

ASCENSION

REVISED EDITION OF THE LAWS, 2017

**PUBLIC HEALTH AND SAFETY**

**PUBLIC HEALTH ORDINANCE, 1967<sup>1</sup>**

*Ordinance A3 of 1967*

*In force 11 September 1967*

*Amended by Ordinance A9 of 2010*

*Subsidiary legislation:*

**PUBLIC HEALTH (FOOD SAFETY) REGULATIONS, 2010**

*Page 10*

*Legal Notice A8 of 2010*

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**PUBLIC HEALTH ORDINANCE, 1967**

ARRANGEMENT OF SECTIONS

PART I  
PRELIMINARY

1. Short title
2. Interpretation
3. Governor may appoint medical officers of health and other officers

PART II  
NUISANCES

4. Definition of nuisances
5. Information of nuisances may be given to Administrator
6. Administrator to serve notice requiring abatement of nuisance
7. Enforcement of requirement of notice in event of non-compliance

PART III  
INFECTIOUS DISEASES

8. Definition of infectious disease
9. Governor may extend definition by order
10. Notification of infectious disease
11. Cleansing and disinfection of infected premises
12. Disinfection of bedding, etc

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<sup>1</sup> Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 August 2022.

13. Destruction of infected bedding, etc
14. Removal to hospital of infected persons
15. Detention in hospital of infected persons without proper lodgings
16. Penalty for exposure of infected persons or things
17. Body of person dying of infectious disease in hospital, etc., to be removed only for burial
18. Prohibition of retention of corpse

#### PART IV GENERAL

19. Unsound food
  20. Importation of things likely to introduce disease
  21. Regulations
  22. General power of entry for inspection of premises
  23. Penalty for obstruction
  24. Application of Ordinance to vessels, etc
  25. Prosecution of offences
  26. Protection of officers from personal liability
  27. St Helena law to cease to apply
- Schedule: Infectious diseases

AN ORDINANCE to make provision for the maintenance of public health in Ascension.

#### PART I PRELIMINARY

##### **Short title**

1. This Ordinance may be cited as the Public Health Ordinance, 1967.

##### **Interpretation**

2. In this Ordinance, unless the context otherwise requires—
  - “**building**” and “**house**” include schools, factories and other buildings in which persons are employed and the curtilage of a building or house;
  - “**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 by section 8;
  - “**isolation hospital**” means a hospital for the reception of persons suffering from infectious disease;
  - “**occupier**” means, in the case of a building or part of a building, the person in occupation or who has the charge, management and 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;
  - “**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 within the territorial waters of Ascension.

##### **Governor may appoint medical officers of health and other officers**

3. (1) The Governor may from time to time appoint such medical officers of health, public health inspectors and other officers as may be necessary for the due execution of this Ordinance.

(2) Persons appointed under subsection (1) hold office during the Governor's pleasure.

## **PART II NUISANCES**

### **Definition of nuisances**

4. For the purposes of 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 mosquito larvæ or any collection of water in any place or about any building used for human habitation which is likely to harbour mosquito larvæ; and
- (g) any other matter so declared by regulations made by the Governor,

are deemed to be nuisances liable to be dealt with as provided by this Ordinance.

### **Information of nuisances may be given to Administrator**

5. Information of any nuisance under this Ordinance may be given to the Administrator by any person aggrieved by the nuisance, or by a medical officer of health, or by a public health inspector, or by any police officer.

### **Administrator to serve notice requiring abatement of nuisance**

6. On receipt of any information respecting the existence of a nuisance the Administrator must, if satisfied of the existence of a nuisance, serve notice upon the person by whose act, default or sufferance the nuisance arises or continues, requiring the person to abate the nuisance within a time specified in the notice and to execute such works and to do such things as are necessary for that purpose.

### **Enforcement of requirement of notice in event of non-compliance**

7. (1) If the person upon 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 if the nuisance although abated since the service of the notice is, in the opinion of the Administrator, likely to recur on the same premises, the Administrator must cause a complaint relating to the nuisance to be made before the Magistrates' Court and if it appears to the court that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the court may make an order –

- (a) directing the person upon whom the notice to abate the nuisance has been served 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;
- (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) A person who fails to comply with an order of the court made under subsection (1) commits an offence, unless the person satisfies the court that the person has used all due diligence to carry out such order.

Penalty: A fine of £5, and in the case of a continuing offence a further fine of £1 for each day during which the offence continues after conviction.

