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CHAPTER 234

PUBLIC HEALTH

Act 22 of 1994
Act 11 of 2018
Order 63 of 2020
Act 3 of 2021

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SCHEDULE – Notifiable Diseases

PUBLIC HEALTH

An Act to provide for public health.

PART 1 – PRELIMINARY

1. Interpretation

(1) In this Act, unless the context otherwise requires:

"advertisement" includes any notice, words, whether written or spoken, any pictorial representation or design, circular, label, catalogue, price list, wrapper, invoice or other document and any public announcement made orally or by pictures or photographs or by radio, television or video or by any means of producing or transmitting light or sound, used or apparently used to promote directly or indirectly the sale or disposal of any product;

"alteration" in relation to a building, includes work done which:

(a) alters the sanitation system of the building; or

(b) involves a significant change to the structure of the building; or

(c) involves the installation of a sanitation system or any part of a sanitation system; or

(d) requires the modification or expansion of the sanitation system;

"animal" includes bird, fish, crustacean, mollusc and reptile;

"approved medical officer" means a medical officer approved by the Director for the purpose of quarantine or isolation;

"approved sanitary device" means any sanitary device that has been approved by the Minister under section 72;

"approved sanitation system" means a sanitation system that meets the design and performance standards prescribed in the Building Code;

"aquifer" means a water-saturated geologic zone that will yield water as a spring or from a well;

"author of a nuisance" means a person by whose act, default or sufferance, nuisance is caused, exists or is continued;

"authorized officer" means a medical officer or environmental health officer or any other suitably qualified person authorized in writing by the Minister in general or in particular pursuant to and under any provision of this Act, and includes any person to whom the Minister delegates any power under section 4(1) or gives any duty or function pursuant to this Act, whether indefinitely or for a certain period, whether in general or particular, or for any specific case, with or without any remuneration for the work provided there is a certificate of authorization as required under section 7(1) or any written official document to that effect;

"baby's feed bottle" means a bottle or other container intended to be used as a substitute for a breast when feeding babies;

"basement" means a storey or part of a storey partly below the ground level, the ceiling of which is not less than 1.7 meters above the level of the adjoining ground irrespective of any excavations made for the purpose of complying with this Act;

"bottle teat" means a teat intended to be used as a nipple on a baby's feed bottle;

"building" means any structure designed for use by people, animals, machinery or chattels, whether the structure is temporary, permanent, moveable or immovable, with the exception of types of structures exempted by the Director;

"Building Code" means the National Building Code as prescribed under Part 2 of the Building Act No. 36 of 2013;

"burial" means burial in earth, or any other form of sepulture, or the cremation or any other mode of disposal of a dead body;

"business" means any commercial undertaking and includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking or activity carried on by a public or local authority;

"cattle" means bovine cattle and includes goats;

"central reticulated system" means a system of pipes that are used to convey sewage from a property to a treatment plant;

"cleansing" means the removal by scrubbing or washing, with hot water, suitable detergents, cleansing agents, soap or mechanical means, microbacterial agents and organic matter from surfaces on which they might find favourable conditions for surviving or multiplying;

"Committee" means the Health Emergency Advisory Committee established under section 5A;

"communicable period" means the time or times during which an infectious agent may be transferred directly or indirectly from an infected person to another person, from an infected animal to man, or from an infected person to an animal, including a vector;

"construction" in relation to a building means any work of a structural nature to the building, and includes any excavation for foundations, sanitation systems or plumbing and includes alterations;

"container" includes any basket, pail, bucket, tray, package or receptacle of any kind, whether open or closed;

"court" means the Magistrates' Court, or a duly constituted local court;

"Director" means the Director of Public Health;

"Director General" means the Director General of the Ministry of Health;

"drainage system" means a system for the drainage of rain or surface water including storm water and does not include the drainage or conveyance of sewage;

"disinfection" means the killing of infectious agents outside the body by direct exposure to chemicals or physical agents such as hot water and steam;

"drain" means a drain used for the drainage of one building or any buildings or yards appurtenant to buildings within the same curtilage, and the expression "public drain" means a drain which is vested in and maintained by the Government or a local authority and, for the purposes of this Act, includes any part of a drain from the outlet of any disconnecting trap to its junction with a public drain or sewer, and the expression "private drain" means any drain other than a public drain;

"drainage" means the removal of rain or surface waters, including stormwater from buildings, premises or roads to the sea or the subsoil;

"drainage works" means the construction, installation, laying, connection, fixing, repair or removal of any pipe, drain, gully, cesspool, soakaway, septic tank, sewage filter installation or other works for the discharge, reception or disposal of sewage in

connection with any premises, or of any waste-pipe, soil-pipe trap, urinal, water-closet, slop-hopper, sink, bath, lavatory basin, ventilation pipe or anti-siphonage pipe, or any drain fitting or water-flushing cistern, or any work connected with the discharge of liquid or soiled matter into any drain, sewer, cesspool, soakaway, septic tank, sewage filter installation, or other like receptacle for drainage, or otherwise connected with the drainage of any premises;

"dummy" means a teat of any shape and substance intended to be used for soothing babies and infants;

"dwelling" means any house, room, shed, hut, cave, tent, vehicle, vessel or boat, or any structure or place whatsoever, any portion whereof is used by any human being for sleeping or in which any human being dwells;

"environmental health officer" means any person appointed under Part 2 to be an environmental health officer and includes the Principal Environmental Health Officer and assistant environmental health officers;

"factory" means any building or part of a building in which machinery is worked by steam, water, electricity or other mechanical power, for the purposes of trade;

"faeces" means the waste products from human digestion after it passes out through the bowels;

"fomites" means any porous substance capable of absorbing and retaining contagious effluvia;

"host" means a person or living animal that affords subsistence or lodgement to a parasite;

"human consumption" in relation to food, includes use of food in the preparation thereof for human consumption;

"infant" means a child under three years of age;

"infected" means suffering from, or in the incubation stage of or contaminated by any infection, whether from infectious, communicable, non-communicable or notifiable disease;

"infection" means the entry and development or multiplication of an infectious agent in the body of man or animals;

"infectious disease" means a clinically manifest disease of man or animal resulting from an infection which can be communicated directly or indirectly by any person or animal suffering therefrom to a person;

"injury" means illness or severe discomfort due to infection, or impediment, and injurious and other derivatives shall be construed accordingly;

"insecticide" means any chemical substance used for the destruction of insects, whether applied as a powder, liquid or atomized liquid and includes pesticides and larvicides;

"isolation" means the process of physical separation and restriction of movement of a person who has a notifiable disease or a disease of public health international concern as determined by the World Health Organisation;

"local authority" or "local authorities" means the relevant municipal council or local government council;

"local government council" means a council established under the Decentralization Act [Cap. 230];

"manufacturing or trade effluent" means a liquid or other material that is discharged from a production, manufacturing or trade process or from a building that does not serve for human habitation;

"medical officer" means any suitably qualified person appointed by a local authority, with the prior approval of the Minister to be a medical officer;

"medical practitioner" means a person duly authorized to practice medicine in Vanuatu in accordance with the Health Practitioners Act [Cap. 164];

"Minister" means the Minister for the time being responsible for public health matters;

"Ministry" means the Ministry of Health;

"municipal council" means a council established under the Municipalities Act [Cap. 126];

"notifiable disease" means a disease specified in the Schedule and any other disease which the Minister may from time to time by notice declare to be a notifiable disease for the purposes of this Act;

"nuisance" means anything which injures or is likely to injure health, and which admits of remedy either by the individual whose act or omission causes the nuisance or by the person or body who has control over the area where the nuisance exists or by the local authority;

"occupier" includes any person in actual occupation of land or premises without regard to the title under which he occupies and, in the case of premises subdivided and sub-let, the person receiving the rent on his own account or as an agent for any person entitled thereto or interested therein;

"other approved official" means any person appointed by a local authority, with the approval of the Minister to fulfil specific duties under this Act;

"outbreak" means the rise of a notifiable disease, beyond the normal baseline, or the emergence of a disease of public health international concern as determined by the World Health Organisation;

"owner" applies to every person in possession of or in receipt either of the whole or of any part of the rents or profits of any land or tenement or in the occupation of that land or tenement other than as a tenant from year to year or for any less term or as a tenant at will;

"parasite" is a biological organism that lives in, or on, a person or animal host and can cause ill health and sickness in the host;

"patient" is a person who is ill;

"person" includes any body corporate, partnership or association of persons;

"persons subject to isolation" means persons suffering or suspected to be suffering from any notifiable or communicable disease or who may otherwise in the opinion of a medical practitioner be or become sources of infection with a notifiable or communicable disease;

"pharmacist" means a person practicing as a pharmacist in Vanuatu in accordance with the Control of Pharmacists Act [Cap. 23];

"prejudicial to health" means injurious or likely to cause injury to health;

"premises" includes messuages and buildings and lands, easements and hereditament of any tenure, whether open or enclosed, whether built on or not, whether public of private, and whether maintained or not under statutory authority;

"pre-treatment" means a treatment process undertaken on sewage that allows the discharge of that sewage into a sanitation system, a central reticulated system or a treatment plant;

"prescribed" means prescribed by regulation;

"prescribed advertisement" means an advertisement the intention or likely result of which is to encourage the bottle feeding of babies or the purchase or use of prescribed articles or the purchase or use of milk or other products in connection with prescribed articles;

"Principal Environmental Health Officer" means the Principal Environmental Health Officer appointed under section 7;

"public drainage system" means:

(a) a drainage system that is assigned to or is maintained by a Road Administrator, the Government or a local authority; or

(b) a drainage system which is connected to a drainage system as described in paragraph (a) or which serves the public, including drainage systems that are situated on private land;

"public health control measures"means the measures used to prevent the introduction, transmission and spread of a notifiable disease and includes quarantine, isolation, restriction, decontamination, disinfection, disinfestations, immunization, chemoprophylaxis, preventive therapy, prevention and education;

"public health emergency" means a public health emergency declared under section 21A;

"publish" means to insert in a newspaper or other publication or to send to any person by post or otherwise or to deliver to any person or leave upon premises in the occupation of any person or to disseminate by broadcast, telecast or any projected image whether moving or still or to bring to the notice of the public in any other manner whatsoever;

"quarantine" means the process of physical separation and restriction of movement of a person exposed to, or potentially exposed, to a notifiable disease or a disease of public health international concern as determined by the World Health Organisation;

"rural area" means a Provincial Government Region as set out under section 1 of the Decentralization Act [CAP 230] but does not include areas declared as physical planning areas under section 2 of the Physical Planning Act [CAP 193];

"sanitary device" means a device comprising part of a sanitation system including sinks, toilets, pipes, septic tanks and other components for the disposal of sewage slop and soil water;

"sanitation facilities" means the total arrangement of toilets, urinals, sinks, washbasins or any other similar devices;

"sanitation services" means the installation, repair or maintenance of a sanitary device, sanitation facilities, a sanitation system, including the de-sludging of septic tanks and operation and maintenance of a central reticulated system or a treatment plant;

"sanitation service provider" means a person who provides sanitation services;

"sanitation system" means the total arrangement for the on-plot disposal of sewage including but not limited to sanitary devices, sanitation facilities and a final receptacle in the form of a septic tank but does not include a sewage disposal system that comprises a central reticulated system or a treatment plant;

to "sell" includes to barter, offer or attempt to sell or receive for sale or have in possession for sale or expose for sale or send forward for sale or deliver for sale or cause or suffer or allow to be sold, offered or exposed for sale, but refers only to selling for consumption or use by man;

"sewage" means soil water, waste water and manufacturing or trade effluent and includes sewage that is only pre-treated;

"sewer" does not include a drain as defined in this section but otherwise includes all sewers and drains used for the drainage of buildings and yards appurtenant to buildings, and the expression "public sewer" means a sewer which is vested in and maintained by the Government or a local authority and includes, for the purposes of this Act, any part of a sewer from the outlet of any disconnecting trap to its junction with a public sewer or drain, and the expression "private sewer" means any other sewer;

"slaughterhouse" means a place of slaughtering animals, the flesh of which is intended for sale for human consumption, and includes any place available in connection therewith for the confinement of animals while awaiting slaughter there, or for keeping or subjecting to any treatment or process products of the slaughtering of animals in such place;

"soil pipe" means any pipe fixed on or in any building for the purpose of conveying the discharges from water-closet, urinal, slop-hopper, bidet, or any waste water containing excremental liquid or substance;

"soil water" means water containing the discharges from a water-closet, urinal, slop-hopper, bidet, or any waste water containing excremental liquid or substance;

"substance" includes any article, compound or liquid;

"supply" means to provide to another person whether by means of sale or otherwise and whether or not for reward;

"toilet" means a receptacle for conveying urine and faeces to a method of treatment and disposal such as a sewage works, septic tank, latrine pit or cesspool;

"trade premises" means any premises used or intended to be used for carrying on any trade or business;

"transit" includes all stages of transit of foods from place of production, place of manufacture or other source of origin, to the consumer;

"treatment plant" means an installation, other than a sanitation system that pre-treats or treats sewage including the final receptacle of the sewage or sludge;

"urban area" includes all of the following areas:

(a) areas declared as a Municipality under section 2 of the Municipalities Act [CAP 126];

(b) areas declared a physical planning areas under section 2 of the Physical Planning Act [CAP 193];

(c) areas declared by the Minister for the purpose of section 64."

"vector" means an animal or insect that acts as an agent for the transmission or inoculation, or both, of the causative parasite of a disease;

"vehicle" means any device which is usually a means of conveyance by land, water or air whether or not such device is operational and includes cart, caravan, bicycle, railway carriage, ship, boat, barge, hulk and aeroplane;

"vermin" in its application to insects and parasites, includes their eggs, larvae and pupae;

"waste-pipe" means any pipe fixed on or in any building for the purpose of conveying any waste water of a non-excremental character from baths, lavatory basins, sinks, wash-tubs, and similar fittings;

"waste water" means discharge of a non-excremental character from baths, lavatory basins, sinks, wash-tubs and similar fittings;

"water-closet" means a toilet closet which has a separate fixed receptacle for the reception of excremental matter connected to a sanitation system, treatment plant or central reticulated system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action;

"workplace" means any premises or buildings (other than a workshop) or any part of such premises or building in which work is performed or carried on for reward or profit;

"workshop" means any premises or building, or any part of such premises or building, in which any manual labour is exercised by way of trade or for purposes of gains.

PART 2 – ADMINISTRATION

2. Responsibilities and powers of the Minister

(1) The Minister shall be responsible for promoting the health and well-being of the people of Vanuatu.

