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T S. W THOMAS,
Clerk to the Legislative Council.

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A Bill

Intituled

An Ordinance to make Provision for Securing and Maintaining Health.

PART I

PRELIMINARY

1 This Ordinance may be cited as "The Public Health Ordinance, 1918"

2 This Ordinance is divided into Parts as follows — Divisions

PART I

PRELIMINARY

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AUTHORITIES FOR EXECUTION OF ORDINANCE

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| 3 | (1) The provisions of | |
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| | Part VII —Subdivision I —Prevention against Infection | 10 |
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| | Part IX - Streets and Buildings of this Ordinance extend to and are in force in every Township declared to be a Township for the purposes of the East Africa Township Ordinance, 1903, so far as such provisions are applicable thereto | 15 |
| Operation of Ordinance | (2) The Governor-in-Council may from time to time, by order declare that all or any of the provisions of this Ordinance shall be in force in any Municipality Township or District or part thereof | 20 |
| | Upon the publication of any such order, the said provisions shall extend to and be in force in the Municipality, Township or District or part thereof mentioned therein | |
| | (3) Except as aforesaid this Ordinance applies to the whole of the Protectorate | 25 |
| | (4) The Governor-in-Council may, nevertheless, by order, suspend for any period the operation of any of the provisions of this Ordinance in any Municipality, Township, or District, or part thereof to which such provisions have been applied | |
| Interpretation of terms | 4 In this Ordinance and in any bye laws made under this Ordinance unless the context otherwise requires, the following terms have the following meanings: — | 30 |
| | Adjoining owner means the owner or one of the owners, and adjoining occupier means the occupier or one of the occupiers of land, buildings, storeys or rooms adjoining those of the building owner " | 35 |
| | ' Asiatic Reservation' means any area in any Municipality, Township or District which the Governor-in-Council may from time to time define by Proclamation | |
| | Bake-house means any premises on which bread, biscuits or confectionery are baked for sale as food for man, and also includes any premises on which such food is prepared for baking, or on which the materials for the preparation of such food are stored | 40 |
| | Balcony means any stage, platform, or other similar structure projecting from the main wall of any building and supported by brackets or cantilevers | 45 |
| | Base applied to a wall means the underside of such wall immediately above the footings, if any, or in the case of a wall wholly carried by a bressummer the underside of the wall immediately above the bressummer | 50 |

"Basement" means any cellar, vault, or underground room or any room any side of which abuts on or against the earth or soil

5 "Board" means the Central Board of Health constituted under this Ordinance

"Bressummer" means a wooden beam or a metallic or concrete girder which carries a wall

10 "Building of the Warehouse class" means a ware-house, shop-building factory manufactory, brewery or distillery and also any building exceeding in cubical content 150 000 cubic feet, which is neither a public building nor a domestic building and includes a store or godown

15 "Building line" means the line which shall be determined by any Local Authority, up to which the main wall of a new building including any buttress or projected party wall abutting on any street may lawfully extend and in the case of land held under lease from the Crown the line defined in the lease, or the plan annexed thereto and in the absence of a plan it shall mean the boundary of the lot, except that, where buildings front an existing private street any new building abutting thereon shall conform to the provisions of this Ordinance

20 "Building owner" means one of the owners of adjoining land who is desirous of building, or one of the owners of buildings, storeys or rooms separated from one another by a party wall or party structure who does or is desirous of doing a work affecting that party wall or party structure

25 "Bye-laws" means bye laws made by any Local Authority under this Ordinance

"Cement" means Portland Cement

30 "Commercial area" means any area in any Municipality, Township or District which the Governor in Council may from time to time define by Proclamation

35 "Cross wall" means a wall used or constructed to be used in any part of its height as an inner wall of a building for separation of one part from another part of the building, that building being wholly in, or being constructed or adapted to be wholly in, one occupation

40 "Cubicle" means any portion of a room which is partitioned off for the purpose of being used as a sleeping place and which is not provided with a skylight window or windows of its own (independently of the window area of the room in which such cubicle is erected) opening either directly or across a verandah or balcony into the external air and having a total area equal to at least one-tenth of the floor area of such portion of such room and capable of being opened to the extent of one-half at least and having a glazed area equal to one-half at least of the total area of such window or windows

45 "Dairy" means and includes any farm house, cowshed, milk-store, milk shop or other place from which milk is supplied, or in which milk is kept for purposes of sale

"Dairymaid" includes any cowkeeper, purveyor of milk, or occupier of a dairy, and in cases where a dairy is owned by a corporation or company, the secretary or other person actually managing such dairy

50 "Dangerous building" means a building in such a condition as to cause risk of injury either to the occupiers of such building or to the occupiers of any neighbouring building or to passengers

55 "Dangerous trade" means any manufacturing process or handicraft in which lead, arsenic, mercury, phosphorus or any other poisonous substance whatsoever is used, or any trade which specially attracts rats

60 "Dhobie" shall mean any Asiatic or African who carries on the trade of washerman on his own account and is not the proprietor or an employee of the proprietor of any laundry licensed under this Ordinance

“District” means any district or part thereof in which this Ordinance is in force

“Domestic building” means any building constructed, used, or adapted to be used, wholly or partly for human habitation, but does not include any building where caretakers only, not exceeding two in number, pass the night 5

‘ Drain ’ means any drain used for the drainage of one building only or of premises within the same curtilage and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed 10

“Drainage authority” means the Public Works Department

“European Reservation” means any area in any Township, Municipality or District which the Governor-in Council may from time to time define by Proclamation 15

“Exceptional building” means any public building, factory, workshop, pawn shop, or building intended for special uses, or any building of glass, iron or other material not provided for in this Ordinance, and includes any warehouse or godown and also the fire places, kilns, furnaces, chimneys, flues and shafts of any bakery or factory 20

“External air ” means a clear and unobstructed open space measured in a straight line from and at right angles to the plane of any window and a width throughout of not less than eight feet 25

‘ External wall ’ means an outer wall or vertical enclosure of a building, and not being a party wall, even though adjoining a wall of another building

‘ 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 30

‘ Floor ’ includes any horizontal platform forming the base of any story, and every joist, board, timber, stone, brick, or other substance connected with and forming part of such platform 35

‘ Food ’ means any article used for food or drink other than drugs or water

‘ Foundation ’ applied to a wall having footing means the solid ground or artificial formed support on which the footings of the wall rest, but in the case of a wall carried by a brick summer means such bricksummer 40

‘ Householder ’ means the actual tenant or occupier of any building, or in cases where there is no such person then the owner of such building, and in the case of corporations, companies, and associations the secretary or manager thereof 45

‘ Infectious disease ’ means plague, cholera, small pox typhus fever, typhoid fever or enteric, scarlet fever, relapsing fever and yellow fever, and shall also be deemed to include epidemic cerebro spinal meningitis, sleeping sickness, leprosy, beriberi, and yaws. And any other infectious or contagious disease of man, other than a venereal disease, which the Governor may by Proclamation declare to be included in this definition for the purposes of this Ordinance provided that such Proclamation shall be submitted to the Executive Council at the sittings next after its promulgation and if such Proclamation is not approved by the majority of the members present it shall thereupon be deemed to be revoked without prejudice however to anything done or to any proceedings taken or to any sentences inflicted under or by reason of such Proclamation 55 60

“Keeper of a lodging house” means any person licensed to keep a lodging house

"Latrine" includes privy, urinal, earth closet and water closet

5 "Local Authority" means the Council of any Municipality constituted under the Municipal Corporations Ordinance, 1909 and any Committee or other authority appointed under the East Africa Townships Ordinance 1903 for the purposes of the said Ordinance and any other body constituted and appointed under this Ordinance

10 "Lodging house" means a house or part of a house including the verandah thereof, if any, which is let or sublet in lodgings or otherwise, either by stories, by flats, by rooms, or by portions of rooms, or which is occupied by members of more than one family

15 "Medical Officer of Health" means the Medical Officer of Health appointed to a Municipality Township or District or other person performing his duties for the time being under the provisions of this Ordinance and also where the context requires any Medical Officer of Health or Assistant Medical Officer of Health

20 "Municipality" means the area under the control of every Municipality, constituted under the Municipal Corporations Ordinance, 1909

25 "New building" includes any building begun after the commencement of this Ordinance, and any existing building hereafter altered to such an extent as to necessitate the reconstruction of the whole or any two of its main walls or the removal of the roof and the reconstruction of at least one half of any two of its main walls, whether at the same time or by instalments at different times, and any existing building 30 raised to such an extent that its total height exceeds one and a half times the original height of the building. It also includes the conversion into a domestic building of any building not originally constructed for human habitation, and the conversion into more than one domestic building of a building originally 35 constructed as one domestic building

40 "Occupier" shall include any person in actual occupation of land or premises without regard to the title under which he occupies and in case of premises subdivided and let to lodgers or various tenants the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein

45 "Offensive trade" includes the trade of blood boiler, bone boiler, fell monger, soap boiler, tallow melter, tye boiler and any other noxious or offensive trade, business or manufacture whatsoever

50 "Owner" shall as regards immoveable property include any person other than His Majesty receiving the rent or profits of any lands or premises from any tenant or occupier thereof or who would receive such rent or profits if such land or premises were let whether on his own account or as agent for any person other than His Majesty entitled thereto or interested therein. The term includes any lessee from the Crown holding under a longer term than a tenancy from year to year and any 55 superintendent, overseer or manager of such lessee residing on the holding

60 "Partition wall" means any wall of the height of one storey only or of a less height used or constructed to be used for separating one part of a building from another part of the same building and not coming under the definition of "cross wall," "external wall," "main wall" or "party wall"

"Party wall" means —

(a) A wall being used or constructed to be used in any part thereof for separation of adjoining buildings, occupied or adapted to be occupied by different persons

(b) A wall forming part of a building and projecting as to any part of its length other than the projection of the footings upon land not being part of the plot or sub-plot upon which such building stands

“Premises” includes any land, building, or structure of any kind, footway, yard, alley, court, garden, stream, nullah, pond, pool, marsh, drain, ditch, or place open, covered or enclosed, cesspool or foreshore, also any vessel lying within the waters of the Protectorate 5

‘ Private street’ means a street which is not a public street 10

“Public building” means a building used or constructed or adapted to be used either ordinarily or occasionally as a place of public worship or as a hospital, college, school, theatre, public hall or as a public place of assembly for persons admitted by ticket or otherwise, or used or adapted to be used for any other public purpose 15

‘ Public latrine’ means any latrine to which the public are admitted on payment or otherwise

“Public street” means any street heretofore levelled, paved, metalled, channelled, sewered or repaved by any township or other authority, and any street which becomes a public street under any of the provisions of this Ordinance 20

“Regulations” means regulations made by the Board under this Ordinance

“Room” includes any subdivision of any storey of any domestic building, other than — 25

(a) a cubicle

(b) a dining room, storeroom, pantry, lobby or landing which is not used for sleeping purposes

“Sewer” includes sewers and drains of every description, except drains to which the word “drain” as above defined applies, also water channels constructed of stone, brick, or concrete, the property of a local authority 30

“Slaughter house” means the premises set apart for the purposes of a slaughter house by a Local Authority the words ‘Pig slaughter house’ means the premises set apart by a Local Authority for the slaughtering of pigs and the words ‘Meat Inspector’ mean the person employed by any authority to act as Meat Inspector or other qualified person authorised by them to act in that behalf 35 40

“Storey” means the space between the upper surface of every floor and the upper surface of the floor next above it, or if there be no such floor of the roof next above the said floor, but does not include any space which is provided for the purpose of ventilation or any space which has a less height than 9 feet 45

‘ Street’ shall mean any highway, road or sanitary lane, or strip of land reserved for a highway, road or sanitary lane, but shall not include any passage or alley of a less width than 10 feet 50

“Tenant” means any person who holds direct from any householder the whole or any part of any floor or floors of any building

“Tenement house” means any domestic building constructed, used, or adapted to be used for human habitation by more than one tenant 55

“Township” means any township proclaimed under the East Africa Townships Ordinance, 1903

“Verandah” includes any stage, platform, or portico projecting from the main wall of any building

“Vessel” means any steam or sailing ship, launch, motor boat, lighter, dhow, dug out, canoe or boat

5 “Veterinary Officer” means a veterinary surgeon in the employment of the Government

Wall includes “cross wall,” “external wall,” “main wall,” “partition wall,” “party wall,” and every kind of wall whether supporting any structure or not

10 “Width of street” means the whole extent of space reserved to be used or laid out so as to admit of being used as a public way

15 “Window” means a structure placed in an opening in the wall of a building and consisting of glazed sashes hinged to or sliding within a frame work of wood, metal, brick or cement, so arranged as to admit light and capable, when opened, of also admitting air

20 “Works” includes the partial or total constructing, reconstructing, pulling down, opening, cutting into, adding to, and altering any building, wall, retaining wall, chimney stack, flue ground, road, well, drain, sewer, pier, wharf, fence, and any other building operation whatsoever

“Workshop” means any building or part of a building in which manual labour is exercised for purposes of trade

25 5 (1) All powers given to a Local Authority under the provisions of this Ordinance shall be deemed to be in addition to and not in derogation to any other powers conferred upon such Local Authority by any other Ordinance, and such other powers may be exercised in the same manner as if this
30 Ordinance had not been passed

Saving powers under other Ordinances

(2) Nothing in this Ordinance shall render lawful any act, matter or thing whatsoever which but for this Ordinance would be deemed to be a nuisance, nor exempt any person from any action, liability, prosecution, or punishment to which such
35 person would have been otherwise subject in respect thereof

Saving of law as to nuisance

(3) And generally the provisions of this Ordinance relating to nuisances shall be deemed to be in addition to, and not to abridge or affect any right, remedy or proceeding under any other provisions of this Ordinance or any other Ordinance, or
40 law in force

APPLICATION OF ORDINANCE

6 Whenever any township proclaimed under the East Africa Townships Ordinance, 1903, shall come under the operation of this Ordinance the following provisions shall apply —

Provisions where townships come under the operation of this Ordinance

45 (1) The provisions of the East Africa Townships Ordinance, 1903, shall, save as hereinafter mentioned, cease to apply to such township

(2) All rules made under the said Ordinance and then in force in such township shall (unless repugnant to the provisions of this Ordinance) be deemed to be by-law made under this
50 Ordinance and shall continue in force in the township until altered or amended under this Ordinance

(3) All assessments, valuations, measurements, divisions and appointments made, powers conferred and notifications served or published under the said Ordinance in such townships shall (in so far as they are consistent with this Ordinance) be
55 deemed to have been respectively made, conferred, served and published under this Ordinance

(4) All works and undertakings authorised to be executed, all rights, liabilities and engagements existing and all actions and suits and proceedings pending by or against the Committee or other authority of such township shall be vested in, attached
60

to, and be enforced, carried on and prosecuted by or against the Local Authority constituted and having jurisdiction under this Ordinance and no such action, suit or proceeding shall abate or be discontinued or prejudicially affected by such constitution 5

(5) All rates, fees and charges due or payable to or recoverable under the said Ordinance by or on behalf of the Government or by or on behalf of a Committee or other authority of such township in respect of such township shall be vested in and recoverable by the Local Authority constituted and having jurisdiction under this Ordinance and the valuation and assessment roll in use at such time shall continue to be used until a new one shall be made 10

(6) All property moveable and immoveable vested in or held in trust for the Committee or other authority of such township shall be vested in and belong to the Local Authority constituted and having jurisdiction under this Ordinance and all rights and duties of whatever description used, enjoyed, or imposed on such Committee or other authority shall become vested in and imposed upon such Local Authority 15 20

(7) All licences, registrations and permits issued, made or granted under or in pursuance of the said Ordinance shall continue in force for the period, if any, specified in such licences, registrations or permits unless the same are sooner suspended or cancelled under or in pursuance of this Ordinance 25

(8) The provision of the East Africa Townships Ordinance, 1903, and all rules thereunder relating to the valuation and assessment of lands, houses and buildings and the impositions and levying of rates within a township shall remain in force until other provision shall be made by Ordinance and the powers and duties conferred and imposed on the District Commissioner or other person or persons empowered to carry out these provisions shall be transferred to and performed by the Local Authority constituted and having jurisdiction under this Ordinance. Provided that such Local Authority may appoint a Committee or a sworn valuer or valuers to make such valuation and assessment 30 35

PART II

AUTHORITIES FOR EXECUTION OF ORDINANCE

SUBDIVISION I—CENTRAL BOARD OF HEALTH

Central Board of Health 7 There shall be a Central Board of Health having its seat at Nairobi, which shall consist of the Principal Medical Officer, the Principal Sanitation Officer, a Sanitary Engineer, or such person as may be appointed by the Governor to perform the duties of Sanitary Engineer, a Secretary, and such other person or persons not exceeding seven, as shall be appointed from time to time by the Governor for superintending the operation of this Ordinance. The Board so constituted shall be called "The Central Board of Health" 40 45

Evidence of appointment of any officer of the Board 8 The Governor shall appoint the President and Vice-President of the Board, and the names of all members appointed to the Board shall be forthwith notified in the Official Gazette, and any number of the Gazette containing a notice of any such appointment shall be deemed sufficient evidence thereof for all purposes 50 55

Filling vacancies 9 The Governor shall, as soon as possible, fill up vacancies occurring in the Board but the Board shall continue to exercise its powers as long as there shall remain on the Board at least five members of whom the Principal Medical Officer, or Principal Sanitation Officer shall be one 60

Substitute members 10 If any member of the Board be at any time prevented for more than six months by absence or other cause from acting the Governor may appoint some other person to replace such member until he shall return or be able to resume his functions

11 (1) The Board shall hold its meetings once a month Meetings
and oftener if need be at such places as the President may
appoint, and may adjourn from time to time The President
may at any time, and shall, on a requisition signed by 3
5 members of the Board, summon a meeting thereof

(2) Any four members shall be a quorum for the despatch Quorum
of business and at every meeting the President or Vice-
President shall be Chairman, or, in their absence, the members
present shall appoint a Chairman The Chairman shall have
10 a deliberative and a casting vote

12 (1) The Board may make standing orders for regulating Standing Orders
the procedure of its sittings

(2) The Board may appoint, and may add thereto or dismiss Appointment of select
therefrom, select Committees consisting of not less than two Committees
15 of its members

13 The duties of the Board shall be to advise the Govern- Duties of Board
ment upon matters relating to the administration of this
Ordinance, and the public health generally

14 The Board may from time to time cause to be made Power of Board to
20 such inquiries as are directed by the Governor-in-Council or by direct inquiries
this Ordinance, and also such other inquiries as they see fit in
relation to any matters concerning the public health in any place,
or any matters with respect to which their sanction, approval, or
consent is required by this Ordinance

25 15 When an inquiry is directed to be made by the Governor- Power of persons
in-Council, or the Board, the person directed to make the same directed to make
shall have free access to all books, plans, maps, documents, and inquiries
and shall have in relation to witnesses and their examination and
30 the production of documents similar powers to those conferred
upon Magistrates by the Criminal Procedure Ordinance, 1913 and
may enter and inspect any building, premises, or place, the entry
or inspection whereof appears to him requisite for the purposes of
such inquiry

35 16 Every regulation made by the Board under the provi- Regulations
sions of this Ordinance shall be subject to the approval of the
Governor-in-Council

The regulation may impose a penalty not exceeding Rs
1,500/-, for any breach thereof, and may provide for the suspen-
40 sion or cancellation of any licence upon conviction or successive
convictions of an offence or offences against this Ordinance or the
regulations

All such regulations shall, on being published in the Official
Gazette, have the full force of law, and copies thereof shall be
45 laid before the Legislative Council, if then sitting, and if not then
sitting as soon as conveniently may be after the commencement
of the next session of the Legislative Council

If the Legislative Council resolves that such regulations or
any of them, ought to be revoked or amended, the same shall
50 after the date of such resolution be of no effect without prejudice
to the validity of anything done in the meantime under such
regulations

THE COUNCIL OF ANY MUNICIPALITY TO BE A LOCAL AUTHORITY

17 The Council of any Municipality constituted under the The Council of any
55 Municipal Corporations Ordinance, 1909, shall be deemed for the Municipality to be a
purposes of this Ordinance to be a Local Authority Local Authority

CONSTITUTION OF OTHER LOCAL AUTHORITIES

18 (1) In any township, district or part thereof to which Constitution of other
this Ordinance applies a Local Authority may be constituted, Local Authorities
60 which authority shall consist of a District Commissioner a
Medical Officer and such other persons as may from time to

time be appointed by the Governor. The names of all members so appointed shall be forthwith notified in the Official Gazette and any number of the Gazette containing a notice of any such appointment shall be deemed sufficient evidence thereof for all purposes 5

Meetings

(2) Every such Local Authority shall meet when summoned by the District Commissioner. The District Commissioner shall be Chairman of such Local Authority or in his absence the Medical Officer.