(3) If a person fails to comply with an order of the court made under subsection (1) the Administrator may enter the premises to which the order relates and abate the nuisance and do whatever is necessary in execution of the order and recover the expenses incurred from the person on whom the order is made.

### **PART III INFECTIOUS DISEASES**

#### **Definition of infectious disease**

**8.** In this Part, “**infectious disease**” means any disease listed in the Schedule to this Ordinance, and includes any other infectious disease to which this Part has been applied under section 9.

#### **Governor may extend definition by order**

**9. (1)** The Governor may by order declare that this Part applies to any infectious disease other than an infectious disease mentioned in the Schedule to this Ordinance.<sup>2</sup>

(2) Any such order may be permanent or temporary and, if temporary, the period during which it is to continue in force must be specified in it.

(3) Upon such an 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.

#### **Notification of infectious disease**

**10. (1)** If an inmate of any building used for human habitation is suffering from an infectious disease, the following persons –

- (a) the head of the family to which the inmate (“**the patient**”) belongs;

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<sup>2</sup> Part III extended to viral haemorrhagic fevers by Order published in Gazette Notice No. 128 of 29 October 2014

- (b) in the absence of the head - the nearest relatives of the patient present in the building or being in attendance on the patient;
  - (c) if there is no such relative present - every person in charge of or in attendance on the patient;
  - (d) if there is no such person - the occupier of the building,
- must as soon as that person becomes aware that the patient is suffering from an infectious disease, send notice of it to a medical officer of health.

(2) Every person required by subsection (1) to give notice who fails to give such notice commits an offence, subject to subsection (3).  
Penalty: A fine of £5.

(3) A person who is not required to give notice in the first instance, but only in default of some other person, does not commit an offence if the person satisfies the court that he or she had reasonable cause to suppose that notice had been duly given.

### **Cleansing and disinfection of infected premises**

11. (1) If a medical officer of health is of the opinion that the cleansing and disinfecting of any house or part of it, and of any articles in it likely to retain infection, would tend to prevent or check infectious disease, the officer must give notice in writing to the occupier of the house or part, requiring the occupier to cleanse and disinfect the house or part and articles 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 £5 for every day during which the person fails to comply with the notice.

(3) The Administrator must cause any house or part of a house and articles the subject of a conviction under subsection (2) to be cleansed and disinfected and may recover the expenses incurred from the occupier in the Magistrates' Court.

### **Disinfection of bedding, etc.**

12. (1) A medical officer of health 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 a public health inspector or other officer duly authorised for the purpose by the Administrator for removal for the purpose of disinfection. The bedding, clothing and articles must be disinfected by the medical officer of health and be brought back and delivered to the owner free of charge.

(2) A person who fails to comply with the requirements of a notice given under subsection (1) commits an offence.  
Penalty: A fine of £25.

### **Destruction of infected bedding, etc.**

13. A medical officer of health may direct the destruction of any bedding, clothing or other articles that have been exposed to infection from any infectious disease.

### **Removal to hospital of infected persons**

**14. (1)** A person suffering from an infectious disease who 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 direction of a medical officer of health to a hospital.

**(2)** A direction given in accordance with subsection (1) may be addressed to such public health inspector or other officer duly authorised for the purpose by the Administrator as the medical officer of health thinks expedient.

**(3)** A person who wilfully disobeys or obstructs the execution of any direction given under the provisions of subsection (1) commits an offence.

Penalty: A fine of £25.

### **Detention in hospital of infected persons without proper lodgings**

**15. (1)** A medical officer of health 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 such person, may –

- (a)* direct the person to be detained in the hospital during the time specified by the Officer; and
- (b)* extend the time as often as appears to the officer to be necessary for preventing the spread of the disease.

**(2)** A direction given in accordance with subsection (1) may be carried into execution by any public health inspector or by any police officer or by any officer of the hospital.

### **Penalty for exposure of infected persons or things**

- 16. (1)** Subject to subsection (1), it is an offence for a person —
- (a)* while suffering from any infectious disease, to wilfully expose himself or herself without proper precautions against spreading the disease in any street, public place or shop;
  - (b)* being in charge of any person so suffering, to so expose such 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 £25.

**(2)** No proceedings under this section may be taken against persons transmitting with proper precautions any bedding, clothing, rags or other articles for the purpose of having them.

