



**THE PUBLIC AND ENVIRONMENTAL HEALTH
ACT, NO. 11 OF 2012**

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ACT NO. 11 OF 2012

I ASSENT

{ DR. ALI MOHAMED SHEIN }
PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

3rd December, 2012

**AN ACT TO PROVIDE FOR PROTECTION AND MANAGEMENT
OF PUBLIC AND ENVIRONMENTAL HEALTH RISKS
AND RELATED MATTERS**

**PART 1
PRELIMINARY PROVISIONS**

- Short title and Commencement. **1.** This Act may be cited as the Public and Environmental Health Act, 2012 and shall come into force on such date as the minister may by notice in the Gazette appoint.
- Application. **2.** This Act shall apply to public health service and protection of residents of Zanzibar from infections and or disease propagation.
- Interpretation. **3.** In this Act, unless the context otherwise requires:
- "advertisement" includes any commercial statement, communication, representation or reference designed to or that have or is likely to have the effect of promoting or publicizing a tobacco product or encourage its use, or draw attention to the nature, properties, advantages or uses of the product and includes the use in any advertisement or promotion aimed at the public of a tobacco product manufacturer's company, name where the name or any part of the name is used as or is included in a tobacco product trade mark, and includes product stacking and product displays of any kind or size;



“advisory council” means the advisory council established under section 128 of this Act;

"animal" means all vertebrates, invertebrates or other fauna except human being;

"Authority" means the Minister responsible for local government and includes such other Agency or institution authorised by the Minister by notice in the gazette to act in that behalf;

"authorized Officer" means zonal health officer or district health officer or environmental health practitioner or assistant environmental health practitioner or any other reputable officer assigned by the Director responsible for Public Health to execute this Act

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

"carrier" means any person harboring disease agents without symptom or signs of the diseases;

"cesspool" includes a settlement tank or any other tank for the reception or disposal of foul matter from a building or premises;

"cemetery" means any place officially declared for burying human dead bodies;

"certificate" means a certificate showing a person has been given a vaccination at validity period against immunizable diseases of public health importance;

"common lodging house" means any premises, not being a hotel or club, wherein persons are received to sleep or rest upon payment or hire;

"communal rest house" means a house kept and managed by a community for charitable purposes, in which persons are received to stay for a reasonable period with or without contribution;

"child" means a person under eighteen years of age;

"court" means district court;

"Director" means the Director General of Health;



"District Medical Officer "means the health professional person who is appointed by the Ministry to oversee the health matters in the specified district;

"dwelling" means any house, room, shed, hut, tent or any other structure or place whatsoever, any portion whereof is used by any human being for sleeping or in which any human being resides;

"Environmental health" means those aspects of human health and diseases that are determined by the physical, chemical, biological and social factors in the environment and includes radiation;

"Environmental health practitioner" means a qualified environmental health officer or environmental health scientist or any person with similar qualifications from any institutions recognized by the Council for Public and Environmental Health Practitioners and has capacity to use his or her expertise to offer environmental health services;

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

"fumigation" is the process by which a destructive chemical is released into an enclosed area to eliminate infestation of pests;

"Government" means the Revolutionary Government of Zanzibar;

"guardian" means any person having by reason of the death, illness, absence or inability of the parent or any other cause, the custody of a child;

"hazardous waste" means any solid, liquid or gaseous waste which by reason of its chemical reactivity, environmental or human hazardousness, infectiousness, toxicity, explosiveness and corrosiveness is harmful to human health, life and environment; such as health care waste radioactive materials, dangerous gases and heavy metals;

"house let in lodgings" means a house with common conveniences which is let in lodgings or occupied by members of more than one family;

"infected" means the invasion of the host organisms bodily tissue by disease causing organisms, their multiplication and the reaction of host tissue to these organisms and toxins which they produce;



"infectious disease" means diseases caused by pathogenic microorganism such as bacteria, viruses, parasites or fungi; the diseases can be spread directly or indirectly from one person to another or from animals to human being as may be declared by the minister from time to time;

"isolation" means the segregation and the separation from and interdiction of communication with others, of persons who are, or are suspected of being infected and isolation has a corresponding meaning;

"inspector" means environmental health practitioner, medical officer of health, port health officer and any other public officer appointed by the Director;

"Latrine" means a closed structure used for disposal of human excreta and includes pit latrine, water - closet, pour flush, ecological and ventilated pit latrine;

"medical officer" means any person professing to practice medicine or surgery or holding himself out as ready and willing to give medical or surgical treatment to patients.

"Minister" means the Minister responsible for Health;

"Ministry" means the Ministry responsible for Health;

"notifiable diseases" means those diseases required to be reported nationally and internationally which include epidemic prone diseases, diseases targeted for eradication, elimination and diseases of public health importance, events or conditions;

"nuisance" means anything whatsoever which is in such condition or is so used or disposed of or is so situated or is so unclean as to be :-

- (a) risky or dangerous to human life;
- (b) risky or injurious to health of human or animals;
- (c) offensive and likely to harbor mosquitoes, fleas, rats, vermins of any kind whatsoever;
- (d) the cause or facilitate the spread of diseases;



- (e) injurious to affect food or water supply;
- (f) the cause of individual, community or social disturbance;

and may also relate to place, water or land covered by water, animal whether dead or alive, refuse, dust, fumes, vapour, noise or any other emission;

"observation" means the isolation of persons at a defined facility or any other approved place for a short period;

"occupier" means in the case of a building or part of a building, a person in occupation of or having the charge, management, or control of the building or part of the building and in the case of a house the whole of which is let out in separate tenements, or in the case of a lodging house the whole of which is let to lodgers includes the person receiving the rent payable by the tenants or lodgers, either on his own account or as the agent of another person, and in the case of a vessel, means the master or other person in charge thereof;

"offensive trade" includes the trades of charcoal - burning, lime - burning, tanning, oil - milling, soap - boiling and copra breaking, drying and storing, the business of emptying sullage and cesspits, human parts, sex working and child prostitution and any trade, business or manufacture which is declared by the Minister by order to be an offensive trade;

"owner" includes any person for the time being receiving the rent of any premises, solely or as joint tenant, or tenant in common with or receiving the rent of any premises whether on his own behalf or that of any other person, and where such owner as above defined can not be found or ascertained or is absent from Zanzibar or is under disability, the agent of such owner and if there is no such agent the occupier; and for the purposes of this Act, every mortgagee in possession shall be deemed an owner;