Business

(3) At any meeting of such Local Authority three members shall form a quorum and in the conduct of business every question shall be decided by a majority of votes of the members present voting on that question and in the event of an equality of votes, the Chairman shall have a deliberative and a casting vote 10 15

Medical Officer to be Medical Officer of Health

19 Save in townships or other places to which a Medical Officer of Health has been appointed as such, every Medical Officer in and for the township or district to which he is appointed shall be a Medical Officer of Health for the purposes of this Ordinance 20

Sanitary Inspectors

20 The Principal Medical Officer or the Local Authority may subject to the approval of the Governor appoint Sanitary Inspectors who shall perform under the direction, and supervision of the Medical Officer of Health of the district such duties as may be lawfully assigned to them from time to time by the said Medical Officer of Health or the Local Authority 25

SUBDIVISION II — POWERS OF LOCAL AUTHORITIES TO MAKE BY-LAWS

Powers of Local Authorities

21 Every Local Authority shall, in addition to the express powers hereafter given, have power to make alter and revoke bye-laws with regard to the following matters 30

Matters with regard to which Local Authorities have power to make by-laws

- (1) The periodical entry and inspection of all buildings and cartilages —
 - (a) for the purpose of ascertaining whether the same are in an overcrowded condition, 35
 - (b) for the purpose of ascertaining the sanitary condition, cleanliness and good order thereof or any part thereof and of any floors, storeys or partitions therein, or the condition of any drains therein or in connection therewith 40
- (2) The erection of public latrines and applications for permission to erect such latrines
- (3) The sanitary maintenance of public latrines, urinals, dustbins and manure depots
- (4) Surface scavenging, the removal and disposal of night-soil and other refuse 45
- (5) The cleansing and removal of refuse, and all objectional matter at stated times from domestic buildings
- (6) The provision and proper construction of dust boxes in public and private premises 50
- (7) The promotion of cleanliness and ventilation in public or private buildings
- (8) The cleansing, lime-washing, and proper sanitary maintenance of all premises
- (9) Regulating the erection and use of scaffolding and hoarding during the construction and demolition, alteration or repair of buildings and charging fees in respect thereof 55
- (10) The prevention of overcrowding in premises either in respect of human beings or animals

(11) Fixing from time to time the number of persons who may occupy a domestic building or any part thereof, and marking on the exterior or interior of such buildings the number of persons permitted to occupy the same or any part thereof 60

- (12) Prescribing the conditions under which alone it shall be lawful to live in, occupy or use, or to let or sublet or to suffer or permit to be used for habitation or for occupation as a shop, any cellar, verandah, vault, underground room, or basement, or any room any side of which abuts on or against the earth or soil
- 5
- (13) The licensing and regulation and sanitary maintenance of lodging houses Indian and Native eating houses and the sanitary maintenance of factories, workshops, breweries
- 10
- distilleries, theatres and places of public entertainment and instruction, recreation or assembly
- (14) The regulation of open spaces, camping grounds, stock-yards and pounds
- (15) The prohibition of the establishment within certain limits of, and the control of, any noxious or offensive trade, business or manufacture
- 15
- (16) The construction and regulation of private drains and irrigation trenches and their connection with public drains
- (17) The licensing and regulation of trade premises, bake-houses, dairies, butchers, fishmongers and vegetable shops,
- 20
- petroleum stores, aerated water manufactories green grocers shops and food preserving establishments
- (18) The licensing and regulation of public baths, and laundries, wash houses and wash-places
- 25
- (19) The licensing and regulation of hawkers
- (20) The destruction of mosquitoes, and the precautions to be taken to prevent mosquitoes breeding
- (21) The registration and licensing of bicycles and all public rickshaws and other vehicles
- 30
- (22) The licensing of dog and providing for the seizure, sale or destruction of vicious, dangerous, ownerless and unlicensed dogs
- (23) The licensing and regulation of depots and pens for cattle, swine, sheep and goats
- 35
- (24) The licensing of stables and cattle sheds
- (25) The construction, licensing and proper sanitary maintenance of pig-sties on private premises
- (26) Providing for the regular inspection of all places where animals are kept
- 40
- (27) The licensing and regulation and sanitary maintenance of slaughter houses, including the slaughter of cattle, swine, sheep and goats therein, the removal of their carcasses therefrom the conveyance of the same through the streets or otherwise and such other matters and things in relation to the
- 45
- management of slaughter houses as may be deemed desirable
- (28) The regulation and sanitary maintenance of markets including the sale of food, provisions and meat therein thereto or therefrom, and such other matters or things in relation to the management of markets as may be deemed desirable
- 50
- (29) The prevention of the manufacture or sale of unsound, adulterated, or unwholesome food
- (30) The compulsory reporting of infectious, contagious, or communicable diseases
- (31) Suppressing houses of ill-fame and gambling houses
- 55
- (32) Regulating and charging fees for the removal of carcasses
- (33) For cleansing of persons infected with vermin
- (34) Preserving public decency
- (35) Regulating and licensing livery stables and any
- 60
- place where horses or other animals are kept for hire
- (36) Prescribing the width of public streets
- (37) Regulating the use of public streets by natives and regulating or prohibiting the carrying by them of sticks, knives, spears or other weapons
- 65
- (38) The compulsory vacating of infected premises, and the disinfection and purification of the same
- (39) The disinfection and purification of all infected vessels and public vehicles

(40) The breaming of vessels and the maintenance of cleanliness in any harbour and on the foreshores thereof

(41) The disposal of the dead and post-mortem examination, the regulation and the sanitary maintenance of cemeteries, the fees to be charged in respect of graves and internments, the keeping of such registers as may be necessary, and all other matters connected therewith, also the regulation and sanitary maintenance of mortuaries and crematoriums and disinfection of dead bodies 5

(42) And generally for such things as are necessary for the maintenance of the health and safety of the inhabitants or for the good rule and government of any area 10

The Local Authority may in any such bye laws impose fines for any breach thereof not exceeding Rs 300/- in each case

Bye laws subject to the approval of the Governor in Council

22 All bye laws made by a Local Authority shall be submitted to the Governor-in-Council, and when approved by the Governor-in-Council they shall be published in the Gazette, and thereafter such bye-laws shall have the force of law 15

Revenue of Local Authorities

23 All rents licensing and registration fees, all fines imposed by a competent Court for the contravention of any of the provisions of this Ordinance, or of any bye-laws or regulations made thereunder, all charges levied by a Local Authority for the supply of sanitary or other services, the proceeds of sale of by-products, and all other fees, penalties, charges, dues and money derived from whatever source under the provisions of this Ordinance, or the East Africa Townships Ordinance, 1903 or of any bye laws or rules made thereunder shall form in part the revenue of every Local Authority 20 25

24 Unless the Governor shall otherwise order, all sums received on account of a Local Authority shall be paid into the Government Treasury, or into such bank or branch bank in the township or district as may be approved by the Governor and shall be credited to an account to be called the account of the Local Authority to which they belong 30

Power of Medical Officers of Health to enter and inspect premises

25 A Medical Officer of Health and any Assistant Medical Officer of Health may, with or without assistance as he may deem desirable, at all times between the hours of 6 a m, and 6 p m, enter and inspect any house or premises for the purpose of ascertaining whether any infectious or contagious disease exists therein 35 40

proviso

Provided always that unless in the opinion of such officer any delay in entering and inspecting may, or is likely to, prove injurious or detrimental to public health, he shall in each case before entering and inspecting if the occupants offer any reasonable objection thereto, give to the occupiers two hour's notice in writing of his intention to enter and inspect such premises by leaving such notice with the occupants, or at the house or premises which he intends to enter and inspect 45

Power of Medical Officer of Health to enter and inspect without notice

26 A Medical Officer of Health and any Assistant Medical Officer of Health may also enter and inspect any house or premises at any hour of the night or day for the purposes mentioned in the foregoing section without giving any such notice as aforesaid, provided the officer so entering has obtained or holds a special order in that behalf from the Local Authority 50

General power of Local Authority to inspect

27 A Local Authority shall have power by its officers to enter and inspect, upon reasonable notice to the occupiers or owners, any building premises and curtilage for the purposes of ascertaining the sanitary conditions, cleanliness and good order thereof or of any part thereof and of the partitions floors and storeys therein or of the condition of any drains therein or in connection therewith, and whether such building or any part thereof is in an overcrowded condition 55 60

POWERS OF BOARD TO ENFORCE PERFORMANCE OF DUTY
BY DEFAULTING LOCAL AUTHORITY

28 Where complaint is made to the Board that a Local Authority has made default in enforcing any provisions of this Ordinance which it is its duty to enforce, the Governor-in-Council on the recommendation of the Board, if satisfied after due inquiry, that the Local Authority has been guilty of the alleged default may make an order directing the Local Authority to perform its duty in the matter of such complaint, and limiting a time for such performance

Proceedings on complaint to Board of Local Authority

If such duty is not performed within the time limited in the order, the order may be enforced by writ of mandamus, or the Board may appoint some person to perform the duty, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the Local Authority in default, and any order made for the payment of such expenses and costs may be removed into the High Court and be enforced in the same manner as if the same were an order of that Court

Any person appointed under this section to perform the duty of a defaulting Local Authority shall, in the performance and for the purposes of such duty, have all the powers of such Local Authority other than the powers of levying rates vested in any Local Authority pursuant to any Ordinance in that behalf, and the Board may from time to time by order change any person so appointed

EUROPEAN AND ASIATIC RESERVATIONS, COMMERCIAL
AND OPEN SPACES

29 The Governor-in-Council may from time to time by Proclamation reserve any area or areas within any township or district

Power to reserve European and Asiatic reservations commercial areas and open spaces

(a) as an European reservation or reservation ,
(b) as an Asiatic reservation or reservations,
(c) for commercial areas either for Europeans or Asiatics,
(d) as an open space or spaces,
and may from time to time alter the boundaries of any such reservation

30 It shall not be lawful for any European to occupy any immovable property, or to occupy or reside in any domestic building within an Asiatic reservation or Asiatic commercial area, nor shall it be lawful for any Asiatic to occupy any immovable property, or to occupy or reside in any domestic building within a European reservation or European commercial area

Restrictions as to occupation and residence

31 Nothing in the foregoing section shall be held to preclude —

Saving provisions

(a) any European, or person of the same race, from occupying any land, or from occupying or residing in any existing domestic building within an Asiatic reservation or Asiatic commercial area, now so occupied, or

(b) any Asiatic, or person of the same race, from occupying any land, or from occupying or residing in any existing domestic building, within a European reservation or European commercial area, now so occupied,

but the foregoing section shall apply to any land or buildings whenever such land or buildings cease to be in such occupation

NATIVE LOCATIONS

32 Any Local Authority may with the approval of the Governor-in-Council lay out on any lands under its control such locations for natives as may be deemed desirable and erect suitable buildings thereon for the occupation of such natives and make charges therefor to be fixed by bye-laws or let to natives

Power to lay out Native locations

plots in such locations on such terms and conditions as may from time to time be provided by bye-laws and may compel all natives residing in the township or district, except such as are employed in domestic service and are lodged on the premises of their employers, to reside within such locations 5

Power of Local Authority to make bye laws relating to the issue of passes to natives

The Local Authority may from time to time make, alter and repeal bye laws —

(a) for the proper carrying out of the provisions of this section and the effectual supervision of such locations,

(b) for the issue of passes to and the carrying of passes 10
by all natives in the township or district and for the fixing of charges for each such pass not exceeding 25 cents a month payable by such natives

PART III

SANITARY PROVISIONS 15

SUBDIVISION I — SEWERS AND DRAINS

Sewers vested in Local Authority

33 All existing and future sewers within the district of a local authority, except—

(1) Sewers made by any person for his profit, or by any company for the profit of the shareholders, and 20

(2) Sewers made and used for the purpose of draining, preserving, irrigating, or otherwise improving land subject to the powers of the drainage authority shall vest in and be under the control of such local authority

34 Every local authority shall keep in repair all sewers 25
belonging to them, and shall, so far as practicable, cause the same to be kept so as not to be a nuisance or injurious to health, and to be properly cleansed and emptied

Sewage to be purified before being discharged into streams

35 Nothing in this Ordinance shall authorise any local authority to use any sewer drain or outfall for the purpose of 30
conveying sewage or filthy water into any natural stream or watercourse, or into any canal pond or lake until such sewage or filthy water is freed from all excrementitious or other foul or noxious matter such as would affect or deteriorate the purity and quality of the water in such stream or watercourse or in such 35
canal pond or lake

Alteration and discontinuance of sewers

36 The drainage authority may from time to time enlarge 40
lessen alter the course or cover in or otherwise improve any sewer belonging to any local authority and may discontinue close up or destroy any such sewer that has in the opinion of the drainage authority become unnecessary, on condition of providing a sewer is effectually for the use of any person who may be deprived in 45
pursuance of this section of the lawful use of any sewer. Provided that the discontinuance closing up or destruction of any sewer shall be so done as not to create a nuisance 45

Powers of owners and occupiers within district to drain into sewers of Local Authority

37 The owner or occupier of any premises within the district of a local authority shall be entitled to cause his drains to empty into the sewers of that authority on condition of his giving such notice as may be required by the drainage authority so to do, and of complying with the regulations of that authority in respect of the mode in which the communications between such 50
drains and sewers are to be made, and subject to the control of any person who may be appointed by the drainage authority to superintend the making of such communications

Any person causing a drain to empty into a sewer of a local authority without complying with the provisions of this section 55
shall be liable to a penalty not exceeding Rs 300/-, and the drainage authority may close any communication between a drain and sewer made in contravention of this section, and any expenses incurred by the drainage authority may be recovered at the suit of the Director of Public Works from the person so 60
offending as a civil debt recoverable summarily

38 Where any house within the district of a local authority is without a drain sufficient for effectual drainage, the drainage authority shall by written notice require the owner or occupier of such house, within a reasonable time therein specified, to make
 5 a covered drain or drains emptying into any sewer belonging to the local authority, and which is not more than one hundred feet from the site of such house, but if no such means of drainage are within that distance, then emptying into such covered cesspool or other place not being under any house as the drainage
 10 authority may direct, and the drainage authority may require any such drain or drains, to be of such materials and size, and to be laid at such level, and with such fall as to the drainage authority may appear necessary

Powers of drainage authority to enforce drainage of undrained houses

If such notice is not complied with, the drainage authority
 15 may, after the expiration of the time specified in the notice, do the work required and any expenses incurred by the drainage authority in so doing may be recovered at the suit of the Director of Public Works from the owner as a civil debt recoverable summarily

20 Provided that where, in the opinion of the drainage authority, greater expense would be incurred in causing the drains of two or more houses to enter into an existing sewer pursuant to this section, than in constructing a new sewer and causing such drains to empty therein, the drainage authority may construct such new
 25 sewer, and require the owner or occupier, of such houses to cause their drains to empty therein, and may apportion as they deem just the expenses of the construction of such sewer among the owner of the several houses, and the sums apportioned may be recovered, at the suit of the Director of Public Works, from
 30 such owner as a civil debt recoverable summarily

39 Where any house within the district of a local authority has a drain communicating with any sewer, which drain though sufficient for the effectual drainage of the house is not adopted to the general drainage system of the district, or is in the
 35 opinion of the drainage authority otherwise objectionable, the drainage authority may, on condition of providing a drain or drains effectual for the drainage of the house, and communicating with such other sewers as they think fit, close such first mentioned drain and may do any works necessary for that purpose, and the expenses of those works, and of the construction of
 40 any drain or drains provided by them under this section, shall be deemed to be expenses properly incurred by them in the execution of this Ordinance

Powers of drainage authority to require houses to be drained into new sewer

40 (1) Where the owner or occupier of any premises is entitled to cause any sewer or drain from those premises to communicate with any sewer of the local authority, the drainage authority shall if requested to do so by the owner or
 45 occupier and upon the cost thereof being paid in advance to the drainage authority, themselves make the communication and execute all works necessary for that purpose

Provision as to drainage authority making communications with or altering, etc drains and sewers

(2) The cost of making such communication (including all costs incidental thereto) shall be determined by an officer of the drainage authority, but in case the owner or occupier of the premises, as the case may be is dissatisfied with such
 55 estimate, he may, if the estimate is under Rs 750/- apply to a Magistrate to fix the amount to be paid for such cost, and if the estimate is over Rs 750/- have the same determined by arbitration

(3) The drainage authority may agree with the owner of
 60 any premises that any sewer or drain which such owner is required, to make, alter, or enlarge, or any part of such sewer or drain, shall be made, altered, or enlarged by the drainage authority

SUBDIVISION II —PUBLIC LATRINES

65 41 No public latrines shall be erected until the sanction of the local authority in writing has been obtained

Sanction of Local Authority for erection of public latrines

The local authority shall not incur any liability in respect of having granted such sanction nor shall such sanction protect the owner of any public latrine from any liability to an injunction or other legal proceedings should the latrine be at any time so conducted as to become a nuisance, or its erection be contrary to agreement or be otherwise wrongful 5

Local Authority may apply to the Government for additional public latrines

42 When in the opinion of the local authority additional public latrine accommodation is required in any locality upon unleased Crown land, the local authority may apply in writing to the Governor, through the Chief Secretary, specifying the site upon which it desires the erection of a public latrine, and the accommodation to be provided by such latrine 10

Notification of intention to erect latrine

43 If such application is approved of by the Governor a notification shall be published in three successive numbers of the Gazette, specifying the site and notifying that the local authority proposes to erect thereon a public latrine 15

Objections to such erection

44 If any owner or occupier of property in the immediate vicinity of such site objects to such erection, such objection must be sent in writing to the Board so as to reach the office not later than one week after the publication of the last of such notifications. Such objection must state the reasons and specify the property with regard to the ownership or occupation of which such objection is made and the interest therein of the objector 20

Resolution of Legislative Council where objection is made

45 If such objection is so duly made and is not withdrawn, the local authority shall not be entitled to claim the immunity conferred by the following section, unless, after such objection has been considered, the site and the erection thereon of such latrine is approved by the Board 25

No injunction to be granted or suit to be brought in certain cases

46 When such approval as is mentioned in the preceding section has been given, or where no objection has been so duly made or has been withdrawn, no injunction shall be granted against the erection, continuance, or use of such latrine nor shall any suit be brought for damages or compensation in respect of such erection, continuance or use 30

Existing public latrines protected from injunction

47 The immunity with regard to injunction and suits conferred by the foregoing section is hereby extended to all the public latrines erected by any local authority existing at the commencement of this Ordinance, as fully as if the approval referred to had been given in each case 35

Saving of existing rights

48 Nothing in this Ordinance contained relating to public latrines shall in any way be deemed to derogate from any existing rights or powers of the Government or a local authority 40

SUBDIVISION III —SCAVENGING AND CLEANSING

Provision or appointment of receptacles, depots, and places for deposit or disposal of rubbish, offensive matter, sewage, and carcasses

49 The local authority may from time to time provide or appoint, in proper and convenient situations, public receptacles, depots, and places for the temporary deposit or final disposal of rubbish, offensive matter, sewage, and the carcasses of dead animals 45

Collection and temporary deposit of rubbish and offensive matter by occupiers of premises

50 (1) The local authority may by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter specified in the notice shall be collected by the occupier of such premises, and deposited in a box or basket, of a kind prescribed by the local authority, to be provided by such occupier, and kept at or near the entrance to the premises 50 55

(2) The local authority may cause public dust bins or other convenient receptacles to be provided at suitable intervals, and in proper and convenient situations in streets or quarters in respect of which no notice issued under sub section (1) is for the time being in force, and may, by public notice direct that all rubbish and offensive matter accumulating in any premises the entrance to which is situated within fifty yards of any such receptacles shall be collected by the occupier of such premises, and deposited in such receptacles 60

(3) In any notice issued under the foregoing sub sections, the local authority shall prescribe the hours within which rubbish and offensive matter shall be deposited as aforesaid