(2) The Minister shall be responsible for the implementation, administration and enforcement of this Act.

(3) The Minister may use any power, whether explicitly provided for or not, necessary to enable him to carry out his responsibilities under this Act including such other powers as may be incidental to the responsibilities referred to in subsections (1) and (2).

(4) Subject to the provisions of this Act, the Minister shall exercise general powers of supervision and inspection over local authorities in all matters relating to the maintenance and promotion of the public health, and may give such directions and make such orders for the due compliance as may from time to time seem fit.

3. Power regarding local authorities

(1) Subject to subsection (2), the Minister may request any local authority to act as an agent for the Government pursuant to this Act.

(2) The power given to the Minister shall not in any way derogate from the powers conferred on the Minister responsible for local authorities and the Minister shall use the power referred to in subsection (1) so far as necessary for the purposes of this Act and shall inform the Minister responsible for the local authorities, in writing and in detail, as soon as possible.

(3) The Minister may by regulations give effect to any arrangement entered into under subsection (1).

4. Power of delegation

(1) The Minister may from time to time either generally or particularly delegate any powers and functions under this Act to any officer of the Department of Health or any officer holding or acting in any office of the public service or local authorities.

(2) Subject to any general or specific directions given by the Minister, the officer to whom any power or functions are delegated may exercise those powers or functions in the same manner and with the same effect as if they had been conferred on him directly by this Act and not by delegation.

(3) Every officer purporting to act in accordance with a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of such delegation.

(4) Any delegation under this section may be made to a specified person or to persons of a specified class, or to the holder or holders for the time being of a specified office or specified classes of officers.

(5) Every delegation shall be revocable in writing at will and no delegation shall prevent the exercise of any power or function by the Minister.

5. Power of Director

Without in any way derogating from his power under section 4(5), the Minister may delegate all of his powers under this Act, by Order, to the Director or to the holder of the highest ranking administrative office specifically designated for the implementation and administration of this Act.

5A. Health Emergency Advisory Committee

(1) The Health Emergency Advisory Committee is established.

(2) The Committee consists of the following persons:

(a) the Director General; and

(b) the Director; and

(c) all other Directors under the Ministry of Health; and

(d) the Director of the National Disaster Management Office; and

(e) the Director of Finance and Economic Management; and

(f) the Director of Local Authorities; and

(g) the Director of Immigration; and

(h) the Director of Customs and Inland Revenue; and

(i) the Director of Civil Aviation; and

(j) the Director of Biosecurity; and

(k) the Regulator appointed under the Maritime Sector Regulatory Act No. 26 of 2016; and

(l) a staff of the Ministry appointed by the Minister.

5B. Functions of the Committee

(1) The Committee has the following functions:

(a) to review major policiesrelating to the functions of the Ministry; and

(b) subject to subsection (2), to advise and make recommendations to the Minister on matters relating to a public health emergency; and

(c) to consider and make recommendations on health policies and administrative matters; and

(d) to carry out any other functions as required under this Act or any other Act.

(2) The Committee must consider the International Health Regulations, prior to making any advise and recommendations to the Minister on matters relating to a public health emergency.

(3) For the purpose of subsection (2), "International Health Regulations" means the instrument of the World Health Organisation (WHO) that outlines the criteria to determine whether or not a particular event constitutes a public health emergency.

5C. Powers of the Committee

The Committee has the power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions under this Act or any other Act.

5D. Chairperson and Deputy Chairperson

(1) The Director General is to be the Chairperson of the Committee.

(2) The Deputy Chairperson is to be elected from amongst the members of the Committee.

5E. Meetings

(1) The Committee is to meet at least 2 times a year and may hold such other meetings as are necessary for the proper performance of its functions.

(2) At a meeting of the Committee, the quorum consists ofthe Chairperson or in his or her absence, the Deputy Chairperson and two thirds of the other members of the Committee present at the meeting.

(3) The Committee may meet despite any vacancies in its membership so long as a quorum is present.

(4) A member present at a meeting has 1 vote and questions arising at a meeting are to be decided by a simple majority of votes.

(5) Subject to this Act, the Committee is to determine and regulate its own procedures.

6. Duties of local authorities for the purposes of this Act

It shall be the duty of every local authority to take all lawful, necessary, and, under its special circumstances, reasonably practicable measures for preventing the occurrence or dealing with any outbreak or prevalence of any infectious, communicable, or preventable disease, to safeguard and promote the public health and to exercise the powers and perform the duties in respect of the public health conferred or imposed on it by this Act or by any other law.

7. Appointment of authorized officers, etc.

(1) Without derogating from the generality of section 2(3), the Minister may appoint:

(a) any environmental health officer;

(b) any meat inspector;

(c) any veterinary officer;

(d) any medical practitioner;

(e) any medical officer;

(f) any fisheries officer; and

(g) any suitable person,

to be an authorized officer for the purposes of this Act.

(2) The Minister may, in the instrument of appointment of any authorized officer define the officer's duties and responsibilities which duties and responsibilities shall not be inconsistent with this Act.

(3) The Minister may appoint any suitably qualified person to be the Principal Environmental Health Officer for the purposes of this Act.

(4) Every local authority may also, with the prior approval of the Minister, appoint such medical officers and environmental health officers as may be necessary for the purposes of performing the duties conferred or imposed on it by this Act;

PART 3 – PREVENTION AND SUPPRESSION OF NOTIFIABLE DISEASES

8. Reporting of notifiable disease

(1) Where any person is suffering from any notifiable disease or food poisoning:

(a) the head of the family to which such person (in this section referred to as the patient) belongs, and in his default the nearest adult relative of the patient present, or in default of such person, the person in charge of, or in attendance on the patient, and in default of any such person the occupier of any building in which the patient may be lodged, shall, as soon as he becomes aware or has reason to suspect that the patient is suffering from any notifiable disease or food poisoning, consult a medical practitioner or notify the nearest registered nurse, medical officer or environmental health officer;

(b) every medical practitioner or nurse attending on or called in to visit the patient shall forthwith, on becoming aware or having reason to suspect that such a patient is suffering from a notifiable disease or food poisoning, notify the senior medical officer of the area in which the patient is living (hereinafter referred to as the area medical officer) in such manner as the Minister may from time to time direct; and shall also inform the head of the patient's family or any other person in attendance on the patient and the patient's employer, if any, of the communicable nature of the disease and the precautions to be taken to prevent its conveyance to others.

(2) Every medical practitioner or nurse who becomes aware or has reason to suspect, whether by postmortem examination or otherwise, that any person has died of a notifiable disease, shall immediately furnish a written certificate thereof to the area medical officer and shall also inform the head of the patient's family or any other person who has been in attendance on such deceased person and the person, if any, in whose employment such deceased person was immediately prior to death, of the communicable nature of the disease and the precautions to be taken to prevent its conveyance to others.

(3) The Director shall, upon application, supply forms of certificate for use under subsections (1) and (2) to any medical practitioner or medical officer.

9. Powers of Minister, Director and local authorities

(1) For the purposes of preventing the occurrence of or of the checking of any notifiable disease in Vanuatu and generally for carrying out the provisions of this Part, the Minister acting in his discretion shall have power:

(a) to cause to be provided in such parts of Vanuatu as he may deem fit permanent or temporary hospitals, camps and stations for:

(i) the isolation, treatment and disinfection of persons suffering from a notifiable disease and of persons who, as a result of contact with infected persons or otherwise, may be or become a source of infection;

(ii) the isolation, cleansing and disinfection of infected articles and goods;

(iii) the quarantine of persons exposed to or potentially exposed to a notifiable disease;

(b) to seek, subject to compliance with the laws relating to finance, such sums of money as in his opinion may be necessary;

(c) to do all such other things as he may deem necessary for the protection of public health; and

(d) to determine the procedure for the removal of a deceased person from isolation; and

(e) to require the cleansing and disinfection of a public area or a vehicle exposed to or potentially exposed to a notifiable disease.

(2) Notwithstanding the provisions of any other law, the Director shall, for the purposes of subsection (1), have power:

(a) subject to the approval of the Minister acting in his discretion;

(i) to take temporary possession of or allow to be used such premises, vehicles and vessels as in his opinion may be necessary for the accommodation, treatment and disinfection of persons and goods subject to isolation;

(ii) for the like purpose, to requisition in writing, such medical stores, hospitals and camp equipment, articles of food and drink and such other things as he deems necessary;

(iii) to appoint temporary medical and other officers, nurses and persons;

(iv) to authorize officers and any temporary officers, nurses and persons appointed hereunder to exercise all or various of the powers and to perform any work or duty authorized in this Part;

(v) to prohibit, order and regulate conditionally or unconditionally the movements of persons, animals, goods, vehicles and vessels on sea or land, including the assembling together whether habitual or occasional, of either adults or children;

(vi) to take possession of or allow to be used, such premises, vehicles and vessels which in the opinion of the Director, may be necessary for the accommodation of persons subject to quarantine;

(b) to order the medical examination of and attendance therefor, and the surveillance, restraint, isolation, removal and treatment of, persons subject to quarantine or isolation;

(c) to order for the purpose of diagnosis or prevention of spread of infection the vaccination, inoculation or other recognized medical treatment of persons subject to isolation;

(d) to order, when in his opinion the necessity arises, the vaccination or inoculation of unprotected persons;

(e) to order the isolation, removal, cleansing, disinfection of personal effects, goods, premises, drains, vehicles and Vanuatu vessels which are likely to cause the spread of any notifiable disease, and the disinfection or destruction of fomites which have been in contact with or used by persons subject to isolation;

(f) to forbid the discharge of sewage, drainage or insanitary matter of any description into any water course, stream, lake or source of water supply;

(g) to cause infected animals, birds, or poultry to be destroyed in such manner as he thinks fit;

(h) to prohibit the keeping of animals, birds or poultry or any species thereof in any specified area;

(i) to order a postmortem examination on the body of a deceased person if the death of such person is suspected to have been due to a notifiable disease and the facts relating to the death cannot with certainty be ascertained without such examination or if it is desirable for preventing the occurrence or spread of a notifiable disease that the facts relating to the death of any person should be ascertained;

(j) to cause to be provided, equipped, maintained and staffed:

(i) places for the reception of dead bodies (mortuaries) and the performance of postmortem examination;

(ii) disinfecting and cleansing stations for the cleansing of persons and the cleansing and disinfection of dirty, verminous or infected clothing, bedding and other articles,

such mortuaries, disinfecting and cleansing stations to be constructed according to plans and specifications approved by the Minister.

(3) A medical officer shall advise the Director as early as possible of any threatened or actual outbreak of a disease in his area, requesting authority to exercise all or any of the powers specified in subsection (2) as he considers necessary, and, pending receipt of such authority, a medical officer may provisionally exercise such powers, but their application shall only be valid for the period prior to the receipt of the Director's instructions in the matter.

(4) Whenever a medical officer is of the opinion that the cleansing or disinfection of any premises or of any article is necessary for preventing the spread or limiting or otherwise for preventing danger to health or for rendering any premises fit for occupation, he may authorize any medical officer or environmental health officer, with or without assistants, to enter on any premises and to carry out such cleansing or disinfection.

(5) Any medical officer or other person authorized in that behalf by a medical officer may at any reasonable time enter any premises or vessels in which he has reason to believe that there is or recently has been any person suffering from a notifiable disease or otherwise subject to isolation, for the purpose of ascertaining whether any person in such premises or aboard such vessel is suffering or has recently suffered from any disease.

(6) A medical officer or any environmental health officer or other person authorized in that behalf by a medical officer may at any reasonable time, with or without assistants:

(a) enter on any premises or vessels and inspect the same and all things thereon or therein;

(b) do on any land or in any premises any public health or other work authorized or directed.

10. Penalty for obstruction

Every person who in any way directly or indirectly by act or default:

(a) obstructs or hinders the Director or a medical officer in the exercise of his functions and powers under the provisions of this Part or obstructs or hinders any environmental health officer, or other person acting with the authority or by direction of the Director or a medical officer; or

(b) does anything which the Director or a medical officer in the exercise of the functions and powers under this Part forbids to be done; or

(c) refuses, delays or neglects to comply with any direction or requirement of the Director or a medical officer or fails to afford reasonable assistance to the Director or a medical officer in the exercise of the functions and powers under this Part,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

11. Medical examination of person suffering from notifiable disease

(1) If the Director is satisfied, subject to the approval of the Minister –

(a) that there is reason to believe that a person is or has been suffering from a notifiable disease or, though not suffering from such a disease, is a carrier of the disease; and

(b) that in the interest of such a person or in the interest of his family, or in the public interest, it is expedient that he should be medically examined; and

(c) that such a person is not under treatment of a medical practitioner or the medical practitioner who is treating him consents to the making of an order under this section,

the Director may make an order for such a person to be medically examined by a medical practitioner nominated by the Director.

(2) A person who wilfully disobeys an order made under subsection (1) or who obstructs or delays or in any way interferes with the prompt execution of such order, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding CAP 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

12. Quarantine of persons exposed to infection

(1) A person who,in the opinion of an approved medical officer,has been exposed or potentially exposed to a notifiable disease, may be placed in quarantine.

(2) The person placed in quarantine must comply withquarantine procedures set out in this Act and prescribed by the Regulations.

(3) A personmust meet all financial costs incurred by him or her while in quarantine.

(4) Despite subsection (3), the Minister may, on the advice of the Committee, exempta person or category of persons from meeting all financial costs incurred by such persons while in quarantine.

(5) The Director may discharge a person from quarantine, on the recommendation of an approved medical officer.

(6) A person who leaves a quarantine area or fails to comply with any quarantine procedures, commits an offence and isliable on conviction to a finenot exceeding VT1,000,000 or to a term of imprisonment not exceeding 1 year, or both.

12A. Isolation

(1) A person who, in the opinion of an approved medical officer, has a notifiable disease, may be placed in isolation, at the cost of the Government.

(2) The person placed in isolation must comply with isolation procedures set out in this Act and prescribed by the Regulations.

(3) The Director may discharge a person from isolation, on the recommendation of an approved medical officer.

(4) A person who leaves an isolation area or fails to comply with any isolation procedures, commits an offence and is liable on conviction to a fine not exceeding VT1,000,000 or to a term of imprisonment not exceeding 1 year, or both.