"Planning authority" means a body of persons appointed as such under Section 3 of the Town and Country Plan Decree, Chapter 85 of the Laws of Zanzibar;

"Public health" means physical, mental and social wellbeing of the community;

"Public health practitioner" means a qualified public health officer or public health scientist or any person with similar qualifications from any institutions recognized by the Council for Public and Environmental Health Practitioners and has capacity to use his or her expertise to offer environmental health services;



"Port health office" means an office specially designed to carry out public health functions at points of entry as stipulated by this Act;

"Port health officer" means a registered practitioner recognized under the Public and Environmental Health Practitioners Act, 2012 assigned to work at the port health office;

"practioner" means a practioner recognised and registered under the Public and Environmental Health Practitioners Act, 2012;

"premises" includes any land, dwelling, building or structure of any kind footway, yard, alley, court, garden, stream, nullah, pond, field, marsh, drain, shamba, or open space, covered or enclosed, also any vehicle or conveyance or any ship, lighter, barge, boat or other vessel lying within the water of Zanzibar or on the foreshores thereof;

"product" a substance produced during a natural, chemical, or manufacturing process;

"public building" includes any building used as a place of public worship or as a hospital, school, theatre, public hall or as a public place of assembly or recreation, and also any building used as a hotel, sober house, registered bar, institution of correction facilities (prison) or for any other public purpose;

"public place" means any indoor, enclosed or partially enclosed area which is open to the public or any part of the public and includes a workplace and a public conveyance as well as the areas within five meters of any doorways or entrances of the public place, workplace or conveyance;

"standardized sanitation technologies" means standard operating procedures that have been approved by the Director to be used for public health measures;

"street" includes any highway and any public bridge and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, or a part of one;

"town" means a town declared under the relerant Zanzibar Laws;



"traveler" means a person coming to Zanzibar territory whether by air or sea, or from epidemic declared area to non epidemic area within Zanzibar;

"vaccination" means the administration of a vaccine to stimulate a protective immune response that will prevent disease progression for a defined period of time to the vaccinated person if exposed to corresponding infectious agent;

"vermin" includes rats, mice, fleas, lice, bugs, ticks, flies, cockroaches and all animals or insects considered capable of spreading disease to human beings or animals whether directly or indirectly and the expression;

"vessel" means an aircraft, ship, dhow, boat, road vehicle or any other means of transport on a voyage;

"workshop" means any building or part of a building in which goods are manufactured or repaired;

"importation" means importation of communicable disease through human carriers, mechanical and biological vectors to Zanzibar;

"package" means the container, receptacle or wrapper in which products are sold or distributed including the carton in which multiple packages are stored;

"Risk" means a likelihood of an event that may affect adversely the health of human populations, with an emphasis on one which may spread or may present a serious and direct danger to the community;

"Sanitation" means all efforts of preventing diseases and promote public health through hygienic means of blocking human contact with waste or any other source of infectious diseases transmission such as sewage, sullages, grey water, industrial waste and domestic waste;

"Smoking" means inhaling or exhaling smoke of any tobacco product and includes the holding of, or control over any ignited tobacco product or device containing an ignited tobacco product;

"tobacco product" means a product composed, in whole or in part, of tobacco, including tobacco leaves and any extract of tobacco leaves intended for use by smoking, inhalation, chewing, sniffing or sucking and includes cigarette papers, tubes, and filters;

"zone" means zone of Unguja and zone of Pemba.



PART II ADMINISTRATION

Responsibility
of the
Director of
Health.

4. The Director shall be charged with the administration of this Act.

Appointment
and
Powers of
Zonal and
District
Medical
Officers.

5. The Director shall appoint zonal or district medical officers to be responsible for urban and rural public and environmental health at zonal and district levels whose functions and powers are as provided under provisions of this Act and any other law for the time being in force.

Appointment
and Powers
of
Inspectors.

6.(1) The Director shall from time to time:-

- (a) appoint any practitioner, medical officer and any other public officer as an inspector;
- (b) authorize any inspector or officer appointed under the provisions of this act to perform such duties as provided under this Act, Regulations made under this Act or as the director shall from time to time determine.

(2) Any Inspector or authorized officer may, on producing, if so required, some duly authenticated document showing his authority, at any reasonable hour for the proper performance of his duties enter into or upon any premises with or without assistants for the purpose of:-

- (a) enforcing the provisions of this Act or any Regulations or Guidelines made there under;
- (b) making any inspection or work in accordance with this Act;
- (c) doing anything which he is required or authorized by this Act.

PART III SANITATION AND HOUSING

Standardized
Sanitation
Guidelines.

7.(1) It shall be the duty of the Director to customize and standardize sanitation technologies to be used for any sanitation purposes in urban and rural settings.



(2) No person, institution or company shall be allowed to use any other sanitation technology apart from those approved or consented by the Director.

(3) Any person who contravenes the provision of subsection 2 of this section shall be guilty of an offence.

Power to Prescribe Waste Management Standards.

8. The Director shall for the purpose of protecting the public, prescribe optimum biological and chemical standards for solid waste, liquid waste, medical waste and emission management before being discharged or disposed to the environment.

Power to Set Sanitation Standards for Different Settings.

9.(1) The Director shall set the sanitation standards for different settings which include, hotels, restaurants, tea and coffee shops, schools including Kindergartens, religious education institutions, Camps, houses, offices, sober houses, garages, institutions of correction facilities, health facilities, spa saloons, barber shops, take away kiosks, hair dressing saloons, massage parlors and any other premises of public health importance.

(2) In setting the sanitation standards, the Director shall consider accessibility of people living with disabilities or people with special needs.

Duty to oversee the execution of waste management methods.

10.(1) It shall be the duty of the authority to oversee the execution of appropriate waste management methods as prescribed in section 9 above.

(2) In executing its duty under subsection (1) of this section, the authority shall have powers to:-

- (a) set aside areas of adequate size for the purpose of treating and managing liquid waste including sites for oxidation ponds;
- (b) set aside areas for implementation of medical waste management in line with the developed standards including management of expired drugs;
- (c) set aside areas of adequate size for the purpose of managing solid waste and electronic waste including sanitary landfill, recycling, incineration and any other related method;
- (d) control the occurrence of any nuisance or spread of disease emanating from untreated liquid waste;



- (e) develop and operationalize mechanisms and standards operating procedures for the execution of the provisions of paragraphs (a), (b), (c) and (d) of this subsection; and
- (f) undertake any other related duties as deemed fit by the authority.

