Revised Regulations of Anguilla: P125-6

PUBLIC HEALTH ACT (R.S.A. c. P125)

MOSQUITO AND SANDFLY CONTROL REGULATIONS

Note: These Regulations are enabled under section 8 of the Public Health Act, R.S.A. c. P125.

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Interpretation

1. In these Regulations—

"authorised person" means a person acting under the authority of the Director of Health Services;

"Department" means the Department of Health;

"inspect premises" means inspect premises to ascertain the presence of mosquitoes or sandflies, and to examine any water in or upon or around any premises whether contained in a receptacle or not, for the purpose of ascertaining whether it contains any of the immature stages of mosquito growth;

"occupier" includes the owner of premises, where the circumstances so indicate, and means the owner where the premises are otherwise unoccupied;

"treat premises" means treat all buildings and other structures and their contents and any water in or upon or around the premises whether contained in a receptacle or not, by any technique ordered by the Director of Health Services.

Treatment of premises

2. It shall be lawful for any authorised person to treat premises when ordered by the Director of Health Services so to do.

Treatment of boats

3. It shall be lawful for any authorised person to treat any vessel or aircraft when ordered by the Director of Health Services so to do, and for the purposes of notification, treatment, access and other provisions of these Regulations, such vessel or aircraft shall be deemed to be premises.

Inspection of premises

4. A Medical Officer, Environmental Health Officer or authorised person may enter any premises between the hours of 7 a.m. and 6 p.m. to inspect premises and to discover whether the provisions of these Regulations are being complied with, and to carry out such work as may be provided or authorised by these Regulations, but in the case of business premises the inspection and work shall take place during any period of time in which the business is normally in progress.

Notice of treatment

5. The Director of Health Services or an authorised person shall either verbally or in writing notify the occupier of premises to be treated and of the time fixed for such treatment and, where practicable, such notice shall be given at least 24 hours beforehand, but when the Director of Health Services declares a Mosquito Control Programme to be in effect, it shall be sufficient to announce over the government broadcasting service those areas where the treatment of premises will be occurring.

Duties of occupier

6. When notified that premises are to be treated, the occupier shall take such steps as the notice may require.

Covered drains and sewer traps

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

(2) A sewer trap shall be placed in a position which is easily accessible for inspection.

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(3) The covers of inspection chambers and sewer traps shall be sealed so as to deny mosquitoes access or exit around them, and shall be so resealed by the occupier after inspection.

Drinking water for animals

8. All receptacles used to provide drinking water for animals shall be such as can be quickly and completely emptied at any time.

Water and receptacles capable of breeding mosquitoes

9. If an authorised person finds any water or any receptacle capable of breeding mosquitoes, he shall, according to his judgement and the circumstances of the case—

(a) apply the larvicide or other approved treatment used by the Department;

(b) require the owner or occupier to apply an approved larvicide or other treatment;

(c) require the owner or occupier of the premises to stock and maintain the water with larvivorous fish of a species approved by the Director of Health Services;

(d) require the owner or occupier to render and keep the receptacle mosquito proof;

(e) render the receptacle, if it is of little or no commercial value, incapable of holding water; or

(f) report the matter to the Director of Health Services or an Environmental Health Officer.

Inspection cards

10. Any authorised person may affix a card or other document to any tank or vat or in a conspicuous position on any premises for the purpose of recording notes of any inspection of a tank or other receptacle containing water, and no unauthorised person may remove or deface any such card or document.

Roof gutters

11. (1) Roof gutters and down-pipes attached to any premises shall have sufficient capacity and fall to ensure that rain water will not be retained at any point and shall be maintained in good repair and free from obstruction.

(2) Wherever there are roof gutters or down-pipes, attached to any premises, the owner or occupier shall arrange that the roof gutters and down-pipes shall be accessible for inspection.

(3) If an authorised person finds any roof-gutter attached to any premises, in a state capable of retaining water in which mosquitoes are likely to breed, he shall give notice thereof in writing to the owner or occupier of the premises, and if within 24 hours such owner or occupier fails to remedy the condition notified or such roof gutter is subsequently found to be in a condition liable to breed mosquitoes, such authorised person shall take any remedial steps which he considers necessary.

(4) Owners or occupiers of premises shall prevent all trees and shrubs from overhanging roof gutters on their own or adjacent premises.

Storing of water

12. (1) Water may be stored in barrels, drums, tanks, wells and underground or surface cisterns, but either such containers shall be mosquito-proofed, or such containers be constantly stocked with an approved species of larvivorous fish provided and maintained by the owner or occupier of the premises.

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(2) The owner or occupier of premises shall so construct and place all barrels, drums, tanks, wells, cisterns and other receptacles intended for the storage of water in such a manner and position that their contents are accessible for inspection.

(3) All water tanks shall be placed not less than 6 inches from the nearest wall and not less than 15 inches from the nearest part of the ceiling or roof, but automatic flushing tanks may be affixed to, or placed within 6 inches of a wall, if inspection of the contents thereof is convenient.

(4) Pools, ponds, antiformicas, excavations, openings or structures made for any purpose whatsoever which can contain water shall be kept stocked with an approved species of larvivorous fish or shall be treated by any technique approved by the Director of Health Services so as to prevent the breeding of mosquitoes.