13. Infected persons

Any person who:

(a) knowing that he is suffering from any notifiable disease, wilfully exposes himself without proper precaution against spreading the notifiable disease, in any street, public place, shop, inn, public conveyance or vessel, or enters any public conveyance or vessel without previously notifying the owner, conductor, driver or master thereof that he is so suffering; or

(b) being in charge of any person so suffering and in the knowledge that he is so suffering, so exposes such sufferer; or

(c) knowing that he is suffering from a notifiable disease, engages in or carries on any trade, business or occupation which he cannot engage in or carry on without risk of spreading the disease;

(d) gives, lends, sells, transmits or exposes, without previous disinfection, any bedding, clothing, rags or other things which have, to his knowledge, been exposed to infection from any such disease,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding CAP 300,000 or to imprisonment for a term not exceeding 3 years or to both such fine and imprisonment.

14. Disinfection of a public conveyance

(1) Every owner, driver, or master of a conveyance or vessel shall immediately provide for the disinfection of such conveyance or vessel after it has to his knowledge conveyed any person suffering from a notifiable disease.

(2) Notwithstanding subsection (1) no owner, driver or master referred to in subsection (1) shall be required to convey any person suffering from a notifiable disease until he has been paid a sum of money sufficient to cover any loss or expenses incurred by him in carrying into effect this section.

(3) Any owner, driver or master of a conveyance or vessel who on or after being paid in accordance with subsection (2) fails to provide immediately the conveyance or vessel for disinfection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding CAP 300,000 or to imprisonment for a term not exceeding 3 years or to both such fine and imprisonment.

15. Letting infected house

(1) Any person who knowingly lets for hire any dwelling or premises or part of such dwelling or premises in which any person has been suffering from a notifiable disease without having the dwelling or premises or part of such dwelling or premises and all articles therein liable to retain infection efficiently disinfected to the satisfaction of a medical officer or an environmental health officer, as certified by such officer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding CAP 300,000 or to imprisonment for a term not exceeding 3 years or to both such fine and imprisonment.

(2) This section shall apply to any owner or keeper of a hotel or boarding house who lets any room or part thereof to any person.

16. Owner of letting house to give true information

Any person letting for hire or showing for the purpose of letting for hire any dwelling or premises or part of such dwelling or premises who, on being questioned by any person negotiating for the hire of such dwelling or premises as to the fact of there being or within six weeks previously having been therein any person suffering from any notifiable disease, knowingly makes a false answer to such question shall be guilty of an offence and shall be liable on conviction to a fine not exceeding CAP 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

17. Infected person not to use a swimming pool

(1) No person shall enter a swimming pool knowing himself to be suffering from open wounds, sores or any infectious disease or having so suffered, not being sufficiently recovered to be free from risk of infecting others.

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding CAP 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

18. Prohibition of homework where notifiable disease exists

(1) If a case of a notifiable disease occurs on any premises, then whether the person suffering from the disease has been removed from the premises or not, the local authority, or a medical officer or environmental health officer may make an order forbidding any work to which this section applies to be given out to any person living or working on those premises, or on such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory, workshop, shop or other place from which work is given out, or on any contractor employed by any such occupier.

(2) An order under subsection (1) may be expressed to operate for a specified time or until the premises or any part thereof specified in the order have been disinfected to the satisfaction of the local authority, a medical officer or environmental health officer, or may be expressed to be inoperative so long as any other reasonable precautions specified in the order are taken.

(3) If any occupier or contractor on whom an order under subsection (1) has been served contravenes or fails to comply with the provisions of the order, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

(4) This section shall apply to the making, cleaning, washing, altering, ornamenting, finishing or repairing of wearing apparel and any work incidental thereto, and to such other classes of work as may from time to time be prescribed.

19. Disposal of dead bodies

(1) If a medical officer is satisfied that the retention in any building of the body of a person who has died from a notifiable disease would endanger the health of any person he may order:

(a) that the body be removed by and at the cost of the local authority to a mortuary, for postmortem examination or otherwise, and that the necessary steps be taken to secure that it is buried within a time limited by the order; or

(b) if he considers immediate burial necessary, that the body be buried immediately.

(2) Unless relatives or friends of the deceased person undertake to, and do, cause the body to be buried within the time limited by the order or, as the case may be, immediately, it shall be the duty of the local authority within whose area the body was lying at the time of the making of the order to cause the body to be buried, and any expenses reasonably incurred by the local authority in so doing may be recovered by civil process from any person legally liable to pay the expenses of the burial.

(3) An order under this section shall be an authority to any person named in such order to do any act necessary for giving effect to the order.

(4) Where any person dies from any notifiable disease in any hospital or place of temporary accommodation for the sick and the medical practitioner in charge of that hospital or place certifies that in his opinion it is desirable in order to prevent the risk of communicating any notifiable disease or of spreading infection that the body shall not be removed from the hospital or place of temporary accommodation except for the purpose of being taken directly to a mortuary or being buried forthwith, the body shall be taken out of the hospital or place of temporary accommodation and shall be immediately carried or taken directly to the mortuary or place of burial and (in the latter case) there immediately buried.

(5) Nothing in this Act shall prevent the removal of any dead body from any hospital or temporary place of accommodation for the sick to any mortuary and that mortuary shall, for the purpose of this section, be deemed part of the hospital or temporary place of accommodation.

(6) Any person who contravenes any of the provisions of this section of fails to comply with any order made under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

20. Infected articles to be dealt with

Any goods or articles certified by a medial practitioner, medical officer or environmental health officer to have been exposed to infection with a notifiable disease and to be liable to carry infection may be removed to an isolation station and there dealt with as may be prescribed or as a medical officer may order.

21. Amendment of Schedule or restriction of application of Part

The Minister may, by regulation:

(a) amend the Schedule;

(b) provide that all or any of the provisions of this Part shall not apply in relation to any notifiable disease specified in the regulation.

PART 3A – DECLARATION OF PUBLIC HEALTH EMERGENCY

21A. Declaration of public health emergency

(1) For the purposes of this section:

"pandemic" means a notifiable disease occurring worldwide, or over a very wide area, crossing international boundaries, and usually affecting a large number of people.

(2) The Minister may, by Order, on the recommendation of the Director after the Director hasreceived anadvice from the Committee,declare thata public health emergency exists in whole, or a specified part or parts of Vanuatu, due to the following occurrences:

(a) anoutbreak or prevalence of any infectious or notifiable disease; or

(b) the potential exposure of a person to an outbreak or a pandemic.

(3) The declaration must state:

(a) the nature of the public health emergency; and

(b) the area to which the public health emergency relates; and

(c) the duration of the public health emergency; and

(d) any conditions or restrictions relating to the conduct of the response to the declared public health emergency.

21B. Broadcasting of declaration

The Director must inform the public, through the media or any other means of communication, of any public health emergency declared under section 21A.

21C. Duration of public health emergency

(1) A declaration of a public health emergency has effect immediately on the day it is made.

(2) The declaration of a public health emergencyis for a periodprescribedby the Minister, on the recommendation of the Director after the Director has received an advice from the Committee.

(3) The Minister may, by Order, on the recommendation of the Director after the Director has received an advice from the Committee:

(a) extend the period of a public health emergency order; or

(b) revoke the public health emergency order if it is no longer necessary.

(4) The Director must inform the public, through the media or any other means of communication, of any extension or revocation of a public health emergency under this section.

PART 4 – NUISANCE

22. Prohibition of nuisance

No person shall cause a nuisance or shall suffer to exist on any land or premises owned or occupied by him or of which he is in charge any nuisance or other condition liable to be injurious or dangerous to health.

23. Local authorities to maintain cleanliness and prevent nuisances

It shall be the duty of every local authority to take all lawful, necessary and reasonably practicable measures to maintain its area at all times in a clean and sanitary condition, and for preventing the occurrence therein of, or for remedying or causing to be remedied, any nuisance or condition liable to be injurious or dangerous to health, and to take proceedings against any person causing or responsible for the continuance of any such nuisance or condition.

24. What constitutes a nuisance

The following shall be deemed to be nuisance liable to be dealt with in the manner provided in this Part:

(a) any dwelling or premises or part of such dwelling or premises which is or are of such construction or in such a state or so situated or so dirty or so verminous as to be injurious or dangerous to health or which is or are liable to give rise to the spread of any infectious disease;

(b) any street, or part of such street, any stream, pool, ditch, gutter, watercourse, sink, water-tank, cistern, water-closet, earth-closet, privy, urinal, cesspool, soakaway pit, septic tank, cesspit, soil-pipe, waste-pipe, drain, sewer, garbage receptacle, dustbin, dung-pit, refuse pit, slop-tank, ash-pit or manure heap so foul or in such a state or so situated or constructed as to be offensive or injurious or dangerous to health;

(c) any well, river, stream, spring or other source of water supply, or any tank, cistern, or other receptacle for water, whether public or private, the water from which is used or is likely to be used for human drinking or domestic purposes, or in connection with any dairy, or in connection with the manufacture or preparation of any article of food intended for human consumption, which is in the opinion of an environmental health officer polluted or otherwise liable to render any such water injurious or dangerous to health;

(d) any noxious matter or waste water flowing or discharged from any premises, wherever situated, into any street, or into the gutter, side channel or bed thereof not approved for the reception of such discharge;

(e) any stable, cowshed, or other building or premises used for the keeping of animals or birds, which is so constructed, situated, used or kept as to be offensive, or which is injurious or dangerous to health;

(f) any animal or bird so kept as to be injurious to health;

(g) any accumulation or deposit of refuse, rubbish, offal, manure or other matter whatsoever which is offensive or which is injurious or dangerous to health;

(h) any dwelling or premises which is or are so overcrowded as to be injurious or dangerous to the health of the inmates;

(i) any factory or trade premises not kept in a state of cleanliness and free from offensive smell arising from any drain, sewer, latrine or privy or not ventilated so as to destroy or render harmless and inoffensive, as far as practicable, any gases, vapours, dust or other impurities generated, or so overcrowded or so badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein;

(j) any factory or trade premises causing or giving rise to smells or effluvia which are offensive or which are injurious or dangerous to health;

(k) any area of land kept or permitted to remain in such a state as to be offensive or liable to cause any infectious, communicable or preventable disease or injury or danger to health;

(l) any chimney sending forth smoke, dust, grit, or other effluvia in such quantity or in such manner as to be offensive or injurious or dangerous to health;

(m) any cemetery, burial place or place of sepulture so situated or so crowded or otherwise so conducted as to be offensive or injurious or dangerous to health;

(n) any septic tank, soakaway, cesspit, gully, cistern, sewer, gutter, privy, water-closet, or other drainage or sanitary fitment formerly used for the drainage of any building and no longer used therefore, which has not been filled in, demolished or removed to the satisfaction of an environmental health officer, and which is likely to give rise to conditions injurious to health; and

(o) any act, omission or thing which is, or may be, dangerous to life, or injurious to health.

25. Abatement notice

A local authority or environmental health officer, if satisfied of the existence of a nuisance, shall serve an abatement notice on the author of the nuisance or, if he cannot be found, on the occupier or owner of the dwelling or premises on which the nuisance arises or continues,

requiring him to abate it within the time specified in the abatement notice, and to execute such work and do such things as may be necessary for that purpose, and, if such local authority or environmental health officer thinks it desirable specify any work to be executed to prevent the recurrence of such nuisance:

Provided that –

(a) where the nuisance arises from any want or defect of a structural character, or where the dwelling or premises is or are unoccupied, the notice shall be served on the owner;

(b) where the author of the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act or default or sufferance of the occupier or owner of the dwelling, the local authority or environmental health officer may remove or cause the same to be removed and may do what is necessary to prevent the recurrence thereof.

26. Failure to comply with an abatement notice

If the person on whom an abatement notice to remove a nuisance has been served under section 25 fails to comply with any of the requirements of that notice within the time specified, the local authority or an environmental health officer shall cause a complaint relating to such nuisance to be made before a court and the court shall thereupon issue a summons requiring the person on whom the notice was served to appear before it.

27. Imposition of nuisance order by court

(1) If the court is satisfied that the alleged nuisance exists, the court shall make a nuisance order on the author thereof, or the occupier or owner of the dwelling or premises, as the case may be, requiring him to comply with all or any of the requirements of the abatement notice or otherwise to abate the nuisance within a time specified in the nuisance order and to do any works necessary for that purpose.

(2) The court may by such order impose a fine on the person on whom the nuisance order is made, and may also give directions as to the payment of all costs incurred up to the time of the hearing or making of the order for the abatement of the nuisance.

(3) If the court is satisfied that the nuisance, although abated since the service of the abatement notice, was not removed within the time specified in such abatement notice, the court may impose a fine on the person on whom such abatement notice was served, and may, in addition to or in substitution for such fine, order such person to pay all costs incurred up to the time of the hearing of the case.

(4) If the nuisance, although abated since the service of the abatement notice, in the opinion of the local authority or an environmental health officer is likely to recur on the same dwelling or premises, the local authority or environmental health officer shall cause a complaint relating to such nuisance to be made before a court and the court shall thereupon issue a summons, requiring the person on whom the notice was served to appear before it.

(5) If the court is satisfied that the alleged nuisance, although abated, is likely to recur on the same dwelling or premises, the court shall make a nuisance order on the author thereof or the occupier or owner of the dwelling or premises, as the case may be, requiring him to do any specified work necessary to prevent the recurrence of the nuisance and prohibiting its recurrence.

(6) In the event that the person on whom a nuisance order is served fails to comply with the nuisance order within a reasonable time, the local authority or environmental health officer shall again cause a complaint to be made to the court and the court shall thereupon issue a summons requiring such person to appear before it and on proof that the nuisance order has not been complied with may impose a fine and may also give directions as to the payment of all costs up to the time of the hearing.

(7) Before making any nuisance order, the court may if it thinks fit, adjourn the hearing or further hearing of the summons until an inspection, investigation or analysis in respect of the nuisance alleged has been made by a person appointed for that purpose by the court.

28. Local authority may execute work to abate nuisance

Whenever it appears to the satisfaction of a court that the person by whose act or default a nuisance arises, or the owner or occupier of the premises, is not known or cannot be found, it may order the local authority to execute the works thereby directed, and the cost of executing such works shall be a charge on the property on which said nuisance exists.

29. Nuisance by two or more persons

Where a nuisance appears to be wholly or partly caused by the acts or defaults of two or more persons, proceedings may be instituted under the foregoing provisions of this Part against any one of them, or all or any two or more of them may be included in the same proceedings and, subject to those provisions, any one or more of the persons proceeded against may be ordered to abate the nuisance, so far as it appears to the court to be caused by his or their acts or defaults which, in the opinion of the court, contribute to the nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of those persons would not separately have cause a nuisance, and the costs may be apportioned as the court may consider fair and reasonable.