- 51 When any premises are used for carrying on any
 5 manufacture, trade, or business in the course of which rubbish
 or offensive matter is accumulated in quantities which are, in
 the opinion of the local authority, too considerable to be deposited
 in any of the methods prescribed by notice issued under section
 50, the local authority may,
- 10 (a) by written notice, direct the occupier of such
 premises to collect all rubbish and offensive matter accumu-
 lating on such premises, and to remove the same, at such
 times, in such carts or receptacles, and by such routes, as
 15 may be specified in the notice, to a public receptacle, depôt,
 or place provided or appointed under section 49, or,
- (b) after giving such occupier written notice the local
 authority may cause all rubbish and offensive matter accu-
 mulating in such premises to be removed, and charge such
 20 occupier for such removal such periodical fee as may be
 specified in such notice
- 52 For the purpose of securing the efficient scavenging and
 cleansing of all streets and premises, the local authority shall
 take measures for securing
- (a) the daily surface-cleansing of all streets and the
 25 removal of the sweepings therefrom, and
- (b) the removal of the contents of all receptacles
 and depots, and the accumulations at all places provided
 or appointed by it under section 49 for the temporary
 deposit of any of the things specified in that section
- 30 53 All things deposited in receptacles, depots, or places
 provided or appointed under section 49, shall be the property of
 the local sanitary authority
- 54 In cases not provided for by any notice issued under
 section 51, the local authority shall from time to time prescribe
- 35 (a) the hours within which sewage and offensive
 matter may be removed,
- (b) the kind of cart or other receptacle in which
 sewage or offensive matter may be removed, and
- (c) the route by which such carts or other recept-
 40 acles shall be taken
- 55 The local authority shall maintain an establishment for
 the removal of sewage from latines which are not connected
 with a sewer
- 56 (1) No person who is bound, by any notice issued
 45 under section 50 or section 51, to collect and deposit or remove
 rubbish and offensive matter accumulating on premises
 occupied by him, shall allow the same so to accumulate for
 more than twenty-four hours
- (2) No person shall deposit any rubbish or offensive
 50 matter otherwise than as prescribed in a notice issued under
 section 50
- (3) No person shall remove sewage or offensive matter
 otherwise than to a receptacle, depôt, or place provided or
 appointed for the purpose under section 49, otherwise than
 55 as prescribed under section 54
- (4) No person shall throw or place any rubbish, offensive
 matter, or sewage in any place not provided or appointed for
 the purpose under section 49, or in any way contrary to any
 direction given under section 50
- Collection and removal
 of rubbish and offensive
 matter accumulating on
 business premises
- Local Authority to
 provide for cleansing of
 streets and removal of
 rubbish, etc
- Rubbish, etc., to be the
 property of the Local
 Sanitary Authority
- Removal of offensive
 matter
- Establishment for the
 removal of sewage from
 privies and urinals
- Prohibition of—
 allowing rubbish or
 offensive matter to
 accumulate on premises
 for more than 24 hours
- Irregular depositing of
 rubbish or offensive
 matter
- Irregular removal of
 sewage or offensive
 matter
- Irregular placing of
 rubbish or offensive
 matter, or sewage

| | | |
|--|---|----------------|
| allowing filthy matter to flow or soak from premises, or create a nuisance | (5) No owner or occupier of any building or land shall allow any sewage or filthy matter to flow, soak, or be thrown therefrom, or shall keep, or suffer to be kept, anything therein or thereupon so as to be a nuisance, or shall negligently suffer any latrine or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health | 5 |
| Presumption as to offender under section 56 (4) | 57 If in any case it is shown that rubbish, offensive matter, or sewage has been thrown or placed in any place in contravention of sub-section (4) of section 56, from some building or land, it shall be presumed, until the contrary is proved, that the offence has been committed by the occupier of the said building or land | 10 |
| Notice to be given by servants before withdrawing from work | 58 No servant of the local authority, who is employed to remove or otherwise deal with sewage, offensive matter, or rubbish, shall, without the permission of the local authority, withdraw from his duties without giving notice, not less than one month previously, of his intention so to withdraw anything to the contrary in the Master and Servants Ordinance, 1910, or an Ordinance amending the same notwithstanding | 15 20 |
| SUBDIVISION IV —DESTRUCTION OF MOSQUITOES | | |
| Breeding places of mosquitoes to be nuisances | 59 For the purposes of this Ordinance (a) all collections of water, sewage, rubbish, refuse, ordure or other fluid or solid substances, and all reasonably preventable conditions, which permit or facilitate the breeding or multiplication of animal or vegetable parasites of men or domestic animals or of insects or of other agents, which are known to carry such parasites or which may otherwise cause or facilitate the infection of men or domestic animals by such parasites, (b) any collection of water in any well, pool, gutter, channel, depression, excavation, barrel, tub, bucket, or any other vessel, and found by the local authority to contain mosquito larvæ, (c) any cess-pit, latrine, urinal, dung-pit, or ash-pit found by the local authority to contain mosquito larvæ shall be nuisances liable to be dealt with in the manner hereinbefore provided for the treatment of nuisances | 25 30 |
| Yards to be kept free from bottles whole or broken, etc | 60 The occupier or owner of any premises shall keep such premises free from all bottles whole or broken, whether fixed on walls or not, tins, boxes, calabashes, earthenware vessels, shells or any other articles which may retain water Any occupier or owner of any premises failing to comply with the provisions of this section shall be liable to a fine not exceeding 50 rupees | 40 |
| Wells, etc., to be covered. | 61 It shall not be lawful for any person to keep, or for the occupier or owner of any premises to allow to be kept thereon, any collection of water, in any well, barrel, tub, bucket, tank, or other vessel intended for the storage of water, unless such well, barrel, tub, bucket, tank, or other vessel is fitted with a sufficient cover and is properly protected or screened to the satisfaction of the local authority, so as to prevent the ingress of mosquitoes into the same Any person offending against the provisions of this section shall be liable to a fine not exceeding 50 rupees, and after notice received from the local authority to a further fine not exceeding fifteen rupees for each day during which he shall make default | 45 50 55 |
| Cess pits to be screened or filled | 62 The occupier or owner of any premises upon or attached to which is any cess-pit shall cause such cess-pit to be properly protected or screened to the satisfaction of the local authority, so as to prevent the ingress of mosquitoes into the same, or alternately to be covered with oil or other larvicide not less than once in every week, and in default he shall be liable to a fine not exceeding twenty rupees, and to a further fine not exceeding twenty rupees for each day during which he shall continue to make such default after notice received from the local authority to comply with the provisions of this section | 60 65 |

63 It shall be lawful for the local authority by written Local Authority may notice to require the occupier or owner of any premises upon or require gutters to be attached to which is any gutter, pipe, groove, or water way perforated used or intended for carrying off water from any roof or other
 5 place, to cause the same to be perforated by holes at least every two feet in such a manner as to prevent the collection or accumulation of water therein, and if any person duly served with such notice shall fail to comply with the provisions thereof within
 10 such times as may be specified therein, he shall be liable to a fine not exceeding Rs 20/-, and to a further fine not exceeding Rs 20/- for each day during which he shall continue to make such default

64 Where mosquito larvæ are found on any premises in any Local Sanitary Authority collection of water in any cess-pit, well, pool, channel, barrel, may destroy larvae, etc
 15 tub, bucket, tank, or any other vessel, or in any bottle, whole or broken, whether fixed on a wall or not, tin, box, calabash, shell, or any other article, it shall be lawful for the local authority to take immediate steps to destroy such larvæ by the application of oil or larvicide or otherwise, and to take such
 20 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

65 Notwithstanding any provision of this Ordinance, the Mere presence of occupier or owner of any house or premises, or the owner or mosquito larvæ an
 25 person having the charge of any ship, boat, canoe, hulk, dhow, timber, cask, or other article lying upon any street, shore, beach or open space, in or about which there is any collection of water found by the local authority to contain mosquito larvæ, shall be liable in respect of each and every such collection of water to a
 30 fine not exceeding Rs 20/-, or in default to be imprisoned with or without hard labour for seven days

SUBDIVISION V —KEEPING OF ANIMALS AND DISPOSAL OF CARCASSES

66 No person shall without the written permission of the Prohibitions as to local authority, or otherwise than in conformity with the terms keeping animals of such permission —

(a) keep any swine in any part of any township or district,

40 (b) keep any animal on his premises so as to be a nuisance, dangerous or injurious to health,

(c) feed any animal, or suffer or permit any animal to be fed, or to feed, with or upon sewage or offensive matter

67 Any swine found straying may be forthwith destroyed, Destruction of stray
 45 and the carcasses thereof disposed of as the local authority or swine Medical Officer of Health may direct, and no claim shall lie for compensation for any swine so destroyed

68 (1) The local authority may give public notice of their Power to prevent keeping intention to declare — of milch cattle in particular areas for supplying milk by sale

50 (a) that no person shall keep milch-cattle for the purpose of supplying milk for sale in any area specified in the notice

(b) that all milch-cattle kept in such area for such purpose must be removed from such area within a period,
 55 not being less than three weeks nor more than three months, to be specified in such notice

(2) No person shall, in any area specified in any such notice, keep milch-cattle for the purpose of supplying milk for sale

60 (3) All milch-cattle kept in any such area for the said purpose shall be removed therefrom within the period specified in that behalf in such notice

69 (1) All stables, cattle-sheds, and cow-houses, shall be General powers of under the survey and control of the local authority or Medical control over stables, cattle sheds, and cow-
 65 Officer of Health as regards their site, construction, materials, and dimensions houses

(2) The local authority, or the Medical Officer of Health, may, by written notice require that any stable, cattle-shed, or cow-house be altered, paved, repaired, or kept in such a state as to admit of its being sufficiently cleansed, or be supplied with water, or be connected with a sewer, or be demolished 5

(3) Every such notice shall be addressed to the owner of the building or land to which the stable, cattle-shed, or cow-house belongs, or for the use of the occupants of which the same was constructed or is continued 10

(4) The expense of executing any work in pursuance of any such notice shall be borne by the said owner

Power to direct discontinuance of use of building as stable, cattle shed or cow house

70 If any stable, cattle-shed, or cow-house is not constructed or maintained in the manner prescribed by or under this Ordinance, the local authority may, by written notice, direct that the same shall no longer be used as a stable, cattle-shed, or cow-house 15

COW-SHEDS, STABLES, &c

71 It shall not be lawful for any person following the trade of cowkeeper or dairyman to begin to occupy as a dairy or cow-shed any building not so occupied at the commencement of this Ordinance until he first makes provision to the satisfaction of the local authority for the lighting, ventilation including air-space and the cleansing drainage and water supply of the same while occupied as a dairy or cow-shed 20 25

Removal of carcasses of animals

72 (1) The occupier of any premises in or upon which any animal dies, or upon which the carcass of any animal is found, and the person having the charge of any animal which dies in a street or in any open space, shall, within three hours after the death of the animal, or if the death occurs at night, within three hours after sunrise either — 30

(a) remove the carcass, or cause it to be removed, to some depôt or place provided or appointed by the local authority under section 49 for the temporary deposit or final disposal of carcasses, or 35

(b) report the death of the animal, or cause the same to be reported, to the local authority with a view to the removal of the carcass

(2) When any carcass is removed in pursuance of clause (b) of sub-section (1) a fee for the removal of such amount as may be fixed by the local authority shall be paid by the owner of the animal, or if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the animal died 40

(3) No person shall remove, or cause to be removed the carcass of any animal — 45

(i) otherwise than to a depôt or place provided or appointed for the purpose by the local authority or

(ii) in such a manner as to create a nuisance

(4) No person shall throw or deposit or cause to be deposited any corpse or carcass upon any street or into any drain lake, river or water course sewer or on the banks of any lake, river or water course 50

(5) The word "animal" in this section includes camel, horse, mule, donkey, horned beast, sheep, pig, or other large animal 55

SUBDIVISION VI — MARKETS

Establishment of markets, unauthorised markets prohibited

73 All markets established at the commencement of this Ordinance shall be continued and shall be subject to this Ordinance, but it shall be lawful for the Governor-in-Council to close any of them and also to establish or close any new market No market shall be opened or kept except under the provisions of this Ordinance, and every market which shall be otherwise opened or kept open shall, together with the building in which the same is carried on be deemed a nuisance 60

- 74 No building shall be erected or maintained in any market except stalls, and quarters for market officers, police and porters. Such buildings shall be of stone, brick or other approved impervious material, and the stalls shall be filled with stone, wooden or other approved counters. No person shall be allowed to pass the night in any market except the police and caretakers recognised by the local authority. **Buildings in markets limited**
- 75 No alteration in or addition to any market building or any fittings thereof shall be made or commenced without the sanction of the local authority. **Alterations to market buildings**
- 76 Whenever the lessee of any market building fails to comply with any condition of his holding or grant as to the execution of any repairs to such market building or other works in connection with the same, the local authority may summon such lessee before a Magistrate, who may order him to execute such repairs or other works within a reasonable time to be specified in such order. Any failure to carry out the terms of such order shall be deemed an offence against this Ordinance. **Repairs to market buildings by lessee may be ordered by Magistrate**
- 77 Except as by this Ordinance provided, no person shall within any township or district to which this subdivision is applied sell or expose for sale in any place not being a public market within the meaning of this Ordinance any articles of food for man usually sold or exposed for sale in a public market. Provided always that the local authority may grant licences for the sale of articles of food for man elsewhere than in a public market to such persons, for such considerations, and for such periods as the local authority shall think fit. **Sales of certain articles outside markets prohibited**
- 78 Nothing in this Ordinance shall be so construed as to forbid any of the following sales of food otherwise than in a market — **Exceptions to the prohibition of sales outside markets**
- (1) of rice, bread, milk, fish or confectionery
 - (2) of green vegetables, fruit, or prepared food by licensed hawkers
 - (3) of cooked provisions by any licensed victualler, or keeper of any lodging or eating house
 - (4) of any food commonly sold by chandlers and purveyors not being raw butchers' meat
 - (5) of any provisions or goods by any person licensed under this Ordinance
 - (6) public sales by licensed auctioneers
- 79 Except as provided by this Ordinance, no person shall demand or receive any money or other valuable consideration as a fee, toll, rent or otherwise for access or admission to, or for selling or buying in any market. **Unauthorised fees, or charges prohibited**
- 80 The members of the Board and any local authority, and the Commissioner of Police, and their respective officers, shall have at all times free access to every part of every market building.

SLAUGHTER HOUSES

- 81 (1) No person shall slaughter any cattle, swine, sheep or goat, or dress any carcasses thereof, except within a slaughter house or pigs' slaughter house appointed for the purpose by the local authority.
- (2) Any person who acts in contravention of this section, or of any bye-laws made under this Ordinance shall be liable on conviction to a fine not exceeding Rs 75/- for each offence.
- (3) Any person who knowingly exposes for sale, sells, buys, barter, exchanges or otherwise deals in any animal or any part of any animal which has been slaughtered in contravention of this section shall be liable to a fine not exceeding Rs 30/-.

PUBLIC WASHERMEN

Regulation of public washermen

82 Every local authority may by public notice, prohibit the washing of clothes by washermen in the exercise of their calling except at public wash-houses or at such other places as it may appoint for the purpose

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FOULING WATER

Fouling water

83 Whoever by any act or default cause or suffers to be brought or to flow into any well, stream, tank reservoir, aqueduct, pond or place, used or intended for supplying water to man or beast, or into any conduit communicating therewith, or into any irrigation channel any substance whether liquid or solid or does any act whereby the water in or which may enter such well, stream, tank, reservoir, aqueduct, pond, place or irrigation channel is fouled shall be liable to a penalty for every such offence not exceeding Rs 200/- and to a further penalty not exceeding Rs 30/- for every day during which the offence is continued after conviction

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PART IV

DWELLINGS

SUBDIVISION I — BASEMENT DWELLINGS

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Basements not to be occupied without permission

84 It shall not be lawful, without the written permission of the local authority, to live in, occupy or use or to let or sublet, or to suffer or permit to be used any basement for habitation or for occupation as a shop, workshop, or factory or for the preparation or storage of food, and no basement shall be so used unless it is well lit and ventilated, and is free from damp and is rendered rat-proof to the satisfaction of the local authority

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SUBDIVISION II — LODGING HOUSES

Lodging houses to be registered and the keeper licensed

85 No person shall open, or keep open, a lodging house, unless the house is registered and the keeper thereof is licensed by the local authority

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If any person who opens or keeps open any lodging house contrary to the provisions of this Ordinance, cannot be found, or if the keeper of the lodging house is absent from the Protectorate, the householder as defined by this Ordinance shall be deemed to be the person who opens or keeps open such house and shall be liable accordingly

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Penalty for false statements

86 Any person who shall in making application for the registration or licensing of a lodging house, knowingly make any false statement regarding any of the particulars required to be stated in such application, shall be liable to a penalty not exceeding Rs 50/-

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Inspection of common lodging houses

87 The keeper of a lodging house shall keep a register of the name, occupation, and native place of each lodger, and the dates of his arrival and departure, and shall at all times, when required by any officer of the local authority, give him free access to such house, or any part thereof, and shall allow him to inspect such register, and such keeper who refuses such access or such inspection as aforesaid shall be liable to a penalty not exceeding Rs 50/-

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SUBDIVISION III — OVERCROWDING

Overcrowding defined

88 Every domestic building and any part thereof found to be inhabited in excess of a proportion of one adult for every fifty square feet of habitable floor space or superficial area, and five hundred cubic feet of clear and unobstructed internal air space shall be deemed to be in an overcrowded condition —

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Provided that —

(a) any room which does not contain a cubicle may be inhabited in the proportion of one adult to every 30 square feet of habitable floor space or superficial area, and 330 cubic feet of clear and unobstructed internal air space

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(b) every domestic building being within a European reservation, and any part thereof, (with the exception of quarters occupied by servants), which is occupied by more than one adult for every 1000 cubic feet of clear and unobstructed internal air space shall be deemed to be in an overcrowded condition

(c) the provisions of this section shall not apply in the case of temporary structures provided for housing workmen during the progress of works

- 89 (1) It shall not be lawful for any householder or tenant to let or sub let, or allow to be used for occupation, any domestic building or any part thereof to or by so large a number of persons as to cause the same to be in an overcrowded condition Overcrowding prohibited
- (2) The householder or tenant (together with his family, if any), if resident in any such domestic building shall be counted in ascertaining whether such building or any part thereof is in an overcrowded condition
- (3) Where any domestic building or any part thereof is ascertained to be in an overcrowded condition between the hours of 11 p m , and 5 a m , such overcrowding shall be deemed to be *prima facie* evidence that such building, or part thereof, was let or sub-let in contravention of this section
- 90 (1) If any domestic building or part thereof, shall be found to be in an overcrowded condition, any officer of the local authority being duly authorised so to do may within 5 days apply to a Magistrate to summon before him each tenant or householder of such building Steps to be taken to abate overcrowding
- (2) If it be proved that the said domestic building or any part thereof, was overcrowded within 5 days prior to the issue of the summons the Magistrate may inflict a fine not exceeding Rs 50/- on the person summoned, and may further make an order for the abatement forthwith of such overcrowding Magistrate shall make order for abatement
- Any person not obeying any such order shall, if he fails to satisfy the Magistrate that he has used all due diligence to carry out such order, be liable to a penalty not exceeding Rs 30/- per day during such default, and any person knowingly and wilfully acting contrary to any such order shall be liable to a penalty not exceeding Rs 50/- per day so long as such action continues Penalty for disobedience of Magistrate's order
- (3) On the hearing the Magistrate may make such order for the inspection, at any hour of the night or day, of the said domestic building or any part thereof as the circumstances of the case may require Such order to continue in force for a period not exceeding one month Subsequent inspection
- 91 Any room used as a kitchen shall not be used as a sleeping room, and the house-holder or tenant thereof shall be responsible that such kitchen is not so used, nor shall any passage lobby, or other place partitioned off from any sleeping room to the height of the ceiling, be included in the calculation of the cubic capacity for human habitation Kitchen not to be used as a sleeping room
- 92 In the calculation of the cubic space for the purposes of this Ordinance, two children being or appearing to be of ten years of age or under shall be counted as one person, and every person over ten years of age shall be considered as an adult Calculation of cubic space in case of children
- 93 No room fitted with bunks or beds shall be so fitted as thereby to provide sleeping accommodation for a greater number of persons than are by law permitted to occupy the room Limit of fittings for sleeping accommodation

PART V

NUISANCES AND OFFENSIVE TRADES

SUBDIVISION I —NUISANCES

94 The following shall be deemed to be nuisances — Nuisances

(1) Any vessel, boat canoe or dhow, and any Railway carriage or other conveyance in such a state or condition as to be injurious or dangerous to health

(2) Any building or part of a building which is so dark or ill-lighted, or so ill-ventilated or damp, or in such a condition of dilapidation as to be dangerous or prejudicial to the health of the inmates

(3) Any building or part of a building which contains rat-holes or rat-runs, or which is infected with rats, or in which the ventilating openings are not protected by gratings in such manner as to effectually exclude rats therefrom 5

(4) Any premises which are in such a dirty or in such an insanitary condition as to be dangerous or prejudicial to health 10

(5) Any street or road, or any part thereof, or any water-course, nullah, ditch, gutter, side-channel, drain, ashpit, sewer, privy, urinal, or cess-pool so foul as to be noxious, or noisome, or unhealthy

(6) Any water-course, irrigation channel, well, tank, pool, pond, canal, conduit or cistern, the water of which from any cause, is so tainted with impurities, or so unwholesome as to be injurious to the health of persons living near, or using water, or which is likely to promote or aggravate epidemic disease 15

(7) Any stable, cow-house pig sty, or other premises for the use of animals, or in which birds are kept, which is in such a condition as to be injurious to the health of man or of such animals or birds 20

(8) Any noxious matter, or waste water, flowing or discharged from any premises, wherever situated, into any public street, road, or into the gutter or side-channel of any street or road, or into any nullah, or water-course, irrigation channel or bed thereof 25

(9) Any manufacture, trade, or business of a noxious, noisome, or unhealthy nature 30

