Revised Regulations of Anguilla: P125-8

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

OFFENSIVE TRADES REGULATIONS

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

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SCHEDULE: Consent of the Director of Health Services to the Establishment and Carrying on of an Offensive Trade

Interpretation

1. In these Regulations, "offensive trade" means—

(a) blood or offal boiling or treating;

(b) bone boiling or crushing;

(c) chicken hatcheries, chicken farms or poultry units;

(d) candle making, where tallow is rendered on the premises;

(e) the curing, tanning or storing of hides;

(f) fellmongering;

(g) gut scraping;

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(h) lime making;

(i) manufacture of gases;

(j) manufacture of material for manure or fertilizers;

(k) the slaughtering of animals or poultry; or

(l) soap boiling or soap manufacture.

Restriction on establishing and carrying on of offensive trades

2. (1) No person shall establish or carry on any offensive trade without the consent in writing of the Director of Health Services.

(2) Any person who establishes or carries on an offensive trade in contravention of subsection (1) is liable on summary conviction to a fine of $1,000, and any person who carries on an offensive trade so established is liable on summary conviction to a fine of $120 for every day on which he carries on the trade after having been convicted in respect of the establishment thereof or, where he has not been so convicted, after receiving notice from the Director of Health Services to discontinue the trade, but in no case shall the penalty payable in respect of the carrying on of the trade after conviction or notice from the Director of Health Services, as the case may be, exceed the sum of $2,500.

(3) Any consent of the Director of Health Services under these Regulations to the establishment of an offensive trade may be given so as to authorise the carrying on of the trade for a limited period specified in the consent, and for such extension of that period as may from time to time be granted by the Director of Health Services. Any person carrying on the trade after the expiration of the period so specified, or any extension thereof, as the case may be, is liable on summary conviction to a fine of $120 for each day on which he carries on the trade after notice from the Director of Health Services stating that the period, or, as the case may be, the period as extended, has expired, but in no case shall the penalty payable exceed the sum of $2,500.

(4) Any person aggrieved by the refusal of the Director of Health Services to consent under these Regulations to the establishment of a trade or by any time limit attached to his consent, or by his refusal to extend such a time limit, may appeal to the Minister in the first instance. Further appeal shall be to the Magistrate.

(5) For the purposes of these Regulations, an offensive trade shall be deemed to be established not only when it is established in the first instance, but also if and when—

(a) it is transferred or extended from the premises on which it is for the time being carried on to other premises;

(b) it is resumed on any premises on which it was previously carried on; or

(c) the buildings in which it is carried on are enlarged or substantially altered in any way;

but in any change of ownership a fresh consent shall be deemed to be necessary.

Forms of consent

3. The consent of the Director of Health Services for the purpose of these Regulations shall be given in the form contained in the Schedule, or in such form as may from time to time be approved by the Minister.

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Erection or use of buildings for offensive trade

4. No building shall be erected, converted or used for any offensive trade unless the location, site, plans and specifications for the offensive trade for which the building is to be used have been submitted and approved by the Director of Health Services.

Offensive hides of animals

5. No person shall have, keep, or receive on any premises owned or occupied by him the fell or hide of any animal which is offensive or which may injuriously affect the health or comfort of individuals or the public.

Duty to carry on offensive trades in a reasonable and proper manner

6. Notwithstanding a consent in writing from the Director of Health Services to the establishment or carrying on of an offensive trade, the person so licensed shall take all reasonable steps to prevent any gases, vapours or effluvia from being a nuisance or being injurious to the public health by—

(a) preventing the occurrence of any offensive gases, vapours or effluvia; or

(b) rendering innocuous such gases, vapours or effluvia emitted as a result of the offensive trade.

Requirements of the Director of Health Services in respect of offensive trades

7. Every building or premises in which any offensive trade is carried on and all the utensils and equipment therein shall at all times be kept in a clean and sanitary condition and in good repair to the satisfaction of the Director of Health Services, or an officer duly authorised to act on his behalf.

Disposal of waste

8. All waste matter shall be dealt with, handled and disposed of in such manner as the Director of Health Services directs.

General penalty

9. Any person who acts in contravention of or fails to comply with a provision of any of these Regulations for which no specific penalty is provided is liable on summary conviction to a fine of $500.

Remedies for nuisance not excluded

10. Nothing in these Regulations shall be construed so as to exclude any person injured by an offensive trade from pursuing his legal or equitable remedies therefor as a nuisance if such it is.

Citation

11. These Regulations may be cited as the Offensive Trades Regulations, Revised Regulations of Anguilla, P125-8.

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SCHEDULE

(Section 3)

THE OFFENSIVE TRADES REGULATIONS
MADE UNDER THE PUBLIC HEALTH ACT

CONSENT OF THE DIRECTOR OF HEALTH SERVICES TO THE ESTABLISHMENT AND CARRYING ON OF AN OFFENSIVE TRADE

To: Mr/Mrs …… of ……...……..……..……..

Permission is hereby granted to you to establish and carry on the trade of ……..…

situated at ……...…… in accordance with the requirements of the above-mentioned Regulations, subject to ……..……..…

……...……

*(indefinitely) (for a period of) ……..……..…….……..……..…… .

……..……..
Director of Health Services

** Delete inappropriate words*

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