30. Power of entry

(1) A local authority or an environmental health officer or a police officer of or above the rank of sergeant, shall have the right to enter any building or premises:

(a) for the purpose of examining as to the existence therein of any nuisance liable to be dealt with summarily under this Part at any hour by day and, in the case of a nuisance referred to in section 24(h) at any hour by day or by night, or, in the case of a nuisance arising in respect of any trade or business, at any time when the trade or business is in progress or is usually carried on;

(b) where a nuisance has been ascertained to exist or a nuisance order has been made under this Part, at any such hour as referred to in paragraph (a) until the nuisance is abated or the works ordered to be done are completed; and

(c) where a nuisance order has not been complied with or has been infringed, at all reasonable hours, including all hours during which business therein is in progress or is usually carried on, for the purpose of executing such order.

(2) Any person who fails to give or refuses access to any environmental health officer, or police officer authorized under subsection (1) after any such officer has requested entry into any dwelling or premises, or obstructs or hinders him in the execution of his duties under this Part, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

PART 5 – PREVENTION AND DESTRUCTION OF MOSQUITOES AND VERMIN

31. Breeding places a nuisance

All collections of water, sewage, rubbish, refuse, ordure or other fluid or solid substances in or around any dwelling which are so situated as to be reasonably capable of removal and which permit or facilitate the transmission of disease of parasites of humans or domestic animals or the breeding of mosquitoes or other insects or vermin or of other agents which are known to carry diseases of humans or domestic animals or such parasites or which may

otherwise cause or facilitate the infection of humans or domestic animals by such diseases or parasites, shall be nuisances liable to be dealt with in the manner provided in Part 4.

32. Premises free of receptacles or long grass

(1) The owner or occupier of any premises or land shall keep all parts of such premises or land which is within fifty metres of any dwelling free from all bottles, whole or broken, tins, boxes, coconut husks, earthenware vessels, shells or any other articles which are likely to be harborage for vermin or are likely to collect and retain water and facilitate the breeding of mosquitoes.

(2) No person shall permit any premises or land owned or occupied by him or over which he has control and which are situated within thirty metres of any dwelling, public building, school, store, workshop or workplace to become overgrown with long grass of such a nature as to be likely to be a harborage for vermin or are likely to collect and retain water and facilitate the breeding of mosquitoes.

(3) Any person who fails to comply with the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

33. Water tanks to be covered and screened

(1) It shall not be lawful for any person to keep, or for the owner or occupier of any premises or land to allow to be kept on the premises or land, any collection of water in any barrel, tub, bucket, tank or other vessel intended for the storage of water unless such barrel, tub, bucket, tank or vessel is fitted with a sufficient cover and is properly protected or screened to the satisfaction of an environmental health officer or other approved official so as to prevent mosquitoes from entering such barrel, tub, bucket, tank or other vessel.

(2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

34. Articles not to provide harborage for mosquitoes

(1) The owner or occupier of any premises or land shall ensure that no article or possession, other than water collection vessels referred to in section 37(1), is to be situated, orientated or arranged in such a manner as to allow it to catch, collect or trap water such that it could provide harborage for mosquitoes.

(2) Where such articles or possessions are so situated or orientated to allow the harborage of mosquitoes then an environmental health officer can require the owner or occupier to relocate or re-orientate such articles or possessions to ensure they can no longer provide harborage for mosquitoes.

(3) Any owner or occupier of any premises or land who contravenes or fails to comply with subsection (1) or a requirement under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

35. Septic tanks, soakaways, etc., to be screened

(1) The owner or occupier of any premises upon or attached to which is any cesspit, cesspool, septic tank or soakaway, shall cause such cesspit, cesspool, septic tank or soakaway to be properly protected or screened to the satisfaction of an authorized officer so as to prevent mosquitoes from entering such cesspit, cesspool, septic tank or soakaway.

(2) Any owner or occupier of any premises who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

36. Larvae, etc., to be destroyed

Where any of the immature stages of the mosquito are found on any premises or land in any collection of water in any cesspit, cesspool, septic tank, soakaway, well, pool, channel or drain, or in any barrel, drum, tub, bucket, tank or any other vessel, or in any bottle, whole or broken, tin, box, coconut husk, shell, canoe or any other article, it shall be lawful for an authorized officer to take immediate steps to destroy or arrange for the destruction of such immature stages of mosquito by the most appropriate means, and to take such action as is necessary to prevent the recurrence of the nuisance and to render any pools or collections of water unfit to become breeding places for mosquitoes.

37. Presence of mosquito larvae an offence

Notwithstanding any provisions of this Act, the owner or occupier of any house, premises or land or the owner or person having the vessel or other article or receptacle in or about which there is any collection of water found by an authorized officer to contain any of the immature stages of a mosquito likely to transmit disease to man shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

38. Entry for routine or emergency mosquito eradication

(1) After adequate notification has been given, all persons concerned shall permit entry to their premises and facilitate the work of duly authorized officers for the purpose of detecting the presence of mosquitoes, and for the routine and emergency eradication of mosquitoes.

(2) Adequate notice for the purposes of subsection (1) shall be 48 hours for routine purpose or in an emergency such time as the Director considers appropriate.

(3) Any person who prevents, obstructs, hinders or threatens any authorized officer in the performance of his duties under subsection (1) is guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

PART 6 – FILTHY OR VERMINOUS PREMISES OR ARTICLES AND VERMINOUS PERSONS

39. Cleansing of filthy or verminous premises

(1) Where a local authority is satisfied, upon receiving a certificate from an environmental health officer that any premises used for human habitation:

(a) are in such a filthy or unwholesome condition as to be prejudicial to health; or

(b) are verminous,

the local authority shall give notice to the owner or occupier of the premises requiring him to take such steps to remedy the condition of the premises by cleansing and disinfecting, as may be specified in the notice, and in the case of verminous premises the notice may require the removal of wallpaper or the scraping of paint or other covering from the walls and the taking of such other steps, including the application of insecticide or other appropriate chemicals, as may be necessary for the purpose of destroying or removing vermin.

(2) If a person on whom a notice under subsection (1) is served fails to comply with the requirements of that notice, the local authority may itself carry out the requirements and recover from the person the expenses reasonably incurred by it in carrying out such requirements.

(3) Any person who contravenes or fails to comply with the requirements of a notice served under subsection (1) is guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

40. Cleansing or destruction of filthy or verminous articles

Where a local authority is satisfied, upon receiving a certificate from an environmental health officer that any article in any premises:

(a) is in a filthy condition as to render its cleansing, purification, or destruction necessary in order to prevent injury, or danger of the premises; or

(b) is verminous, or by reason of its having been used by, or having been in contact with, any verminous person, is likely to be verminous,

the local authority shall cause that article to be cleansed, purified, disinfected or destroyed, as the case may require, and, if necessary for that purpose, to be removed from the premises at the expense of the owner of such article.

41. Cleansing of verminous persons and their clothing

(1) Upon the application of any person, the Principal Environmental Health Officer or a local authority may take or direct to be taken such measures as are necessary to free such person and his clothing from vermin.

(2) Where the Principal Environmental Health Officer or a local authority is satisfied upon receiving a certificate from an environmental health officer that any person, or the clothing of any person, is verminous, then, if that person consents, the Principal Environmental Health Officer or the local authority, as the case may be, may cause such person to be removed to a hospital, clinic, or cleansing station, where such measures may be taken as may be necessary to free him and his clothing from vermin.

(3) If such person does not so consent, the Principal Environmental Health Officer or the local authority may apply to a court, and the court, if satisfied that it is necessary that such person or the clothing of such person should be cleansed, may make an order for his removal to a hospital, clinic or cleansing station and for his detention therein for such period and subject to such conditions as may be specified in the order.

(4) The cleansing of females under this section shall be carried out only by a medical practitioner in the presence of a woman, or by a woman duly authorized by a medical officer.

(5) Any consent required to be given for the purposes of this section may, in the case of a person under the age of eighteen years, be given on his behalf by his parent or guardian.

PART 7 – PROVISION AND PROTECTION OF WATER SUPPLY

42. Urban houses to be provided with a proper water supply

Within every municipal council area all buildings intended for human habitation shall be provided within their curtilage a proper and sufficient supply of wholesome water for the domestic use of the inhabitants to the satisfaction of the municipal council.

43. Provision of proper water supply in rural areas

Every local government council shall take all necessary steps to endeavour to ensure that all inhabitants of the rural area under its jurisdiction have access to proper and sufficient supplies of wholesome water for domestic purposes.

44. Municipal councils to enforce provision of water supply

(1) If a building referred to in section 42 appears to the municipal council by a report of an environmental health officer to be without a proper and sufficient supply of wholesome water, the municipal council shall by written notice require the owner or occupier of the building within a reasonable time therein specified to provide a proper and sufficient supply of wholesome water.

(2) In default of compliance with a notice issued under subsection (1), the municipal council may at the expiration of the time specified in such notice direct that after a specified time the building not be occupied until the notice is complied with.

(3) Notwithstanding subsection (2), any person who fails to comply with a notice issued under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

45. Sampling of water

An environmental health officer may enter upon any land or premises at any time during the day for the purpose of taking water samples for examination from any well, stream, reservoir, spring, tap, faucet, pump, storage tank, of other source of water supply and the owner or occupier of the land or premises shall afford such assistance and information in connection with the water supply as the environmental health officer may require.

46. Closure or restriction of water from polluted source

If a local authority is satisfied upon a report from an environmental health officer that the water in or obtained from any well, stream, reservoir, tank, or other source of supply, being water which is, or is likely to be, used for domestic purposes, and is likely to become polluted so as to be prejudicial to health, the local authority may:

(a) direct the owner or occupier of the premises to which the source of water supply belongs or any other person having control thereof to close or cut off the source of supply, either permanently or temporarily, as the case may be; or

(b) direct that the water therefrom be used for certain purposes only, or may make such other order as appears to the local authority to be necessary to prevent injury or danger to the health of persons using the water, consuming food or drink with such water or from such water.

47. Tanks, etc., to be kept clean

Every occupier of premises on which is situated any tank, cistern or other receptacle for the collection or storage of water used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man shall cause such tank, cistern or other receptacle to be maintained at all times in a clean condition and protected from contamination to the satisfaction of an environmental health officer.

48. Pollution of water supplies

(1) Every person who knowingly and wilfully in any way defiles or pollutes any water-course, stream, lake, pond, or reservoir shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 1,000,000 or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

(2) Any person who wilfully injures or unlawfully interferes with any pump, cock, valve, water pipe, cistern, reservoir or storage tank maintained in whole or in part by a local

authority, whether or not such pump, cock, valve, water pipe, cistern, reservoir or storage tank or any part thereof respectively is situated on land or premises the property of such person, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 1,000,000 or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

PART 8 – SANITATION AND WASTE DISPOSAL

Division 1 – Discharge of sewage

49. Definitions

In this Part, unless the contrary intention appears:

"building" means any building that is intended for human habitation or where people are present;

"owner" means:

(a) in the case of a sublease registered under the Land Leases Act [CAP 163] the proprietor of the sublease; and

(b) in the case of a lease registered under the Land Leases Act [CAP 163] the lessee; and

(c) in the case of a customary land that does not have a lease registered over it the custom owners; and

(d) in the case of a strata titles registered under the Strata Titles Act [CAP 266]:

(i) where the sanitation system serves more than one strata within the same lease the lessee over which that strata is registered; or

(ii) where the sanitation system serves only one strata within the lease the proprietor of the strata.

50. Disposal of Sewage

A person must not discharge, treat or dispose of sewage except in the manner as set out under this Act.

51. Sewage and storm water discharge

(1) The owner of a building must ensure that the sanitation system or treatment plant serving the building is constructed, operated and maintained in a manner that:

(a) prevents sewage from being discharged, flowing or seeping into:

(i) groundwater; or

(ii) a drainage system; or

(iii) a public drainage system; and

(b) prevents rain or surface water including storm water from entering the sanitation system.

(2) The owner of a building must ensure that the drainage system of the building is constructed, operated and maintained in a manner that prevents rain or surface water including storm water from being discharged, flowing or seeping into the sanitation system.

(3) The occurrence of sewage from the respective plot, lot or building in a drainage system or a public drainage system or the presence of rain or surface water including

storm water from the respective plot, lot or building in a sanitation system is to be considered prima facie evidence of a violation of subsection (1) or (2) respectively.

(4) A person who fails to comply with subsection (1) or (2) commits an offence punishable on conviction:

(a) in the case where the building is used for residential purposes by a fine of not exceeding VT5,000,000 or by imprisonment for a term not exceeding 12 months, or both; or

(b) in the case where the building is not used for residential purpose- by a fine not exceeding VT10,000,000.

Division 2 – Central Reticulated Systems and Treatment Plants

52. Permit to operate a central reticulated system or a treatment plant

(1) A person must not operate a central reticulated system or a treatment plant unless he or she is issued with a valid permit under this section.

(2) An application for a permit under this section must be made to the Director:

(a) in the prescribed form; and

(b) be accompanied with prescribed fees including but not limited to:

(i) an application fee; and

(ii) a permit fee; and

(c) be accompanied with the applicant's plans of operation and maintenance of the treatment plant with reference to the type of the system, its capacity, the method of treatment and the manner of disposal of the sewage, the treated wastewater and the sludge.

(3) An applicant must provide the Director with any further information required in connection with the application as the Director may require.

(4) The Director may grant a permit under this section if he or she is satisfied that the operation of the central reticulated system or the treatment plant will not cause a health hazard or nuisance and that the operation and maintenance plan is adequate to ensure that a health hazard or nuisance does not exist.

(5) A permit under this section is valid for a term of not more than 5 years, and may be renewed.

(6) Subject to subsection (7), the Director may on the recommendation of an authorized officer:

(a) impose additional conditions to an existing permit or provide instructions to the permit holder in connection with the permit if the central reticulated system or the treatment plant causes or is likely to cause a health hazard or nuisance; or

(b) order the suspension of an existing permit if the central reticulated system or the treatment plant causes or is likely to cause health hazard a nuisance.

(7) The Director must provide the permit holder a reasonable opportunity to show cause why the proposed action should not be taken.

(8) If a treatment plant causes a serious health hazard, which, in the opinion of the Director cannot be addressed by any other means, the Director may:

(a) order the immediate suspension of the permit for the operation of the treatment plant; or

(b) order the closing of premises discharging into the treatment plant and determine the conditions to be met for the renewal of the permit and the reopening of the premises.