(10) Any cemetery, or place of burial, so situated, or so conducted, as to be unhealthy

(11) Any chimney (not being the chimney of a private dwelling house) or any furnace sending forth black smoke in such quantity as to be a nuisance 35

(12) Any act, omission, or thing which is, or may be, dangerous to life, or injurious to health or property

(13) Any accumulation of stones, timber or other substance capable of breeding or harbouring rats

Duty of Local Authority to inspect district for detection of nuisances

95 It shall be the duty of all local authorities to cause to be made from time to time inspection of their districts with a view to ascertaining what nuisances exist calling for abatement under the powers of this Ordinance and to carry out the provisions of this Ordinance for the purpose of abating the same, and otherwise to enforce the powers vested in them relating to Public Health, so as to secure the proper condition of all premises, streets and drains within their districts 40 45

Entry to inspect nuisances

96 (1) It shall be lawful for any Medical Officer of Health or any Assistant Medical Officer of Health on reasonable presumption of the existence of a nuisance on any premises, by an order in writing to authorise any officer, with any assistant or assistants, to enter such premises at any time between 6 a m and 6 p m , and to inspect the same 50

(2) The Inspecting Officer shall produce and show the order to any person being, or claiming to be, the occupier of such premises. Provided that the Inspecting Officer shall not enter any house, or upon any land which may be occupied at the time, should such occupier object to his entry, without previously giving the said occupier 2 hours notice in writing of his intention to do so 55 60

Penalty for refusing admission after due notice

97 Any person refusing admittance to the said Inspecting Officer after such notice has been given shall be liable to a fine not exceeding Rs 200/-

Local Sanitary Authority to serve notice requiring abatement of nuisance

98 On receipt of any information respecting the existence of a nuisance the local authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default, or sufferance, the nuisance arises or continues or if such person 65

cannot be found, on the owner, or occupier, of the premises on which the nuisance arises, requiring him to abate the same, within a reasonable time to be specified in the notice, and to execute such works, and do such things as may be necessary for that purpose. Provided that —

(i) where the nuisance arises from the want, or defective construction, of any structural convenience, or, where there is no occupier of the premises, notice under this section shall be served on the owner,

(ii) where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue, by the act, default or sufferance of the owner, or occupier, of the premises, the local authority may abate the same

99 (1) It shall be lawful for the local authority in any case where there is a contravention of any bye law to issue a notice to the offender stating what is required to be done to carry out the provisions of such bye law, and to call upon him to comply with such notice within a reasonable time to be stated in the said notice

Local Authority may serve notice directing compliance with bye laws

(2) The local authority may, however, institute proceedings before any Magistrate against any person contravening any bye law without the previous issue of such notice and the Magistrate may impose a penalty not exceeding Rs 200/-

Proceedings without notice

100 If the person served with notice, under section 98 or 99, is dissatisfied therewith it shall be lawful for him, within the time therein specified, to apply to the local authority to review the same, stating the grounds of his application, and the local authority shall, thereupon, inquire into the matter, and shall confirm, modify, suspend or discharge the said notice, or extend the time allowed for compliance therewith

The Local Authority may review notice

101 If such person has not obtained from the local authority a modification or withdrawal of the notice, and continues to make default in complying with the requirements thereof or in the case of a nuisance, if the same, although abated since the service of the notice, is in the opinion of the local authority likely to recur on the same premises, the local authority shall cause a complaint relating to the non compliance with the said notice, or to such nuisance, to be made before a Magistrate, who shall thereupon issue a summons, requiring the person on whom the notice was served to appear before him

On non compliance with notice complaint to be made to a Magistrate

102 (1) If the Magistrate is satisfied that the requirement of the local authority is legal, or that the alleged nuisance exists, or that, although the said nuisance is abated, it is likely to recur on the same premises he shall make an order on such person —

Power of Magistrate to make an order dealing with the nuisance

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

(b) prohibiting the recurrence of the nuisance, and directing the execution of the works necessary to prevent the recurrence, or

(c) both requiring abatement and prohibiting the recurrence of the nuisance

(2) The Magistrate may, by his order, impose a fine not exceeding Rs 200/- on the person on whom the order is made and shall also give directions as to the payment of all costs incurred up to the time of hearing or making of the order

Penalty

103 Where the nuisance proved to exist is such as to render any building, in the judgment of the Magistrate, unfit for human habitation the Magistrate may by an order in writing prohibit the use thereof for that purpose, until in his judgment it has been rendered fit for that purpose, and may direct that a copy of such order be affixed to the building in question, and

Order of prohibition of use etc, of building unfit for human habitation

may further order that such building, and the approaches thereto (if any), shall be properly closed and secured by the owners and, on the Magistrate being satisfied that it has been rendered fit for that purpose, he may, by order, declare the building habitable, and from the date thereof, such building may be inhabited 5

Penalty for contravention of order of Magistrate or for defacing any copy of such order

104 (1) Any person not obeying an order to comply with the requisitions of the local authority and failing to satisfy the Magistrate that he has used all due diligence to carry out such order, shall be liable to a penalty not exceeding Rs 30/- per day, during his default, and any person knowingly and wilfully acting contrary to an order of prohibition, shall be liable to a penalty not exceeding Rs 50/- per day so long as such action continues, moreover the local authority may by any officer enter the premises to which any order relates, and abate the nuisance, and do whatever may be necessary in execution of such order, and recover, the expenses incurred by them from the person as a civil debt recoverable summarily 10 15

(2) Any person defacing any copy of a Magistrate's order, which has been affixed to any building or premises, shall be liable to a penalty not exceeding Rs 100/- 20

Notices

105 Notices issued by a local authority relating to a nuisance shall be in the form in Schedule A, with such modifications as may be necessary

SUBDIVISION II — OFFENSIVE TRADES, FACTORIES AND WORKSHOPS 25

Establishment of dangerous or offensive trades

106 No person shall, after the date of the commencement of this Ordinance, establish or carry on in any premises not so used at such date, any dangerous or any offensive trade in any part of a township or district without the special permission in writing of the local authority and a Magistrate may, in addition to any penalty which he may inflict for a contravention of this section, order the closing of any such premises for such period as he may deem necessary 30

Definition of "to establish"

For the purposes of this section any such business shall be deemed to be established after the date of the commencement of this Ordinance, not only if it is newly established but also if it is removed from any one set of premises to any other premises, or if it is renewed on the same set of premises after having been discontinued for a period of 12 months or upwards, or if any premises on which it is carried on are enlarged without the permission of the local authority, but a business shall not be deemed to be established anew on any premises by reason only that the ownership or occupancy of such premises is wholly or partially changed, or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area 35 40 45

Provided always that any permission given by a local authority under this section shall be revocable at any time by the local authority

Nuisances in factories or workshops

107 Whenever it appears to the local authority that any brewery or distillery, or any factory, workshop or work-place is damp, or that it is not adequately lit, or is not ventilated in such a manner as to render harmless, as far as practicable, any gas, vapour, dust or other impurity generated in the course of the work carried on therein or is not maintained in a cleanly condition, or is so overcrowded during the time in which work is carried on, as to be dangerous or injurious to the health of the persons employed therein, the Local Authority may, by written notice, require the owner thereof to take such steps as the Local Authority may consider necessary to prevent such dampness or to light adequately or ventilate the same, or to render harmless as far as practicable any gas, vapour dust or other impurity, or to cleanse the same, or to prevent the same from being overcrowded 50 55 60

Prohibition of occupation for domestic purposes of any building in which a dangerous or offensive trade is carried on

108 The Local Authority may by an order in writing prohibit the occupation for domestic purposes of any building in which any dangerous or any offensive trade is carried on 65

PART VI

FOOD

SUBDIVISION I — PROTECTION OF FOODSTUFFS

- 5 109 (1) All warehouses, godowns or buildings of whatever nature intended for the storage of foodstuffs in bulk or otherwise shall be constructed of such materials and in such manner as shall in the opinion of the Medical Officer of Health render such warehouse, godown or building rat proof
- 10 (2) Where any warehouse, godown or building intended for the storage of foodstuffs aforesaid has fallen into a state of disrepair, or does not in the opinion of the Medical Officer of Health afford complete protection against rat invasion by reason of the materials used in the construction of the same being defective the Local Authority may by written notice
- 15 require the owner to effect such repairs and alterations as the notice shall prescribe within a time to be specified in the said notice, and if such requirement is not complied with the Local Authority may enter upon the premises and effect such repairs and alterations, and may recover all costs and expenses incurred from the owner as a civil debt recoverable summarily
- 20 (3) All warehouses, godowns or buildings hereafter erected intended for the storage of foodstuffs shall be constructed of the following materials and in the following manner —
- 25 (1) The internal and external walls shall be composed of brick, stone or coral in lime and rendered in a smooth coating of lime or cement 1 part of lime or cement to 1 part fine clean washed sand inside and outside
- (2) The sills of all openings in the walls intended for
- 30 windows or other purpose shall be not less than 6 feet from ground level, and shall be permanently protected by means of strong wire netting of half an inch mesh so as to prevent the ingress of rats
- (3) All floors to be laid in clean coral or stone well
- 35 beaten down and thereafter floated in cement and finished off in pure cement to a depth of half an inch the entire surface of such floors to be smooth
- (4) The roofs to be of corrugated iron or other approved material, and shall be so fixed to the coping and bearing walls
- 40 as to prevent the ingress of rats
- (4) Where in the opinion of the Medical Officer of Health any foodstuffs within a warehouse, godown or building are insufficiently protected the owner thereof shall observe all written instructions and directions of the Medical Officer of
- 45 Health within a time to be specified in the said notice for the better protection of the same
- (5) In all shops where foodstuffs intended for human consumption are stored or exposed for sale the foodstuffs of whatever nature shall be stored in bins and vessels so constructed as to afford complete protection against contamination from dust, vermin, rats or any other agent likely to injure the
- 50 same

Construction and regulation of buildings used for the storage of foodstuffs

SUBDIVISION II — UNWHOLESOME FOOD AND SEIZURE OF SAME

- 55 110 No person shall sell or expose for sale or bring into the Protectorate or into any market or have in his possession without reasonable excuse any food for man in a tainted, adulterated, diseased or unwholesome state, or which is unfit for use, or any food for any animal which is in an unwholesome state or unfit for their use and any Medical Officer of Health, Sanitary
- 60 Inspector or Police Officer may seize any such food, and any Magistrate on the recommendation of the Medical Officer of Health or of a Veterinary Officer may order it to be destroyed or to be so disposed of as to prevent it from being used as food for man or animal as the case may be

Sale of unwholesome food prohibited

Seizure of unwholesome food

111 Any officer duly authorised by the Local Authority in writing, may, at any time between the hours of 6 a m and 6 p m, enter any shop or premises used for the sale or preparation for sale, or for the storage of food, to inspect and examine any food found therein which he shall have reason to believe is intended to be used as human food, and should such food appear to such officer to be unfit for such use, he may seize the same, and any Magistrate may order it to be disposed of as in the foregoing section. The proof that such food was not exposed or deposited for any such purpose shall rest with the person charged

Penalty

112 Any person in whose possession there shall be found any food liable to seizure under sections 110 or 111 shall further be liable to a penalty not exceeding Rs 200,

SUBDIVISION III — INSPECTION OF DAIRIES

Inspection of dairies and power to prohibit supply of milk in certain cases

113 Whenever any Medical Officer of Health shall be of opinion or have reason to suspect that any person in the Protectorate is suffering from any infectious disease attributable to milk supplied from any dairy or by any person within the Protectorate, or that the consumption of milk from such dairy is likely to cause infectious disease to any person, he shall have power to inspect such dairy and to examine medically any person residing or employed therein whom he may suspect to be suffering from an infectious disease (unless such person shall produce a certificate in writing from a duly qualified medical practitioner that he or she is not suffering from an infectious disease) and, if accompanied by a Veterinary Officer, he may inspect and examine the animals therein, and the carcasses of any animals that may have died therein, and if, on such inspection and examination of the dairy or of the animals or carcasses, or an examination or analysis of the milk supplied from the dairy, or on examination of any person employed or residing therein, or on investigation of the sources of the milk supplied to such dairy, the Medical Officer of Health is satisfied that infectious disease is caused, or may be caused by the consumption of milk supplied therefrom, he shall fully report forthwith to the Local Authority where the dairy is situated, or if there is no such Local Authority to the Board and the Local Authority or the Board as the case may be shall, thereupon, give notice to the dairyman to show cause in writing within such time, not less than 24 hours, as may be specified in the notice why an order of the Local Authority or the Board should not be made requiring him not to supply any milk from such dairy until such order has been withdrawn and if he fails to show good cause, then the Local Authority or the Board may make such order as aforesaid. A copy of such order shall be furnished to such dairyman and the order shall also be published in the Gazette. An order so made shall be withdrawn on the Medical Officer of Health reporting that he is satisfied that the cause of the infection has been removed. Provided always, that no dairyman shall be liable to an action for breach of contract, if the breach be due to an order from the Local Authority or the Board made under this section

Penalty for refusal to permit inspection

114 Every person who shall refuse to permit any inspection or examination authorised by the foregoing section, or who shall wilfully obstruct any authorised officer in carrying out the provisions of the said section, or who shall refuse or neglect forthwith to comply with or to carry out any order of the Local Authority or the Board made hereunder shall, on conviction, be liable to a fine not exceeding Rs 500/-, and, if the offence is a continuing one, to a daily penalty not exceeding Rs 50/- a day so long as the offence continues

Penalty for allowing infected persons to milk animals or assist in the conduct of the dairy or reside therein

115 Any dairyman who shall allow any person suffering from any infectious disease, or who has recently been in contact with a person so suffering, to milk cows, or other animals or to handle vessels used for containing milk for sale, or in any way to take part or assist in the conduct of the trade of the dairy so far as regards the production, distribution, or storage of milk, or to reside in any part of the dairy that is used for the housing of cows or other animals or for the storage of milk, and any dairyman who, while he himself is so suffering, or has recently been in contact with any person suffering from an infectious disease, milks cows or other animals, or handles vessels containing milk

for sale, or in any way takes part or assists in the conduct of his trade so far as regards the production, distribution or storage of milk, or resides in any part of his dairy that is used for the housing of cows or other animals, or for the storage of milk, shall
 5 be liable, on summary conviction, to a fine not exceeding Rs 100/- Provided that it shall be a sufficient defence if such dairyman shall prove that he did not know, and had no reason to suspect, that he or that such person, was suffering from any infectious disease

10 116 (1) Every person in charge of a dairy shall, on request, furnish to any Medical Officer of Health, Sanitary Inspector, or other inspector authorised in that behalf, a list of the customers and any personal assistance and information which he is capable of furnishing to such officer, to enable him
 15 to discover or endeavour to discover any source of contamination or infection to which any milk in the dairy may be exposed

Person in charge to furnish list of customers, etc, and report cases of illness

20 (2) Every such person shall forthwith report to the Medical Officer of Health or Sanitary Inspector or the Local Authority where the dairy is situated, or, if there is no such Local Authority, to the Board, any case of infectious or contagious disease which may happen in any part of the premises upon which the dairy is situated

25 (3) If at any time disease exists among the cows or other animals on a dairy, the milk of a diseased cow or other animal therein shall not be mixed with other milk, or be sold in any way for human food, or for the food of any animal

Milk of diseased animal not to be used

30 (4) No latrine, cesspool or urinal shall be allowed to be within, or to communicate directly with, or to be ventilated into any place where milk intended for the food of man is obtained from cows or other animals, or where any product of such milk is prepared, collected, deposited, sold or exposed for sale

Drainage in dairies

35 (5) All utensils and vessels used by a dairyman, for the reception, storage or delivery of milk or any product of milk, shall be thoroughly cleansed with steam or scalding water as frequently as may be necessary for keeping such utensils and vessels perfectly clean and sweet and clean water only shall be used for the purpose

Utensils to be cleansed

40 (6) Any person offending against the provisions of this section shall be liable to a penalty not exceeding Rs 300/-

Penalty

117 The Board may from time to time make alter and revoke regulations for any of the following purposes, that is to say —

Board may make regulations

45 (a) for the registration with local authorities of all persons carrying on the trade of dairymen,

(b) for the registration with local authorities of all dairies,

50 (c) the cleansing of dairies and vessels used for containing milk,

(d) for the inspection of cows or other animals in dairies,

55 (e) for the inspection by persons authorised by the Local Authority in which the dairy is situate of dairies and persons in or about dairies who have access to the milk or to the churns or other milk receptacles,

(f) for prescribing and regulating the lighting, ventilation, cleansing, drainage and water supply of dairies in the occupation of persons following the trade of dairymen

60 (g) for securing the cleanliness of milk stores, milk shops, and milk vessels used for containing milk for sale by such persons,

(h) for prescribing the precautions to be taken for protecting milk or any product of milk against contamination or infection,

(i) for preventing danger to health from the sale for human consumption, or from the use in the manufacture of products for human consumption, of infected, contaminated or dirty milk,

(j) for regulating the cooling, conveyance and distribution of milk intended for sale for human consumption or for the use in the manufacture of products for human consumption,

(k) as to the labelling, marking or identification and sealing or closing of chums, vessels and other receptacles of milk for sale for human consumption or used for the conveyance of milk,

(l) for prohibiting the addition of colouring matter, and for prohibiting and regulating the addition of skimmed or separated milk or water or any other substance to milk intended for sale for human consumption, or the abstraction therefrom of butter-fat or any other constituent and for prohibiting or regulating the sale for human consumption of milk to which such an addition or from which such abstraction has been made, or which has been otherwise artificially treated,

(m) for authorising the use, in connection with the sale of milk, of the designation 'certified milk' for prescribing the conditions subject to which milk may be sold under such designation, and for prohibiting the use of such designation in connection with the sale of milk in respect of which the prescribed conditions are not complied with,

(n) for authorising a Local Authority to make regulations for the purposes aforesaid, or any of them, subject to such conditions (if any) as the Board may prescribe and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any Local Authority for the period in such order mentioned, and may by any subsequent order abridge or extend such period

Local Authority to see to the execution of regulations

118 The Local Authority of any area within which or part of which regulations so issued by the Board are declared to be in force, shall superintend and see to the execution thereof, and shall do and provide all such acts, matters and things as may be necessary for superintending or aiding in the execution of such regulations, or for executing the same as the case may require. Moreover, the Local Authority may from time to time direct any prosecution or legal proceedings for or in respect of the wilful violation or neglect of any such regulation

Penalty for obstructing officers

119 Any person who in any manner prevents any Medical Officer of Health, Sanitary Inspector or other Inspector or person duly authorised in that behalf, from entering any dairy and inspecting any milk or product of milk exposed or deposited therein for the purpose of sale or for preparation for sale, and intended for the food of man, or who obstructs or impedes any Medical Officer of Health or Sanitary Inspector or his assistant when carrying into execution the provisions of this Ordinance, shall be liable to a penalty not exceeding Rs 75/

The proof that any milk so exposed or deposited was not exposed or deposited for any such purpose, or was not intended for the food of man, shall be upon the party charged

SPECIAL PROVISIONS AS TO MILK

120 No person shall sell, deliver, cause to be delivered or offer for sale any milk to which any water or other matter or ingredient has been added or from which any fat has been abstracted

121 Any Medical Officer of Health, Sanitary Inspector, or Police Officer or other person authorised by a Local Authority in that behalf may take for examination samples of milk at any dairy or at any time before it is delivered or in the course of delivery to any purchaser or consignee of such milk and such officer, if he suspects the same, to have been sold contrary to the provisions of the last preceding section, shall submit the same to

be analysed, and the same shall be analysed, and if the sample is found to contain water or other matter or ingredient or that any fat has been abstracted the vendor shall on conviction be liable to a fine not exceeding Rs 50/- in respect of each offence

- 5 122 If any such officer applies to take any such milk for the purposes of analysis, not being more than one pint, and the person in charge thereof refuses to give the same to such officer, such person shall be liable to a penalty not exceeding Rs 150/

PART VII

10 INFECTIOUS DISEASES AND HOSPITALS

SUBDIVISION I —PREVENTION AGAINST INFECTION

- 123 Where any Local Authority is of opinion, on the certificate of its Medical Officer of Health or of any other legally qualified medical practitioner that the cleansing and disinfecting
15 of any building or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it shall be the duty of such authority to give notice in writing to the owner or occupier of such building or part thereof, requiring him to cleanse and disinfect such building or part there-
20 of and articles within a time specified in such notice

Duty of Local Authority to cause premises to be cleansed and disinfected

- If the person to whom notice is so given fails to comply therewith, he shall be liable to a penalty of not less than one rupee and not exceeding ten rupees for every day during which he continues to make default and the Local Authority shall
25 cause such building or part thereof and articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default as a civil debt recoverable summarily

- Where the owner or occupier of any such building or part thereof is from poverty or otherwise unable, in the opinion of the
30 Local Authority, effectually to carry out the requirements of this section, such authority may, without enforcing such requirements on such owner or occupier, with or without his consent enter and cleanse and disinfect such building or part thereof and articles, and defray the expenses thereof

