

ST HELENA

REVISED EDITION OF THE LAWS 2017

PUBLIC HEALTH & SAFETY

PUBLIC HEALTH ORDINANCE, 1939¹

*Ordinance 9 of 1939
In force 6 October 1939*

*Amended by Ordinances 4 of 1941, 4 of 1952, 3 of 1956, 15 of 1966, 1 of 1987, 2 of 2007,
7 of 2010 (as rectified by L.N. 15/2010), 17 of 2016, 14 of 2017,
12 of 2020 and by L.N. 4/1967*

Subsidiary legislation:

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**PUBLIC HEALTH (PREVENTION OF FORMIDABLE
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(Application extended by L.N. 3 of 2021)

PUBLIC HEALTH ORDINANCE, 1939

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AN ORDINANCE to amend and consolidate the law relating to public health.

PART I PRELIMINARY

Short title

- 1. This Ordinance may be cited as the Public Health Ordinance, 1939.

Interpretation

- 2. In this Ordinance, unless the context otherwise requires—
 - “**Board**” means the Health Protection Board established by section 3;
 - “**building**” and “**house**” include hotels, schools, also factories and other buildings in which persons are employed and the curtilage of a building or house;
 - “**Committee**” means a Council Committee;
 - “**hospital**” means any premises or vessels for the reception of the sick, whether permanently or temporarily applied for that purpose;
 - “**infectious disease**” has the meaning given to that term by section 32;
 - “**Inspector**” means a Public Health Inspector appointed under section 4(1);
 - “**isolation hospital**” means a hospital for the reception of persons suffering from infectious diseases;
 - “**occupier**”, in the case of a building or part of a building, means the person in occupation or having the charge, management or control of it, either on the person's own account or

as the agent of another person; and in the case of a ship means the master or other person in charge of it;

“**owner**” means the person for the time being receiving the rent of the premises in connection with which the word is used, whether on the person’s own account or as agent or trustee for any other person, or who would so receive the rent if the premises were let;

“**premises**” includes lands, buildings, vehicles, structures of any kind, streams, drains, ditches or places open, covered or enclosed, whether built on or not, and whether natural or artificial, and any ship lying in port or harbour in St Helena;

“**privy accommodation**” includes water-closets, earth-closets, privies, and any similar accommodation;

“**Senior Medical Officer**” means any person holding or acting in the post of Senior Medical Officer/Clinical Director.

PART II ADMINISTRATION

Establishment of Health Protection Board

3. (1) This section establishes a regulatory authority to be known as the Health Protection Board (“**the Board**”) which is responsible for the enforcement of legislation relating to public health and sanitary matters in St Helena.

(2) The members of the Board are the Senior Medical Officer/Clinical Director (who is its Chair), the Chair of the Council Committee responsible for public health, the Senior Environmental Health Officer, the Laboratory Manager, the Director of Health and Social Welfare, the Senior Veterinary Officer and any other members (not exceeding 3 in number) the Governor from time to time appoints.

(3) The Board must perform the functions and has the powers conferred upon it by this or any other Ordinance, and has all incidental powers necessary to enable it to perform its functions in relation to the operation of this or such other Ordinance.

(4) The Director of Health and Social Welfare must appoint a public officer to be the Secretary to the Board, who must perform any duties required by the Board.

(5) The Board may invite any person with specialised knowledge and skills to attend and speak at any meeting called to consider any matter being discussed by the Board.

(6) The members of the Board (other than those who are public officers) are to be paid such remuneration or other allowances as the Governor from time to time approves.

(7) 4 Board members present constitute a quorum. No business may be transacted at any meeting when a quorum is not present, except to adjourn that meeting.

Inspectors and other Public Health officers

4. (1) The Governor may from time to time appoint Public Health Inspectors and other officers as necessary for the due execution of this Ordinance. Such Inspectors and other officers hold office during the Governor’s pleasure.

(2) The Board must, subject to the approval of the Governor, regulate the duties under this Ordinance of Inspectors and other officers.

PART III PUBLIC HEALTH PROVISIONS

(A) Privy Accommodation

Obligations to provide privy accommodation

5. *Repealed by Ord. 14 of 2017*

Provision of privy accommodation for houses

6. *Repealed by Ord. 14 of 2017*

Examination of drains, etc, on complaint of nuisance

7. (1) On the written application of any person to the Board, stating that any drain, water-closet, earth-closet, privy or cesspool on or belonging to any premises is a nuisance, or if, on the report of an Inspector, the Board has reason to suspect that any such drain, water-closet, earth-closet, privy or cesspool is a nuisance or injurious to health, any Inspector duly authorised in writing for the purpose by the Board may, after 24 hours' written notice to the occupier of such premises, or in the case of emergency without notice -

- (a) enter the premises with or without assistants, and cause the ground to be opened; and
- (b) examine such drain, water-closet, earth-closet, privy or cesspool.

(2) If on examination under subsection (1) a drain, water-closet, earth-closet, privy or cesspool is found to be in proper condition, the Inspector must cause the ground to be closed, and any damage done to be made good as soon as can be.

(3) If any drain, water-closet, earth-closet, privy or cesspool on examination appears to be in bad condition, or to require alteration or amendment, the Board must cause notice in writing to be given to the owner or occupier of the premises requiring the owner forthwith or within a reasonable time specified in the notice to do the necessary works. If the notice is not complied with, the person to whom it is given commits an offence.

Penalty: A fine of £5 for every day during which the offence continues.

(4) On convicting a person under subsection (3) for failing to do the required work on the premises, the Board may execute such works, and may recover in the Magistrates' Court from the owner the expenses incurred in so doing, as well as the expenses incurred in the previous examination under subsection (1)(b).

Provision of suitable privy accommodation

8. (1) Every Inspector must report to the Board whenever the Inspector has reason to believe that the privy accommodation in any premises or factory is insufficient or unsuitable by reason of the number of persons employed in such premises or factory.