(9) A person who operates a central reticulated system or a treatment plant without a valid permit, commits an offence punishable on conviction by a fine of not exceeding VT20,000,000.

53. Permission to discharge into a central reticulated system

(1) Where a central reticulated system has been installed in any area, the relevant local authority may:

(a) instruct by written notice that any building is to be connected to the central reticulated system; and

(b) impose conditions relating to the composition of the discharge into the central reticulated system, including the installation of pre-treatment facilities.

(2) In addition to subsection (1), the owner of a building in that area may apply to the relevant local authority to be connected to the central reticulated system.

(3) The local authority under subsection (2) may approve or reject an application taking into account:

(a) the proximity of the building to the central reticulated system; and

(b) the volume of the discharge and its composition; and

(c) any other town planning consideration; and

(d) any other relevant matters.

(4) The local authority may impose conditions on the volume or composition of any discharge into a central reticulated system, including conditions applicable to manufacturing or trade effluent and the existence of pre-treatment facilities that would allow such discharge into a central reticulated system or a treatment plant.

(5) The local authority may, determine the fee to be paid for the connection to the central reticulated system and for its usage.

(6) The owner of a building which has received a notice to connect under subsection (1), or permission to connect under subsection (2), to a central reticulated system must ensure that:

(a) the conditions of the connection to the central reticulated system are observed at all times; and

(b) the sanitation system within the building is constructed, operated and maintained in a manner that prevents any and all sewage occurring on his or her building from being discharged to any place other than the central reticulated system; and

(c) pre-treatment facilities, where required are of an approved type and are operating at all times; and

(d) the drainage system of the building is constructed, operated and maintained in a manner that prevents rain or surface water including storm water from being discharged, flowing or seeping into the central reticulated system.

(7) A person that fails to comply with an instruction to connect, a condition of approval under subsection (4) or who connects or allows a discharge into a central reticulated system without permission or without pre-treatment where required, commits an offence punishable on conviction:

(a) in the case where the building is used for residential purposes - by a fine of not exceeding VT5,000,000 or by imprisonment for a term not exceeding 12 months, or both; or

(b) in the case where the building is not used for residential purposes - by a fine of not exceeding VT10,000,000 or by imprisonment for a term not exceeding 12 months, or both.

Division 3 – Sanitation Board

54. Sanitation Board

(1) The Sanitation Board is established.

(2) The Board consists of:

(a) the Director of the Department of Public Health; and

(b) the Director of the Department of Environmental Protection and Conservation; and

(c) a person nominated by the Director of the Department of Local Authorities who is either a staff member of the Department or of a local authority; and

(d) an environmental health officer nominated by the Director of the Department of Public Health; and

(e) a staff member of the Department of Environmental Protection and Conservation nominated by the Director of the Department of Environmental Protection and Conservation; and

(f) a staff member of the Department of Public Works nominated by the Director of Public Works; and

(g) a person nominated by the National Council of the Chambers of Commerce and Industry, who is engaged in providing sanitation services; and

(h) a person nominated by the Minister.

(3) A member nominated under paragraphs (2)(c), (d), (e), (f), (g) and (h) is to be appointed by the Minister by Order for a period of 3 years and is eligible for re-appointment.

(3A) The members of the Board are to elect from amongst themselves a Chairperson and Deputy Chairperson.

(4) Despite subsection (3), a person ceases to be a member of the Board if he or she:

(a) in the case of a member nominated under paragraph (2)(c) - ceases to be employed as a staff of the Department of Local Authorities or of a local authority; or

(b) in the case of a member nominated under paragraph (2)(d) -ceases to be employed as an environmental health officer; or

(c) in the case of a member nominated under paragraph (2)(e) - ceases to be employed as a staff of the Department of Environmental Protections and Conservation; or

(d) in the case of a member nominated under paragraph (2)(f) - ceases to be employed as a staff of the Department of Public Works; or

(e) in the case of a member nominated under paragraph (2)(g) - ceases to be engaged in the provisions of sanitation services.

(5) A member of the Board appointed under paragraph (2)(c), (d), (e) or (f) who is suspended by his or her employer is deemed to be suspended as a member of the Board.

(6) If a member has been suspended, the persons making the nominations under paragraph (2)(c),(d), (e) or (f) may nominate an alternate member to attend the meetings of the Board until such time the suspension of the member lapses.

(7) To avoid doubt, if the position of the Director appointed under paragraph (2)(a) or (b) is vacant, the Acting Director is deemed to be a member of the Board.

54A. Declaration of interests

(1) A member who has an interest in any matter before the Board must:

(a) declare that interest; and

(b) not be present at the Board meeting when the Board is discussing that matter.

(2) The member's declaration under subsection (1), must be recorded in the minutes of the meeting and the minutes relating to that matter must not be made available to that member unless the Board decides otherwise.

(3) A member who fails to declare his or her interest under subsection (1), is disqualified as a member of the Board and ceases to hold office.

55. Functions of the Board

The Board has the following functions:

(a) to advise and make recommendations to the Minister on design and performance standards for sanitation systems, treatment plants and central reticulated systems; and

(b) to advise and make recommendations to the Minister on the types of sanitary devices and standards for sanitary devices that may be imported, sold or installed in Vanuatu; and

(c) to advise and make recommendations to the Minister on matters involving the qualification, certification, registration or licensing of sanitation service providers; and

(d) to advise the Minister on Regulations required to be prescribed under this Part; and

(e) to advise the Minister on policies relating to sanitation; and

(f) to carry out any other function as required under this Act or any other Act.

56. Meetings

(1) The Board is to meet at the request of the Chairperson at least 2 times a year and may hold such other meetings as are necessary for the proper performance of its functions.

(2) The Chairperson of the Board or Deputy Chairperson is to preside at all meetings of the Board.

(3) At a meeting of the Board, a quorum consists of:

(a) the Chairperson or in his or her absence, the Deputy Chairperson; and

(b) 3 other members.

(4) The Board may meet despite any vacancies in its membership so long as a quorum is present.

(5) A member present at a meeting has 1 vote and questions arising at a meeting are to be decided by a simple majority of votes.

(6) Subject to this Act, the Board is to determine and regulate its own procedures.

(7) The Minister may prescribe by Order, the sitting allowances of the members of the Board.

Division 4 – Sanitation in urban areas

57. Application

This Division applies to:

(a) buildings located within an urban area; and

(b) buildings located within rural areas to which a declaration made under section 64 relates; and

(c) types of buildings located in a rural area to which a declaration made under section 64 relates.

58. Discharge of Sewage

(1) Sewage must only be discharged into a sanitation system, a central reticulated system or a treatment plant.

(2) A sanitation system, central reticulated system and treatment plant under subsection (1) must be constructed, operated and maintained in compliance with the provisions of this Act**.**

59. Suitable and adequate sanitation systems

(1) The owner of a building must ensure that his or her building:

(a) has within its curtilage a sanitation system; or

(b) is connected to a central reticulated system or a treatment plant that is adequate and suitable for the sewage discharges from the building.

(2) In addition to subsection (1), the owner or occupier of a building must ensure that:

(a) the sanitation system and the sanitary devices or sanitation facilities of that building are properly kept and maintained; and

(b) the septic tank is periodically de-sludged.

(3) For the purposes of subsection (2) “properly kept and maintained” means that the sanitation system and sanitary devices or sanitation facilities are clean, do not emit odours and have no sewage seeping out of them.

(4) If on inspection an authorized officer is of the opinion that the owner of a building has not complied with requirements under subsection (1), the authorized officer may by written notice direct the owner of the building to:

(a) install, within a reasonable time, a sanitation system for the use of the building; or

(b) connect the building to a central reticulated system, where available or to a treatment plant; or

(c) rehabilitate the existing sanitation system or the treatment plant to the standards set in the Building Act No. 36 of 2013.

(5) If on inspection an authorized officer is of the opinion that the owner or occupier of a building has not complied with requirements under subsection (2), the authorized

officer may by written notice direct the owner or occupier of the building to, within a reasonable time:

(a) take remedial steps to ensure that the system is properly kept and maintained; and

(b) de-sludge the septic tank.

(6) The Director may, on the recommendation of an authorized officer, order the immediate closure of a building if:

(a) the owner or occupier of that building for which a notice under subsection (4) or (5) has been issued, fails to comply with the notice; or

(b) the continued occupation of that building is or is likely to create a health hazard or a nuisance.

(7) A person must not enter, inhabit or use a building for any purpose where an order for closure has been issued by the Director under subsection (6).

(8) A person who fails to comply with this section, commits an offence punishable on conviction:

(a) in the case where the building is used for residential purposes - by a fine of not exceeding VT 5,000,000 or by imprisonment for a term not exceeding 12 months, or both; or

(b) in the case where the building is not used for residential purposes - by a fine of not exceeding VT10,000,000 or by imprisonment for a term not exceeding 12 months, or both.

(9) This section does not apply to buildings intended for human habitation and occupied for this purpose that do not have a sanitation system within the confines of that building on the commencement of this section.

(10) Despite subsection (9), the Director may direct, or order, that certain buildings to which subsection (9) applies will from a date specified in the order, be subject to the provisions of this section.

60. *(Section 60 is to commence on a date to be prescribed by the Minister by Order).*

61. Buildings to be provided with drains

(1) All buildings must be provided with proper drains for the efficient carrying off of rain or surface water including storm water to the satisfaction of the local authority.

(2) If on inspection an authorized officer determines that a building under subsection (1) has not been provided with proper drains, he or she must by way of written notice, direct the owner of the building to install, within a reasonable time, proper drains for the efficient carrying off of rain or surface water including storm water.

(3) The Director may, on the recommendation of an authorized officer, order the immediate closure of a building if:

(a) the owner or occupier of that building for which a notice under subsection (2) has been issued, fails to comply with the notice; or

(b) the continued occupation of the building without a proper drains is or is likely to create a health hazard or nuisance.

(4) A person must not enter, inhabit or use a building for any purpose where an order for closure has been issued by the Director under subsection (3).

(5) A person who fails to comply with a notice issued under subsection (2) or occupies a building in contravention of subsection (4), commits an offence punishable on conviction:

(a) in the case where the building is used for residential purposes - by a fine of not exceeding VT5,000,000 or by imprisonment for a term not exceeding 12 months, or both; or

(b) in the case where the building is not used for residential purposes - by a fine of not exceeding VT10,000,000 or by imprisonment for a term not exceeding 12 months, or both.

Division 5 – Sanitation in rural areas

62. Application

This Division applies to buildings located in a rural area.

63. Provision of sanitation in rural areas

A Provincial Government Council is to take all necessary measures to ensure that the inhabitants of rural areas in that province have access to proper and adequate sanitation facilities.

64. Declaration of certain buildings

(1) The Minister on the recommendation of the Director, may, after consulting the relevant Provincial Government Council, declare by notice published in the Gazette that:

(a) all or types of buildings; or

(b) buildings used for a particular purpose,

which are located in a certain rural area, in some rural areas or in all of the rural areas of the country, are to be subject to the provisions of Division 4.

(2) A declaration under subsection (1) must contain the following information:

(a) where the declaration does not refer to the whole country - reference to a map, or description of that area; and

(b) the date from which the provisions of Division 4 are to apply.

Division 6 – Sanitation facilities and sanitary devices

65. *(Section 65 is to commence a date to be prescribed by the Minister by Order).*

66. Adequate sanitation facilities in places where people convene

(1) All hotels, resorts, hospitals, medical facilities, Provincial Government centres, schools, churches, commercial buildings and other places where people convene must provide and maintain sufficient, adequate and clean sanitation facilities, including an adequate number of toilets in a suitable location for use by persons frequenting the building and accessible to them.

(2) For the purposes of subsection (1), sufficient, adequate and clean sanitation facilities means sanitation facilities that:

(a) meet the requirements of this Act or Regulations; and

(b) are maintained in a manner that does not cause a health hazard or nuisance and are accessible to the public.

(3) If on inspection an authorized officer determines that a building under subsection (1) does not maintain sufficient, adequate and clean sanitation facilities, including toilets

as stipulated in subsection (1) he or she must by way of written notice, direct the owner of the building to within a reasonable time specified in the notice:

(a) install adequate and clean sanitation facilities, including a sufficient number of toilets that are accessible to the public; and

(b) ensure that the facilities are kept and maintained so as not to cause a health hazard or nuisance.

(4) The Director may, on the recommendation of an authorized officer, order the immediate closure of a building if:

(a) the owner or occupier of that building for which a notice under subsection (3) has been issued, fails to comply with the notice; or

(b) the continued occupation of the building without the sanitation facilities a proper and adequate sanitation system is or is likely to create a health hazard.

(5) A person must not enter, inhabit or use a building for any purpose where an order for closure has been issued by the Director under subsection (4) over that building.

(6) A person who fails to comply with a notice issued under subsection (3) or occupies a building in contravention of subsection (5), commits an offence punishable on conviction:

(a) in the case where the building is used for residential purposes - by a fine of not exceeding VT5,000,000 or by imprisonment for a term not exceeding 12 months, or both; or

(b) in the case where the building is not used for residential purposes - by a fine of not exceeding VT10,000,000 or by imprisonment for a term not exceeding 12 months, or both.

67. Obligation to provide toilets

(1) For the purposes of this section, “sufficient toilet accomodations” means that the premises have sufficient number of toilets of a type which is effective and suitable having regard to the circumstances of the case

(2) All premises must have sufficient toilet accomodations.

(3) If on inspection an authorized officer determines that a premises does not have sufficient toilet accommodations, he or she must by way of written notice, direct the owner of the premises to:

(a) provide such number of toilets, or toilets of such type; or

(b) do such other thing to provide effective and sufficient toilet accommodations, within the reasonable time specified in the notice.

(4) A person who fails to comply with a notice issued under subsection (3) commits an offence punishable on conviction:

(a) in the case where the building is used for residential purposes - by a fine of not exceeding VT5,000,000 or by imprisonment for a term not exceeding 12 months, or both; or

(b) in the case where the building is not used for residential purposes - by a fine of not exceeding VT10,000,000 or by imprisonment for a term not exceeding 12 months, or both.

(5) In addition to subsection (3), a local authority may execute, or cause to be executed, such work as may be necessary to satisfy the requirements of such notice, and may

recover any expenses incurred as a result of such work from the person to whom the notice applies.

68. Public toilet

In every municipal council area or rural area, a municipal council or a Provincial Government Council must provide and maintain in proper and convenient locations, sufficient toilets for public use and may charge such fees necessary for the maintaince of such toilets.