Duty not to Cause Harm to Public.

11. A person or institution who undertakes the removal, transportation and disposal of waste from public or domestic settings shall ensure that the process does not cause any harm to public and/or become the source of spread of disease.

Waste Management Intervention be Supervised by a Registered Environmental Health Practitioner.

12. A person or institution shall not undertake waste management interventions without being supervised by a health practitioner.

Establishment of Dumping Site, Treatment Plant or Transfer Station.

13.(1) The authority in consultation with the department responsible for the environment shall designate a dumping site, treatment plant or transfer station.

(2) Prior to establishment of dumping site, treatment plant or transfer station, the authority shall:-

- (a) carry out or caused to be carried out Environmental Health Impact Assessment as provided for under the Zanzibar Environmental Management for Sustainable Development Act 1996;
- (b) ensure that the designated area is adequate in size and is situated away from residential area;
- (c) ensure the designated area is fenced off, placed warning signs and secured to prevent unauthorized persons from entering.

(3) The Authority shall designate transfer stations to serve as collection centers of solid and liquid waste where large amount of solid and liquid waste is generated.



Prohibition on Combining Hazardous with Non hazardous Waste.

14. No person, institution or company shall combine hazardous with non hazardous waste during collection, transportation and disposal of waste.

Offence.

15.(1) A person who contravenes any of the provisions of sections 12, 13 or 15 of this Act commits an offence and upon conviction shall be liable to a fine of not less than two hundred thousand shillings or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

(2) If a company or institution contravenes any of the provisions of section 12, 13 and 15 of this Act, commits an offence and upon conviction, shall be liable to a fine not less than five hundred thousand shillings or to imprisonment for a term of two months or both such fine and imprisonment.

Liquid Waste Management.

16.(1) The authority shall oversee the execution of appropriate liquid waste management and disposal methods as prescribed in section 9 of this section.

(2) In executing its duty under subsection (1) of this section, the Authority shall:-

- (a) ensuring that sewage from cesspool and sludge from septic disposal of tanks are collected and transported by specified vehicles for liquid waste disposal;
- (b) designating and ensure compliance with designated disposal ponds, sewage treatment facilities and sewer points;
- (c) ensuring that before sewage is appropriately treated and prior to its discharge into water bodies or open land, the sewage will not increase the risk of infections or ecological disturbance and environmental degradation;
- (d) making by-laws prescribing the treatment of hazardous and non-hazardous liquid wastes;
- (e) prescribing guidelines on standard gradient for storm water drains in order to prevent water stagnation, allow periodic cleaning of storm water drains to remove deposits and allow the inspection and removal of deposits in covered storm water drain, covers and appropriate trap chambers; and/or



(f) any other duty as deemed fit by the authority.

(3) For purposes of making decisions on suitability of any specific method of collection and treatment of liquid waste, the authority shall engage findings from studies, assessments and surveys.

Sanitary accommodation.

17.(1) Every premises erected or constructed or used for business, recreation, living, or any purposes shall have specified number of improved sanitary accommodations as per standards set.

(2) Every public buildings or places such as hotels, markets, recreation halls, conference halls, schools, universities, offices shall have sanitary accommodation that have special facilities for people with disabilities.

(3) Every sanitary accommodation in public buildings or places such as hotels, restaurants, bars, lodgings, markets, recreation halls, conference halls, schools, universities, offices and food kiosks shall have warm water, soap or detergent and hand washing facilities.

(4) Any person or institution contravening any of the provisions of this section commits an offence and upon conviction shall be liable to a fine of not less than five hundred thousand shillings or to imprisonment for a term not exceeding two months or to both.

Duty to Oversee Solid Waste Management.

18.(1) the authority shall oversee the execution of appropriate solid waste management and disposal methods as prescribed under section 9 of this Act.

(2) In executing its duty under subsection 1 of this section the Authority shall:-

- (a) set aside areas of adequate size for the purpose of managing solid waste including sanitary landfill, recycling, incineration and any other related method;
- (b) control the occurrence of any nuisance or spread of disease associated with improper management of solid waste methods;
- (c) develop and operationalize mechanisms and standards operating procedures for the implementation of solid waste management.



Solid Waste
Sorting and
Segregation.

19.(1) The Authority, in collaboration with the Minister and the institution responsible for the environment shall:-

- (a) prescribe appropriate methods for storage of different categories of solid wastes;
- (b) determine appropriate storage methods for solid waste generated by different types of markets, institutions and industries within their areas;
- (c) ensure that solid waste are classified and appropriately stored depending on whether they are organic, plastic, glass or metal waste;

(2) The Authority in consultation with the minister and institution responsible for environment shall ensure that:-

- (a) industries provide adequate space and facilities for managing all solid waste generated from the industry and in the premises prior to its collection for disposal; and
- (b) waste bays or areas designated by industries for the collection of solid waste are clean at all times and protected from vectors, animals, vermin and pests and or scavengers.

Keeping and
Maintenance
of Dumping
Site.

20.(1) The Authority in consultation with the minister and institution responsible for environment shall for purposes of solid waste disposal, designate areas which shall be situated and maintained to avoid nuisance.

(2) The Authority shall take all necessary measures to control scavengers at waste storage, dumping sites and disposal sites.

(3) A person is prohibited to scavenge on any waste, bay or dumping site unless that person is a holder of a permit issued by the respective Authority permitting him to scavenge.

(4) Any person who trespasses, scavenges, takes or removes any waste from disposal site, dumping site or storage site contrary to subsection 3 of this section commits an offence and upon conviction, shall be liable to a fine of not less than one hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.



Management
of Infectious
Waste.

21.(1) The Minister shall set standards and guidelines for infectious waste management ensuring inter alia that:

- (a) a premises producing infectious waste are adequately ventilated.
- (b) waste effluents are treated or modified before their final disposition and
- (c) infectious wastes are treated on site.

(2) For the purposes of this section "infectious waste" include pathological waste, sharps, pharmaceuticals, gene-toxics and coagulated blood waste.