- 35 124 Any Local Authority may direct the destruction of any building, bedding, clothing or other articles which have been exposed to infection from any infectious disease, and may give compensation for the same

Destruction of infected bedding, etc

- 40 125 Any Local Authority may provide a proper place, with all necessary apparatus and attendance, for the disinfection of bedding, clothing or other articles which have become infected, and may cause any articles brought for disinfection to be disinfected free of charge

Provision of means of disinfection

- 45 126 Any Local Authority may provide and maintain a carriage or carriages suitable for the conveyance of persons suffering from any infectious disease, and may pay the expense of conveying therein any person so suffering to a hospital or other place of destination

Provision of conveyance for infected persons

- 50 127 Where any person is suffering from any infectious disease, a Local Authority may, on the certificate of any legally qualified medical practitioner, order the removal of such person to such hospital or other place which may be provided for the purpose

Removal of infected persons

- 55 128 Any Local Authority may make bye-laws for removing to any hospital to which such authority is entitled to remove patients, and for keeping in such hospital so long as may be necessary, any persons brought within its area by any ship or boat who are infected with an infectious disease, and such bye-laws may impose on offenders against the same reasonable
60 penalties not exceeding Rs 30/- for each offence

Removal to hospital of infected persons brought by ships

Penalty on exposure of
infected persons and
things

129 Any person who —

(a) while suffering from any infectious disease wil-
fully exposes himself without proper precautions against
spreading the said disease in any street, public place, shop
inn, or public conveyance, or enters any public conveyance 5
without previously notifying the owner, conductor or driver
thereof that he is so suffering, or

(b) being in charge of any person so suffering so
exposes such sufferer, or

(c) gives, lends, sells, transmits or exposes, without 10
previous disinfection, any bedding, clothing, rags or other
things which have been exposed to infection from any such
disease,

shall be liable to a penalty not exceeding Rs 150/-, and a person
who, while suffering from any such disease, enters any public 15
conveyance without previously notifying to the owner or driver
that he is so suffering, shall in addition be ordered by the Court
to pay such owner and driver the amount of any loss and expenses
they may incur in carrying into effect the provisions of this
Ordinance with respect to disinfection of the conveyance 20

Provided that no proceedings under this section shall be
taken against persons transmitting with proper precautions any
bedding, clothing, rags or other things for the purpose of having
the same disinfected

Penalty on failing to
provide for disinfection
of public conveyance

130 Every owner or driver of a public conveyance shall 25
immediately provide for the disinfection of such conveyance after
it has to his knowledge conveyed any person suffering from an
infectious disease, and if he fails to do so he shall be liable to a
penalty not exceeding Rs 75/, but no such owner or driver shall
be required to convey any persons so suffering until he has been 30
paid a sum sufficient to cover any loss or expense incurred by him
in carrying into effect the provisions of this section

Penalty for letting
infected houses

131 Any person who knowingly lets for hire any house,
room or part of a house in which any person has been suffering
from an infectious disease, without having such house, room or 35
part of a house and all articles therein liable to retain infection,
disinfected to the satisfaction of the Medical Officer of Health
as testified by a certificate signed by him shall be liable to a
penalty not exceeding Rs 200/

For the purpose of this section the keeper of an inn shall be 40
deemed to let part of a house to any person admitted as a guest
into such inn

Duty of person letting
house lately infected to
give true information

132 Any person letting for hire or showing for the purpose
of letting for hire any house or part of a house who on being
questioned by any person negotiating for the hire of such house 45
or part of a house as to the fact of there being or within six weeks
previously having been therein any person suffering from any
infectious disease knowingly makes a false answer to such
question shall be liable to a fine not exceeding Rs 300/- or to
imprisonment of either description for a period not exceeding 50
one month

SUBDIVISION II —HOSPITALS

Power of Local Authority
to provide hospital

133 Any Local Authority may provide for the use of the
inhabitants of its area hospitals or temporary places for the
reception of the sick, and for that purpose may 55

Themselves build such hospitals or places of reception
or

Contract for the use of any such hospital or part of a
hospital or place of reception, or

Enter into any agreement with any person having the
management of any hospital, for the reception of the sick
inhabitants of their district, on payment of such annual or other 60
sum as may be agreed on

Two or more Local Authorities may combine in providing
a common hospital

134 Any expenses incurred by a Local Authority in maintaining in a hospital, or in a temporary place for the reception of the sick (whether or not belonging to such hospital) a patient who is not a pauper, shall be deemed to be a debt due from such patient to the Local Authority, and may be recovered from him at any time within six months after his discharge from such hospital or place of reception, or from his estate in the event of his dying in such hospital or place

Recovery of cost of maintaining of patient in hospital

135 Any Local Authority may, with the sanction of the Board, themselves provide or contract with any person to provide a temporary supply of medicine and medical assistance for the poorer inhabitants of their area

Power to provide temporary supply of medicine

SUB-DIVISION III — PREVENTION OF EPIDEMIC DISEASE

136 Whenever any part of the Protectorate appears to be threatened by any formidable epidemic, endemic or infectious disease, the Board may make and from time to time alter and revoke regulations for all or any of the following purposes (namely) —

Power of Board to make regulations for prevention of diseases

(1) for the speedy interment of the dead and

(2) for house to house visitation, and

(3) for the provision of medical aid and accommodation, for the promotion of cleansing, ventilation and disinfection, and for guarding against the spread of disease,

(4) for preventing any person from leaving any infected area without undergoing all or any of the following — medical examination, disinfection, or passing a specified period in an observation camp or station,

(5) for the formation of hospitals and observation camps or stations, and for placing therein persons who are suffering from, or have been in contact with persons suffering from infectious disease,

(6) for the destruction or disinfection of buildings, furniture, goods, or other articles which have been used by persons suffering from infectious disease, or which are likely to spread the infection,

(7) for the removal of persons who are suffering from an infectious disease and persons who have been in contact with such persons

(8) for the removal of corpses,

(9) for the destruction of rats, the means and precautions to be taken on shore or on board vessels for preventing them passing from vessel to the shore or from the shore to vessels, and the better prevention of the danger of spreading infection by rats,

(10) for the regulation of hospitals used for the reception of persons suffering from an infectious disease and of observation camps and stations,

(11) for the removal and disinfection of articles which have been exposed to infection,

(12) for prohibiting any person living in any building or using any building for any other purpose whatsoever if in the opinion of the Health Officer, or of a Medical Officer assisting or performing the duties of a Health Officer any such use is liable to cause the spread of any infectious disease

Any regulation made under this section may give the Health Officer or a Medical Officer assisting or performing the duties of a Health Officer power to prescribe the conditions on which such a building may be used,

(13) for any other purpose whether of the same kind or nature as the foregoing or not, having for its object the prevention control or suppression of infectious diseases,

and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any Local Authority and such district or part or parts thereof shall be deemed an infected area and to apply to any vessels whether on inland waters or on arms or parts of the sea within the territorial jurisdiction of the Protectorate, for the period in such order mentioned, and may by any subsequent order abridge or extend such period

Application of rules

137 All rules made under the Infectious Diseases Ordinance, 1903, or the Infectious Diseases Amendment Ordinance, 1917, dealing with any of the matters for which the Board may by the provisions of the preceding section make regulations (unless repugnant to the provisions of this Ordinance) shall be deemed to be regulations made under this Ordinance, and shall have full force and effect as regulations made under this Ordinance 5

Local Authority to see to the execution of regulations

138 The Local Authority of any area within which or part of which regulations so issued by the Board are declared to be in force, shall superintend and see to the execution thereof, and shall do and provide all such acts, matters and things as may be necessary for mitigating any such disease, or for superintending or aiding in the execution of such regulations, or for executing the same, as the case may require. Moreover, the Local Authority may from time to time direct any prosecution or legal proceedings for or in respect of the wilful violation or neglect of any such regulation 10 15

Power of entry

139 The Local Authority and their officers shall have power of entry on any premises or vessel for the purpose of executing or superintending the execution of any regulations so issued by the Board as aforesaid 20

Board may combine Local Authorities

140 The Board may, if it thinks fit, by order authorise or require any two or more Local Authorities to act together for the purposes of the provisions of this Ordinance relating to prevention of epidemic diseases, and may prescribe the mode of such joint action and of defraying the costs thereof 25

141 Save where other provision is made by this Ordinance any person committing a breach of any regulation made or deemed to be made under this Ordinance and any person disobeying any order lawfully given under any such regulation and any person obstructing in the performance of his duty an officer lawfully appointed to perform any duty under this Ordinance or under any such regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Rs 1500/- or to a term of imprisonment of either description not exceeding six months or both 30 35

SUB-DIVISION IV —NOTIFICATION OF DISEASE

Notification of infectious disease

142 (1) Where an inmate of any building in the Protectorate used for human habitation is suffering from any infectious disease, unless such building is a hospital in which persons suffering from an infectious disease are received, the following provisions shall have effect — 40

(a) the head of the family to which such inmate (in this Ordinance referred to as the patient) belongs, and in his default the nearest relatives of the patient present in the building or being in attendance on the patient and in default of such relatives every person in charge of or in attendance on the patient and in default of any such person the occupier of the building shall as soon as he becomes aware that the patient is suffering from an infectious disease to which this Ordinance applies, send notice thereof to the nearest Medical Officer of Health 45 50

(b) every Medical Practitioner attending on or called in to visit the patient shall forthwith on becoming aware that the patient is suffering from an infectious disease to which this Ordinance applies, send to the nearest Medical Officer of Health a certificate stating the name of the patient, the situation of the building and the infectious disease from which in the opinion of such medical practitioner, the patient is suffering 55 60

(2) Every person required by this section to give a notice or certificate who fails to give the same, shall be liable to a penalty not exceeding Rs 45/

Provided that if a person is not required to give notice in the first instance, but only in default of some other person, he shall not be liable to any fine if he satisfies the Court that he had reasonable cause to suppose that the notice had been duly given 65

- 143 The Local Authority, or where there is no Local Authority the Board, shall pay to every medical practitioner for each certificate duly sent by him in accordance with this Ordinance a fee of Rs 2/- if the case occurs in his private practice Fees for certificates
- 5 144 A notice or certificate to be sent to a Medical Officer of Health in pursuance of this Ordinance, may be sent by being delivered to the officer or being left at his office or residence, or may be sent by post addressed to him at his office or his residence Notices and certificates
- 10 145 (1) The provision of this Ordinance shall apply to every vessel in like manner as nearly as may be as if it were a building Application of Ordinance to vessels
- 15 (2) A vessel lying in any river, harbour, or other water not within the area of any Local Authority within the meaning of this Ordinance, shall be deemed for the purposes of this Ordinance to be within the area of such Local Authority as may be appointed by the Governor, and where no Local Authority has been appointed, then of the Local Authority which nearest adjoins the place where such vessel is lying
- 20 (3) This section shall not apply to any vessel belonging to any foreign Government
- 146 Nothing in this sub-division shall extend to any vessel belonging to His Majesty the King, or to any inmate thereof Exemption
- ### PART VIII
- #### CIVILIAN
- 25 147 It shall be lawful for the Governor-in-Council to select and appoint within the Protectorate and to notify in the Gazette, sufficient and proper places to be the sites of, and to be used as cemeteries, and in such cemeteries it shall be lawful thereafter to bury the dead in conformity with the provisions of bye laws made by any Local Authority Any person who shall be guilty of a breach of any such bye law shall be liable on conviction to a fine not exceeding Rs 750/ Cemeteries to be appointed
- 30 148 All cemeteries now being used as such and such other cemeteries as may be authorised by the Governor-in-Council, notice whereof shall be published in the Gazette, shall be deemed authorised cemeteries List of authorised cemeteries
- 40 149 (1) Subject to the provisions of section 150 it shall not be lawful to exhume any body or the remains of any body which may have been interred in any authorised cemetery or in any other cemetery, burial ground, or other place without a permit granted in manner hereinafter provided Permit to exhume
- 45 (2) Such permit shall be granted only to the legal personal representative or next of kin of the person buried, or to his or their duly authorised agent
- 50 (3) Such permit may be granted—
- (a) by the Board, under the hand of the Secretary, in respect of any body or the remains of any body interred in any authorised cemetery, and
- (b) by the Governor, under the hand of the Chief Secretary, in respect of any body or the remains of any body interred in any other cemetery or burial ground or any other place
- 55 The permitting authority may prescribe such precautions as he may deem fit as the condition of the grant of such permit, and any person who shall exhume any body or the remains of any body contrary to this Ordinance, or who shall neglect to observe the precautions prescribed as the condition of the permit, shall be liable to a fine not exceeding Rs 750/ Conditions of permit to exhume
- 60 Provided always that nothing herein contained shall be deemed to effect the right of a Magistrate to order the exhumation of a body or the remains of any body for the purpose of holding an inquiry into the cause of death of any person Magistrate to make order of exhumation

Exhumation needed for
execution of public
works may be ordered

150 (1) It shall be lawful for the Governor whenever he shall deem it expedient for the execution of any public work or any public purpose, to remove any body or the remains of any body from any grave whether in an authorised cemetery or elsewhere, and by order under his hand to direct such removal to be made in such manner as he shall think fit

(2) No such order shall be made in respect of any grave situated in an authorised cemetery until 6 months notice of the intention to make it shall have been given by notification in the Gazette. Copies of such notice shall be posted at or near the grave, and copies shall be sent by post in a registered letter to the legal personal representative or next of kin of the person buried, if his or their address can be ascertained. Such copies shall be accompanied by a translation in the language of the race to which the deceased person belonged

(3) When an order is made directing a removal from any grave aforesaid elsewhere than in an authorised cemetery, due notice of such order shall, so far as it is possible to do so, be given to the legal representative or next of kin of the person buried before the work of removal is undertaken

Re interment

(1) The Government shall make proper and fitting arrangements for the re-interment in an authorised cemetery of any body or remains of any body removed under this section, and for the removal and re-erection of any monument, all charges in connection therewith being defrayed out of the public revenue

Record of permit for
exhumation

151 There shall be kept at the office of the Board, a record of every permit granted and of every order made under the provisions of the last two sections. Such record shall contain particulars, so far as the same can be ascertained, of the race, nationality, name, sex, and age of the persons buried, date of burial and of the places of original burial, and of re-burial or removal. Such record shall be open during the office hours to inspection by any person

Closing of cemeteries
by Governor in Council

152 It shall be lawful for the Governor in-Council to notify in the Gazette that any cemetery or burial ground shall, from a time in such notification to be specified, be closed, and the same shall be closed accordingly, and whosoever, after the said specified time, shall bury any body or the remains of any body in the said cemetery or burial ground, shall be liable to a fine not exceeding Rs 750/-

Reimbursement of
expenses to the Board

153 All reasonable expenses incurred by the Board in consequence of any default in complying with any order or notice issued under the provisions of this Ordinance shall be deemed to be money paid for the use and at the request of the person on whom the said order or notice was made, and shall be recoverable from him at the suit of the Board as a civil debt recoverable summarily. The provisions of this section shall apply to any orders or notices issued under any bye-laws by the Local Authority

PART IX

STREETS AND BUILDINGS

SUBDIVISION I —MAINTENANCE, REPAIR AND PROTECTION

OF SIDEWALKS AND PUBLIC PLACES

Maintenance and repair
of public streets

154 (1) The Public Works Department shall, until other provision is made out of funds to be allotted by Government cause all public streets, other than public streets situated within the area of a municipality established under the Municipal Corporations Ordinance, 1909, or under any law substituted for or amending the same, to be maintained and repaired, and for those purposes may do all things necessary for the public safety or convenience, including the construction and maintenance of streets, bridges, causeways, and culverts

(2) The Local Authority shall, so far as they may consider it necessary so to do for the public convenience, cause the chief public streets and squares to be watered, and for that purpose may provide such water-carts, animals, and apparatus as they may think necessary

155 (1) The Local Authority may cause any hedges belonging to the Crown which border on any street or square, to be trimmed or pruned to such height as the Local Authority may direct, and any trees belonging to the Crown which overhang any public street and obstruct the same or cause damage thereto, to be cut and trimmed

Cutting of hedges and trees

(2) The Local Authority may, by written notice, require the owner or occupier of any building or land to trim or prune, to such height as the Local Authority may direct, any hedges or trees thereon bordering on any public street and obstructing the same, or causing damage thereto

(3) The Local Authority, if, for the public safety, it appears to them necessary so to do, may cause any hedge or trees referred to in sub-section (2) to be trimmed, pruned or cut without previously giving notice to the owner or occupier of the building or land as required by that sub-section, and the expenses thereof shall nevertheless be paid by the owner or occupier

156 (1) When any fixture has whether before or after the commencement of this Ordinance been attached to a building so as to form part of the building, and the same causes a projection, encroachment, or obstruction over or on any public street or any land belonging to the Crown, the Local Authority may, by written notice, require the owner or occupier of the building to remove or alter such fixture

Removal or alteration of fixtures attached to building so as to project, etc. over public street or land

(2) If the expense of removing or altering any such fixture is paid by the occupier of the building in any case in which the fixture was not erected by himself he shall be entitled to deduct the expense of removal or alteration from the rent payable by him to the owner of the building

157 (1) The Local Authority may remove any wall, fence, rail, post, platform, or other obstruction, projection, or encroachment (not being a fixture referred to in section 156) which has been erected or set up, and any materials or goods which have been deposited, in a public street, or in or over any drain or aqueduct in a public street, whether the offender be prosecuted or not

Removal of other obstructions in public street

(2) When the Local Authority removes any wall or other obstruction, projection, or encroachment from land which forms part of a public street, no compensation shall be payable, but the Local Authority shall be bound to provide proper means of access to and from the street if none exist already

158 If any building, tank, well hole, or other place near a street be, for want of sufficient repair, protection, or enclosure, dangerous to passengers or to persons living in the neighbourhood, the Local Authority may by written notice, require the owner of the land to repair, protect, or enclose such building, tank, well, hole or place

Repair, protection, or enclosure of dangerous buildings, tanks etc., near streets

159 (1) No person shall erect or maintain a sky-sign without the written permission of the Local Authority stating that the sign is not so constructed or maintained as to be dangerous to the public, and is not likely to fall into any street or public place

Sky signs

(2) Every written permission granted under sub-section (1) shall continue in force for not more than one year from the date on which it was granted and may be revoked at any time by the Local Authority if they consider that the sky-sign for which it was granted has become dangerous to the public, or is likely to fall into a street or public place

EXECUTION OF WORKS IN STREETS

Guarding and lighting
when public street opened
or broken up, and speedy
completion of

160 (1) When any drain in, or the pavement or surface of, any public street is opened or broken up for the purpose of carrying on any work, or when any public street is under construction, the Public Works Department or other authority carrying out any such work or construction shall cause the place to be guarded or fenced, and to be sufficiently lighted during the night, and shall take proper precautions for guarding against accident, by showing up and protecting adjoining buildings and shall, with all convenient speed, complete the said work, fill in the ground, and repair the said drain, pavement, or surface, and carry away the rubbish occasioned thereby 5 10

(2) No person shall, without lawful authority, remove any fence or showing timber or remove or extinguish any light, set up under sub-section (1) 15

Prevention or restriction
of traffic in street during
progress of work

161 (1) When any work referred in section 160 is being executed in any public street, or when any other work which may lawfully be done is being executed in any street, the Public Works Department or other authority executing any such work may direct that such street shall, during the progress of such work be either wholly or partially closed to traffic generally, or to traffic of any specified description 20

(2) When any such direction has been given the Public Works Department or other authority as the case may be shall set up, in a conspicuous position in or near the street, an order prohibiting traffic to the extent so directed, and shall fix such bars, chains or posts across or in the street as the Public Works Department or other authority may think proper for preventing or reducing traffic therein 25

(3) No person shall, without lawful authority, infringe any such order, or remove any such bar, chain or post 30

Provision of facilities,
and payment of com-
pensation when work
executed by the Public
Works Department or
other authority in public
street

162 (1) When any work is being executed by the Public Works Department or other authority in any public street it shall so far as may reasonably be practicable, make adequate provision for — 35

(a) the passage or diversion of traffic,

(b) securing access to all premises approached from such street, and

(c) any drainage water supply, or means of lighting which are interrupted by reason of the execution of any such work 40

(2) The Public Works Department or other authority as the case may be shall pay compensation to any person who sustains special damage by reason of the execution of any such work 45

NAMING OF PUBLIC STREETS AND NUMBERING OF BUILDINGS

Naming of public streets

163 (1) The Local Authority may from time to time cause to be put up or painted in a durable manner, on a conspicuous part of some building, wall or place, at or near each end, corner, or entrance of every public street, such name as the Local Authority may from time to time determine as the name by which such street is to be known 50

(2) No person shall, without lawful authority destroy, pull down, or deface any such name, or put up any name different from that put up by order of the Local Authority 55