69. Latrine not to threaten source of water supply

(1) A person must not erect or cause to be erected any latrine:

(a) within 30 metres from any well, dam, reservoir, river, creek, stream, or water course which is used as a source of domestic water supply; or

(b) that contaminates or may, in the view of an authorized officer, contaminate any aquifer or groundwater that is used for domestic water supply.

(2) Despite subsection (1), the Minister may, after consultation with the Sanitation Board, prescribe by Regulation the types of latrines that may be erected within 30 meters to such well, dam, reservoir, river, creek, stream, or water course.

(3) If on inspection an authorized officer determines that a latrine is erected in contravention of subsection (1), he or she must by way of written notice, direct the person who erected or caused to be erected that latrine:

(a) to remove or reconstruct the latrine; or

(b) otherwise carry out such other works so as to eliminate the contamination risk,

within a reasonable time specified in the notice.

(4) A person who fails to comply with a notice issued under subsection (3), commits an offence punishable on conviction by a fine not exceeding VT 1,000,000 or by imprisonment for a term not exceeding 5 years or both.

(5) In addition to subsection (4), the local authority may execute, or cause to be executed, any work necessary to satisfy the requirements of such notice, and may recover any expenses incurred as a result of such work, from the person to whom the notice applies.

70. Sanitation facilities used in common

(1) This section applies if sanitation facilities are used in common by the occupiers of two or more premises or by other persons.

(2) All sanitation facilities or the walls, floors, seats or fittings must be maintained to the satisfaction of an authorized officer and must not be in such a state as to be a health hazard or a nuisance.

(3) If the sanitation facilities are maintained in contravention of subsection (2), the authorized officer is to issue a notice to the occupiers of the premises using the facilities to maintain the same to the satisfaction of an authorized officer such as not to become a health hazard or a nuisance.

(4) Any person who fails to comply with a notice issued under subsection (3), commits an offence punishable on conviction by a fine not exceeding VT 100,000.

(5) Any person who injures or improperly fouls any such toilet or toilet accommodation or anything used in connection with such toilet is guilty of an offence punishable on conviction by a fine not exceeding VT 500,000 or by imprisonment for a term not exceeding 12 months or both.

Division 7 – Standards

71. Approved designs and standards of sanitation systems

The Minister may on the recommendation of the Sanitation Board, by Regulation, prescribe approved designs and performance standards for sanitation systems, treatment plants or central reticulated systems.

72. *(Section 72 is to commence on a date to be prescribed by the Minister by Order).*

73. Registry of sanitary devices

The Director is to keep and maintain a registry of all approved sanitary devices.

Division 8 – Service providers

73A. *(Section 73A is to commence on a date to be prescribed by the Minister by Order).*

Division 9 – Compliance

73B. Prevention of health hazard or nuisance from sanitation system

(1) Any person must not cause or permit any person to cause a sanitation system, a treatment plant, a central reticulated system, sanitation facilities or a sanitary device to be a nuisance, injurious or dangerous to health by wilfully destroying or damaging, or by otherwise interfering with:

(a) a sanitation system, a treatment plant, a central reticulated system, sanitation facilities or a sanitary device; or

(b) any water supply, apparatus, pipe or work connected to it.

(2) A person who contravenes subsection (1), commits an offence punishable on conviction by a fine not exceeding VT 5,000,000 or by imprisonment for a term not exceeding 12 months or both.

73C. Hazard causing sanitation systems

(1) Despite Part 4, if a sanitation system, a treatment plant, a central reticulated system, a sanitation facility or a sanitary device is constructed, situated, operated or maintained in such a manner so as to:

(a) cause or likely to cause a health or environmental hazard or be a nuisance; or

(b) be offensive to public decency,

the authorized officer may issue a notice to the owner or occupier of the building requiring him or her to remove, reconstruct, screen or otherwise carry out such other works so as to eliminate the health or environmental hazard, abate the nuisance or remove the offence against public decency.

(2) The Director may, on the recommendation of an authorized officer, order the immediate closure of a building if:

(a) the owner or occupier of that building for which a notice under subsection (1) has been issued, fails to comply with the notice; or

(b) the continued occupation of the building without a proper and adequate sanitation system is or is likely to create a health or environmental hazzard.

(3) A person must not enter, inhabit or use a building for any purpose where an order for closure has been issued by the Director under subsection (2) over that building.

(4) A person who fails to comply with a notice issued under subsection (1) or occupies a building in contravention of subsection (3), commits an offence punishable on conviction:

(a) in the case where the building is used for residential purposes - by a fine of not exceeding VT5,000,000 or by imprisonment for a term not exceeding 12 months, or both; or

(b) in the case where the building is not used for residential purposes - by a fine of not exceeding VT10,000,000 or by imprisonment for a term not exceeding 12 months, or both.

73D. Inspection

(1) For the purposes of enforcing this Act or Regulations, an authorized officer may at any time:

(a) enter any plot or building for the purposes of inspecting a treatment plant, central reticulated system, sanitation system, sanitation facility or sanitary device of that premises; or

(b) inspect, examine, sample or perform any kind of test or examination on any treatment plant, central reticulated system, sanitation system, sanitation facility or sanitary device or any other areas within the premises; or

(c) take samples of any liquids or solids; or

(d) take any photo, sketch or video necessary for record keeping purposes of the inspection; or

(e) make any measurement or conduct any interviews necessary for the purposes of inspection; or

(f) cut, remove, detain, seize, recall, or destroy any vegetation necessary to inspect the treatment plant, central reticulated system, sanitation system, sanitation facility or sanitary device within a premises; or

(g) permanently or otherwise mark, brand, dye or label any treatment plant, central reticulated system, sanitation system, sanitation facility or sanitary device for the purposes of inspection for the purposes of this Act; or

(h) make or impose any relevant order, instruction or condition; or

(i) interrupt, suspend or prohibit actions or operations necessary for the inspection of any treatment plant, central reticulated system, sanitation system, sanitation facility or sanitary device.

(2) A civil or criminal liability action is not to be taken against an authorized officer in respect of anything done or omitted to be done by the officer in good faith in the execution or purported execution of his or her functions and powers under this Act.

73E. Examination of sanitation system

(1) An authorized officer may examine and take samples from any:

(a) sanitation system; or

(b) sanitation facility; or

(c) treatment plant (including a pre-treatment plant); or

(d) central reticulated system; or

(e) septic tank, cesspool, trap, siphon or any other sanitary device; or

(f) water supply apparatus, pipe or work connected to any of the systems, plants, facilities or devices listed in paragraphs (a) to (e),
located on any premises, and may cause the ground to be opened in any place which may appear to the authorized officer necessary for the purpose of this section.

(2) If any work referred to in subsection (1) is found on examination to be in proper order, the authorized officer is to cause the work to be reinstated and made good as soon as possible and is to defray the expenses of the examination and the reinstating and making good of the work. However, if on examination any such work is found not to be in proper order, the authorized officer may:

(a) recover from the owner of the premises, or, where the owner is absent from Vanuatu or cannot be found or ascertained by the authorized officer, from the occupier of the premises, the expenses of such examination; and

(b) cause a notice to be served upon the owner of such premises or, in the circumstances specified in paragraph (a), the occupier of the premises, requiring him or her to repair or otherwise put in good order such work within such time as may be specified in the notice.

(3) If the person on whom a notice is served under paragraph (2)(b) fails to comply with any of the requirements of that notice, the authorized officer may execute, or cause to be executed, any work necessary to satisfy the requirements of such notice, and may recover any expenses that is incurred from such person.

(4) If the person upon whom a notice is served under paragraph (2)(b) fails to comply with any of the requirements specified in such notice, he or she is commits an offence punishable on conviction to a fine not exceeding VT 1,000,000 or to imprisonment for a term not exceeding 12 months or both.

73F. Penalty Notice

(1) The Director may serve a penalty notice on a person if it appears to the Director that the person has committed an offence under any provision of this Act or the Regulations.

(2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a Court, the person may pay within a time and to a person specified in the notice the amount of penalty prescribed by the Regulations for the offence if dealt with under this section.

(3) A penalty notice may be served personally or by post.

(4) If the amount of penalty prescribed for the purposes of this section for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.

(5) Payment under this section is not to be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil proceeding arising out of the same occurrence.

(6) The Regulations may:

(a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence; and

(b) prescribe the amount of penalty payable for the offence if dealt with under this section; and

(c) prescribe different amounts of penalties for different offences or classes of offences.

(7) The amount of a penalty prescribed under this section for an offence must not exceed the maximum amount of penalty prescribed under this Act.

(8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

73G. Additional Court orders

(1) The Court may, when convicting a person for an offence under this Part and having regard to the nature of the offence and the circumstances surrounding its commission, in addition to any penalty imposed, make an order:

(a) to prohibit the person from doing any act or engaging in any activity or undertaking that may result in the continuation or repetition of the offence; or

(b) directing the person to pay to the local authority, costs and other expenses associated with any inspection or examination undertaken in respect of the offence; or

(c) requiring the person to comply with any other condition the Court considers appropriate in the circumstances.

(2) If a person is convicted of an offence under this Act, the Court may when sentencing the offender and on the application by a person aggrieved, order the convicted person to pay to the person aggrieved:

(a) compensation for loss or damage to property or income proved to have been suffered by that person as a result of the commission of the offence; or

(b) the cost of any preventative or remedial action proved to have been reasonably taken or caused to be taken by that person as a result of the act or omission that constituted the offence.

(3) An order under paragraph (1)(a) or (b) is enforceable as if it were an injunction.

(4) An order under this section relating to payment of money is enforceable as if it were a judgment debt and recoverable in Court.

(5) If a person fails to comply with a Court order made under this section relating to restoration, improvement or remedial action of an area, the Council may undertake the restoration, improvement or remediation of the area, and the cost is to become a debt recoverable in Court.

Division 10 – Waste Disposal

73H. Urban buildings to be provided with refuse bins

(1) In every urban area, every new and existing building intended for human occupation must be provided with a sufficient refuse bin to the satisfaction of the municipal council.

(2) The municipal council may by written notice require an owner or occupier of the building within a reasonable time specified in the notice to provide such additional number of refuse bins after having regard to the number and description of the persons occupying or using such building.

73I. Public refuse bins

In every urban area, the municipal council is to provide and maintain in proper and convenient situations, sufficient refuse bins for the public use.

73J. Interference with refuse bins and refuse tips prohibited

(1) A person must not, without lawful authority or excuse, sort over, disturb, remove or otherwise interfere with:

(a) the contents of any refuse bin placed in any street for the purpose of its contents being removed by the local authority; or

(b) refuse deposited upon any refuse tip or other place provided by the local authority for the deposit of refuse.

(2) Any person who, without lawful authority or excuse, contravenes with subsection (1) commits an offence punishable on conviction by a fine not exceeding VT 50,000.

PART 9 – PROVISIONS RELATING TO VESSELS

74. Interpretation

In this Part "nuisance" means any matter or circumstances rendering any vessel or part thereof injurious to the public health or to the health of the passengers or crew of such vessel.

75. Inspection of vessels

(1) It shall be lawful at any time between sunrise and sunset for an environmental health officer to enter and inspect any vessel lying in port, harbour, or river, or other water within Vanuatu and, if admittance is refused, to use such reasonable force as may be necessary for effecting such entry.

(2) Any master or crew of any such vessel who shall refuse such admission or obstruct, hinder or prevent such environmental health officer from making such entry and inspection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

76. Abatement of a nuisance

(1) It shall be lawful for an environmental health officer or a medical officer in any place in Vanuatu where the existence of a nuisance is ascertained to make an order in writing for the abatement or discontinuance of such nuisance by the master of any vessel.

(2) An order made under subsection (1) may require the person on whom it is made to do such works or acts as are necessary to abate the nuisance complained of in such manner and within such time as shall be specified in the order and, if the environmental health officer is of the opinion that such or the like nuisance is likely to recur, he may further prohibit the recurrence of it and direct the execution of such works as may be necessary in his opinion to prevent such recurrence.

(3) If any such order made under subsection (1) is not complied with to the satisfaction of the environmental health officer or medical officer and within the time limited by such order, the person on whom such order was made shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

(4) In any case of non-compliance with any such order made under subsection (1) it shall be lawful for an environmental health officer or medical officer together with such assistance as he may deem necessary, from time to time, and forcibly if need be, to enter any vessel in respect of which such order has been made and to remove or remedy the nuisance and to do whatever may be necessary in execution of such order for removing or remedying and the prevention of the continuance of such nuisance, and the environmental health officer or medical officer may recover from the master

or owner of such vessel the expenses incurred by him in removing or remedying and in preventing the continuance of such nuisance.

77. Application of Parts 3 and 6

(1) For the purpose of the provisions of Parts 3 and 6, any vessel lying in any port, harbour, river or other water within or adjoining the area of a local authority shall be subject to the jurisdiction of that authority in the same manner as if it were a dwelling or other building within such area.

(2) The master of any such vessel shall be deemed for the purposes of the said provisions to be the occupier.

PART 10 – BUILDINGS AND HOUSING

78. Prevention of danger from unsuitable buildings

It shall be the duty of every local authority to take all lawful, necessary and reasonably practicable measures for preventing or remedying all conditions liable to be injurious or dangerous to health arising from the erection or occupation of unhealthy dwellings or buildings, or the erection of dwellings or buildings on unhealthy sites or on sites of insufficient extent, or from overcrowding, or from the construction, condition or manner of use of any factory or trade premises, and to take proceedings against any person causing or responsible for the continuance of any such condition.

79. Building lots to be filled in and drained

No dwelling or building shall be erected on any land in any urban area unless and until the owner or lessee thereof has filled in and taken such measures for the general drainage of the area as may be required by the local authority.

80. Notice to build and provision of plans

(1) Any owner or lessee intending to utilize any area of land in an urban area for the erection of a dwelling or building or the extension or alteration of any dwelling or building shall give notice accordingly in writing to the local authority and shall, together with the notice, furnish a plan of the proposed dwelling or building or of such extension or alteration, together with a plan of the site on which it is proposed to erect or make such dwelling, building, extension or alteration, showing the access thereto, and shall furnish the local authority with information concerning materials to be used in the construction of and such other information as it may required in connection with the proposed erection or making of such dwelling, building, extension or alteration.