(2) On receipt of any such report the Board, if satisfied as to the want of privy accommodation, must serve a notice on the owner or occupier of the premises or factory requiring the owner or occupier -

- (a) to provide and maintain sufficient and suitable privy accommodation for the use of persons employed in the premises or factory; or
- (b) to put and maintain any existing privy accommodation in a clean and efficient condition,

in the form prescribed and within a period specified in the notice;

(3) If a person who is the owner or occupier of any premises or factory upon whom a notice under subsection (2) has been served makes default in complying with the requirements of the notice, the Board must cause a complaint relating to the default to be made to the Magistrates' Court, which must then summon the person to appear before ~~him~~ it and may make an order on the person requiring the person to comply with all or any of the requirements of the notice and to pay the costs of the proceedings.

(4) Any person who does not obey an order made under subsection (3) and who fails to satisfy the court that the person has used due diligence to carry out the order, commits an offence.

Penalty: A fine of £50 for each day during which the default continues.

(5) A person who knowingly and wilfully acts contrary to an order under subsection (3) commits an offence.

Penalty: A fine of £50 per day during such contrary action.

Penalty for defecating on premises

9. *Repealed by Ord. 14 of 2017*

Provision of public latrines in streets and public highways

10. (1) Any street or public highway may be provided by the Committee with sufficient public latrine accommodation, so constructed as to suffice for the proper collection or removal of all sewage matter on hygienic principles and to prevent pollution of the surface of the ground; and an Inspector must report to the Committee if in his or her opinion any such latrine accommodation is needed.

(2) The payment of any expenses incurred in carrying out the requirements of subsection (1) is a charge against and must be paid out of the Consolidated Fund

Provision of privies for schools

11. (1) Every school must be provided by the managers or other persons having the control of the school with sufficient and suitable privy accommodation for the use of the teaching staff and of the pupils; and such accommodation must be provided separately for each sex.

(2) The managers or other persons having the control of a school must keep the privy accommodation of the school in a clean and sanitary condition and ensure that such work is

carried out efficiently.

(3) One half of all expenses incurred under this section in relation to any grant-in-aid school is to be paid out of the Consolidated Fund; but only if such expenses have been approved by the Committee prior to the work having been being undertaken.

(4) It is an offence for a member of the staff of a school to -

(a) misuse the privy accommodation of the school; or

(b) defecate in any place near to the school-house other than the place provided for the purpose.

Penalty: A fine of £50.

(5) It is an offence, during school hours or while pupils are under the control of a teacher, for a teacher not to take every reasonable precaution to prevent a pupil from -

(a) misusing the privy accommodation; or

(b) defecating in any place near to the schoolhouse other than the place provided for the purpose.

Penalty: As provided in section 60.

(B) *Bakehouses*

Persons suffering from infectious diseases not to be employed at bakehouses

12. to 18. *Repealed by Food Safety Ordinance, 2016*

(C) *Regulations in respect of certain specified matters*

Power to make regulations

19. *Repealed by Food Safety Ordinance, 2016*

Definition of nuisances

20. The following are nuisances liable to be dealt with summarily in manner provided by this Ordinance—

(a) any premises in such a state as to be a nuisance or injurious to health;

(b) any pool, ditch, gutter, pavement, privy, urinal, cesspool or drain, so foul or in such a state as to be a nuisance or injurious to health;

(c) any animal so kept as to be a nuisance or injurious to health;

(d) any accumulation or deposit which is a nuisance or injurious to health;

(e) any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family;

(f) any chimney sending forth smoke in such quantity as to be a nuisance or injurious to health;

(g) any mosquito larvae or any collection of water in any place or in or about any building used for human habitation which is likely to harbour mosquito larvae; and

(h) any other matter declared to be such a nuisance by regulation made by the Governor in Council,

Inspection for detection of nuisances

21. The Board must cause inspection to be made from time to time, with a view to ascertaining what nuisances exist calling for abatement under the powers of this Ordinance, and enforce the provisions of this Ordinance in order to abate the nuisance.

Information of nuisances

22. Information of any nuisance under this Ordinance may be given to the Board by any person aggrieved by the nuisance, by any 2 householders, by any Inspector, or by any police officer.

Notice requiring abatement of nuisance

23. (1) On the receipt of any information respecting the existence of a nuisance, the Board must, if satisfied of the existence of the nuisance, serve a notice on the person by whose act, default or permission the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance arises, requiring the owner or occupier to abate the nuisance within a time specified in the notice, and to execute any works and do any things necessary for that purpose.

(2) If—

- (a)* the nuisance arises from the want or defective construction of any structural convenience, or there is no occupier of the premises, notice under this section must be served on the owner;
- (b)* the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the owner or occupier of the premises, the Board may itself abate the nuisance, and do what is necessary to prevent the recurrence of it.

Complaint to be made to Magistrate

24. If –

- (a)* the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requirements of it within the time specified; or
- (b)* the nuisance although abated since the service of the notice is, in the opinion of the Board, likely to recur on the same premises,

the Board must cause a complaint relating to the nuisance to be made to the Magistrates' Court, which must thereupon issue a summons requiring the person on whom the notice was served to appear before it.

Order dealing with nuisance

25. (1) If, on a person appearing before it as contemplated by section 24, the court is satisfied that the alleged nuisance exists, and that although abated is likely to recur on the same premises, the court must make an order on the person—

- (a)* requiring the person to comply with all or any of the requirements of the notice, or otherwise to abate the nuisance within a time specified in the order, and to do any works necessary for that purpose; or

- (b) prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence; or
- (c) both requiring abatement and prohibiting the recurrence of the nuisance.

(2) The court may by its order impose a financial penalty not exceeding £100 on the person on whom the order is made, and must also give directions as to the payment of all costs incurred up to the time of the hearing or making the order for abatement or prohibition of the nuisance.

(3) If the court is satisfied, on the hearing of a further complaint under section 24, that a previous order made by the court relating to the same matter has not been obeyed, then the court may impose a financial penalty not exceeding £400 plus £50 for each day during which the nuisance continued after the date by which it was ordered to be removed or abated.