Numbering of buildings
in or near street

164 (1) The Local Authority may, from time to time cause a number to be affixed in a conspicuous place on the outside of each building in or near a street, or at the entrance of the enclosure of each such building

(2) No person shall, without lawful authority, destroy, pull down, or deface any such number 60

(3) When a number has been affixed under sub section (1), the owner of the building shall be bound to maintain such number, and to replace it if removed or defaced, and if he fails to do so, the Local Authority may, by written notice, require him to replace the number 65

LINES OF BUILDINGS AND PUBLIC STREETS

- 165 (1) If the Local Authority consider it expedient to define the general line of buildings on each or either side of any public street at the time in existence, they shall give public notice of their intent on so to do
- 5
- (2) Such line shall not be defined so as to extend further back than the line of the wall abutting on the street at its widest part
- (3) Every such notice shall specify a period within which objections will be received
- 10
- (4) The Local Authority shall consider all objections received within the said period, and may then make an order defining the said line
- (5) Such order shall be published in the Official Gazette, and shall take effect from the date of such publication
- 15
- 166 No portion of any building or wall abutting on a public street shall be constructed within the line (if any) defined under section 165
- Restrictions on construction of buildings or walls within such line

ACQUISITION OF LAND AND BUILDINGS

- 20 167 (1) The Governor, or in the case of a municipality constituted under the Municipal Corporations Ordinance, 1909, the Council thereof, may —
- (a) Acquire any land required for the purpose of opening, widening, extending or otherwise improving any public street, or of making any new public street and the buildings, if any, standing upon such land
- 25
- (b) Acquire, in addition to land and buildings if any standing thereon, all such land, with the buildings, if any, standing thereupon, as it shall seem expedient for the Governor, or the Municipal Council as the case may be, to acquire outside of the regular line or of the intended regular line of such street
- 30
- (c) Lease, sell or otherwise dispose of any land or buildings acquired under clause (b)
- 35
- (2) Any conveyance of lease of a building under clause (c) may comprise such conditions as the Governor or the Municipal Council thinks fit, as to removal of the existing building, the description of such building to be erected, the period within which such new building shall be completed and other such matters
- 40
- 168 Whenever it is provided by this Ordinance that the Governor or the Municipal Council may acquire, or whenever it is necessary or expedient for any purpose of this Ordinance, that the Governor or the Municipal Council shall acquire any
- 45
- immovable property, such property may be acquired by the Governor or the Municipal Council by agreement on such terms and at such rates or prices as shall be approved by the Governor-in-Council or by the Municipal Council
- Acquisition of remove-able property by agreement
- 169 (1) Whenever the Governor or the Municipal Council, as the case may be, is unable to acquire any immovable property under the last preceding section by agreement it shall be lawful for the Governor to order proceedings to be taken for acquiring the same as if such property were land needed for a public purpose within the meaning of the Indian Land Acquisition Act, 1894, as applied to the Protectorate, and such Act shall apply to every such case
- 50
- 55
- (2) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall be forthwith paid by the Governor, or by the Municipal Council as the case may be, and thereupon the said property shall vest in the Governor, or in the Municipal Council as the case may be
- 60
- Procedure when immovable property cannot be acquired by agreement

SPECIAL PROVISIONS AS TO PRIVATE STREETS

Making of new private streets

170 (1) Any person intending to make or lay out a new private street shall give to the Local Authority a written notice of his intentions and shall with such notice submit plans and sections showing the following particulars, namely — 5

(a) the intended level direction and width of the street

(b) the street alignment and the building line, and

(c) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining, and lighting the street and 10

(d) the means of drainage of the buildings abutting thereon or to be erected on each side thereof

(2) The level direction width and means of drainage of every such street and the height and means of drainage of buildings abutting thereon, or to be erected on each side thereof, shall be fixed and determined by the Local Authority 15

(3) Within thirty days after the receipt of any notice under sub-section (1) the Local Authority shall either sanction the making of the street, or disallow it, or ask for further information with respect to it 20

(4) such sanction may be refused—

(i) if the proposed street would conflict with any arrangements which have been made, or which are, in the opinion of the Local Authority likely to be made, for carrying out any general scheme of street improvement or town planning 25

(ii) if the proposed street does not conform to the provisions of this section, or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open 30

(5) If further information is asked for, no steps shall be taken to make or lay out the street until orders have been passed upon receipt of such information

New private street not to be made and buildings on either side thereof not to be erected except in accordance with Local Authority's directions or approval

171 (1) No person shall make or lay out any new private street or erect any building on either side thereof, otherwise than in accordance with the directions of the Local Authority under the last preceding section or with proposals approved by it under the said section, as the case may be 35

(2) If any new private street be made or laid out, or if any building on either side of any such street be erected, in contravention of this section the Local Authority may, by written notice, require the person who is making or laying out or has made or laid out such street, or who is erecting or has erected such building, on or before such day as shall be specified in such notice by a statement in writing subscribed by him in that behalf and addressed to the Local Authority to show sufficient cause why such street or building should not be altered to the satisfaction of the Local Authority or if that be impracticable, why the same should not be demolished or removed 40 45 50

or shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally, or by an agent duly authorized by him in that behalf, and show cause as aforesaid 55

(3) If such person shall fail to show sufficient cause, to the satisfaction of the Local Authority, why such street or building should not be so altered or demolished or removed, the Local Authority may cause the street or building to be so altered or demolished or removed, and the expenses thereof shall be paid by the said person 60

Levelling and draining of private streets

172 If any private street be not levelled, metalled or paved, sewered, drained, channelled and lighted to the satisfaction of the Local Authority it may, with the sanction of the standing committee, by written notice, require the owners of the several premises fronting or adjoining the said street or abutting thereon to level, metal or pave, drain and light the same in such manner as he shall direct 65

173 (1) When any private street has been levelled, paved, metalled, flagged, channelled, sewered, drained, and lighted and made good to the satisfaction of the Local Authority the Local Authority may and, upon the request of the owner or of
 5 any of the owners of such street, shall, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street

Power to declare private streets, when sewered, etc., public streets

(2) Provided that no such street shall become a public street if, within one month after such notice has been put up,
 10 the owner of such street or of the greater part thereof shall, by notice in writing to the Local Authority, object thereto

174 (1) If any private street or any part thereof be not levelled, paved, metalled, flagged, channelled, sewered, drained, and lighted to the satisfaction of the Local Authority,
 15 it may, by written notice to the respective owners of the land fronting, adjoining, or abutting upon such street or part, as the case may be, require them to level, pave, metal, flag, channel, sewer, drain, and light such street or part

Levelling, etc., of private streets

(2) If such notice be not complied with the Local
 20 Authority may, if it thinks fit, execute the works mentioned or referred to therein, and the expenses thereby incurred shall be paid by the owners in default, according to the frontage of their respective lands, in such proportion as may be settled by the Local Authority or, in case of dispute, shall be settled
 25 by Arbitration as provided in this Ordinance

Any sum payable under the provisions of this section shall be a civil debt recoverable summarily

SUBDIVISION II — BUILDINGS

175 Every Local Authority may make bye-laws with
 30 respect to the following matters, (that is to say)

Power to make bye-laws with respect to new buildings

(1) with respect to the level and construction of new streets and the provisions for the sewage thereof,

(2) regulating the construction, alteration, alignment and elevation of all buildings or other structures and all parts
 35 thereof,

(3) with respect to the regulation and structure of walls, party walls, foundations, roofs, kitchens, fire-places, chimneys, concreting of ground surfaces, size and height of rooms, windows, floors, bressummer, beams joists arches, projections, verandahs, balconies areas, and staircases of new buildings for
 40 securing stability and the prevention of fires, and for purposes of health,

(4) with respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect
 45 to the ventilation of buildings,

(5) with respect to unauthorised temporary and ruinous buildings,

(6) with respect to the drainage and special sanitary provisions of buildings, to latrines, ash-pits and cesspool in connection with buildings and to the closing of buildings or parts
 50 of buildings unfit for human habitation and to prohibition of their use for such habitation,

(7) regulating the construction and position of gutterings, down pipes and water butts and the discharge of the overflow
 55 therefrom

And they may further provide for the observance of such bye-laws by enacting therein such provisions as they think necessary as to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or to construct
 60 buildings, as to the inspection by the Local Authority, and as the power of such authority (subject to the provisions of this Ordinance) to remove, alter or pull down any work begun or done in contravention of such bye-laws

The Local Authority may in any such bye-laws impose fines
 65 for any breach thereof not exceeding Rs 300/- in each case

POWER OF BOARD TO MAKE MODEL BYE-LAWS

Power of Board to
make model bye laws

176 (1) It shall be lawful for the Board, from time to time, to make, alter and revoke model bye-laws in respect of any of the matters mentioned in the preceding section

All model bye-laws made by the Board shall be submitted 5
to the Governor in-Council, and shall when approved be published in the Official Gazette and have the full force of law

Power of Governor to
apply model bye laws to
any part of the
Protectorate

(2) The Governor may by order declare all or any of such model bye-laws to be in force in any part of the Protectorate and may where there is no Local Authority appoint an 10
administrative officer to superintend and see to the due execution thereof. The officer appointed in that behalf may prosecute all legal proceedings for or in respect of the violation or breach of any such model bye-laws

As to commencement of
works and removal of
works made contrary to
bye laws

177 When a notice, plan or description of any work is 15
required by any bye-law made by a Local Authority, to be laid before that authority, the Local Authority shall, within 30 days after the same has been delivered or sent to their surveyor or clerk signify in writing their approval or disapproval of the intended work to the person proposing to execute the same, and 20
if such work is commenced after such notice of disapproval, or before the expiration of such 30 days without such approval, and is in any respect not in conformity with any bye-law of the Local Authority, the Local Authority may cause so much of the work as has been executed to be pulled down or removed 25

When a Local Authority incurs expenses in or about the removal of any work executed contrary to any bye-laws, such authority may recover the amount of such expenses as a civil debt recoverable summarily either from the person executing the works removed or from the person causing the works to be 30
executed at their discretion

When a Local Authority may under this section pull down or remove any work begun or executed in contravention of any bye-law, or where the beginning or the execution of the work is an offence in respect whereof the offender is liable in respect of any 35
bye-law to a penalty, the existence of the work during its continuance in such a form and state as to be a contravention of the bye-law shall be deemed to be a continuing offence, but a penalty shall not be incurred in respect thereof after the expiration of one year from the day when the offence was committed or the bye- 40
law was broken

BUILDING MATERIALS

Authorised building
materials

178 Except as hereinafter provided, the walls of all permanent buildings shall be constructed of good hard well burnt, sound stone, or other hard and incombustible matter approved by 45
the Local Authority

SITES OF BUILDINGS

Sites of buildings

179 The foundations of any new building shall not be constructed on any site which has been filled up by or has been used as a place for the deposit of excrementitious matter or the car- 50
cases of dead animals or other filthy or offensive matter until such matter shall have been properly removed or otherwise dealt with to the satisfaction of a Medical Officer of Health

SUB-SOIL DRAINS

Sub soil drains to be
provided when required

180 Where in the opinion of the Local Authority the site 55
on which any building is about to be erected or re erected is so damp as to require sub-soil drains, adequate provision of such drains shall be made to the satisfaction of the Local Authority

FIRE ESCAPES

Fire escapes, to be
provided

181 Every building shall be provided on every storey the 60
floor of which is 45 feet above the level of the street, with such means of escape in the case of fire for the persons dwelling or employed therein as the Local Authority may reasonably require

Any means of escape so provided shall be maintained by the owner to the satisfaction of the Local Authority in all respects *

- 182 No person shall construct, except in a hospital, any latrine having any communication with any public sewer or private drain, without the permission of the Local Authority, and any existing latrine so communicating for which no such permission has been given shall be removed by the owner when so required by the Local Authority Construction of latrines without permission prohibited
- 183 Any latrine which is in the opinion of the Local Authority in an unsanitary condition shall be removed by the owner when so required by the Local Authority Removal of insanitary latrines
- 184 Every factory, refinery, distillery, godown, or other industrial establishment whatsoever, employing not less than ten persons, shall be provided by the owner thereof with proper latrine accommodation on the premises, for the separate use of persons of each sex, to the satisfaction of the Local Authority Latrines to be provided in factories and other industrial establishments
- 185 Every block of lodging houses hereafter erected shall be provided by the owner or owners with an adequate latrine for the use of the tenants thereof, to the satisfaction of the Local Authority, and the said latrine shall be cleansed and the night soil removed and disposed of daily by such persons as the Local Authority may direct Latrines to be provided for lodging houses
- 186 If it appears to the Local Authority that any building is without a latrine, and that a latrine is necessary for the use of the occupants of such building or for the use of the persons employed in such building, or that the existing latrine available for use by the occupants of any building or by the persons employed therein is insufficient or for sanitary reasons objectional, the owner of such building shall, upon receipt of a written notice to that effect from the Local Authority, provide a latrine, or additional latrines, to the satisfaction of the Local Authority Inadequate provision of latrines to be dealt with by the Local Authority

OCCUPATION OF NEW BUILDINGS

- 187 No new building shall be occupied except by caretakers only, not exceeding two in number, until an authorised Engineer shall have reported in writing to the Local Authority that such building complies in all respects with the provisions of this Ordinance, and of all bye laws made thereunder, nor until the owner shall have received from the Local Authority a certificate countersigned by the Medical Officer of Health that the requirements of this Ordinance have been complied with Occupation of new building without a certificate prohibited

Provided that in the event of any contravention of this section, the occupier and also the owner shall be liable for such contravention, unless such owner proves that such occupation has taken place without his knowledge or consent Proviso

45 DANGEROUS BUILDINGS

- 188 Every owner of a building, which may be declared by the Local Authority by an order in writing to such owner, to be dangerous shall cause the same to be shored or otherwise properly secured, and shall erect, in such manner as may be directed by the Local Authority, a proper fence or hoarding for the protection of passengers Shoring and fencing of a dangerous building
- 189 Buildings rendered dangerous by structural defects by fire, wind, or other cause of whatsoever nature, to such an extent as in the opinion of the Local Authority shall necessitate their being taken down partly or wholly shall, upon receipt by the owner of an order in writing from the Local Authority declaring that such building is in a dangerous condition and must be taken down partly or wholly, and specifying the time within which the work is to be done, be taken down by such owner accordingly Taking down of a dangerous building
- 190 (1) If the owner of a dangerous building cannot be found or if, on such notice in writing as aforesaid from the Local Authority he refuses or neglects within the time fixed in such notice to shore or otherwise properly secure or to take down such dangerous building or such portion thereof as may Shoring or taking down of a dangerous building at cost of owner

be declared to be dangerous by the Local Authority such dangerous building or such portion thereof shall, without delay, be shored or otherwise properly secured or taken down by persons employed by the Local Authority who shall be entitled to recover the cost thereof as a civil debt recoverable summarily from the owner of such dangerous building 5

Procedure in cases of emergency

(2) In all cases of emergency the Local Authority may cause the necessary work to be done without any notice whatever, the cost of such work being recoverable as a civil debt recoverable summarily from the owner of such dangerous building 10

The decision of the Local Authority that the particular case is one of emergency, shall be final and binding on all persons

HOARDINGS AND SCAFFOLDINGS

Hoarding and scaffoldings in thoroughfares require permission of Local Authority

191 No public pathway or thoroughfare shall, during any building operations or otherwise, be occupied by a hoarding or scaffolding or by any building material whatever except by permission of the Local Authority, who may grant such permission on a written application, and upon such conditions as will provide for the safety and convenience of passengers and the occupiers of adjoining property. In all such cases the ground occupied must be enclosed by the person possessing such permission as aforesaid with a hoarding for the protection of passengers, and the side channel shall be in no way obstructed by such hoarding or by any building debris or building materials. The pavement, side-channel and concrete covering of any public thoroughfare shall not be broken up, or into, by the excavation of holes for the purpose of securing any hoarding or scaffolding poles 15 20 25

HUTS AND OTHER INFLAMMABLE STRUCTURES

Inflammable structures may not be erected without permission

192 (1) It shall not be lawful for any person to erect or maintain, except in areas or zones in which huts are allowed any building of wood, grass, palm leaves, thatch, or other inflammable material, without previously obtaining permission in writing from the Local Authority, and except subject to such bye-laws as may from time to time be made by the Local Authority 30 35

Such structures prohibited within gathering ground of a public reservoir

(2) No such building shall be erected on any land which is situated within the gathering ground of any public reservoir, nor, without the special permission of the Local Authority, on any hill-slope draining into any township 40

Penalty

(3) Any person who erects or maintains any building in contravention of the provisions of this section or of any bye-laws relating thereto made under this Ordinance shall be liable, upon conviction to a fine not exceeding Rs 100/- and the Magistrate may further order the building to be removed 45

BLASTING

Precautions to be adopted

193 It shall not be lawful for any person to blast any stone, earth or other material unless he shall have fully covered over and weighed down such material with a sufficient heavy timber shield, or taken such other precautions as shall effectually prevent any fragments from being projected in such manner as to be dangerous, and unless, in addition, he shall have fully warned all persons within a radius of 500 feet from the proposed blast by means of red flags and by the beating of a gong continued for at least 5 minutes, previous to firing off of such blast. No blast shall be fired off except between the hours of 12 and 12-30 in the day and 4-30 and 4-45 in the evening, or between such other hours as the Governor-in-Council may, by notification, appoint. Provided that in all Government quarries, whether leased or otherwise, the blasting of stone shall be subject to regulations made by the Local Authority 50 55 60

Interference with any drain nullah catch water or water channel prohibited

194 It shall not be lawful for any person to dig out the foundations of any building, or to excavate any site for any purpose whatsoever, in such manner or to cut into, open out, direct undermine, obstruct, dam or otherwise interfere with any drain,

nullah, catch-water or water channel, unless he has provided to the satisfaction of the Director of Public Works for the escape of any waters flowing through such drain, nullah, catch-water or water channel

5 ALTERATION OR ADDITION TO EXISTING BUILDING OR WORKS

- 195 No alteration, addition or other building operation shall be carried out for any purpose in, to or upon, any existing building or works, unless an architect gives and delivers his certificate in writing to the Local Authority to the effect that, in
 10 his opinion, such building or works is or are and will be structurally capable of bearing the weight and strain of such alterations additions, or other building operation
- Certificate required before alteration or addition to existing building or works

POWERS AND DUTIES OF THE LOCAL AUTHORITY AS TO ENTRY AND INSPECTION

- 15 196 The Local Authority or any officer deputed by such authority for the purpose, may, at any time, enter and inspect any building or works for the purpose of ascertaining whether the requirements of this Ordinance or any bye-laws made thereunder, have been or are being carried out in relation thereto or whether
 20 any building is dangerous, and in the event of his discovering during the course of such inspections that the requirements of this Ordinance, or of any bye-laws made thereunder, have been contravened in any particular, or that any building is dangerous, the owner of such building shall, upon receipt of an order in
 25 writing from the Local Authority stop the continuance of operations upon such building, or works until such contravention has been rectified or such building has been taken down or rendered safe Every person in charge of the erection of any building or works shall provide planks, ladders, or other reasonable means
 30 of access to every part of such building or works to facilitate the inspection by the Local Authority, or by such officer, and the Local Authority shall have power, for the purposes of such inspection, to do any thing to any such building or works which they may consider necessary for the purpose of making an efficient
 35 inspection of the said building or works
- Power to enter and inspect buildings and works

BUILDING NUISANCES

- 197 (1) The following shall be deemed to be nuisances under this part of the Ordinance — Building nuisances defined
- 40 (1) Any verandah, balcony, area, or structure which is not in accordance with the provisions of this Ordinance, or with any bye-law for the time being in force thereunder
- (2) Any unauthorized encroachment on, over or into any land
- 45 (3) Any building or works whatsoever hereafter commenced, resumed, altered or completed in contravention of any of the provisions of this Ordinance or of any bye-law thereunder
- (4) Any building which is not rat proof
- 50 (5) Any structure erected or maintained in contravention of the provisions of this Ordinance or any bye-law thereunder
- (6) The use in any building or works of any materials contrary to the requirements of this Ordinance or any bye-law thereunder
- 55 (7) Any act, failure, neglect, omission, or refusal whereby any provision of this Ordinance or any bye-law thereunder is contravened
- (8) Any already erected temporary building which may be condemned by a Medical Officer of Health on sanitary grounds

Penalty (2) In respect of any offence against paragraph 6 of sub-section (1), any person who as architect, engineer, or clerk of works, specifies or knowingly condones the use of improper materials, or, as contractor, makes use of improper materials, and also the owner of any building or works on which any such improper materials shall be used, shall be liable, on conviction to a penalty not exceeding Rs 500/-, and to a further penalty not exceeding Rs 15/- a day for every day that the nuisance remains unabated 5