### **Body of person dying of infectious disease in hospital, etc., to be removed only for burial**

**17. (1)** If a person dies in a hospital or place of temporary accommodation of the sick from any infectious disease and a medical officer of health 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 such hospital or place except for the purpose of being forthwith buried, it is not lawful for any person to remove the body except for that purpose; and the body when taken out of such hospital or place must be forthwith taken to a place of burial.

**(2)** A person who removes a dead body contrary to subsection (1) commits an offence.  
Penalty: A fine of £25.

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

### **Prohibition of retention of corpse**

**18. (1)** No person may, without the sanction in writing of a medical officer of health, retain 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, the body of a person who has died from any infectious disease.

**(2)** A person who retains a dead body contrary to subsection (1) commits an offence.  
Penalty: A fine of £25.

## **PART IV GENERAL**

### **Unsound food**

**19. (1)** A medical officer of health or a public health inspector may inspect any animal, meat, poultry, game, flesh, fish, butter, milk, meal, flour, rice, biscuit or other food, fresh, preserved or canned, or any spirituous or fermented liquor, which the officer or inspector has reason to believe is intended for sale as human food or to be used as such.

**(2)** If any food as aforesaid appears to the officer or inspector to be unwholesome or unfit for human food, he or she may seize the food and cause it to be destroyed or otherwise disposed of as the officer thinks expedient..

### **Importation of things likely to introduce disease**

**20. (1)** The Governor may by order<sup>3</sup> prohibit the landing or importation into Ascension of anything the importation of which the Governor has reason to believe would be likely to introduce disease into Ascension.

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<sup>3</sup> *Gazette Notice No. 32 of 5 March 2018 published to prohibit importation and landing of ostrich products originating from South Africa*

(2) A person who contravenes the provisions of an order made under subsection (1) commits an offence.  
Penalty: A fine of £50.

### **Regulations**

- 21. (1)** The Governor may make regulations—
- (a) for regulating the inspection and securing the cleanliness of bakehouses and slaughterhouses;
  - (b) for regulating the inspection and securing the cleanliness of aerated-water factories and ice factories and prescribing the precautions to be taken for protecting soda-water and other aerated drinks and ice against infection or contamination;
  - (c) for regulating the inspection and securing the cleanliness of dairies and prescribing the precautions to be taken for protecting milk and milk products against infection and contamination;
  - (d) prescribing precautions to be taken for protecting any article, whether solid or liquid, intended for the food of man against infection or contamination;
  - (e) with respect to the construction of pig-styes, the places in which they may be erected, and the mode of cleansing them at proper intervals so as to prevent them becoming a nuisance or dangerous to public health;
  - (f) defining any part of Ascension as an area within which horses, donkeys, mules, cattle, sheep, goats, swine or poultry may not be kept;
  - (g) declaring matters which are to be deemed to be nuisances for the purposes of Part II;
  - (h) for the treatment of persons affected by any epidemic, endemic or infectious disease and for the prevention of such diseases;
  - (i) prescribing penalties not exceeding a fine of £10,000 or imprisonment for a period of 6 months for a breach of such regulations or of any regulations made under subsection (2);
  - (j) generally, for carrying the provisions of this Ordinance into effect.

(2) Whenever any part of Ascension appears to be threatened with any epidemic, endemic or infectious disease, the Governor may make regulations for any such matters or things as appear advisable for the prevention or mitigation of such disease.

### **General power of entry for inspection of premises**

- 22.** For the purpose of carrying out any of the objects of this Ordinance or any regulations made under it, a medical officer of health or a public health inspector may –
- (a) enter in the day time after one hour's notice previously given into any dwelling house; and
  - (b) enter at all reasonable hours, including all hours during which business in any premises is in progress or is usually carried on, any warehouse, store, shop, bakehouse, slaughterhouse, yard, lands or other premises whatsoever.

### **Penalty for obstruction**

**23.** A person who wilfully obstructs any person acting under the authority of or in execution of this Ordinance or of any regulations made under it commits an offence.

Penalty: A fine of £25, and if the offence is a continuing one, a further fine of £1 for each day during which the offence continues.

### **Application of Ordinance to vessels, etc.**

24. 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.

### **Prosecution of offences**

25. Offences against the provisions of this Ordinance or any regulations made under it may be prosecuted by a medical officer of health or by a public health inspector or by the most senior police officer on Ascension before the Magistrates' Court.