(3) Any person or institution who fails to comply with standards and guidelines set under this section commits an offence and upon conviction, shall be liable to a fine of not less than one hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.

Management
of
Hazardous
Waste.

22.(1) The Minister shall define and gazette periodically all types of hazardous waste according to the degree of hazardousness.

(2) No person, institution or company shall import any of the hazardous waste.

(3) The Minister shall in consultation with the institution responsible for environment prescribe the exportation of hazardous waste in line with international regulations and guidelines.

(4) Hazardous wastes shall be managed in accordance with the guidelines and standards under the Environmental Management for Sustainable Development Act, 1996.

(5) The ministry shall provide professional opinion to the institution responsible for environment on safe hazardous waste management and disposal.

(6) Any person who contravenes any of the provisions of this section commits an offence and upon conviction shall be liable to a fine of not less than five hundred thousand shillings or to imprisonment for a term not exceeding two months or to both.

Management
of Medical
Waste.

23. The Minister shall ensure that health care waste are;

- (a) sorted and stored in prescribed coded containers,



- (b) transported in waste trucks designed and registered for that purpose;
- (c) prescribe the best possible methods for formal disposition of various types of health care waste.

Management of Veterinary Waste and Agro-chemical Waste.

24. The Minister in collaboration with ministries responsible for agriculture, livestock and fisheries, environment and local government shall prescribe the best possible methods for handling and the disposal of:-

- (a) veterinary wastes arising from abattoirs;
- (b) veterinary drugs;
- (c) wastes emanating from agricultural activities;
- (d) agro-chemical waste; and
- (e) chemical waste.

Management of Gaseous Waste.

25.(1) The minister shall in collaboration with the institution responsible for environment by order published in Gazette prescribe the best possible methods for handling and disposal of gaseous wastes in conformity with international standards.

(2) A person or institution shall not import any gaseous waste.

(3) Any person who contravenes provision of subsection (2) of this section is guilty of an offence and upon conviction shall be liable to a fine not less than two million shillings or imprisonment for a term not exceeding six months or both such fine and imprisonment.

Minister to Keep Record of Public Sewer.

26. The minister in collaboration with respective local governments and the institution responsible for environment shall keep records of maps showing and distinguishing all public sewers and other public sewerage disposal works existing or in the course of construction or demolition within its area or under its control.

Public Sewer Layout.

27.(1) A person shall not throw, empty, turn, permit to be thrown, emptied or passed into any sewer or drainage:-

- (a) any matter likely to injure the sewer or drainage, or to interfere with the free flow of its contents or to effect prejudicially the treatment and disposal of its contents;



- (b) any chemical, refuse, waste steam or any liquid of temperature higher than forty four degrees centigrade being refuse, steam or liquid which when so heated, either alone or in combination with the contents of the sewer or drainage can be dangerous, a cause of nuisance or prejudicial to health; or
- (c) any petroleum spirit, carbide or calcium except into a drainage specially constructed for the purpose.

(2) Where separate public sewers are provided for foul water and storm water, no person shall discharge or permit to be discharged, either directly or indirectly:-

- (a) soil or waste water into a sewer provided for storm water; or
- (b) except with the approval of the Authority, storm water into a sewer provided for foul water.

(3) Any person who contravenes any of the provisions of this section commits an offence and upon conviction shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding six months or to both, such fine and imprisonment.

Drainage or
Private Sewer
to be
Connected
with Public
Sewer.

28.(1) The owner or occupier of any premises or the owner of any private sewer, within the area of the Authority, shall connect his private sewer with any available public sewer of that Authority and discharge foul or storm water from his premises or that private sewer to that public sewer.

(2) Without prejudice to the generality of subsection (1) of this section, a person shall not be permitted to:-

- (a) discharge directly or indirectly into any public sewer.
 - (i) any matter from a manufacturing process or a factory, other than domestic sewage or storm water, except by a written agreement with the respective local authority;
 - (ii) any matter which is prohibited under this Act or any other written law;
- (b) have his drainage systems or private sewer made to communicate directly with a storm water and overflow the sewer;



- (c) have his drainage systems or private sewer made to communicate with a public sewer provided for foul water, unless he satisfies the authority that the premises to be drained have sufficient water supply available; or
- (d) have his drainage systems or private sewer made to communicate with any public sewer where that sewer is situated in excess of thirty meters of the curtilage of the premises.

Water
Source
and
Pollution.

29. The Minister shall provide professional advice to the Ministry responsible for water to take all lawful, necessary and reasonably practicable measures for:-

- (a) preventing any pollution dangerous to public and environmental health or any supply of water which the public has a right to use;
- (b) purifying any such supply which has become so polluted; and
- (c) taking measures include, if necessary, legal proceedings against any person so polluting or contaminating water source.

Building or
Premises to
Comply with
Public Health
Requirement.

30.(1) A planning authority shall not issue a building permit in respect of any building unless it complies with public health requirements as shall be prescribed in the regulations.

(2) A building or premises or its part or any structure shall not be occupied until a health clearance has been issued by the inspector.

Grounds
for
Disapproval
of Plans.

31.(1) The plan for any building or premises shall not be approved by the planning authority if:-

- (a) the site is close to water sources or any of the declared national reserves including forests and other such places;
- (b) the site cannot be properly drained;
- (c) the site has been filled with waste, other offensive matters or decayed vegetation;
- (d) the site is in proximity to other buildings or premises as to obstruct light and free circulation of air around the building or premises;
- (e) the drainage system is not to standards;



- (f) the building or premises will not be accessible for solid, gaseous, hazardous and liquid waste removal or facilitate access to fire and rescue services;
- (g) the ventilation and size of the rooms is unsatisfactory or inadequate; or
- (h) the erection of the building or premises would contravene with other written laws;
- (i) any other emerging situation which may hamper erection of the building.

Drainage Provisions in Building and Extensions Plans.

32. The Planning Authority shall, where a building, premises or an extension plan of a building or premises is not in accordance with the building rules reject the plan unless:-

- (a) the plan shows that satisfactory provision for drainage shall be made; or
- (b) the Planning Authority is satisfied that in the case of that particular building or extension plan, it may properly dispense to the provision for that purpose.

Provision of Latrines in Building or Premises.