Drainage of water from buildings and premises

13. Except as provided in section 12—

(a) no part of any building or structure shall be so constructed as to be capable of retaining water; and

(b) upon notice in writing being given by the Department to the owner or occupier of the building or structure that any part thereof is capable of retaining water, such owner shall forthwith cause that part to be constructed in accordance with the provisions of paragraph (a).

Water accumulation under taps

14. No water shall be allowed to accumulate or become stagnant under any tap, pipe or other device for supplying water.

Cemeteries

15. (1) A flower vase, jar, jardiniere or other ornamental article in a cemetery shall not be allowed to contain water and shall be permanently filled with sand.

(2) A mausoleum, vault or burial urn in a cemetery shall be maintained in such a condition as not to collect water.

(3) The owner or occupier of a cemetery shall be responsible for ensuring that water does not collect in any excavation or tomb therein.

Prevention of artificial and natural breeding sites

16. (1) Premises shall be kept in a clean and sanitary manner and all empty bottles or tins, coconut shells, uncovered barrels, boxes, tyres and any other articles shall be so kept, stored or dealt with as to prevent water collecting therein.

(2) Owners or occupiers of premises shall keep trimmed and free from mosquito larvae all trees, shrubs, hedges and plants.

Execution of provisions

17. The Director of Health Services may authorise such persons as he thinks fit to do anything which may be necessary for carrying out the provisions of these Regulations.

Rights of assistants

18. Any person assisting an authorised person in the carrying out of the provisions of these Regulations shall have all the rights, powers and immunities of the authorised person.

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Hindrance or obstruction prohibited

19. No person shall hinder, obstruct or unreasonably delay, or use abusive language to, any authorised person whilst such authorised person is acting under or carrying out the provisions of these Regulations.

Closed premises

20. (1) Where it appears to the Director of Health Services or an authorised person that any premises visited in pursuance of these Regulations are closed, the Director of Health Services or authorised person may cause to be affixed in a conspicuous position thereon a notice requiring the owner or occupier thereof to arrange with the Department to have such premises inspected within a specified period.

(2) After the expiration of the specified period from the time of posting up the notice and if all reasonable efforts to find the owner or occupier have failed, then it shall be lawful for an authorised person in the presence of a member of the Police Force to gain access to the premises, by force if necessary, to carry out the provisions of these Regulations.

(3) Immediately after carrying out what work is necessary, the premises shall be sealed by the person carrying out such work in the presence of a member of the Police Force.

Repair of consequential damage

21. An authorised person acting under the powers of section 20 shall take reasonable care to ensure that the premises and any articles thereon are not left in a worse condition, and in particular he shall take any action that notification under section 5 would require of the owner or occupier, and as soon as the work is complete, he shall repair any damage done in obtaining entry to the premises.

Access to sealed premises

22. No person, except the owner or occupier, shall enter any premises sealed by virtue of these Regulations unless authorised by the Department so to do.

Land reclamation

23. (1) Whoever—

(a) reclaims or attempts to reclaim land by hydraulic means shall ensure that the boundaries of the land to be reclaimed shall be so protected by dykes within the landowner's boundaries as to prevent the spillage of any material on to land outside such boundaries;

(b) reclaims or attempts to reclaim land shall ensure that the newly established land level, after settlement, shall be not less than 3 feet above the level of the highest seasonal soil water and if, in the opinion of the Director of Health Services, any land so reclaimed is below the level required by this paragraph, the person responsible for the reclamation shall bring up the level in compliance with such directions as shall be given to him by the Director of Health Services;

(c) constructs or has under his control any marina, canal, causeway or reclaimed land shall construct and maintain such marina, canal, causeway or reclaimed land with vertical sides revetted by concrete, wood piling or other method approved from time to time by the Department; or

(d) reclaims land shall make adequate provision for storm drainage so that rain catchment shall not be channelled on to other land.

(2) Whoever contravenes this section is guilty of an offence, and is liable upon summary conviction to a fine of $2,500 or to imprisonment for a term of 6 months or to both and, in the case of a continuing offence to

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a further fine of $1,000 for each day or part thereof during which the offence continues after a conviction is first obtained.

Penalty

24. (1) Subject to subsection (2), a person who contravenes any of the provisions of these Regulations is guilty of an offence and on summary conviction is liable, where no other penalty is specifically imposed therefor, to a fine of $1,000, and in the case of a continuing offence to a further fine of $50 for each day or part thereof during which the offence continues after a conviction is first obtained.

(2) The provisions of subsection (1) shall not apply to the Director of Health Services, Environmental Health Officer or authorised person for failure to perform any official duty required to be performed by these Regulations.

Duty of compliance on owner and occupier

25. Where in respect of any premises any act or thing is by any of these Regulations either declared to be prohibited or prescribed to be done, the duty of seeing that such prohibition on requirement is complied with shall rest upon both the owner and the occupier for the time being of the premises and in the event of a breach of any of the Regulations either the owner or occupier or both are liable to be prosecuted, but the Magistrate may dismiss the charge against either, notwithstanding his default, if the Magistrate is satisfied that under the terms of any contract between them it was the duty of the other to perform the obligation in respect of which the offence was committed, and that in the circumstances it would be in the interest of justice to dismiss the charge.

Citation

26. These Regulations may be cited as the Mosquito and Sandfly Control Regulations, Revised Regulations of Anguilla, P125-6.

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