### **Protection of officers from personal liability**

26. No matter or thing done by the Administrator, a medical officer of health, a public health inspector or by any person whomsoever acting under the direction of the Administrator, a medical officer of health or a public health inspector, if the matter or thing done is in good faith for the purpose of executing this Ordinance or any regulations made under it, subjects them or any of them personally to any action, liability, claim or demand whatsoever.

### **St Helena law to cease to apply**

27. The Public Health Ordinance, 1939 of St Helena does not extend to Ascension.

## **SCHEDULE** (Section 8)

### **INFECTIOUS DISEASES<sup>4</sup>**

Acute Poliomyelitis  
 Brucellosis (including Undulant Fever)  
 Chickenpox  
 Cholera  
 Diphtheria  
 Dysentery  
 Enteric Fevers  
 Food Poisoning  
 Infective Hepatitis  
 Measles  
 Relapsing Fever  
 Smallpox

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<sup>4</sup> Part III extended to viral haemorrhagic fevers by Order published in Gazette Notice No. 128 of 29 October 2014

Tuberculosis  
 Typhus  
 Venereal diseases  
 Yellow Fever

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**PUBLIC HEALTH ORDINANCE, 1967**

**PUBLIC HEALTH (FOOD SAFETY) REGULATIONS, 2010**  
 (Section 21)

**Citation and commencement**

1. These Regulations may be cited as the Public Health (Food Safety) Regulations, 2010, and come into force on 1st April 2011.

**Interpretation**

2. In these Regulations, unless the context otherwise indicates—
- “**food**” means anything intended for sale, or sold, for human consumption and includes any live or dead animal or fish or part thereof and any other article used for food or drink by humans, or any other article which ordinarily enters into or is used in the composition or preparation of human food or flavouring matters and condiments, other than drugs or water;
- “**food business**” means any trade or business for the purposes of which any person engages in the handling of food, and includes the undertaking of a café, restaurant, catering business, the storage of food and ingredients, canteen, club, school, hospital or institution, whether carried out for profit or not;
- “**food premises**” means any premises, vehicle, stall, tent or place in, on or from which there is carried on any food business; and –
- (a) if food is prepared in a different place from where it is served, both places are deemed to be food premises;
- (b) if food is served in a different place from where it is consumed, both places are deemed to be food premises;
- “**high risk foods**” include meat, cooked meat products such as gravy and stock, milk, cream, custard, egg, dairy products, poultry, fish, cooked rice and all foods which support the multiplication of disease producing organisms;
- “**shelf life**” means the length of time for which food may be stored without becoming unsuitable for consumption.

**Food safety controls**

3. The proprietor of a food business must—
- (a) maintain the food premises, including the structure of such premises and all equipment used in them, in a clean, hygienic and pest free condition;
- (b) protect all food from the risk of contamination at all stages including storage, transportation, packaging, preparation, cooking and sale;
- (c) control the temperature of any high risk foods with chilled temperatures at or below 8°C, frozen food at or above -18°C and hot food at or above 63°C;
- (d) maintain the cold chain from the point of importation until sale;

- (e) ensure that all persons handling food in the food business and those responsible for supervision are trained with respect to personal hygiene, safe and hygienic food handling, pest control, protection of food from contamination and procedures regarding health and food poisoning;
- (f) report any illnesses, including symptoms of food poisoning, suffered by any person handling food to a medical officer of health.

### **Labelling**

- 4.** A proprietor of a food business must—
- (a) ensure that all food contains adequate labelling information including storage temperature, “use by” date for high risk foods and “best before” date for ambient foods at all times throughout any process of packaging and re-packaging and transportation including following any processes;
  - (b) ensure that all food imported contains labelling information referred to in paragraph (a);
  - (c) ensure that all food has sufficient shelf life remaining from when it is placed on sale until sale;
  - (d) not sell food after expiration of its “use by” date.

### **Powers**

- 5. (1)** A public health inspector has responsibility for the enforcement of food safety controls, including port controls where reasonably practicable, and for this purpose may—
- (a) enter any food business premises at a reasonable time to carry out an inspection, take food samples and take any other steps necessary to comply with the food safety requirements;
  - (b) seize any food which is unfit for human consumption or if the “use by” date on any food has expired;
  - (c) investigate, in co-operation with the medical officer of health, any allegation of food poisoning.

### **Offences and penalties**

- 6.** A person who—
- (a) fails to comply with any requirement of regulation 3 or 4; or
  - (b) obstructs a public health inspector acting in the execution of his or her duty,
- commits an offence.
- Penalty: A fine of £10,000 or imprisonment for 6 months, or both.
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