33. Where:-

- (a) sufficient water supply and public sewer are not available, the Planning Authority shall not reject the plans on the ground that the proposed latrine accommodation consists of or includes a latrine of a type approved by the Planning Authority; and
- (b) the plans show that the proposed building, premises or extension is likely to be used as a factory, workshop, workplace, club, place of entertainment, stadium or other place in which persons of both sex shall be employed or be in attendance, the Planning Authority shall reject the plans, unless sufficient and satisfactory separate latrines and accommodation for persons of each sex are provided with consideration to the people living with disability and people with special needs.

Violation of Building Rules.

34.(1) Where it appears to the Planning Authority that, in the case of any building or premises:-

- (a) any appliance provided in the building is in such a condition as to be prejudicial to health or a nuisance; or



- (b) any appliance formerly used for the drainage of the building or premises but is no longer used for it is prejudicial to public health or a nuisance, shall, by notice, require the owner, his representative or the occupier of the building to make satisfactory provision for drainage of the building or as the case may be, order the owner, his representative or occupier of the building to take such necessary action, and to do such other works as may be necessary to remedy the problem.

(2) The Planning Authority may, where it is satisfied that construction works to communicate drainage system of a particular building or premises with the public sewer cannot be realized or may cause undue difficulty to the owner and satisfactory provision for drainage can only be achieved by discharging into an appliance or by on site disposal system which the Planning Authority may approve, dispense with the provision for drainage system which communicate directly or indirectly with the public sewer.

(3) For the purposes of this section, "appliance" means any septic tank, private sewer, drainage, rain water pipe, sink or other appliance for drainage.

Powers of the Planning Authority to Issue Notices in Respect of Existing Building or Premises.

35. Where any existing building or premises in the area of the Authority has sufficient water supply and a public sewer is available, the Planning Authority may require it to be replaced by water closets and that the owner, representative or occupier shall make any latrine other than water closets provided for or in connection with the building or the premises application within a specified time, to have drainage made to communicate with a public sewer.

Dangerous and Dilapidated Building.

36.(1) Where it appears to the Planning Authority that any building or premises:-

- (a) is in such a condition or is used to carry such loads as to be dangerous, injurious, hazardous to persons in the building or premises, any adjoining premises or nearby street, land or premises;
- (b) is by reasons of its dilapidation, dangerous or ruinous condition or seriously detrimental to the amenities of the neighborhood; or
- (c) which is used as a dwelling house or premises is, in the opinion of the Planning Authority, unfit for human habitation;

the Planning Authority may, prohibit the use of such building or premises or part of that building or premises for any specified purpose and, where in the opinion of the Planning



Authority, that building or its part ought to be demolished or removed, the Planning Authority may give a notice to that person.

(2) Subject to subsection (1) of this section, the Planning Authority shall not prohibit the use of a building or premises unless a notice is served to the owner or occupier or affixed upon building or premises.

(3) Where the owner cannot be found or is not within the country, it shall be upon the occupier to require the owner's representative to make, within reasonable time, alterations or repairs as the Planning Authority may consider necessary and until such alterations are carried out.

(4) Failure of the owner or his representative to carry out an order under subsection (2) and (3) shall be an offence.

(5) In addition to any proceeding that may be taken, the Planning Authority may enter upon the building or premises and make alterations, repairs, demolition or removal of the building structure or its part, as the case may be, and may recover the cost from the owner or occupier of that building, premises or structure.

Application
to Rescind
or Vary
Notice.

37.(1) A person upon whom a notice requiring demolition, removal, repair or alterations is served may, prior to the expiration of the time specified, apply to the court for a notice to be rescinded or varied.

(2) During the hearing of the application, the onus shall lie on the person served with a notice under subsection (1) and the court may confirm, rescind or vary that notice and make such order as to costs as it may deem necessary.

Slum
Clearance
and Re-
housing.

38.(1) Where it appears to the Planning Authority that most of the buildings or premises within an area are unfit for human habitation by reason of dilapidation, congestion or bad arrangement, the Planning Authority shall prepare and implement a scheme to be used for the clearance of the area and the re-housing of the inhabitants.

(2) Before implementation of the scheme under subsection (1), the Planning Authority shall give a written notice to the owner of the property or his representative for a period not exceeding ninety days.

(3) The owner or his representative may serve to the Planning Authority, a written notice of objection within thirty days and where his objection has been received; the



Planning Authority may consider that objection as to whether or not to carry on with the scheme under subsection (1) of this section.

(4) A scheme may include a building or premises where the clearance of that building or premises is necessary for public and environmental health as a whole.

(5) Where the Planning Authority has confirmed the scheme, owners or representatives of buildings or premises in the area shall be notified in writing of the scheme.

(6) The clearance shall not commence until the inhabitants of that area have been re-housed in a suitable accommodation provided for that purpose.

Power of
the
Minister to
Make
Regulations.

39. The Minister may, in consultation with the Ministers responsible for livestock and fisheries, agriculture, industry, environment, lands, housing, water and energy and local government; make regulations conferring powers and imposing duties to the authorities prescribing for:-

- (a) inspection of land, dwelling houses, buildings and factories and trade premises and for securing the keeping of the same, clean and free from nuisance so as not to endanger the health of the occupiers or the public health;
- (b) periodical cleaning and painting or other treatment of the buildings or premises and the cleansing of land attached and the removal of rubbish or refuse;
- (c) drainage of land, streets, buildings, or premises, disposal of rubbish, offensive liquids, removal and disposal of refuse, manure and solid waste;
- (d) standards of purity of any liquid which, after treatment in any purification works, may be discharged as effluent;
- (e) standards of keeping animals or birds in dwellings;
- (f) establishment and carrying on of noxious trade, factories or trade premises which are liable to cause offensive smell, smoke or sewage effluents or to discharge liquids or other materials liable to cause such smell or sewage effluents, to pollute streams, or are otherwise liable or likely to be a nuisance, injurious, hazardous or dangerous to health, and for prohibiting



the establishment or carrying on such factories or trade premises in unsuitable localities;

- (g) general control of houses let and lodgings, for fixing the maximum number of lodgers, the minimum floor space allotted to each lodger, for the adequate ventilation and lighting;
- (h) provision of adequate sanitary appliances and other requirements for the protection of the health of the lodgers or surrounding inhabitants; and
- (i) sanitary control of market places and market buildings.

PART IV NUISANCE

Nuisance Prohibited.