Prohibition in case of house unfit for human habitation

26. If the nuisance proved to exist is such as to render a house or building, in the judgment of the court, unfit for human habitation –

- (a) the court may prohibit the using of the house or building for that purpose until, in the court's judgment, the house or building is rendered fit for that purpose; and
- (b) on the court being satisfied that the house or building has been rendered fit for that purpose the court may determine its previous order by another declaring the house or building habitable, and from the date of that order the house or building may be let or inhabited.

Penalty for contravention of order of court

27. (1) A person who fails to obey an order of a court to comply with the requirements of the Board or otherwise to abate a nuisance commits an offence.

Penalty: A fine of £50 a day for as long as the failure continues

(2) A person who knowingly and wilfully acts contrary to an order of prohibition commits an offence.

Penalty: A fine of £75 a day for as long as the contravention continues.

(3) It is a defence to a prosecution under this section to show that the defendant has used all due diligence to carry out any such order.

(4) When a person is convicted under this section, the Board may enter the premises to which any order relates and abate the nuisance, and do whatever may be necessary in execution of such order, and recover in a summary manner the expenses incurred from the person on whom the order is made.

Order may be addressed to Board

28. Whenever it appears to the satisfaction of the court that the person by whose act or default the nuisance arises, or the owner or occupier of the premises, is not known or cannot be found, then the order of the court may be addressed to and executed by the Board.

Power to sell articles removed

29. Any matter or thing removed by the Board in abating any nuisance under this Ordinance may be sold by public auction; and the money arising from the sale may be retained by the Board and applied in payment of the expenses incurred in relation to such nuisance, and the surplus, if any, must be paid, on demand, to the owner of such matter or thing.

PART IV NOTIFIABLE INFECTIOUS DISEASES

(A) Notification

Definition of infectious disease

30. In this Part “**infectious disease**” means smallpox, measles, leprosy, yellow fever, cholera, diphtheria, membranous croup, the disease known as scarlatina or scarlet fever, and the fevers known by any of the following names: typhus, enteric group, typhoid and paratyphoid, relapsing, and includes any other infectious disease to which this Part has been applied by the Governor in Council by order under section 32(1).

Notification of infectious disease

31. (1) If an inmate of any building used for human habitation is suffering from an infectious disease, the head of the family to which the inmate (“**the patient**”) belongs, or, if the head of the family is not available, the nearest relatives of the patient present in the building or in attendance on the patient, or if no such relatives are available, every person in charge of or in attendance on the patient, or if no such person is available, the occupier of the building must, as soon as the person becomes aware that the patient is suffering from an infectious disease, send notice of the fact to the Senior Medical Office or an Inspector.

(2) Subject to subsection (3), a person required by subsection (1) to give notice who fails to give such notice commits an offence.
Penalty: A fine of £50.

(3) If a person (‘P’) is not required to give notice in the first instance, but is only so required if some other person is not available, P does not commit an offence if P satisfies the court that P had reasonable cause to suppose that the notice had been duly given.

Definition of infectious disease

32. (1) The Governor in Council may by order declare that this Part applies to any infectious disease other than a disease specifically mentioned in this Part.²

(2) An order under subsection (1) may be permanent or temporary and, if temporary, the period during which it is to continue in force must be specified therein.

² See the Notifiable Infectious Diseases Order, 2009, below

(3) Any such order comes into operation at a date, not earlier than 3 days after the first publication of the order on the Public Notice Board, as is fixed in the order, and upon the order coming into operation, and during the continuance of it, an infectious disease mentioned in the order is an infectious disease within the meaning of this Part.

(B) *Prevention*

Premises to be cleansed and disinfected

33. (1) If the Board is of opinion that the cleansing and disinfecting of any house or any part of a house, and of any articles in the house or part likely to retain infection, would tend to prevent or check infectious disease, the Board must give notice in writing to the owner or occupier of the house or the part, requiring the owner or occupier to cleanse and disinfect the house or part and articles in it within a time specified in the notice.

(2) A person to whom notice is given under subsection (1) who fails to comply with it commits an offence.

Penalty: A fine of £50 a day for as long as the failure continues

(2A) The Board must cause the house or part and the articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a summary manner.

(3) If the owner or occupier of any house or part of a house to whom a notice is given under subsection (1) is from poverty or otherwise unable, in the opinion of the Board, effectually to carry out the requirements of this section, the Board may, without enforcing such requirements on such owner or occupier, with the owner's or occupier's consent cleanse and disinfect the house or part and articles, and defray the expenses of such action.

Disinfection of bedding, etc.

34. (1) The Board may, by notice in writing, require the owner of any bedding, clothing or other articles which have been exposed to the infection of any infectious disease to cause them to be delivered over to an Inspector for removal for the purpose of disinfection.

(1A) A person who fails to comply with such a requirement commits an offence.

Penalty: A fine of £50.

(2) Any bedding, clothing and articles the subject of a notice under subsection (1) must be disinfected by the Board and be returned to the owner free of charge.

Destruction of infected bedding, etc.

35. The Board may direct the destruction of any bedding, clothing or other articles which have been exposed to infection from any infectious disease.

Removal to hospital of infected persons without proper lodging

36. (1) A person suffering from any infectious disease, who is without proper lodging or accommodation or is in any house or premises where he or she cannot be effectually

isolated so as to prevent the spread of the disease, may be removed by order of the Board to a hospital.

(2) An order under this section may be addressed to any police officer or Inspector whom the Board may think expedient.

(3) A person who wilfully disobeys or obstructs the execution of an order under subsection (2) commits an offence.

Penalty: A fine of £100.

Detention in hospital

37. (1) The Board, on being satisfied that a person suffering from any infectious disease is in a hospital, and would not on leaving the hospital be provided with lodging or accommodation in which proper precautions could be taken to prevent the spreading of the disease by the person, may direct the person to be detained in the hospital during the time specified by the Board and may extend the time as often as appears to it necessary for preventing the spread of the disease.

(2) A direction under subsection (1) may be carried into execution by any Inspector, by any police officer, or by any officer of the hospital.