ABATEMENT OF BUILDING NUISANCES

10

Notice to abate building nuisance 198 Whenever the existence of a nuisance under this Part of this Ordinance is brought to the attention of the Local Authority or of any officer deputed by such authority in that behalf, such authority or such officer shall issue a notice in the form contained in schedule C to this Ordinance (with such modifications, if any, as may be necessary) to the owner of the building or works in respect of which complaint is made, and such notice shall specify the nature of the nuisance and the manner and the time within which it is to be abated, and, in the case of refusal or neglect to comply with the requirements of such notice, the Local Authority or any such officer as aforesaid, shall summon such owner before a Magistrate, who may make an order directing such owner, whether he appears or not to the summons, to abate such nuisance within a time to be fixed by such Magistrate 15 20 25

Proviso Provided that nothing in this section shall prevent a conviction, under this Part of this Ordinance, without service of such notice in any case in which, in the opinion of the Magistrate, service of such notice ought not reasonably to have been required

Magistrate's order empowering abatement of such nuisance Expenses consequent thereon 199 In case the said nuisance shall not be abated within the time limited, it shall be lawful for a Magistrate to make an order empowering the Local Authority to abate the nuisance, and all expenses incurred by such authority, in causing such nuisance to be abated as aforesaid, shall forthwith be paid by the owner, without prejudice to any right of such owner to recover the amount of such expenses from any lessee or other person liable for the same 30 35

Recovery of expenses of abatement of nuisance by sale of materials 200 Whenever the demolition of any building or works or any part thereof shall take place under any order made under the preceding section, it shall be lawful for the Local Authority in case of non-payment of the said expenses by the owner, to sell and dispose of the materials thereof, without prejudice to any other remedy, and out of the monies arising from such sale or disposition, to retain or pay the said expenses, and the surplus, if any, shall be paid to such owner 40 45

Distress in case of non payment of expenses 201 In case the owner shall not, forthwith, pay all expenses incurred by the Local Authority in the abating of any nuisance as required by this Ordinance, it shall be lawful for a Magistrate, by warrant under his hand and seal, to cause the same to be levied by distress and sale of the goods and chattels of such owner 50

PART X

MISCELLANEOUS PROVISIONS

NOTICES

Notices, etc , may be printed or written 202 Notices, orders and other such documents under this Ordinance, may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the Board, Municipality, or Local Authority the signature thereof by the Secretary, or Town Clerk, to the Board, Municipality, or Local Authority, as the case may be, or their Chairman, Sanitary Engineer, or Inspector of Nuisances shall be sufficient authentication 55 60

Service of notices 203 Notices, orders and other documents required or authorised to be served under this Ordinance, may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner 65

or occupier of premises by delivering the same, or a true copy thereof, to some person on the premises, or if there is no person on the premises who can be served by fixing the same on some conspicuous part of the premises, they may also be served by post by a prepaid letter, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice, order or other document was properly addressed and put in the post

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

CONTRAVENTIONS AND PENALTIES

Every act, failure, neglect, or omission whereby any requirement or provision of this Ordinance is contravened, and every refusal to comply with any of such requirements or provisions, shall be deemed a contravention of this Ordinance

PENALTIES

All penalties, fees and other charges imposed by this Ordinance may be recovered as a civil debt recoverable summarily

Any person who contravenes any of the provisions of this Ordinance in respect of which contravention no special penalty is otherwise provided shall be liable, on conviction, to a fine not exceeding Rs 300/-

Where a contravention of any of the provisions of this Ordinance is committed by any company or corporation, the secretary or manager thereof may be summoned and shall be held liable for such contravention and the consequences thereof

Where proceedings under this Ordinance are competent against several persons in respect of the joint act or default of such persons, it shall be sufficient to proceed against one or more of them without proceeding against the others

COMPENSATION

When any person sustains any damage by reason of the exercise of any powers of this Ordinance in relation to any matter as to which he is not himself in default, full compensation shall be made to such person by the Local Authority exercising such powers, and any dispute as to the fact of damage or amount of compensation shall be settled by arbitration in manner provided by this Ordinance, or if the compensation does not exceed the sum of Rs 750/- the same may at the option of either party be ascertained by and recovered before a Subordinate Court of the first class

ARBITRATION

(1) In case of dispute as to the amount of any compensation to be made under the provisions of this Ordinance, or any Ordinance repealed by this Ordinance (except where the mode of determining the same is specially provided for) and in case of any matter which by this Ordinance is authorised or directed to be settled by arbitration, then, unless both parties consent in the appointment of a single arbitrator, each party shall appoint an arbitrator to whom the matter shall be referred

(2) If either party shall fail to appoint an arbitrator within twenty-one days after being requested in writing to do so by the other party, then the arbitrator appointed by the other party shall alone conduct the arbitration and his decision shall be final and binding on both parties

- (3) If the said arbitrators shall fail to agree upon the matter referred to them within sixty days of the same having been so referred, then the matter so referred shall be decided by an umpire to be appointed by the said arbitrators, or in the event of such arbitrators being unable to agree as to the umpire, to be appointed by a Judge of the High Court whose decision shall be final and binding between the parties 5
- (4) Every such arbitration shall be carried on in the manner prescribed by the Arbitration Ordinance, 1913, and be subject to such last mentioned Ordinance in the same manner as if the reference to such arbitration had been made by consent of the parties under a written agreement 10
- (5) Every party shall pay his or its costs of such reference, and any costs incidental to the appointment of an umpire shall be paid equally by the parties to the arbitration 15

LEGAL PROCEEDINGS

Legal proceedings

- 211 All actions, suits and proceedings (unless other provision is made by this Ordinance) for all contraventions and breaches of the provisions of this Ordinance, or of any regulations, or bye-laws made thereunder, or of any rules made under any Ordinance and adopted as bye-laws under this Ordinance may be prosecuted in any Court having jurisdiction, and the provisions of any laws relating to prosecutions by private persons shall apply to all such prosecutions, and all such actions suits and proceedings may be prosecuted and carried on by and in the name of 20
- (a) the Town Clerk on behalf of a Municipality, or Local Authority to which a Town Clerk is appointed,
- (b) the Chairman of Local Authorities to which no Town Clerk has been appointed,
- (c) the Secretary, or Chairman, on behalf of the Board, 25
- (d) the Director of Public Works on behalf of the Drainage Authority,
- (e) and in all cases for which no provision is made by this Ordinance in the name of the Attorney General 30
- Provided that all actions, suits and proceedings authorised by any of the provisions of this Ordinance, may be conducted by any advocate, or by any officer of the authorities aforesaid, or by any Administrative Officer 35

Preserving rights of the Crown

- 212 Nothing herein contained shall be deemed to prevent or limit the exercise of any powers of resumption contained in any Crown lease 40

REPEALS

Repeals

- 213 The Infectious Diseases Ordinance, 1903, and the Infectious Diseases Amendment Ordinance, 1917, except the rules thereunder which shall unless repugnant to the provisions of this Ordinance be in force as if made under this Ordinance, are hereby repealed 45

SCHEDULE

Forms (schedules)

- 214 The forms contained in the schedule to this Ordinance, or forms to the like effect, varied as circumstances may require, may be used and shall be sufficient for all purposes 50

SCHEDULE

FORMS

FORM A

FORM OF NOTICE REQUIRING ABATEMENT OF NUISANCE

To (person causing the nuisance, or owner or occupier of the premises whereon the nuisance exists, as the case may be)

Take notice that under the provisions of the Public Health Ordinance, 1918, (describe the Local Authority) being satisfied of the existence of a nuisance at (describe premises or place where

the nuisance exists) arising from (describe the cause of nuisance, for instance, want of a latrine or drain, or for further instance, a ditch or drain so foul as to be a nuisance or injurious to health) do hereby require you within from the service of this notice to abate the same, and for that purpose to (state any things required to be done or works to be executed)

If you make default in complying with the requisitions of this notice or if the said nuisance, though abated, is likely to recur, a summons will be issued requiring your attendance before a Court to answer a complaint which will be made for the purpose of enforcing the abatement of the nuisance or prohibiting the recurrence thereof, or both, and for recovering the costs and penalties that may be incurred thereby

Dated this day of 191

Signature of
Officer of Local
Authority

FORM B

FORM OF NOTICE REQUIRING ABATEMENT OF MOSQUITO NUISANCE

To (person causing the nuisance or owner or occupier of the premises at which the nuisance exists, as the case may be)

Take notice that, under the provisions of the Public Health Ordinance, 1918, the Local Authority being satisfied of the existence at (describe premises where the nuisance exists) of mosquito larvæ breeding in (describe the place, for instance a well, barrel, excavation, cesspit) or of conditions which are favourable to breeding of mosquitoes, insects or parasites (describe the condition, for instance, broken bottles on walls or an improperly constructed surface drain, or an unscreened tank) does hereby require you within (here specify the time) from the service of this notice to abate the same, and for that purpose (specify any works to be executed, for instance, fill up excavation, oil cesspit twice a week, &c ,) [and the said Local Authority does hereby require you within (here specify time) to do what is necessary for preventing the recurrence of the nuisance and for that purpose to (specify any works to be executed)]

Dated this day of 191

Signature of
Officer of Local
Authority

FORM C

FORM OF NOTICE REQUIRING ABATEMENT OF BUILDING NUISANCE

To A B

It has been brought to my attention that a nuisance exists
your Plot No situated
which contravenes section
of the Public Health Ordinance, 1918, I have therefore to give
you notice under the said Ordinance to abate the nuisance within
a period of

Signature of
Officer of Local
Authority

FORM D

FORM OF SUMMONS

To the owner or occupier of (describe premises) situated at (insert such a description as may be sufficient to identify the premises) or to A B of Local Authority You are required to appear before (describe of the Court) holden at on the day of next, at the hour of in the noon, to answer the complaint this day made to me by that at the premises above mentioned (or at certain premises situate at No in street in the township of or insert any other such description or reference as may be sufficient to identify the premises) the following nuisance exists (describing it, as the case may be) and that the said nuisance is caused by the act or default of the occupier (or owner) of the said premises or by you A B (or in case the nuisance be discontinued but likely to be repeated, say, there existed recently, to wit on or about the day of on the premises, the following nuisance (describe the nuisance) and that the said nuisance was caused (etc) and although the same has since the said last mentioned day been abated or discontinued, there is reasonable ground to consider that the same or the like nuisance is likely to recur on the said premises

Given under my hand and seal this day of 191

[L S]

Magistrate

FORM E

FORM OF ORDER FOR ABATEMENT OR PROHIBITION

OF NUISANCE

To the owner (or occupier) of (describe the premises) situated (give such description as may be sufficient to identify the premises) or to A B of

Local Authority of

Whereas on the day of complaint was made before me (describe Court) that in or on certain premises situated at the following nuisance then existed (describing it) and that the said nuisance was caused by the act or default of the owner (or occupier) of the said premises (or was caused by A B) (if the nuisance has been removed, say, the following nuisance existed on or about [the day the nuisance was ascertained to exist] and that the said nuisance was caused, etc,) and although the same is now removed, the same or the like nuisance is likely to recur on the same premises

And Whereas the owner (or occupier) within the meaning of the Public Health Ordinance, 1918, (or the said A B) hath this day appeared before me (describing the Court) to answer the matter of the said complaint [or in case the party charged do not appear say, and whereas it hath been this day proved to my satisfaction that a true copy of a summons requiring the owner (or occupier) of the said premises (or the said A B) to appear this day before me hath been duly served according to the said Ordinance]

Now on proof here had before me that the nuisance so complained of doth exist on the said premises, and that the same is caused by the act or default of the owner (or occupier) of the said premises (or by the said A B) I in pursuance of the said Ordinance do order the said owner (or occupier or A B) within (specify time) from the service of this order or a true copy thereof according to the said Ordinance (he or specify any things required to be done or works to be executed as for instance to provide

for the cleanly and wholesome keeping of, or, to remove the animal kept so as to be a nuisance or injurious to health, or for further instance, to cleanse, whitewash, purify, and disinfect the said dwelling-house, or for further instance to cleanse or to cover or to fill up the said cesspool, etc.,) so that the same shall no longer be a nuisance or injurious to health as aforesaid

[And if it appear to the Court that the nuisance is likely to recur on the premises, say, and I being satisfied that notwithstanding the said cause or causes of nuisances may be removed under this order, the same is or are likely to recur, do therefore prohibit the said owner (or occupier or A B) from (here insert the matter of the prohibition, as for instance) from using the said house or building for human habitation until the same, in my judgment, is rendered fit or the purpose]

In case the nuisance were removed before complaint, say, Now on proof here had before me that at or recently before the time of making the said complaint, to wit, on as aforesaid, the cause of nuisance complained of did exist on the said premises but that the same hath since been removed, yet, notwithstanding such removal I being satisfied that it is likely that the same or the like nuisance will recur on the said premises do hereby prohibit (order of prohibition), and if this order of prohibition be infringed, then I (order the Local Authority to do works)

Given under my hand and seal this day of 191

[L S]

Magistrate

A Bill

Intituled

An Ordinance to amend the Law Relating to Witchcraft.

1 This Ordinance may be cited as "The Witchcraft Short title
Amendment Ordinance, 1917," and shall be read as one with
the Witchcraft Ordinance, 1909, hereafter referred to as the
Principal Ordinance

5 2 Section 2 of the Principal Ordinance is hereby repealed Persons pretending to
and the following Section substituted therefor — exercise witchcraft, &c

2 Any person who holds himself out as a witch doctor
able to cause fear, annoyance or injury to another in mind,
person or property or who pretends to exercise any kind of
10 supernatural power, witchcraft, sorcery or enchantment calcu-
lated to cause such fear, annoyance or injury shall be guilty of
an offence and shall be liable to imprisonment of either descrip-
tion for a term not exceeding one year

3 In Section 4 of the Principal Ordinance the words to Amendment to section 4
15 injure any person or property" are hereby repealed and the of the Principal Ordinance
following words substituted therefor —

' to cause fear, annoyance or injury in mind, person or
property to any person '

4 Any person who is in possession of a charm or other Possession of charms in
20 article usually used in the exercise of witchcraft, sorcery or offence
enchantment for the purpose of causing fear, annoyance or injury
to another in mind, person or property and who fails to show
reasonable cause why he should retain any such charm or other
article in his possession shall be guilty of an offence and shall be
25 liable to imprisonment of either description for a term not exceed-
ing two months or to a fine not exceeding Rs 150/- or to both and
the charm or other article shall be forfeited and destroyed or
otherwise dealt with in such way as the magistrate may direct

A Bill

Intituled

An Ordinance to amend the Law relating to Townships.

1 This Ordinance may be cited as "The Townships Short title
Amendment Ordinance, 1917" and shall be read together with
the East Africa Townships Ordinance, 1903, hereafter referred
to as the Principal Ordinance, and the Townships Ordinance,
5 1906, and those Ordinances and this Ordinance may be cited as
"The Townships Ordinances, 1903-1917"

2 The Governor may with or without any modification of Application of rules made
alteration by rule apply to any place declared to be a township for particular Township
under the provisions of the Principal Ordinance any special
10 rules made under the provisions of section 3 of the Principal
Ordinance for the health, order and good government of any
particular township

A Bill

Intituled

An Ordinance to supply a further sum of money for the service of the year ending the 31st of March, 1917.

1 This Ordinance may be cited as "The Supplementary Short title
Appropriation Ordinance, 1917"

2 The public revenue for the year 1916-17, and other Public
funds of the East Africa Protectorate are hereby charged Revenue
5 towards the service of the year ended 31st day of March, 1917, charged
with a further sum of one hundred and twenty-seven thousand
and ninety one pounds, fifteen shillings and three pence, in
addition to the sums provided by the Appropriation Ordinance,
1916

10 3 The money granted by this Ordinance shall be applied Application
to the purposes and services expressed in the Schedule annexed of money
hereto granted

4 The Treasurer of the Protectorate is hereby authorised Treasurer's
and required, from time to time, upon warrant or order of the authority for
15 Governor, to pay out of the Revenue and other funds of the payment
Protectorate, for the several services specified in the Schedule, the
said sum of one hundred and twenty-seven thousand and ninety
one pounds, fifteen shillings and three pence, which have come
in course of payment during the year ended on the 31st day of
20 March, 1917

SCHEDULE

| HEADS OF EXPENDITURE | | AMOUNT | | |
|----------------------|--|---------|----|---|
| | | £ | s | d |
| 5 | Official Gazette and Printing | 249 | 8 | 1 |
| 9a | Port and Marine Departments—Special Expenditure | 183 | 16 | 3 |
| 18a | Military—Special Expenditure | 3,619 | 10 | 4 |
| 20a | Post Office and Telegraphs—Special Expenditure | 2,045 | 2 | 6 |
| 21 | Railway Department | 36,115 | 18 | 8 |
| 21a | do do Special Expenditure | 1,729 | 18 | 6 |
| 25 | Immigration Department | | 3 | 9 |
| 29 | Public Works Recurrent | 3,947 | 8 | 4 |
| 30 | do do Extraordinary | 3,965 | 10 | 8 |
| 35 | Protectorate Share of War Expenses | 76,134 | 10 | 2 |
| Total £ | | 127,091 | 15 | 3 |

A Bill

Intituled

An Ordinance to amend the East Africa Weights and Measures Ordinance, 1912.

1 This Ordinance may be cited as “The Weights and Measures Amendment Ordinance, 1918,” and shall be read together with the East Africa Weights and Measures Ordinance, 1912, hereafter referred to as the Principal Ordinance

Short title

5 2 I The Schedule to this Ordinance shall be substituted for Schedule A to the Principal Ordinance

Amendments to Schedules

II Under the heading “Measures of Avoirdupois Weight” in Schedule F to the Principal Ordinance shall be added —

10 “Fifty pounds”

SCHEDULE

AVOIRDUPOIS WEIGHTS.

| Denominations | Parts or multiples of a pound avoirdupois (Native equivalent “ratak” or “rath”) |
|-----------------------|---|
| Grain | $\frac{1}{7000}$ |
| Dram | $\frac{1}{256}$ |
| Ounce or Wakia | $\frac{1}{16}$ |
| Stone | 14 |
| Quarter hundredweight | 28 |
| Cental | 100 |
| Hundredweight | 112 |
| Ton | 2240 |

A Bill

Intituled

An Ordinance to regulate the Carry- ing of Arms by Natives

1 This Ordinance may be cited as The Natives Arms Short Title
Ordinance, 1917 "

2 In this Ordinance the following expressions shall have Interpretation
the meanings hereby respectively assigned to them —

5 "Arms" includes spears, simis, rungus, bows and arrows,
clubs and such other weapons as the Governor by order published
in the *Official Gazette* may determine

"Native" means a native of Africa not of European or
Asiatic origin and includes any Somali or Swahili, and, ' District
10 Commissioner ' includes an Assistant District Commissioner

3 No native residing or being outside any area reserved for Prohibition on bearing
the use of a native tribe shall bear or carry at any time any arms arms
save

15 (a) In the case of an employee with the permission in
writing of his employer if he is employed on a farm or
plantation and then only while he is on the farm or planta-
tion on which he is employed

20 (b) In the case of a native not employed on a farm or
plantation with the permission in writing of a District Com-
missioner

Every permit given under this Ordinance shall specify the
reason for the issue of the permit, the date on which it was
issued the period for which permission to carry arms is granted
and the kind of weapon in respect of which the permit is issued

25 No person shall grant a permit to bear or carry arms in a
township

4 Any native bearing or carrying arms in contravention of Offences cognizable
the provisions of the Ordinance who fails to produce his permit
to carry such arms when called upon to do so by any Govern-
30 ment Officer or Police Officer may be arrested by a Police Officer
without a warrant

5 Any person contravening any of the provisions of this Penalties
Ordinance shall be guilty of an offence and shall, on conviction,
be liable to a fine not exceeding Rs 500/- or to imprisonment of
35 either kind for a period not exceeding six months or to both and
the arms in respect of which the offence is committed shall be
confiscated

A Bill

Intituled

An Ordinance to apply a Sum of Money for the Service of the Year ending the 31st day of March, 1919.