40. A person shall not cause or suffer to exist in or upon any premises owned or occupied by him or of which he is in charge, any nuisance or other condition liable to be injurious or dangerous to public and environmental health.

Prevention of Nuisance and Cleanliness Maintenance.

41. It shall be the duty of the Director to take all necessary measures for maintaining cleanliness and sanitary condition, for preventing the occurrence therein, or of remedying or causing to be remedied, any nuisance or condition liable to be injurious or dangerous to health and take or cause to be taken legal proceedings against any person causing or responsible for the continuance of any such nuisance or condition.

What Constitute Nuisance.

42.(1) The following shall be deemed to be nuisances liable to be dealt with summarily in the manner provided for in this Act:-

- (a) any vessel, public carriage and other conveyance in such state or condition as to be injurious or dangerous to public and environmental health;
- (b) any dwelling or premises or part thereof which is or are of such construction, or in such a state, or so situated, or so unclean or so verminous as to be injurious or dangerous to health, or which is or are liable to cause the spread of any infectious disease;
- (c) any public or other building which is so situated, constructed, used or kept, as to be unsafe or injurious or dangerous to public and environmental health;



- (d) any building or part of a building which contains rat-holes or rat-runs or other similar holes, or which is infested with rats;
- (e) any dwelling or part of a dwelling so overcrowded or defective in lighting or ventilation as to be injurious or dangerous to the public and environmental health of the inmates whether or not members of the same family or is not provided with, or is so situated that it cannot be provided with sanitary accommodation to the satisfaction of the Director or any other authorized officer;
- (f) any school, house, shop, office, factory, workshop, warehouse or other similar place:-
 - (i) so unclean as to be injurious or dangerous to public and environmental health;
 - (ii) so overcrowded or defective in lighting or ventilation as to be injurious or dangerous to the health of the persons accommodated therein or;
 - (iii) not provided with sufficient sanitary accommodation;
- (g) any offensive trade or business so carried on as to be injurious or dangerous to public and environmental health; or disturbing and annoying to individual or community;
- (h) any fire-place, stove or furnace used in any factory, workshop or bake house which does not consume its own smoke or is not fitted or furnished with a chimney, flue or other means connected with the outside of such factory, workshop, or bake house so as effectually to discharge all smoke above the level of the eaves of such factory, workshop or bake house;
- (i) any stable, cow-shed or other building used for the keeping of animals which is so situated, constructed, used or kept as to be offensive, or injurious or dangerous to the health of man or of the animals kept therein;
- (j) any animal so kept as to be offensive or injurious to public and environmental health;



- (k) any area of land kept or permitted to remain in such a state as to be offensive, or injurious or dangerous to health;
- (l) any accumulation or deposit of refuse, offal, manure, or other matter whatsoever or situated, which is offensive or injurious or dangerous to health;
- (m) any accumulation of stones, timber, or other building material if is likely to harbour rats or other vermin;
- (n) any street, ditch, gutter, watercourse, sink, water-tank, cistern, latrine, suillage pit, septic tank, cesspit, soil-pipe, drain, sewer, garbage receptacle, dustbin, refuse-pit or manure pit so foul or in such a state or so situated or constructed as to be offensive, or injurious or dangerous to health;
- (o) any well or other source of water supply, or any cistern or other receptacle for water, whether public or private, in such a condition or situation as to be liable to render the water there from, when used for drinking or domestic purposes, or in connection with the manufacture or preparation of food or drink, injurious or dangerous to health;
- (p) any noxious matter or waste water flowing or discharging from any premises wherever situated, into any public street, or into the gutter or side channel of any street, or into any nullah, watercourse, irrigation channel or bed thereof, not approved for the reception of such discharge;
- (q) any cemetery, burial-place or place of cremation so situated, or so crowded, or otherwise so conducted, as to be offensive, or injurious or dangerous to health;
- (r) any noise, sound , music which may cause discomfort, social disturbance, unrest without prior permission;
- (s) any open burning, emission of fumes and gases, offensive smell, Smoking in public spaces;
- (t) sex workings and prostitution;
- (u) any act, omission or thing which is, or may be, dangerous to life or injurious to health;



Reporting
of
Nuisance.

43. Information of a nuisance liable to be dealt with summarily under this Act may be given to the Director or authorized officer by any person, and it shall be the duty of the Director or authorized officer to give such directions to his officers as will ensure that the existence of the nuisance is immediately brought to the notice of any person who may be required to abate it.

Author
of
Nuisance.

44. For the purposes of this part, the expression 'author of nuisance' means a person by whose act, default or suffering causes nuisance to exist or continue to exist whether as the owner, occupier or as any other person.

Abatement
of
Nuisance.

45.(1) On receipt of any information respecting the existence of a nuisance liable to be dealt with summarily under this Act, the Director or authorized officer shall, if satisfied of the existence of the nuisance, serve a notice on the person by whose act, default, or sufferance the nuisance arises or continues; or, if such person cannot be found, on the occupier or owner of the premises on which the nuisance arises, requiring him to abate the same within the time specified in the notice and to execute such works and do such things as may be necessary for that purpose, and specifying the works to be executed if the Director or authorized officer thinks it desirable.

(2) The Director or authorized officer may also by the same or another notice served on such occupier, owner or person, require him to do what is necessary for preventing the recurrence of the nuisance, and, if it is thought desirable, specify any works to be executed for that purpose, and may serve that notice notwithstanding that the nuisance may for the time have been abated, if the Director or authorized officer considers that it is likely to recur on the same premises.

(3) Provided that:-

- (a) where the nuisance arises from any want or defect of a structural character, or where the premises are unoccupied, the notice shall be served to the owner;
- (b) where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise by the act, default or sufferance of the occupier or owner of the premises, the Director or authorized officer may himself abate the same, and may do what is necessary to prevent the recurrence thereof;



Order of Nuisance.

46. If either:-

- (a) the person on whom a notice to a nuisance order has been served as aforesaid makes default in complying with any of the requisitions thereof within the time specified; or
- (b) the nuisance, although abated since the service of the notice or action taken by him is, in the opinion of the medical officer of health, likely to recur on the premises;

the Zonal or District Health Officer may make a complaint, and the magistrate hearing the complaint may make on such person a summary nuisance order.

Different Kind of Nuisance, Abatement, Prohibition and Closing Orders.

47.(1) A nuisance order may be an abatement order, a prohibition order, or a closing order or a combination of such orders.