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

81. Unsuitable building materials

(1) Where, in accordance with section 80, plans are deposited with a local authority, showing that it is proposed to construct a dwelling or building of materials which are, in the absence of special care, liable to rapid deterioration, or are otherwise, in the opinion of the local authority, unsuitable for use in the construction of permanent buildings, the local authority may:

(a) reject the plans; or

(b) in passing the plans, fix a period on the expiration of which the building must be removed and impose, with respect to the use of the building, such reasonable

conditions, if any, as, having regard to the nature of the materials used in its construction, it deems appropriate.

(2) If a building in respect of which plans ought under section 80 to have been deposited, but have not been deposited, appears to the local authority to be constructed of such materials as referred to in subsection (1), the local authority, without prejudice to its right to take proceedings for an offence under section 80, may fix a period on the expiration of which the building must be removed, and, if it thinks fit, impose such conditions with respect to the use of the building as might have been imposed under subsection (1) upon the passing of plans for the building and, where it fixes such a period, shall forthwith give notice thereof, and of any conditions imposed, to the owner of the building.

(3) The owner of any building in respect of which a period has been fixed under this section shall, on the expiration of that period, remove the building, and, if he fails to do so, the local authority may remove it and may recover from him the expenses reasonably incurred by it in so doing.

(4) Any person who:

(a) on the expiration of a period fixed under this section in respect of a building, fails to remove such building;

(b) uses a building in contravention of any condition imposed under this section, or who permits such building to be so used,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

(5) The provisions of this section shall apply in relation to any extension of an existing building as they apply in relation to a new building.

82. Building sites not to be filled in with refuse matter

(1) Except with the written permission of a local authority, it shall not be lawful in any urban area to fill up or to raise the level of any land to be used as a building site with refuse matter containing or impregnated with faecal, animal or vegetable matter.

(2) It shall not be lawful to erect any new building on any ground which has been filled up with any such refuse matter as referred to in subsection (1) or upon which it has been deposited unless and until the refuse matter shall have been properly removed by excavation or otherwise or shall have been rendered or shall have become innocuous to the satisfaction of the local authority.

83. Examination of premises

The local authority or any of its officers, or an environmental health officer may enter any building or premises for the purpose of determining the existence of any nuisance in such building or premises at all reasonable times, and the local authority or any of its officers may if necessary open up the ground of such premises and cause the drains to be tested, or such other work to be done as may be necessary for the effectual examination of the said premises:

Provided that if no nuisance is found to exist the local authority shall restore the premises at its own expense.

84. Closing order

(1) In any urban area, where an environmental health officer serves notice in writing on a local authority that any dwelling or other building within its area is unfit or unsafe for human habitation or occupation, such local authority may by order in writing, (hereinafter referred to as a closing order), declare that such dwelling or building or part

of such dwelling or building is not fit for human habitation or occupation and direct that such dwelling or building or part of such dwelling or building shall not after the time specified in such order be inhabited or occupied by any person.

(2) Any order made under subsection (1) may provide that such direction shall not have effect if the repairs or alterations specified in the order are made in the dwelling or building so as to render it fit for human habitation or occupation to the satisfaction of the local authority.

(3) Any order made under subsection (1) shall be served on the owner or occupier of the dwelling or building or, if neither the owner nor the occupier can be found, such service may be effected by affixing a copy of such order on a conspicuous part of such dwelling or building.

85. Notice of closing order

(1) Where a closing order has been made in respect of a dwelling or building, the local authority shall serve a notice of the order on every occupying tenant of the dwelling or building and within such period as is specified in the notice, not being less than seven days after the service of the notice, the order shall be obeyed by the occupying tenant and his family shall cease to inhabit the dwelling or building.

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

86. Notice of demolition

Where a closing order has been made in respect of any dwelling or building and has not been determined by any subsequent order, then the local authority, if it is of the opinion that the dwelling or building has not been rendered fit for human habitation or occupation and if the necessary steps are not being taken to render it so fit, shall cause notice to be served on the owner of the dwelling or building or any part thereof, and such notice shall specify a time and place appointed by the local authority for further consideration of the matter, not being less than one month after service of the notice, and any owner of the dwelling or building shall be at liberty to attend and state his objections to the demolition.

87. Demolition Order

If upon consideration of any objections made under section 86, the local authority decides it is expedient so to do, then, unless the owner undertakes forthwith to execute the works necessary to render the dwelling or building fit for human habitation or occupation, the local authority shall order the demolition of the dwelling or building or any part thereof.

88. Execution of work by order

If the owner undertakes to execute the works necessary to render the dwelling or building fit for human habitation, the local authority may order the execution of the works within such reasonable time as is specified in the order and if the works are not completed within the time or any extended time allowed by the local authority, the local authority shall order the demolition of the said dwelling or building or any part thereof.

89. Removal of building

Where an order for the demolition of a dwelling or building or any part thereof has been given, the owner thereof shall, within three months after service of the order, proceed to take down and remove the said dwelling or building or the said part thereof and, if the owner fails therein, the local authority shall proceed at the risk and expense of the owner to take down and remove the same and shall sell the material and, after deducting the expenses incidental to such taking down and removal, shall pay over the balance, if any, to the owner:

Provided that if such proceeds do not cover the expenses the amount of the deficiency may be recovered by the local authority from the owner.

90. Appeal against orders

Any person aggrieved by an order of the local authority under the provisions of sections 84 to 89 may within ten days of the service of such an order require by summons the local authority to appear before a court of competent jurisdiction to show cause why the order should not be set aside.

91. Prevention of hazard when constructing and demolishing buildings

(1) All persons who are engaged in the erection, alteration, construction or demolition of any building shall take reasonable precautions to prevent danger to the life, health or well-being of persons using any public place from flying dust or falling fragments or from any other material, thing or substance.

(2) Any person engaged in or responsible for the erection, alteration, construction or demolition of any building who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 1,000,000 or to imprisonment for a term not exceeding 3 years or to both such fine and imprisonment.

92. Provision of ingress and egress from building

(1) All public buildings or buildings to which people routinely have access shall be provided with suitable means of entry and exit, as the Director deems satisfactory for the purposes for which the building is being used and the number of persons likely to resort thereto at any one time.

(2) If it appears to the Director that any building referred to in subsection (1) is not provided with such means of entry and exit as the Director deems satisfactory, the Director may by notice require the owner of the building to execute such work to provide for such entry and exit to such building.

(3) If the Director is satisfied that the safety of the public requires that Immediate action should be taken in the case of any building in respect of which he has given notice under subsection (1) the Director may apply to a court for the temporary closing of the building pending necessary changes to the building or for a restriction of its use by the public.

(4) The owner of any building who fails to provide a suitable means of entry and exit to any such building referred to in subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

93. Overcrowding

(1) Any dwelling or premises used for the purpose of human habitation or any part of any such dwelling or premises which is or are so overcrowded as to be dangerous or injurious to the health of the inmates thereof, whether members of the same family or not, shall be a nuisance which may be dealt with under the provisions of Part 4.

(2) In considering for the purpose of any proceedings whether any premises used for human habitation which are also used as a workplace are a nuisance by reason of overcrowding, the court shall have regard to circumstances in which it is used as such workplace.

94. Regulations regarding overcrowding

Without prejudice to the provisions of section 93, the Minister may make regulations in relation to overcrowding providing for:

(a) the control of the number of persons who may at one time occupy, work in or use any premises or any part of any premises;

(b) the separation of the sexes occupying the same premises or the same part of any premises for the purpose of habitation;

(c) the control (including prohibition) of the use for any specified purposes of any premises or any part of any premises;

(d) the proper access of light and ventilation to premises or any part of any premises;

(e) the prevention of indoor air pollution from open and closed fires and stoves; or

(f) the control (including prohibition) of the erection, alteration or maintenance of verandahs, balconies, cubicles, partitions, bunks, beds or other facilities provided for the accommodation of persons in any premises or part of any premises used for human habitation.

95. Basements and Cellars

(1) No basement or cellar shall be constructed or occupied, or caused to be constructed or occupied, as a dwelling or for any other purpose without the prior approval in writing of the Principal Environmental Health Officer.

(2) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

96. Nuisances

Any dwelling or premises which is or are so defective, damp or dilapidated, or so deficient in lighting or ventilation as to be, in the opinion of an environmental health officer, injurious or dangerous to health, in any urban area, shall be deemed to be a nuisance liable to be dealt with in the manner provided in Part 4.

PART 11 – SWIMMING POOLS

97. Licensing of swimming pools

(1) No person shall sell, establish, manage, operate or run a swimming pool for the use of the public (which shall for the avoidance of doubt include hotels and private clubs) without a licence issued by the Minister.

(2) Any person who contravenes or fails to comply with subsection (1) is guilty of an offence and shall be liable on conviction to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

98. Closure of swimming pools

(1) The Minister may, by notice in writing, require the owner or person in charge of any swimming pool to close the swimming pool within a specific time, if:

(a) he fails to comply with any of the provisions of this Part or any regulations pertaining to swimming pools; or

(b) there is an outbreak of an infectious disease which may endanger the health of any person using the swimming pool.

(2) Upon the receipt from the Minister of any such notice, the owner or person in charge shall close the swimming pool within such time as is specified in the notice.

(3) Upon compliance with the notice, as approved by the Minister, or upon cessation of the infectious disease, as the case may be, the Minister shall grant permission for the reopening of the swimming pool.

(4) Any person who contravenes or fails to comply with the provisions of subsections (1) and (2), including any regulations in respect of swimming pools made under this Act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

PART 12 – CONTROL OF BABY FEEDS

99. Promotion of breast feeding and control of commercial baby feed

(1) The Minister may make such regulations as are deemed necessary for protecting the public health by the promotion of breast feeding and the control of the availability of baby feed and where it is permitted such measures to promote and encourage its use in a healthy, safe and hygienic manner.

(2) The minister may, by regulations, declare any baby's feed bottle, bottle teat, dummy or any other baby or infant feeding aid to be a prescribed article and may be used only in accordance with prescribed conditions.

100. Supply and use of prescribed articles

(1) A pharmacist may supply a prescribed article if the person to whom the article is to be supplied first produces to the pharmacist an authorization in respect of that article.

(2) A person may in the course of his business supply a prescribed article to a pharmacist, authorized officer or nurse for use or supply in accordance with this Act.

(3) It is not an offence under this Act for:

(a) a mother, or other person for the time being having care of an infant or baby , to use when feeding or soothing that infant or baby a prescribed article obtained for that infant or baby in accordance with this Act; or

(b) an authorized officer or nurse to use a prescribed article; or

(c) any person to use a prescribed article to soothe or feed an infant or baby if, in the opinion of that person, there exists at that time circumstances in which the infant or baby would suffer harm if such article was not used.

(4) Any person who uses or supplies any prescribed article in contravention of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

101. Authorization

(1) An authorization must not be given except:

(a) by an authorized officer; and

(b) in accordance with subsection (2).

(2) An authorized officer must not give an authorization:

(a) unless he is satisfied that it would be in the best interests of the baby or infant to whom the authorization is intended to relate to be fed or soothed by a prescribed article; and

(b) unless at the time of giving the authorization the authorized officer:

(i) also gives the prescribed instructions to the person who will be feeding or soothing the infant or baby with the prescribed articles; and

(ii) is satisfied that the person receiving the instructions understands them.

(3) It is an offence for an authorized officer to give an authorization to any person other than the mother or person for the time being having care of the infant or baby to whom the authorization relates.

102. Prescribed advertisements

(1) The Minister may, by regulations, declare any advertisement to be a prescribed advertisement.

(2) A pharmacist may display within their premises a prescribed advertisement to the extent necessary to enable persons obtaining prescribed articles in accordance with this Act to choose those articles.

(3) A person may, in the course of his business, display to a pharmacist, nurse or authorized officer a prescribed advertisement.

(4) Subject to subsection (3), any person who publishes a prescribed advertisement shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

103. Definition

In this part "authorized officer" means a person registered under the Health Practitioners Act [Cap. 164] to practice medicine and any person suitably qualified authorized by the Minister under this Act.

PART 13 – CONTROL OF SMOKING

104. Prohibition on smoking

(1) No person shall smoke:

(a) in any Vanuatu government building or enclosed government workplace;

(b) in any enclosed place of public entertainment or enclosed space where the general public routinely has access;

(c) on domestic airline flights within Vanuatu;

(d) in any place where it may constitute a fire hazard; and

(e) in any other situation that the Minister may declare by regulation on the ground that it constitutes an unacceptable health risk.

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 100.000.

105. Ban on the advertisement of cigarettes

(1) No person shall advertise any cigarette in Vanuatu.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 1,000,000 or to imprisonment for a term not exceeding 3 years or to both such fine and imprisonment.

106. Warning phrases

(1) No person shall manufacture, package, import for sale or distribute within Vanuatu any cigarettes the package of which does not bear the phrase "Ministry of Health warning", and one of the following:

(a) "SMOKING CAUSES LUNG CANCER";

(b) "SMOKING CAUSES HEART DISEASE";

(c) "SMOKING DAMAGES YOUR HEALTH"; or

(d) "SMOKING IS ADDICTIVE",

or words having a meaning similar thereto in French, English or Bislama.

(2) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 3 years or to both such fine and imprisonment.

107. Maximum content

(1) No person shall import, manufacture or sell any cigarette containing more than a permissible level of tar, nicotine, or other substances as may be prescribed.

(2) Any person who contravenes or fails to comply with any level prescribed under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 500,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

108. Regulations on smoking

Without prejudice to the provisions of this Part, the Minister may make regulations to control smoking and limit the use of tobacco and in any such regulation may declare any area to be a non-smoking area.

PART 14 – SEAT BELTS AND SAFETY OF INFANTS IN MOTOR VEHICLES

109. Seat belt use

(1) Six months after the commencement of this Act, all motor vehicles, motor buses or commercial vehicles imported into the country must be fitted with seat belts.

(2) No person shall drive or be a passenger in the front seat of a motor vehicle, motor bus or commercial vehicle unless he is wearing a seat belt at all times the vehicle is in motion.

(3) Any person who is the owner or driver of a motor vehicle, bus or commercial vehicle who permits any person to travel in a front seat of such vehicle without wearing a seat belt while the vehicle is in motion shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

110. Safety of infants

(1) No person shall drive a motor vehicle, bus, or commercial vehicle with an infant unrestrained in a proper vehicle baby carriage or suitably held by an older responsible person.

(2) No infant shall travel, in a front seat of a motor vehicle, bus or commercial vehicle unless in a restraining seat approved for the purpose by the Minister.