Penalty on exposure of infected persons or things

38. (1) It is an offence for a person —

- (a) while suffering from any infectious disease wilfully to expose himself or herself without proper precautions against spreading the said disease in any street, public place, shop, inn or public conveyance or to enter any public conveyance without previously notifying to the owner, conductor or driver of it that the person is so suffering;
- (b) being in charge of any person so suffering, so to expose the sufferer;
- (c) to give, lend, sell, transmit or expose without previous disinfection any bedding, clothing, rags or any other articles of any description which have been exposed to infection from any such disease; or
- (d) to expose or convey without proper precaution the body of any person who has died of any infectious disease.

Penalty: A fine of £500.

(2) Proceedings under this section must not be taken against a person transmitting with proper precautions any bedding, clothing, rags or other articles for the purposes of having them disinfected.

Letting houses in which infected persons have been lodging

39. (1) It is an offence for a person knowingly to let for hire any house, room or part of a house in which any person has been suffering from any infectious disease, without having the house, room or part and all articles in it liable to retain infection, disinfected to the satisfaction of an Inspector as testified by a certificate signed by the Inspector.

Penalty: A fine of £500.

(2) For the purpose of this section, the keeper of a hotel is deemed to let for hire part of a house to any person admitted as a guest into the hotel.

Penalty on persons ceasing to occupy houses

40. (1) It is an offence for a person who ceases to occupy any house, room or part of a house in which any person has within 6 weeks previously been suffering from an infectious disease to fail either –

- (a) to have the house, room or part and all articles in it liable to retain infection, disinfected to the satisfaction of an Inspector as testified by a certificate signed by the Inspector; or
- (b) to give the owner of the house, room or part notice of the previous existence of such disease.

Penalty: A fine of £500.

(1A) It is an offence for a person who ceases to occupy any house, room or part of a house and who, on being questioned by the owner thereof, or by any person negotiating for the hire of the house, room or part as to whether there has within 6 weeks previously been therein any person suffering from any infectious disease, knowingly to make a false answer to such question.

Penalty: A fine of £500.

(2) The Board must cause notice of the provisions of this section to be given to the occupier of any house in which the Board is aware that there is a person suffering from an infectious disease.

Infection in schools

41. It is an offence for a person knowingly or negligently to send to school a child who, within the previous 3 months, has been suffering from any infectious disease or who has been resident in any house in which an infectious disease has existed within the previous 6 weeks –

- (a) without a certificate from the Senior medical Officer or an Inspector that the child is free from disease and infection; and
- (b) without having the child's clothes properly disinfected.

Penalty: A fine of £50.

Death and removal of body

42. (1) If a person dies in a hospital or place of temporary accommodation for the sick from any infectious disease, and the medical officer in charge certifies that in his or her opinion it is desirable, in order to prevent the risk of communicating such disease or of spreading infection, that the body be not removed from the hospital or place except for the purpose of being forthwith buried –

- (a) no person may remove the body except for that purpose; and
- (b) the body when taken out of the hospital or place must be forthwith taken direct to the place of burial and there buried.

(2) A person who wilfully contravenes subsection (1) commits an offence.

Penalty: A fine of £500.

(3) This section does not prevent the removal of a dead body from a hospital to a mortuary, and such mortuary is, for the purpose of this section, deemed part of such hospital.

Inspection of dairies

43. *Repealed by Food Safety Ordinance, 2016*

Prohibition of retention of corpse

44. No person, without the authority in writing of the Senior Medical Officer, may retain unburied, elsewhere than in a public mortuary or in a room not used at the time as a dwelling place, sleeping place or work room, for more than 12 hours, the body of any person who died from any infectious disease.

Order for burial

45. (1) If –

- (a) the body of any person who has died from any infectious disease remains unburied elsewhere than in a mortuary or in a room not used at the time as a dwelling place, sleeping place or work room, for more than 12 hours after death, without the authority of the Senior Medical Officer; or
- (b) the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building or of any adjoining or neighbouring house or building,

the Senior Medical Officer may order the body to be removed at the cost of the Board to any available mortuary, and may direct that it be buried within a time specified in the order.

(2) The Senior Medical Officer may in the case of the body of any person who has died of an infectious disease, or in any case in which he or she considers immediate burial necessary, by order direct the body to be buried within a time specified in the order.

(3) Where an order is made under subsection (1), unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by the order, the Director of Police must bury the body; and any expenses so incurred may be recovered by the Director of Police or by the Board in a summary manner from any person legally liable to pay the expenses of such burial.

Disinfection of public conveyances if used for carrying corpses

46. (1) A person who hires or uses a public conveyance, other than a hearse, for the conveyance of the body of a person who has died from any infectious disease, without previously notifying to the owner or driver of the public conveyance that the person whose body is or is intended to be conveyed has died from infectious disease, commits an offence.
Penalty: As provided in section 60.

(2) If the owner or driver of a public conveyance other than a hearse, which has been used for conveying the body of a person who has died from infectious disease, has been notified as described in paragraph (a), and fails immediately afterwards to provide for the disinfection of the conveyance, the owner or driver commits an offence.

Penalty: As provided in section 60.

Regulations for venereal diseases

47. The Governor in Council may make regulations for guarding against the spread of venereal diseases and for promoting knowledge as to the nature, causes, effects and prevention of such diseases.

Regulations for prevention of disease

48. The Governor in Council may make regulations for the treatment of persons affected with any epidemic, endemic or infectious disease, and for the prevention of such diseases, and more particularly for—

- (a) the isolation and detention of persons suffering from such diseases; and
- (b) declaring any area adjoining an isolation hospital to be an area within which no article, whether solid or liquid, intended for human consumption may be exposed for sale.