(2) An abatement order may require a person 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.

(3) A prohibition order may prohibit the recurrence of a nuisance.

(4) An abatement order or prohibition order shall, if the person on whom the order is made so requires, or the Court considers it desirable, specify the works to be executed by such person for the purpose of abating or preventing the recurrence of the nuisance.

(5) A closing order may prohibit a dwelling from being used for human habitation.

(6) A closing order shall only be made where it is proved to the satisfaction of the Court that by reason of a nuisance a dwelling is unfit for human habitation, and if such proof is given, the Court shall make a closing order and may impose a fine not less than three hundred thousand shillings or imprisonment for a term of not less than one month or both such fine and imprisonment;

(7) The Court, when satisfied that the dwelling has been rendered fit for human habitation, may cancel the closing order.



Failure
to
Comply
With
Nuisance
Order.

48.(1) If the person on whom a notice to remove nuisance has been served as aforesaid fails to comply with the requirements thereof within the time specified, the Director or Authorized Officer shall cause a complaint relating such nuisance to be made before a court, and such court shall thereupon issue a summons requiring person on whom the notice was served to appear before court.

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

(3) The court shall by such order impose a fine not exceeding three hundred thousand shillings to the person on whom the order is imposed and may also give directions as to the payment of all costs incurred up to the time of the hearing or making of the order for the removal of the nuisance.

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

(5) If the nuisance, although removed since the service of the notice, in the opinion of the Director or Authorized officer is likely to recur on the same premises, the Director or Authorized Officer shall cause a complaint relating to such nuisance to be made before a court, and the court shall thereupon issue a summon requiring the person on whom the notice was served to appear before court.

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

(7) In the event of the person on whom such order as is specified in subsections (5) and (6) not complying with the order within a reasonable time, the Director or Authorized officer shall again cause a complaint to be made to court, who shall thereupon issue a summons requiring such person to appear before court, and on proof that the order has



not been complied with shall impose a fine of three hundred thousand shillings or three months imprisonment and may also give directions as to the payment of all costs up to the time of the hearing.

Nuisance
Caused by
or Existing
on Premises
of Two or
More
Owners.

49.(1) Where any nuisance is caused by the joint act or default of two or more persons, or exists on the premises of two or more owners, it shall be sufficient to proceed against one or more of them without proceeding against the other or others of them.

(2) Where some only of the persons by whose act or default any nuisance has been caused have been proceeded against under this Act, they shall, without prejudice to any other remedy, be entitled to recover, from the other persons who were not proceeded against, a proportionate part of the costs of and incidental to such proceedings and abating such nuisance, and of any fine and costs ordered to be paid by the court in such proceedings.

Provisions as
to Appeal
Against
Nuisance
Order.

50. Where a person appeals against a nuisance order, no liability to a penalty shall arise, nor, save as in this section mentioned, shall any proceeding be taken or work be done under such order until after the determination or abandonment of such appeal.

In Certain
Cases Order
may be
Addressed
to the
Director.

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

Demolition
of Unfit
Building.

52.(1) Where in the opinion of the Director in consultation with relevant Authorities on existence of a nuisance with respect to a building which, in its opinion, is so dilapidated or so defectively constructed or so situated that repairs to or alterations of such building are not likely to remove the nuisance, the Director may apply to the Court for a demolition order.

(2) The Court being satisfied that such nuisance exists, and that repairs to or alterations of the building are not likely to remove the nuisance, the Court may make a demolition order requiring the owner thereof to begin to demolish the building on or before day specified in the order being at least one month from the date of the order, and to complete the demolition and to remove the materials which comprised the building from the site before another day so specified, and may make such order as to the costs of the application as he thinks just.

Provided that, before any demolition order is made, notice of the application for the such order shall be served to the owner of the building, who may appear in person or by advocate and give and adduce evidence at the hearing of the application.

(3) The Court shall give notice to the occupier of the building in respect of which a demolition order has been made requiring him to quit the building before such date as may be specified in the notice, and if the occupier fails to comply with such notice, or enters the building without lawful excuse after that date, he shall be guilty of an offence.

(4) Any person who fails to comply with a demolition order shall be guilty of an offence and liable to a fine not less than five hundred thousand shillings during which the offence continues, and the Director may cause the building to be demolished and may recover from the owner the cost of such demolition less than net proceeds of the sale of any materials obtained from the building.

(5) No compensation shall be payable by the Director to the owner or occupier of any building in respect to the demolition thereof under this section, and no rent shall be due or payable by or on behalf of the occupier in respect to such building for any period commencing after the date of the demolition order.

(6) An appeal shall lie to the regional court against a demolition order, and the provisions of subsections (2) and (4) of this section shall apply in relation to an appeal against a demolition order as they apply in relation to an appeal against a nuisance order.

Power to Sell.

53. Any matter or thing removed by the Director or authorized officer in abating or doing what is necessary to prevent the recurrence of a nuisance under this Act may be sold or otherwise disposed of in accordance with the relevant law.

Power to Entry.

54. The inspector or any authorized officer shall on producing, if so required, some duly authenticated document showing his authority, have the right to enter from time to time with or without professional assistants as he may deem desirable, any premises:-

- (a) for the purpose of examining as to the existence thereon of any nuisance liable to be dealt with summarily under this Act, at any hour by day, or in the case of a nuisance arising in respect of any business, then at any hour when that business is in progress or is usually carried on, and may, if necessary, open up the floors, partitions, storeys or lofts of any building or the ground of such premises, and cause the drains to be tested or such



other work to be done as may be necessary for the effectual examination of the building or premises.

Provided that if no nuisance is found to exist the Inspector or authorized officer shall restore the premises to their previous condition at Government expense;

- (b) where a nuisance has been ascertained to exist, or a nuisance order has been made, then at any such hour as aforesaid until the nuisance is abated, or the works ordered to be done are completed, or the closing order is cancelled, as the case may be;
- (c) where a nuisance order has not been complied with, or has been infringed, at all reasonable hours, including all hours during which business therein is in progress or is usually carried on, for the purpose of executing the order; and
- (d) at any hour of the day or night, under authority of an order in that behalf issued by the inspector, if it appears to him that any building or premises or part of a building or premises is so overcrowded as to be nuisance liable to be dealt with under this Act or that a closing order is being contravened or that a room is being used as a sleeping room for more persons than the number prescribed, or that any building or any room thereof is being used as a sleeping place in contravention of any regulation made under this Act.