(3) Any person who:

(a) contravenes or fails to comply with subsection (1);

(b) being the owner or driver of a motor vehicle, bus or commercial vehicle who permits an infant to travel in a front seat of such vehicle,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

111. Regulations on seat belts and safety in motor vehicles

Without prejudice to the provisions of this Part, the Minister may make regulations for the better carrying out of the provisions in relation to seat belts, and safety of infants in motor vehicles.

PART 15 – FINANCIAL

112. Vanuatu Public Health Fund

(1) There is hereby established a fund to be called the Vanuatu National Public Health Fund (hereinafter referred to as the Fund).

(2) There shall be paid into the Fund:

(a) such sums of money as Parliament may appropriate to the Fund in general or for the particular programmes under the Fund;

(b) such sums of money as may be granted to the Government of Vanuatu for public health programmes or for the purposes of this Act or any purpose connected therewith or incidental thereto.

(c) such sums of money as may be made by way of grant or donation to the Fund in general or for the particular programmes under the Fund by any person or body of persons, whether corporate or incorporate and whether national of Vanuatu or not;

(d) such sums of money generated under this Act including:

(i) fees paid for licences, permits and certificates and such pursuant to this Act;

(ii) charges for the services rendered, promotion of public health matters, inspections, training and educational materials, information, special studies and reports pursuant to this Act; and

(iii) administrative penalties collected pursuant to this Act.

(3) The money in the Fund shall be used implementing, administering and enforcing this Act.

(4) The Minister shall be responsible for the administration of the Fund.

(5) If money contributed to the Fund under subsection (2)(a), (b) and (c) has been designated by the contributor, in whole or in part, to a specific use, such designation shall be honoured in the appropriation.

(6) Any funds in the Fund not immediately required for the carrying out of its objectives may be invested from time to time either in securities approved in writing by the Minister responsible for finance or such other securities as may be authorized by law for the investment of trust funds.

PART 16 – GENERAL PROVISIONS

113. Regulations

The Minister may make regulations prescribing all matters that by this Act are required or permitted to be prescribed or are necessary or convenient to be prescribed for giving effect to this Act, including in particular provision for or with respect to:

(a) the qualification and duties of environmental health officers and any other persons appointed under the provisions of this Act;

(b) uniforms, badges and other means of identification, to be carried by, or worn by, environmental health officers, or any other person required to perform any function under this Act;

(c) forms to be used in carrying out the provisions of this Act;

(d) discouraging the practice of smoking and the control and prohibiting of smoking in public places and the workplace;

(e) promotion of breast feeding and the discouragement of bottle feeding;

(f) the use of car seat belts and promoting their use, and the safety of passengers in motor vehicles;

(g) the safety and operating standards of swimming pools and the quality of swimming pool water;

(h) the collection and publication of epidemiological and other data pertaining to pubic health;

(i) measures for the prevention, control or suppression of any epidemic or any endemic or infectious disease;

(j) setting and modifying fees for licenses, services and charges under this Act;

(k) the control of factories or trade premises which are liable to cause offensive smells or effluvia, or to discharge liquid or other material liable to cause such smells or effluvia, or to pollute streams, or are otherwise liable to be a nuisance or injurious or dangerous to health, and for prohibiting the establishment or carrying on of such factories or trade premises in unsuitable localities or so as to be a nuisance or injurious or dangerous to health;

(l) measures for the destruction of rats, mice and other rodents and for preventing infestation of premises by rodents;

(m) the methods to be used and the precautions to be taken in the use of chemicals for purposes of fumigation;

(n) sanitary conditions, quarantine, disinfection and precautions to be observed at ports and airports;

(o) control of disease vectors and special measures to be taken in cases of epidemics of vector spread diseases;

(p) the design and the standards of materials to be used in any methods of construction and maintenance and cleaning of, drainage and sanitation system, the inspection and testing of drainage works, the disposal of effluents of trade or other waste matter, the construction and sitting of toilets, latrines, sanitation and sewage disposal systems, the submission of plans and specifications of drainage works and the provisions of toilet accommodation for buildings and public places;

(pa) after consulting the Sanitation Board, the design and performance standards for sanitation systems for buildings;

(pb) after consultating the Sanitation Board, the design and performance standards and rules for the operation of a central reticulated system and treatment plant;

(pc) after consultating the Sanitation Board, the rules on the maintenance of sanitation systems including on the frequency septic tanks must be de-sludged;

(pd) prescribe standards for proper and adequate sanitations systems for rural areas;

(pe) prescribe the types of latrines that may be erected within 30 meters of a well, dam reservoir, river, creek, stream, or water course;

(pf) after consulting the Sanitation Board, the approval of sanitary devices for use in Vanuatu, including prescribing standards for sanitary devices that may be imported, sold or installed in Vanuatu;

(pg) after consulting the Sanitation Board, the educational and other qualifications for sanitation service providers as well as the types and categories of such sanitation providers;

(ph) prescribe matters relating to the inspection of sanitation systems, sanitation devices and sanitation facilities by authorized officers;

(pi) prescribe matters relating to the issuance of closure notices;

(pj) prescribe additional matters relating to inspections and examinations carried out by authorized officers;

(q) the standard or standards of purity of any liquid which, after treatment in any purification works, may be discharged therefrom as effluent;

(r) minimum standard of sanitation in schools;

(s) the standard, quality and adequacy of water for domestic purposes;

(t) conditions, requirements and standards for accommodation and definition of overcrowding;

(u) the registration and control of common lodging houses and houses let in lodging;

(v) occupational diseases, occupational health and safety and health hazards in government, commercial and industrial establishments, including safe and healthy practices and methods to be observed in work places;

(w) the licensing, operation and hygienic practices at commercial or public nakamals or kava houses;

(x) requirements for receiving and repatriation of dead bodies;

(y) for the control and maintenance of general environmental health quality in matters such as to prevent soil, water, noise and air pollution;

(z) the control, seizure and destruction of stray dogs and cats;

(aa) the construction, maintenance, cleaning, inspection and control of places where any animals or birds are kept;

(ab) the operation and inspection of public places and other places accessible to the public in so far as it concerns public health;

(ac) the quarantine procedures for the purposes of quarantine;

(ad) any fees relating to quarantine;

(ae) the isolation procedures for the purposes of isolation;

(af) provide for public health control measures;

114. Codes of practice

For the guidance of implementation and enforcement of this Act, the Minister may issue advisory or mandatory codes of practices.

115. Provision of services by the Minister

The Minister may provide services pursuant to this Act and may make reasonable charges thereof.

116. Local authority by-laws

Municipal and local government councils may also make by-laws for specific matters of concern to their area of jurisdiction.

117. Registration and licensing

(1) Notwithstanding any provisions of any other Acts, and any other provisions of this Act, no person shall maintain or operate a business or establishment that is required to be registered and licensed in accordance with regulations pursuant to this Act, unless it is so registered and licensed.

(2) The regulations referred to in subsection (1) shall provide for the:

(a) procedures for application, processing and granting of licences;

(b) hygienic standards for premises, equipment, vehicles and personnel;

(c) inspections required for the granting and holding of licenses;

(d) types of licences and conditions imposed thereupon or limitations thereof;

(e) forms, contents and the duration of the licenses; and

(f) suspensions, revocations or cancellations of the licenses.

(3) Notwithstanding the fact that a general registration may be required at an earlier date, the Minister may appoint different dates for licensing of different types of businesses or establishments, or for different regions in Vanuatu or combinations thereof.

(4) The regulations referred to in subsection (1) may provide for fees or charges payable for registrations, inspections and licensing of businesses or establishments.

(5) Any person who maintains or operates a business or establishment that is not registered and licensed in accordance with this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 1,000,000 or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

118. Examination and investigation

Without prejudice to the other provisions of this Act, the Minister may conduct or cause to be conducted any examination or investigation as he thinks necessary for the purposes of this Act.

119. Power to obtain information

The Minister may direct any person who at the date of the direction or at any subsequent time has information to which this Act applies, to furnish to the Minister, within such time as may be specified in such direction, such particulars, as may be so specified.

120. Protection of information provided

No particulars furnished in accordance with a direction under section 119, and information relating to any individual business obtained by means of such particulars shall, without the previous consent in writing of the person carrying on the business in question, be disclosed except in due discharge of duties under this Act.

121. Service of notices

Unless otherwise expressly provided, any order, notice, demand, certificate or other document required to be served under the provisions of this Act may be served either:

(a) by delivering it to the person on whom it is to be served; or

(b) by sending it by registered post addressed to the last known place of business or residence of the person to be served; or

(c) by leaving it with an adult occupier of the premises or place to which the notice relates or by posting it upon a conspicuous part of such premises or place.

122. Power to enter

(1) Subject to the provisions of this section, any environmental health officer, or other person authorized in that behalf by the Minister or a local authority to execute the provisions of this Act shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter premises at all reasonable hours:

(a) for the purpose of ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of this Act;

(b) for the purpose of ascertaining whether or not circumstances exist which would authorize or require the local authority or the Director to take or direct the taking of any action or work under this Act;

(c) for the purpose of taking any action, or executing any work, authorized or required by this Act to be taken, or executed; and

(d) generally, for the purpose of the performance of his functions and duties under this Act;

Provided that:

(i) admission to any premises, not being a factory, workshop or workplace, shall not be demanded as of right unless twenty-four hours notice of the intended entry has been given to the occupier; and

(ii) no traps or poison for destroying pests shall be laid in any premises without the consent of the occupier.

(2) If it is shown to the satisfaction of a court on sworn information in writing:

(a) that admission to any premises has been refused, or that refusal is anticipated, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry sought; and

(b) that there is reasonable ground for entry into the premises for any such purpose as referred to in subsection (1),

the court may by warrant under its hand authorize such person to enter the premises, if need be by force.

(3) Any person entering any premises by virtue of this section, or of a warrant issued under it, may take with him such other persons as may be necessary, and, on leaving any unoccupied premises which he has entered by virtue of a warrant, shall leave them as effectually secured against trespassers as he found them.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

123. Penalty for obstruction

Any person who, without lawful reason, wilfully obstructs, assaults, hinders, threatens, abuses, insults, intimidates any person acting in the execution of his duty under this Act shall be guilty

of an offence and shall be liable on conviction to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

124. Offences by body corporate

(1) If a body corporate contravenes any provision of this Act, every person who at that time of the commission of the offence was a director, general manager, secretary or other similar officer, of such body corporate, or was acting, or purporting to act, in any such capacity, shall also be guilty of such offence unless he proves that such offence was committed without his consent or knowledge and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in such capacity and in all the circumstances.

(2) A person may be proceeded against and convicted under a provision of this Act in accordance with subsection (1) whether or not the body corporate has been proceeded against or convicted under that provision.

125. General penalties

Every person guilty of an offence under this Act where no penalty is specifically provided, shall be liable on conviction to a fine not exceeding VT 100,000, and, in default of payment of such fine, to imprisonment for a term not exceeding 12 months.

126. Institution of proceedings

(1) Subject to subsection (2), a prosecution for an offence under this Act or any regulations made under this Act shall not be instituted except by the Public Prosecutor.

(2) A local authority may, by any of its officers, or by any person generally or specially authorized by it in writing, prosecute for any contravention of, or offence against, or default in complying with, any provision of this Act or regulations made thereunder if the contravention, offence or default is alleged to have been committed within its jurisdiction.

(3) Any authorized officer shall report offences committed against this Act or any regulations made thereunder directly to the Public Prosecutor in respect of proceedings instituted by the Public Prosecutor.

127. Prevention of conflict of interest

(1) No person shall be appointed to be an authorized officer for any area in which he is engaged directly or indirectly in any trade or business.

(2) If an authorized officer has a personal interest in a case under investigation, he shall disqualify himself or shall be removed from the case by the Minister with a written instrument.

128. Indemnity and immunity of authorized officers

No suit, prosecution or other legal proceeding shall be instituted for any act or omission which in good faith is done or purported to be done by any person under this act.

129. Saving of other written laws

The provisions of this Act shall be in addition to and not in derogation of the provisions of any other written law in force.

SCHEDULE

(Part 3)

NOTIFIABLE DISEASES

Acute Anterior Poliomyelitis
AIDS/HIV seropositive
Amoebiasis
Bacillary Dysentery (Shigellosis)
Brucellosis
Cholera
Conjunctivitis
Dengue Fever; Dengue Shock Syndrome; Dengue Hemorrhagic Fever
Diarrhoea, presumed infectious (Children 1-4 years); Diarrhoea, presumed infectious (children 0-11 months); Diarrhoea, presumed infectious (adult)
Diphtheria
Encephalitis
Fish poisoning
Gonorrhoea
Hepatitis, unspecified; Hepatitis, viral type A; Hepatitis, viral type B
Acute respiratory infection (0-1 year); Acute respiratory infection (1-4 years); Acute respiratory infection (5+ years)
Leprosy
Leptospirosis
Malaria
Malnutrition
Measles
Meningitis, bacterial (non-meningococcal); Meningitis, eosinophilic; Meningitis, meningococcal; Meningitis, viral/unspecified
Pertussis
Pesticide poisoning (e.g. paraquat)
Plague
Poliomyelitis
Rabies
Relapsing Fever (Epidemic Louse-Borne)
Rheumatic Fever, acute
Ross River virus infections; other arboviral diseases
Salmonella infections (non-typhoid fever)
Smallpox
Syphilis
Tetanus
Tuberculosis, pulmonary; Tuberculosis (other forms)
Typhus (Epidemic Louse-Borne); Typhus (Flea-Borne); Typhus (Mite-Borne)
Typhoid
Yaws
Yellow Fever
COVID-19

Table of Amendments (since the Revised Edition 2006)

1	*Amended by Acts 11 of 2018; 3 of 2021*	*12A*	*Inserted by Act 3 of 2021*
		Part 3A	*Inserted by Act 3 of 2021*
5	*Amended by Act 3 of 2021*	*Part 8*	*Substituted by Act 11 of 2018*
5A – 5E	*Inserted by Act 3 of 2021*	*113(p)*	*Amended by Act 11 of 2018*
9(1)(a)(iii)	*Inserted by Act 3 of 2021*	*113(pa) – (pj)*	*Inserted by Act 11 of 2018*
9(1)(d)	*Substituted by Act 3 of 2021*	*113(aa) and (bb)*	*Substituted by Act 3 of 2021*
9(2)(a)(vi)	*Inserted by Act 3 of 2021*	*113(ac) – (af)*	*Inserted by Act 3 of 2021*
9(2)(b)	*Amended by Act 3 of 2021*	*Schedule*	*Amended by Order 63 of 2020*
12	*Substituted by Act 3 of 2021*		