Regulations for prevention of formidable diseases

49.³ Whenever any part of St Helena appears to be threatened with or affected by any epidemic, endemic or infectious disease, the Governor in Council may make regulations for all or any of the following purposes—

- (a) the speedy interment of the dead;
- (b) house to house visitation;
- (c) the provision of medical aid and hospital accommodation, the promotion of cleansing, ventilation, and disinfection and guarding against the spread of disease;
- (d) the isolation and detention of persons suffering from or suspected to have been infected by any such disease;
- (e) any such matters or things as appear advisable for preventing or mitigating such disease;
- (f) the imposition of a fine up to £5,000 or imprisonment for a period up to 18 months for any offence committed under the regulations,

and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of St Helena, and to apply to any ships or vessels within the jurisdiction of St Helena for the period mentioned in such order, and may by any subsequent order shorten or extend such period.

PART V HOUSING

Overcrowding and houses unfit for human habitation

- 50. (1)** The Board may from time to time—
- (a) limit the number of persons who may live in any house or room in which members of more than one family reside;
 - (b) condemn any house as being no longer fit for human habitation and prohibit any person from residing in it.

³ Section 49 amended by Ord. 12 of 2020

(2) The decision of the Board under subsection (1) must be served in writing on the owner or occupier of the premises and (in the case of a decision under subsection (1)(b)) the notice may state the nature of any repairs, extensions, rebuilding or other improvements which the Board considers would be necessary to make the house suitable for human habitation.

(3) A person aggrieved by a decision of the Board under subsection (1) may appeal to the Magistrates' Court within 14 days of the receipt of the notice served under subsection (2). The court, after inspecting the house, may uphold or revise the decision of the Board and the decision of the court is be final.

(4) Any person continuing to reside in any house condemned by the Board, or causing or permitting the number of inhabitants in any house or room to exceed the number specified in a decision under subsection (1)(a), for more than 14 days after service of the notice under subsection (2), or for more than 7 days after the decision of the court, commits an offence. Penalty: As provided in section 60.

(5) A person convicted of an offence under subsection (4) may be evicted from the house in addition to any penalty that may be imposed.

Erection, repair, etc, of buildings

51. *Repealed*

Proceedings of the Board

52. *Repealed*

Powers of officers

53. For the purpose of ascertaining the number of persons living in a house or the condition of a house, the Senior Medical Officer or a medical officer or any Inspector authorised by the Board, the Clerk of Works, or any officer authorised by the Governor, may enter any house and make such inspection as may seem to him suitable.

PART VI GENERAL

Unsound food

54. *Repealed by Food Safety Ordinance, 2016*

Importation of things likely to produce disease

55. (1) The Governor may by notice^{4,5} in writing prohibit the landing or importation into St Helena of anything the importation of which the Governor has reason to believe would be likely to introduce disease into St Helena.

⁴ Gazette Notice No. 31 of 5 March 2018 published to prohibit importation and landing of ostrich products originating from South Africa.

⁵ Gazette Notice No. 116 of 24 June 2021 published to prohibit importation and landing of birds eggs, raw meat

(2) A person who contravenes a notice issued under subsection (1) commits an offence.
Penalty: A fine of £1,000.

Notices, etc. may be printed or written

56. Notices, orders and other documents under this Ordinance may be in writing or print, or partly in writing and partly in print; and if they require authentication by the Board the signature on them of the Chair of the Board is sufficient authentication.

Service of notices

57. (1) Any notice, order or other document required or authorised to be served under this Ordinance may be served –

- (a) by delivering it to or at the residence of the person to whom it is respectively addressed; or
- (b) if addressed to the owner or occupier of premises, by delivering it or a true copy of it to some person on the premises; or
- (c) if there is no person on the premises who can be so served, by fixing it on some conspicuous part of the premises.

(2) Any notice by this Ordinance required to be given to the owner or occupier of any premises may be addressed by the description of the “owner” or “occupier” of the premises (naming them) in respect of which the notice is given, without further name or description.

General power of entry for public health inspection of premises

58. (1) For the purpose of carrying out any of the objects of this Ordinance, the Senior Medical Officer or an Inspector may –

- (a) in the daytime after one hour’s notice previously given, enter any dwelling house and
- (b) at all reasonable hours, including all hours during which business in any premises is in progress or is usually carried on, enter any warehouse, store, shop, yard, lands or other premises whatever.

(2) A person who obstructs any such entry as aforesaid commits an offence.
Penalty: A fine of £500.

Application of Ordinance to vessels, tents, etc.

59. This Ordinance applies to every ship, vessel, boat, tent, van, shed or similar structure used for human habitation in like manner as nearly as may be as if it were a building.

General penalties

- 60.** A person who—
- (a) commits an offence against this Ordinance for which no penalty is specifically provided;
 - (b) wilfully obstructs the Board or any Inspector or any person duly authorised by the

Board in carrying out the provisions of this Ordinance, where no penalty is specifically provided;

- (c) contravenes any regulation made under this Ordinance for the contravention of which no penalty is specifically provided; or
- (d) wilfully obstructs any person acting under the authority or in execution of any regulation made under this Ordinance,

is liable to a fine not exceeding £500 and, if the offence is a continuing one, to a daily fine not exceeding £50 a day for as long as the offence continues.

Prosecution of offenders against Ordinance

61. All offenders against this Ordinance, or against any regulations made under it, may be prosecuted by the Board or an Inspector or by the Director of Police before the Magistrates' Court.

Appearance before Magistrates' Court

62. The Board may appear before the Magistrates' Court by any person authorised in writing generally or in respect of any special proceeding so to appear by the Board.

Protection from personal liability

63. No matter or thing done by the Board or any Inspector, or by any person whomsoever acting under the direction of the Board or an Inspector, if the matter or thing is done *bona fide* for the purpose of executing this Ordinance, subjects them or any of them personally to any action, liability, claim or demand whatsoever.

Requirement to obtain planning permission

64. Nothing in this Ordinance requiring any repairs, extensions, rebuilding or other improvements to be executed with respect to any premises or building in order to comply with this Ordinance exempts the owner or occupier of the premises or building from obtaining planning permission under the Land Planning and Development Control Ordinance, 2008, where required by that Ordinance.

PART VII INTERNATIONAL HEALTH REGULATIONS

Application of International Health Regulations

65. (1) The International Health Regulations⁶ (as may be amended from time to time by the World Health Organization) in so far as they are relevant, apply to St Helena.

