action or summarily as a civil debt, from the person having control of the premises, or if such person receives the rent of the premises as agent or trustee for some other person, then either from him or from that other person or in part from him and as to the remainder from that other person, but, if the person having control of the premises proves that he—

(a) is paying rent to such other person or is receiving rent merely as agent or trustee for such other person; and

(b) has not, and since the date of the service on him of the notice or order as aforesaid has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the Medical Officer or Environmental Health Officer;

his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid.

(3) In all proceedings by a Medical Officer or Environmental Health Officer for the recovery of any such expenses, the time within which the proceedings may be taken shall be reckoned from the date of the demand therefor or, if an appeal is made against that demand, from the date on which the demand becomes operative.

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(4) No action taken under this section shall prejudice or affect any other powers of a Medical Officer or an Environmental Health Officer or any remedy available to a tenant against his landlord or an agent against his principal, either at common law or otherwise.

Remedies by persons aggrieved by notices, etc.

18. (1) Any person aggrieved by—

(a) a notice or order under this Act or the regulations requiring action to be taken thereon;

(b) a demand for the recovery of expenses incurred by a Medical Officer or an Environmental Health Officer in carrying out the action or executing the works specified in such notice or order;

(c) an order made by a Medical Officer or an Environmental Health Officer with respect to any such expenses;

(d) a demolition order under this Act or the regulations;

(e) a closing order under this Act or the regulations or a refusal to determine such a closing order; or

(f) a withholding of approval in relation to the use for any purpose of premises in respect of which a closing order is in force;

may within 21 days after the date of the service of the notice, demand or order or after the refusal, as the case may be, appeal therefrom to a Judge of the High Court, and, save in an emergency in which the public health is threatened by an epidemic of communicable or other disease, no proceedings shall be taken by a Medical Officer or an Environmental Health Officer to enforce any notice, demand or order in relation to which an appeal is brought, before the appeal is finally determined, but on an appeal under paragraph (b) or (c), no questions shall be raised which might have been raised on an appeal against the original notice or order requiring action to be taken by the owner or occupier as aforesaid.

(2) On an appeal under this section, the Judge may make such order either confirming or quashing or varying the notice, demand or order as he thinks fit, and he may, if he thinks fit, on an appeal against a notice requiring the execution of works to a house, include in his judgment a finding whether the house can or cannot be rendered fit for human habitation at a reasonable expense.

(3) For the purposes of this and section 17, the withdrawal of an appeal shall be deemed to be a final determination thereof, having the like effect as a decision confirming the notice, demand or order or decision appealed against.

Document or writing signed by Minister or officer to be admissible in evidence

19. In any proceedings under this Act or the regulations, any notice, order or other document or writing purporting to be signed by the Minister or by an officer acting under this Act or the regulations shall be admissible in evidence in a prosecution for a violation of this Act or the regulations and shall be *prima facie* proof of the statements contained therein; but no such document or writing shall be receivable in evidence unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced, reasonable notice of such intention

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together with a copy of the document or writing, and the party against whom it is produced may require the attendance of the person signing the same for the purpose of cross-examination.

Onus of proof

20. Where any act or thing is by this Act or the regulations prohibited or prescribed, the duty of seeing that such prohibition or prescription is complied with rests upon the person to whom the prohibition or prescription relates, whether owner, occupier, operator or other person, and in any prosecution under this Act or the regulations, the burden of proving that such prohibition or prescription was complied with shall rest upon such person.

Exemption from liability of officers acting *bona fide*

21. No action, suit, proceeding or claim shall lie against any officer for anything *bona fide* done, directed or authorised by him under this Act or the regulations.

Powers under Act, etc., to be additional

22. All powers given by this Act or the regulations shall be in addition to, and not in derogation of, any other powers conferred by any other Act, or regulation, and such other powers may be exercised in the same manner as if this Act had not been passed; and nothing in this Act or the regulations shall exempt any person from any penalty to which he would have been subject if this Act had not been passed, but so that no person shall be punished twice for the same offence.

Citation

23. This Act may be cited as the Public Health Act, Revised Statutes of Anguilla, Chapter P125.

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