1 This Ordinance may be cited as the ‘ Appropriation Ordinance,” 1918

2 The Public Revenue for the year 1918-19, and other
5 funds of the East Africa Protectorate, are hereby charged towards the service of the year ending the thirty-first day of March, one thousand nine hundred and nineteen, with a sum of

3 The money granted by this Ordinance shall be applied to the purposes and services expressed in the Schedule annexed hereto

10 4 The Treasurer of the Protectorate is hereby authorised and required, from time to time, upon the warrant or order of the Governor to pay out of the Revenue and other funds of the Protectorate, for the several services specified in the Schedule, the said sum of

15 which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and nineteen

SCHEDULE

| DIVISION | | AMOUNT |
|-----------------|---|-------------|
| 1 | Rent and Interest to H H the Sultan of Zanzibar | £ 17,000 |
| 2 | Pensions and Gratuities | 8,965 |
| 3 | HIS Excellency the Governor | 7,812 |
| 4 | Secretariat | 7,215 |
| 5 | “ Official Gazette ” and Printing | 7,424 |
| 5a | do Special Expenditure | 1,080 |
| 6 | Provincial Administration | 169,384 |
| 6a | do Special Expenditure | 6,450 |
| 7 | Treasury | 11,034 |
| Carried forward | | 236,364 |

SCHEDULE —Contd

| DIVISION | | AMOUNT |
|-----------------|-----------------------------|-----------|
| | | £ |
| Brought forward | | 236,364 |
| 8 | Customs Department | 21,822 |
| 9 | Port and Marine Departments | 7,828 |
| 9a | do Special Expenditure | 70 |
| 10 | Audit Department | 5,239 |
| 11 | Legal Departments | 22,203 |
| 12 | Police | 71,676 |
| 13 | Prisons | 21,954 |
| 14 | Medical Departments | 77,789 |
| 14a | do Special Expenditure | 1,200 |
| 15 | Laboratories | 4,473 |
| 16 | Education | 16,608 |
| 17 | Transport | 4,173 |
| 18 | Military Expenditure | 128,133 |
| 19 | Miscellaneous Services | 9,560 |
| 20 | Post Office and Telegraphs | 68,740 |
| 20a | do Special Expenditure | 4,335 |
| 21 | Railway Department | 520,892 |
| 21a | do Special Expenditure | 4,580 |
| 21b | Busoga Railway | 44,033 |
| 21c | Port Bell-Kampala Railway | 6,006 |
| 22 | Agricultural Department | 55,589 |
| 22a | do Special Expenditure | 5 402 |
| 23 | Forest Department | 14,127 |
| 24 | Game Department | 4,166 |
| 26 | Survey Department | 36,587 |
| 27 | Land Department | 9,085 |
| 28 | Public Works Department | 38,937 |
| 29 | Public Works Recurrent | 73,250 |
| 30 | Public Works Extraordinary | 72,816 |
| 32 | Coast Land Settlement | 4,453 |
| Total £ | | 1,592,090 |

EAST AFRICA PROTECTORATE.

Minutes of the Proceedings
of the Legislative Council
of East Africa.

Third Session,
1917.

8th October, 1917.

Nairobi.

PRINTED BY THE GOVERNMENT PRINTER,

British East Africa

Minutes of the Proceedings of the Third Session of the Legislative Council, 1917.

Held at Nairobi on the 8th of October, 1917.

The Council assembled on the 8th of October, at 10 a m , HIS EXCELLENCY THE ACTING GOVERNOR (C C BOWRING, C M G) presiding

Present —

THE HON THE ACTING CHIEF SECRETARY (W J MONSON)
THE HON THE ATTORNEY GENERAL (J W BARTH)
THE HON THE TREASURER (H P ESPIE)
THE HON THE MANAGER OF THE UGANDA RAILWAY (B EASTWOOD)
THE HON R BARTON WRIGHT
COLONEL THE HON J AINSWORTH, C M G
THE HON P H CLARKE
THE HON A C HOEY
THE HON W C HUNTER
THE HON W MACLELLAN WILSON

Absent —

THE HON F W MAJOR, C M G , I S O
THE HON A C MACDONALD
THE HON C W HOBLEY, C M G
THE RIGHT HON LORD DELAMERE

MINUTES OF MEETING

THE HON THE ACTING CHIEF SECRETARY moved that the Minutes of the Meeting of the Council held on the 21st, 22nd, 25th, and 31st May and 19th June, 1917, which had been circulated amongst Hon Members, be taken as read and be confirmed

THE HON THE ATTORNEY GENERAL seconded
The question was put and carried

THE PRESIDENT'S ADDRESS

THE PRESIDENT delivered the following Address —

Honourable Members of the Legislative Council,

On the occasion of His Majesty's birthday I had the honour of offering on behalf of East Africa heartfelt and loyal congratulations and praying that a victorious issue might speedily be attained by the efforts of His Majesty's Forces I have now been informed that the message was laid before His Majesty who was graciously pleased to express his gratitude for it and his sincere appreciation of the loyalty and goodwill by which it was inspired

Copies of telegrams which passed between this Government and the Secretary of State for the Colonies and the General Officer Commanding the East Africa Expeditionary Force on the occasion of the third anniversary of the war have already been published in the local press

It had been my intention to refrain from summoning you to another Session until further progress had been made with some of the bills which have been referred to Special Committees and until the Appropriation Bill and Estimates for the ensuing year were ready for consideration

I am fully alive to the fact that Honourable Members, both official and unofficial, are working at very high pressure and that it is only with the greatest difficulty that they are able to find time to attend to the unusually heavy work in connection with the various Commissions and important pending enactments which are at present under consideration

It has, however, been necessary for me to summon you to this special Session in order that certain war legislation, the nature of which will be explained in due course by the Attorney General may be enacted with as little delay as possible I have considered it desirable to limit the proceedings of this Session to that special legislation and to such formal business as can be transacted without encroaching on the time of Honourable Members I hope that it will thus be possible to adjourn during the course of this morning

At the same time I welcome this opportunity of being able to make a statement to Honourable Members on certain matters of general interest and of great importance to the community

Honourable Members may recollect that at the commencement of the recent Session I endeavoured to explain the extent to which this Protectorate was being affected by the war I alluded more particularly to the requirements of the General Officer Commanding-in-Chief of the East Africa Expeditionary Force both in respect of European personnel and of native labour, to the effect on local industries of the restrictions imposed by the Imperial authorities on imports into and exports out of the United Kingdom, and to the shipping difficulties with which we were faced

Since then matters have moved rapidly, and the general position is undoubtedly very much more acute than it was when we last assembled. At the same time I am confident that we shall weather the storm and that, in spite of the very special conditions existing in East Africa as compared with the older established Dominions and Colonies, we shall emerge safely from the critical period through which we are passing with the proud sense of having done our best to assist the Great Cause and of having borne cheerfully our share of the burden and hardships to which the whole British Empire and its Allies are submitting

I was able to announce on May 21st that the whole of the white personnel asked for by the General Officer Commanding had been recruited. Since then a few more have joined up, and the War Council and District Committees continue to watch carefully the local conditions and to recommend for military service any additional men who can be spared

I referred to the question of separation allowances, and it may interest Honourable Members to know that relief is only being afforded in 20 cases and at an aggregate cost of Rs 1,165 per month. The amount of the individual monthly allowances granted varies from Rs 30 to Rs 75, each application being dealt with on its merits

Compulsory recruiting for the Military Labour department has now ceased, and on August 8th, I was able to issue a circular to the District Staffs requesting them to announce that fact to the natives and to thank the Chiefs and Headmen for their efforts and for the success with which those efforts were crowned. I am glad of this opportunity of expressing in public my very great appreciation of the excellent work performed by the staffs, both European and native, in connection with the enrolment of labourers. I am aware that the introduction of a system of compulsory recruitment which had unfortunately become necessary through the exigencies of war must have been most distasteful to them, besides being directly opposed to the Government policy with regard to labour. I am sure that Honourable Members will agree that the success which has attended the recruiting efforts is a proof of the excellent control and organization of the officers concerned and that the fact that there has been no breakdown in providing the men, and that no serious results have occurred from the unusual steps which were necessarily adopted to further that object, is a matter for congratulation to the whole of the administrative staff

Although the general repatriation has not yet commenced, a considerable number of natives are being returned to their reserves. I have satisfied myself by personal inspection of the hospitals and repatriation camps at Nairobi, Thika River, the Saba Saba, Kisumu, and Machakos, that everything possible is being done for the comfort and welfare of the natives, and Government is at present giving its most careful consideration to proposals for providing medical assistance and supervision for the natives in the Reserves after they have been repatriated

Turning now to trade restrictions, I will deal first with our exports. These are affected firstly by prohibited imports into the United Kingdom and secondly by shortage of shipping. In practice, however, we are at present only concerned with the latter for the reason that, although the Secretary of State for the Colonies has succeeded in obtaining a special concession that 500 tons of East African produce of any description, in addition to priority cargo may be imported into the United Kingdom by any ship leaving East Africa, only 100 tons of space per month for non-priority cargo has been made available for the port of Kilindini. But for the shortage of shipping therefore the position of our export trade would be fairly satisfactory. There is, I think, some misunderstanding regarding the method by which cargo space is allotted to this Protectorate by the Controller of Shipping. The procedure is as follows. The whole of the trade between the East Coast of Africa and the United Kingdom is dealt with on behalf of the Shipping Controller by a main Committee at Cape Town. This Committee consists of representatives of the Shipping Lines engaged in the East Coast trade and of the Union Government. Under instructions from the Shipping Controller, a certain amount of cargo other than priority cargo is allowed to be shipped to England each month. The total of this privileged cargo is divided between the various ports of call, and 100 tons is allotted to the Ports of Kilindini and Mombasa for East African and Uganda cargo. At the port of Durban there is a local sub-committee consisting of the liners' agents and a Government representative, and at the other ports the Cape Town Committee is at present represented by the liners' agents only. The duties of these local representatives and sub-committees are to allot to exporters the cargo space made available in each ship for non-priority cargo and to keep the Cape Town Committee informed of priority cargo offering by each ship. On receipt of the latter information, the Cape Town Committee allots a certain amount of cargo space for priority cargo to each port, and the local representatives then divide the space so allotted amongst the would-be exporters

I am not satisfied that this arrangement is suitable for British East Africa, and I have asked the Secretary of State to move the Shipping Controller to instruct the Cape Town Committee to appoint a special sub-committee for Mombasa and Kilindini on the lines of the Durban sub-committee. This sub-committee would be entrusted with the allotment of space in any ship loading at our ports and would keep the Cape Town Committee informed of our requirements. Such a local sub-committee would be in close touch with the local Government who again acting on the advice of the War Council would be able to indicate how the available space should be allocated to exporters. I have had no reply to this suggestion, but I may state for the information of Honourable Members that a previous recommendation which I had made that space should be allocated by the Government direct was not acceptable to the authorities. Still, if this modified proposal is approved, I believe that the organization provided by the War Council and the District Committees will be of the greatest value in deciding which particular exporter should be given preference, and I have no doubt that their wishes in the matter would be respected by the local shipping committee so far as they would not conflict with technical objections in connection with the stowage of cargo.

The special resolution on the subject of financing the local coffee industry, which was adopted by this Honourable Council on June 19th, was duly forwarded by me to the Secretary of State. I have received a telegraphic reply authorising me to advance up to the sum of £12,500 on the terms stated. This, Honourable Members will recollect, is the amount stated by the Special Committee which considered the question to be required at once. A special committee of the War Council has been appointed to draw up the details of the scheme for advances.

The question of the restrictions on imports into East Africa has been receiving the very serious attention of Government. Local industries including such as are of great present value to the Empire depend on the relaxation of restrictions placed on exports from the United Kingdom by the Minister of Munitions to such an extent that so long ago as on March 2nd the position was placed before the Secretary of State by the Governor. Special cases were referred to in which it appeared to Government that priority might reasonably be expected. After correspondence with the Ministry of Munitions, however, the Secretary of State was unable to secure priority. It is, of course, impossible for us locally to judge the relative importance of the requirements of the Imperial Government, and beyond placing our case before the Imperial authorities and keeping them informed of new developments it is difficult to see what more can be done to assist local industries in the matter. I am at present in telegraphic communication with the Colonial Office on the subject of extending the scope of recommendations by the local priority committee to new equipment for estates now arriving at the stage when new plant is essential for their development instead of practically limiting such recommendations to the maintenance of existing plant.

In August it became necessary to appoint a Food Controller to deal with the more essential foodstuffs imported from overseas. His duties are to fix prices, wholesale and retail, based on the cost of each consignment landed, and to issue permits for the despatch of controlled foodstuffs from Mombasa to other destinations. The reduction in available shipping space has from time to time caused some slight inconvenience before the arrival of the next steamer but so far we have been exceptionally fortunate in arranging for our supplies and we must always be prepared to face any hardships which may be necessary in order that our troops in the different theatres of the war may be adequately provided with all essential supplies.

I regret to have to announce that it has come to the knowledge of Government that certain commodities other than foodstuffs have now risen to preposterously high prices owing to the unpatriotic action of certain individuals in buying them up and holding them for a rise. I am considering the best method of dealing with this state of affairs, and it is probable that a bill for controlling prices of commodities other than foodstuffs will be presented to Council at no distant date. I hesitate to make use of my powers under martial law to deal with this matter but unless the position remedies itself it will be necessary for drastic action to be taken. In the meantime I appeal to the loyalty and patriotism of all classes of the community to refrain from gambling in commodities which are necessary for the development of the country and of which there is a temporary shortage. War profits thus secured, frequently at the expense of those who are fighting for us in the trenches, can surely never be enjoyed with an easy conscience by those who earn them.

The report of the Special Committee on electoral representation on the Legislative Council, which was presented during the last Session, has been duly forwarded to the Secretary of State and is no doubt receiving his consideration. I have also forwarded a petition from the Honourable Unofficial Members that they should be represented also on the Executive Council.

I understand that the Economic Commission and the Land Settlement Commission are making steady progress with their investigations and that their reports will be submitted before long. I hope also that the reports of the Special Committees on the various bills referred to them will be presented at the next Session of this Honourable Council.

On August 24th on instructions from the Secretary of State I issued an appeal for every possible effort to be made to increase the production of foodstuffs required for local consumption and thus to render the Protectorate independent of assistance from other countries at a time when all available shipping is so urgently required for the prosecution of the war. I wish again to impress on everyone concerned the urgency of this question, though I am aware of the many practical difficulties with which the inhabitants of the Protectorate are faced at the present time.

Earlier in the year the Colonial Office approved the utilisation of a portion of the proceeds of the Government farm stock sale for the purpose of purchasing fresh stock for eventual sale to settlers. The Director of Agriculture has now proceeded to South Africa to undertake the purchases in person.

The arrangement whereby the Veterinary Department is subordinated to the Director of Agriculture, which formed the subject of discussion during the first Session of this year, has been approved by the Secretary of State and orders have been passed accordingly.

Honourable Members have doubtless observed with satisfaction the official communiques issued to the press on the progress of the local campaign. While naturally public interest in local military affairs has been focussed mainly on the East Africa Expeditionary Force now operating in what remains of German East Africa, Government has for some time been deeply engrossed with affairs in our Northern Territories. Members are no doubt aware that early last year a small post at Serenli on the Upper Juba was overwhelmed by a section of the Aulihan Somalis and that the British officer in command, the late Lieut. Elliott, lost his life. I am pleased to be able to announce that Serenli was re-occupied on September 25th by forces under the command of Lieutenant Colonel Bailett, 5th K A R, operating both by land and by river. The re-occupation was effected with only 2 casualties, namely one British officer and one member of the crew of a river steamer slightly wounded. A feature of the re-occupation was Lieutenant Colonel Bailett's march from Yonte to Serenli by a circuitous route during which he traversed over 850 miles of country and inflicted punishment on a section of the Aulihan who had been raiding friendly tribes.

This march was undertaken by a mounted patrol unencumbered with transport and stands out as a remarkable achievement because of the nature of the country covered and the great hardships and difficulties which had to be faced and overcome.

PRESENTATION OF PETITIONS AND MEMORIALS

The following Papers were presented and laid on the Table —

MAINDI COMMISSION REPORT
UGANDA RAILWAY REPORT, 1916-17

QUESTIONS AND ANSWERS

THE HON. W. MACLELLAN WILSON put the following question —

1. What was the total estimated number of native males of military age in the Protectorate in the month of August, 1914?

2. What is the total number of men recruited from the native districts from August, 1914, to July 31st, 1917, and supplied for military purposes?

3. What is the total number of men rejected, and what proportion does the number of rejections bear to

- (a) the total number of military age,
- (b) the number of men sent out?

4. What is the number and percentage of men rejected as totally unfit?

5. Is the Government in possession of any special reason on medical grounds to account for the percentage of totally unfit?

6. What is approximately the number of deaths amongst the natives of this Protectorate employed on military duties?

7. Is the Government considering the question of taking any immediate steps to safeguard the health and general well-being of the natives?

COLONEL THE HON. J. AINSWORTH replied —

It is regretted that owing to military reasons only a very incomplete answer could be given to the first six questions put. Statistics are available and the figures will be announced as soon as the General Officer Commanding-in-Chief considers that the conduct of operations now in progress will not be prejudiced thereby.

As regards question 7, all that is possible with the present limited medical staff in the Protectorate is being done. Efforts have been made to obtain the services of additional Medical Officers, but owing to the war these men are difficult to obtain. The Military Authorities in German East Africa have been approached with a view to their allowing a number of Medical Officers on the conclusion of hostilities to volunteer for service in the Native Districts of British East Africa. Government is also considering the advisability of arranging a workable scheme under which the established Missions in the Native Districts will be able to take up medical work with the assistance of Government grants.

THE HON. W. C. HUNTER put the following question —

1 In the opinion of the Medical Authorities what measures are essential in order to prevent the outbreak of epidemic plague in non-endemic areas?

2 What is the estimated cost of these measures and to what extent have such measures been put in force?

THE HON. THE ACTING CHIEF SECRETARY replied —

1 No guarantee can be given that the outbreak of epidemics of plague in non-endemic areas can be absolutely prevented. The risk can, however, be largely minimized by (a) the promulgation of a Public Health Ordinance (b) the observance of Sanitary principles (c) the exercise of vigorous sanitary control on lines similar to those enforced by the Government of the United States of America in Panama (d) the establishment and maintenance of an efficient sanitary organization.

As regards (a) a Bill will be introduced at the next Sessions, as regards (b) every effort is already being made in which the co-operation of the community as a whole is essential to success, as regards (c) the campaign is being prosecuted as vigorously as possible and will be rendered more effective by the promulgation of the Public Health Ordinance and by increasing the staff of the Sanitation Division, while as regards (d) Hon. Members will have the opportunity of considering the provision made when the draft Estimates are discussed.

2 As the proposals include the provision for the establishment of adequate Quarantine Stations for the treatment and segregation of patients and contacts, the erection of fumigating stations, medical surveillance, prophylactic inoculation, rat destruction, a large increase in the personnel of the Sanitation Division, the formation of a research bureau, and the prosecution of general sanitary propaganda in the Protectorate it is estimated that the capital expenditure involved would approximate £250,000, with an annual recurrent expenditure of not less than £30,000.

These measures are put in force to a limited extent.

THE ALIENATION OF IMMOVEABLE PROPERTY RESTRICTION ORDINANCE, 1917

THE CLERK having read a Certificate of Emergency in regard to a Bill intitled "An Ordinance to restrict the Alienation of Immoveable Property during the present War,"

THE HON. THE ATTORNEY GENERAL moved the suspension of Standing Orders in order that the Bill might be proceeded with.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL introduced and moved the first reading of the Bill. He said that the Bill was a War measure, and, as Hon. Members would observe by its last clause, its application was limited to the duration of the War. Its object was to prevent as far as possible the acquisition of fixed interests in the Protectorate by alien enemies. Alien enemies, it was true, could not directly acquire such interests without an obvious breach of the law relating to trading with the Enemy, but it was possible that such interests might be indirectly acquired through the medium of subjects of Foreign Powers in such a way that it would be very difficult, if not impossible, to prove that it was a transaction which brought both the vendor and the purchaser within the penal clauses of the law relating to trading with the Enemy. Such difficulties were resolved if transfers of immoveable property were confined to British subjects, and the Imperial Government had advised that a measure such as this Bill should be enacted. From information which had reached the hands of the Imperial Government, it appeared that a real danger existed which could only be adequately met by a measure such as this. He need hardly say that the Government of the East Africa Protectorate was most anxious to assist in any necessary legislation to restrict the accumulation, by indirect means, of interests in His Majesty's Protectorates by enemies during the War.

THE HON THE ACTING CHIEF SECRETARY seconded, and the Bill was read a first time

THE HON THE ATTORNEY GENERAL moved that the Bill be read a second time

THE HON THE ACTING CHIEF SECRETARY seconded

The question was put and carried

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR presiding

In Committee

The Bill was read and considered clause by clause and was adopted with the following amendments —

Clause 2, line 1 —After the word “shall” insert the words “without the consent of the Governor in Council ”

Clause 3 line 4 —Add “unless such agreement or contract has received the consent of the Governor in Council ”

Clause 4, line 1 —After the word “register” insert the words “or cause to be registered ”

Clause 5, line 6 —Add “If the offence be committed by a Company then every director, manager, secretary, or officer of the Company who is knowingly a party to the offence shall on conviction be liable to the like fine or imprisonment or to both such fine and imprisonment ”

The Council resumed its Sitting

THE HON THE ATTORNEY GENERAL moved that the Bill as amended be reported to Council

THE HON THE ACTING CHIEF SECRETARY seconded

The question was put and carried

THE HON THE ATTORNEY GENERAL moved that the Bill be read a third time

THE HON THE ACTING CHIEF SECRETARY seconded

The question was put and carried, and the Bill was read a third time and passed

ADJOURNMENT

THE HON THE ACTING CHIEF SECRETARY moved that the Council adjourn until the third Monday of November or such other date as might be duly notified

THE HON TREASURER seconded

The question was put and carried