(2) The Board is the '**competent authority**' for purposes of the application of the International Health Regulations under subsection (1).

⁶ *International Health Regulations (2005) of the World Health Organization adopted by the 58th World Health Assembly on 23rd May 2005*

(3) The ‘**National IHR Focal Point**’ referred to in Article 4 of the International Health Regulations means the Health Protection Agency established in the United Kingdom by section 1(1) of the Health Protection Agency Act, 2004 (UK), and which has been directed by the Secretary of State to act as such for each British Overseas Territory.

PUBLIC HEALTH ORDINANCE, 1939

POLIOMYELITIS REGULATIONS, 1955

(Section 49)

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Citation

1. These Regulations may be cited as the Poliomyelitis Regulations, 1955.

Isolation of patients

2. Any person suffering from poliomyelitis must be –
 - (a) isolated in his or her place of abode until such time as in the opinion of the Senior medical officer the person is free of infection; or
 - (b) if the Senior Medical Officer is of the opinion that adequate facilities are not available at the patient’s abode for the purpose of proper isolation, be removed to a suitable isolation ward in the hospital or any other building ~~which may be~~ arranged for the reception, isolation and treatment of such patients until such time as the person is free of infection.

Methods of control

3. The Senior Medical Officer may order any person who has been in contact with poliomyelitis to remain in quarantine for a period not exceeding 30 days or until such time as the person has acquired immunity to the disease by successful vaccination or inoculation, when such measures of protection are relevant and available.

Sanitary supervision

4. The Senior Medical Officer may order sanitary supervision over—
 - (a) the disposal of refuse and sewage;
 - (b) the processing, preparation and serving of food and drink in public places;
 - (c) the water supply;

- (d) the sale of fresh food and dairy products;
- (e) rat disposal and disinfestation of persons and houses.

Closing of schools and places of entertainment

5. Subject to the approval of the Governor, the Senior Medical Officer may order the closing of any schools and places of public entertainment that in his or her opinion should be closed as a necessary measure in the prevention and spread of an epidemic of poliomyelitis.

Isolation of carriers

6. The Senior Medical Officer may order persons who are carriers of poliomyelitis to be removed to an isolation ward in the hospital or any other building arranged for the reception, isolation and treatment of patients until such time as the persons are no longer carriers of the aforesaid disease.

Controlled districts

7. The Senior Medical Officer may declare any area of St Helena a controlled district and may carry out or order to be carried out such public health measures as are necessary in the district.

Offences

8. A person who contravenes or fails to comply with any of these regulations, or any order, instruction, or direction given, or requirement imposed under any of them commits an offence against that regulation, and is liable to prosecution under the Ordinance and to the penalty provided in section 60 of the Ordinance.

PUBLIC HEALTH ORDINANCE, 1939

NOTIFIABLE INFECTIOUS DISEASES ORDER, 2009

(Section 32(1))

Citation and commencement

1. This Order may be cited as the Notifiable Infectious Diseases Order, 2009 and comes into force on 1st September, 2009.

Notifiable Infectious Diseases

2. Part IV of the Ordinance applies to the diseases listed in the Schedule, in addition to any other disease specifically mentioned in that Part.

Revocation of legal notice

3. *Omitted*

SCHEDULE⁷
(Article 2)

Anthrax
 Cerebrospinal fever
 Chicken pox
 Dysentery
 Encephalitis
 Food poisoning
 German measles (Rubella)
 Hepatitis
 Infantile paralysis
 Leptospirosis
 Malaria
 Meningitis
 Meningococcal septicaemia (without meningitis)
 Mumps
 Ophthalmia neonatorum
 Paratyphoid fever
 Plague
 Rabies
 Relapsing fever (Typhina [1])
 Severe epidemic influenza
 Tetanus
 Tuberculosis
 Viral haemorrhagic fever
 Whooping cough
 Coronavirus disease 2019 (COVID-19 or 2019-nCoV)
 Acute Respiratory Disease ((2019-nCoV ARD)
 Novel Coronavirus Pneumonia (NCP)
 All known viral respiratory diseases caused by severe acute respiratory syndrome
 coronavirus 2 (SARS-CoV-2)

PUBLIC HEALTH ORDINANCE, 1939

***PUBLIC HEALTH (PREVENTION OF FORMIDABLE DISEASES) (CORONAVIRUS
NO. 2) REGULATIONS, 2020***
(Section 49)

Citation and expiry

1. (1) These Regulations may be cited as the Public Health (Prevention of Formidable Diseases) (Coronavirus No. 2) Regulations, 2020.

(2) These Regulations cease to have effect at the end of the period of six months

⁷ Schedule amended by LN 7 of 2020

beginning on the day on which the Regulations come into force⁸, unless further extended⁹ by the Governor in Council.

(3) Subsection (2) does not affect the validity of anything done pursuant to these Regulations before the Regulations cease to have effect.

Interpretation

2. (1) In these Regulations—

“**child**” means a person who is under 18 years of age;

“**coronavirus**” means—

- (a) Coronavirus disease 2019 (COVID-19 or 2019-nCoV);
- (b) Acute Respiratory Disease ((2019-nCoV ARD);
- (c) Novel Coronavirus Pneumonia (NCP); or
- (d) a known viral respiratory disease caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“**health care practitioner**” includes a medical practitioner, nurse or pharmacist who is in the employ of the Government of St Helena;

“**isolation**” in relation to a person, means the separation of the person from any other person in such a manner as to prevent infection or contamination with coronavirus;

“**proper officer**” means a person appointed as such pursuant to section 3A of the Port and Aerodrome Ordinance, 2018, and for the purpose of these Regulations, includes the Director of Health and any health care practitioner;

“**responsible adult**”, in relation to a child, means a person who is 18 years of age or over who has parental, custodial or legal responsibility for the child.

Isolation upon entry

4.¹⁰ (1) A person who arrives in St Helena by air, must upon entry stay in isolation for a period of 10 days at such location as directed by a proper officer.

(2) A person who arrives in St Helena by sea—

- (a) must remain in isolation for a period of 10 days aboard the vessel on which the person arrived; or
- (b) if a proper officer is satisfied that it is not possible or practical for the person to remain aboard the vessel for the full period as required by paragraph (a), must isolate at such location as directed by the proper officer for that period or remainder of that period.

(2A) In determining the period of 10 days in sub-regulation (2), the proper officer may take into account the period during which the person was aboard the vessel after its departure from the last port of embarkation of passengers or crew.

(2B) Despite sub-regulations (1) and (2), a person who arrives in St Helena, whether by air or by sea, as a transit passenger for purposes of onward travel from St Helena, must upon entry stay in isolation at such location as directed by the proper officer until departure of his or her flight or voyage from St Helena.

⁸ *Regulations in force on 7 October 2020*

⁹ *Extended by six months w.e.f. 7 April 2021. See L.N. 3 of 2021*

¹⁰ *Regulation 4 amended by L.N. 28 of 2020, L.N. 2 of 2021 and L.N. 10 of 2021*

(2C) The persons referred to in sub-regulations (1), (2) and (2B)—

- (a)* must comply with all other conditions as directed by the proper officer; and
- (b)* must submit to testing for coronavirus by the proper officer or a medical officer as and when so required by the proper officer.

(3) A direction under sub-regulation (1), (2), (2B) or (2C) may be made by a proper officer orally or in writing and, if made orally, must as soon as is practicable thereafter be reduced into writing.

(4) The Director of Health may direct that the period specified for isolation under this regulation be increased in respect of a person, and may decide the location and conditions for such further isolation, if the Director—

- (a)* has reasonable grounds to suspect that the person is, or may be, infected or contaminated with coronavirus; and
- (b)* considers that it is necessary and proportionate in order to reduce or remove the risk of that person infecting or contaminating others.

(5) The Director of Health may direct that the period specified for isolation under sub-regulation (1) or (2) be decreased with respect to a person, if the Director is satisfied that the person is not infected or contaminated with coronavirus.

(6) The Governor in Council may by Order exempt a person or category of person from the requirement for isolation under sub-regulation (1), (2) or (2B), subject to such conditions as the Governor in Council may determine.

Isolation: order and direction

5. (1) The Director of Health may order a person to remain in isolation at such location and subject to such conditions set out in the order, if the Director—

- (a)* has reasonable grounds to suspect that the person is, or may be, infected or contaminated with coronavirus; and
- (b)* considers that it is necessary and proportionate in order to reduce or remove the risk of that person infecting or contaminating others.

(2) The Director of Health may orally or in writing give directions for the purpose of identifying persons who may be infected with coronavirus, including—

- (a)* the symptoms of coronavirus of which a person should be aware to facilitate the detection and control of the spread of coronavirus; and
- (b)* the procedure to be followed by a person who is experiencing any symptoms under paragraph *(a)*, or who has or may have had contact with or been exposed to a person who is infected, or is suspected to be infected, with coronavirus.

(3) A direction under sub-regulation (2) may be disseminated to the public by whatever means the Director of Health considers appropriate, and must be—

- (a)* published in the Gazette; and
- (b)* announced by way of a radio broadcast when possible.

Isolation: additional provisions

6.¹¹ (1) The Director of Health must notify a person (or, in the case of a child, the responsible adult in relation to the child) who is to remain in isolation under regulation 4(1), 4(2), 4(2B), 4(4) or 5(1) of—

- (a) the fact of the isolation;
- (b) the powers under which the person is kept in isolation;
- (c) the reason for the person's isolation;
- (d) the next steps that may be taken and by whom;
- (e) the obligation to keep the need for the person's isolation under review; and
- (f) the penalty for breach of the requirement to remain in isolation,

and if made orally, must be reduced into writing as soon as is reasonably possible.

(2) Any order for isolation, or an increase in the period of isolation, which has the effect of the isolation period extending beyond 10 days, must be approved by the Governor.

(3) Unless the Director of Health directs otherwise, the requirement for isolation under regulation 4 or 5 will be deemed not to have been completed by a person until that person, at the end of the period of 10 days or extended period approved under sub-regulation (2), tests for coronavirus and is confirmed to be negative.

Isolation: review and appeal

7. (1) The Director of Health must review the continuation of isolation under regulations 4(4) and 5(1) at least every seven days.

(2) A person may appeal to the Magistrate's Court against a decision of the Director of Health—

- (a) to increase the period of isolation under regulations 4(4);
- (b) to order a person to remain in isolation under regulation 5(1); or
- (c) with respect to the period that the person is to remain in isolation under regulation 4(4) or 5(1).

(3) On an appeal under sub-regulation (2), the Magistrates' Court may confirm the order or direction of the Director, or may uphold the appeal and revoke or substitute any such order or direction and may vary the period of isolation with respect to the isolation.

(4) The appellant is not entitled to appear in person at the proceedings before the Magistrates' Court and he or she may attend such proceedings telephonically or by way of electronic media, if available.

(5) The appellant's legal representative is not required to consult with the appellant in person and any such consultation or representation in court may be conducted telephonically or by way of electronic media, if available.

Isolation: offences

8.¹² (1) A person commits an offence if he or she—

- (a) breaches or attempts to breach the requirement to remain in isolation as required

¹¹ Regulation 6 amended by L.N. 28 of 2020 and L.N. 10 of 2021

¹² Regulation 8 amended by L.N. 28 of 2020

- under regulation 4(1), (2) or (2B);
- (b) breaches or attempts to breach an order or direction made pursuant to regulation 4 or regulation 5, or any condition imposed pursuant to these regulations;
- (c) knowingly assists or attempts to assist another person to breach or attempt to breach any such regulation, order, direction or condition;
- (d) without reasonable excuse (the burden of proving which is on the person) refuses to submit to testing for coronavirus as directed by a proper officer under regulation 4(2C) or as required by regulation 6(3); or
- (e) knowingly and without reasonable excuse (the burden of proving which is on the person) enters or attempts to enter a location where a person or persons are in isolation in accordance with these Regulations.

Maximum penalty: A fine of £5,000 or imprisonment for six months, or both.

(2) If, at the time of committing the offence under sub-regulation (1), the person knew that he or she was infected or contaminated with coronavirus, the maximum period of imprisonment under sub-regulation is increased to 12 months.

Detention for purposes of medical assessment

9. (1) A person who refuses to submit to a medical examination when requested to do so by a proper officer may, on the instructions of the Director of Health, be detained by a police officer accompanied by the proper officer, for a period up to 48 hours for the purpose of undergoing a medical examination by a medical practitioner, if the Director of Health—

- (a) has reasonable grounds to suspect that the person is, or may be infected or contaminated with coronavirus; and
- (b) considers that it is necessary and proportionate in order to reduce or remove the risk of that person infecting or contaminating others.

(2) A person who is so detained must be released as soon as the medical examination has been completed, if the medical practitioner establishes that the person is not infected or contaminated with coronavirus.

(3) If, following the medical examination, the medical practitioner concludes that the person is, or may likely be, infected or contaminated with coronavirus, the medical practitioner must, notwithstanding any legal duty with respect to confidentiality of patient information, notify the Director of Health who may make an order under regulation 5(1).

Detention

10.¹³ (1) A proper officer or police officer may detain a person who breaches or attempts to breach, or who the proper officer or police officer has reason to believe will breach or attempt to breach—

- (a) the requirement to remain in isolation as required under regulation 4(1) or (2); or
- (b) an order or direction made pursuant to regulation 4 or regulation 5, or any condition imposed pursuant to these regulations,

(2) A proper officer detaining a person under sub-regulation (1) must be accompanied by a police officer.

¹³ Regulation 10 amended by L.N. 10 of 2021

(3) A person detained must immediately on being detained or as soon as circumstances permit, the person being capable of comprehension, be informed by a proper officer or a police officer—

- (a) that the person has been detained;
- (b) of the authority under which the person has been detained;
- (c) of the reason for the person's detention;
- (d) that the person is entitled to obtain legal advice;
- (e) of the procedure that obtains in respect of detention in the circumstances;
- (f) that the condition of the person in detention will be periodically reviewed by a proper officer and the identity of the proper officer with responsibility for review; and
- (g) that if the proper officer with responsibility for review under paragraph (f) changes, that the person will be informed of the identity of the replacement proper officer, and if made orally, must be reduced into writing as soon as is reasonably possible.

(4) If a person detained is a child, a responsible adult must be contacted on behalf of the child by a proper officer or a police officer and informed as provided under sub-regulation (3) by the proper officer or the police officer.

(5) Within 48 hours of the commencement of the detention of a person under sub-regulation (1), the proper officer or police officer, as the case may be, must cause an application to be made to the Magistrate's Court for an order for the detention of the person detained.

(6) The person detained is not entitled to appear in person at the proceedings before the Magistrates' Court and he or she may attend such proceedings telephonically or by way of electronic media, if available.

(7) The legal representative of the detained person is not required to consult with him or her in person and any such consultation or representation in court may be conducted telephonically or by way of electronic media, if available.

(8) An order may be made by the Magistrate's Court for detention for a maximum of 10 days inclusive of the 48 hours during which the application is made.

(9) An order may be made pursuant to sub-regulation (8) only if the Magistrate's Court is satisfied that—

- (a) there are reasonable grounds to suspect that the person is, or may be, infected or contaminated with coronavirus;
- (b) it is necessary and proportionate to isolate the person in order to reduce or remove the risk of that person infecting or contaminating others; and
- (c) there are reasonable grounds to suspect that the person will breach a requirement, order or direction under these regulations to remain in isolation.

(10) The court may, in an order made pursuant to sub-regulation (8), specify the location where the person is to be detained and may impose conditions with respect to such detention.

Detention: offences

11. (1) A person commits an offence if he or she—

- (a) breaches or attempts to breach a court order made pursuant to these Regulations;
- (b) breaches or attempts to breach a condition of a court order made pursuant to these Regulations; or
- (c) knowingly assists or attempts to assist another person to breach or attempt to breach such court order or condition.

Maximum penalty: A fine of £5,000 or imprisonment for 12 months, or both.

(2) If, at the time of committing the offence under sub-regulation (1), the person knew that he or she was infected or contaminated with coronavirus, the maximum period of imprisonment under sub-regulation is increased to 18 months.

Social and business restrictions

12. (1) The Governor in Council, after consultation with the Director of Health, may by Order, for the purpose of minimising the risk of the spread of coronavirus—

- (a) specify the number of persons to which public or social gatherings are limited;
- (b) the distance to be maintained between a person and another person where persons are required to be in any public setting;
- (c) cancel or postpone a public or social event;
- (d) specify—
 - (i) the closure of a business or a type of business;
 - (ii) the closure of an institution or a type of institution;
 - (iii) the number of persons who may be present in a specified business or institution at the same time;
 - (iv) the number of persons who may travel in a public service vehicle at the same time; or
 - (v) the period during which a business or institution is permitted to be open to members of the public; or
- (e) limit any activity or place any restriction on the movement of persons to ensure the prevention of the risk of the infection of persons with coronavirus.

(2) An Order made pursuant to sub-regulation (1) must specify the period during which the Order is in effect.

(3) A person who breaches or attempts to breach, or knowingly assists or attempts to assist another person to breach or attempt to breach, an Order made pursuant to sub-regulation (1) commits an offence.

Maximum penalty: A fine of £5,000 or imprisonment for 6 months, or both.

Offence of obstruction or wasteful employment of officers

- 13.** A person commits an offence if he or she—
- (a) resists or wilfully obstructs a police officer or proper officer, or a person assisting such officers, in the execution of their duty; or
 - (b) causes wasteful employment of the police or proper officers by knowingly making to any person a false report.

Maximum penalty: A fine of £5,000 or imprisonment for 6 months, or both.