Cost of Execution.

55. All costs and expenses incurred in serving a notice, making a complaint, or obtaining a nuisance order, or in carrying the order into effect, shall be deemed to be money paid for the use and at the request of the person on whom the order is made, or if the order is made to the Director, or if no order is made, but the nuisance is proved to have existed when the notice was served or the complaint made, then of the person by whose act, default or sufferance the nuisance was caused, and in the case of a nuisance caused by the Act or default of the owner of the premises, such costs and expenses may be recovered from any person who is for the time being the owner of such premises.

Power of Individual to Complain to Court on Nuisance.

56.(1) Complaints of the existence of a nuisance liable to be dealt with summarily under this Act on any premises may be made by any person, and thereupon the like proceedings shall be had with the like incidents and consequences as to the making of orders, penalties for disobedience of orders, appeal, and otherwise as in the case of a complaint by the Director.



(2) The Court may if it thinks fit:-

- (a) adjourn the hearing or further hearing of the complaint for the purpose of having an examination made on the premises where the nuisance is alleged to exist, and may authorize the entry into such premises of any police officer or other person for the purpose; and
- (b) authorize any police officer to do all necessary acts for executing an order made or a complaint under this section, and to recover the expenses from the person on whom the order is made.

PART V PREVENTION AND CONTROL OF INFECTIOUS DISEASES

Power of the
Minister to
Declare
Infectious
Diseases.

57. The Minister may from time to time by notice published in Gazette declare a list of infectious diseases.

Notification
of
Infectious
Diseases.

58.(1) Where a dweller of any premises used for human habitation is suffering from any infectious disease, or any disease symptoms of which may raise a suspicion that it may be an infectious disease, the following provisions shall have effect:-

- (a) 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 or a disease suspected to be infectious, send to the District Medical Officer a report stating the name and sex of the patient, the situation of the premises, potential sources and disease cause from which, in the opinion of such medical practitioner, such patient is suffering or suspected to be suffering;
- (b) any patient or relative of the patient who is diagnosed or suspected from contracting an infectious diseases shall be informed by medical practitioner and obliged to comply with specified directions and measures addressed by Medical Practitioner;
- (c) the occupier and or owner of the premises shall, as soon as he becomes aware that the patient is suffering from an infectious disease or is suspected to be suffering from an infectious disease, send notice thereof to the in-charge of a nearby health facilities who will notify District Medical Officer where such person resides.



(2) For the purpose of this section every ship or vessel, while in any port of Zanzibar, shall be deemed to be premises and the master or owner of such ship or vessel shall be deemed to be the head of the household or the owner or occupier of such premises.

Provided that, in the case of any such ship or any other vessel, the notification referred to in subsection (1) of this section shall be made to the Port Health Officer.

(3) Every person required by this section to send a notice or certificate, who fails forthwith to send the same shall be liable to a fine not less than five hundred thousand shillings or imprisonment for a term of three months or both such fine and imprisonment.

(4) For the purpose of this part, port includes any port of Zanzibar whether official or not official.

Inspection
of Premises.

59. The Inspector may, with or without assistant as he may deem desirable, at any time enter and inspect any premises in which he has reason to believe there is any carrier or any person suffering or who has recently suffered from any infectious disease or who has recently been exposed to potential pathogen of any infectious disease, and may medically examine any person found on such premises with a view to ascertaining whether such person is a carrier or is suffering or has recently suffered from any infectious disease, and may also examine any dead body found on such premises.

Premises
Cleansing
and
Disinfection.

60.(1) Where any authorized officer is of opinion that the cleansing and disinfecting 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 his duty to give notice in writing to the owner or occupier of such building or part thereof, specifying the steps to be taken to cleanse and disinfect such building or part thereof and such articles within a time specified in such notice.

(2) If the person to whom the notice is so given fails to comply therewith, he shall be liable to a fine not less than three hundred thousand shillings or imprisonment for a term of three months or both such fine and imprisonment.

Measures
to Prevent
Spread of
Infection.

61. For the purpose of preventing the spread of any infectious disease, the Director may order the:-

- (a) cleanse, ventilate or disinfect any premises or part of a premises;



- (b) destroy, cleanse, disinfect or remove any clothing, fomites, article or thing of whatever nature;
- (c) closure or vacation of any premises or part of premises for such time as he may deem necessary; or
- (d) any other scientifically guided prevention technique relevant for such period.

Provision of Means of Disinfection.

62. The Director after consultation with relevant authority shall provide a proper place, with all necessary apparatus and attendance, for the disinfection of bedding, clothing or other articles which have been infected, and may direct any articles brought for disinfection to be disinfected or destroyed and any such direction shall be sufficient authority for the Director or other person authorized there to, to disinfect or destroy the same.

Person with Infectious Disease shall be Moved to Hospital.

63.(1) If the authorized officer or authorized medical practitioner so directs, a person suffering, or reasonably suspected of suffering from Infectious disease shall be sent to a nearby health facility or special designated health camp.

(2) Any person who is suspected to harbor infectious pathogens that would lead to an epidemic occurrence or has been exposed to the same may be isolated or placed under surveillance, or removed to a hospital or designated facility for observation and there kept for such period as the inspector or authorized officer of health shall direct in line with standard management guidelines.

Refusal or Neglect to Comply with an Order.

64. Any person who refuses or neglects to comply with an order given by the Director, authorized officer or medical practitioner for the purpose of prevention, control or suppression of infectious disease, or enters a hospital or other place used for the reception of carriers or person suffering from an infectious disease or a designated facility, or leaves such hospital, place or designated facility without the permission of the authorized officer, or refuses or neglects to comply with any of the requirements or conditions of observation, isolation or surveillance, shall be guilty of an offence.

Permission to Visit Patient with Infectious Diseases.

65. Where the medical practitioner has restricted a patient suffering from infectious diseases from being visited, it shall be an offence for any person to visit such a patient without the permission of the medical practitioner.



Minister to
Prescribe
Standards for
Infectious
Waste
Disposal.

66. The Minister shall prescribe standards and techniques for infectious waste disposal in line with international health regulations.

Improper
Disposal of
Infectious
Waste.

67.(1) If any person knowingly casts or causes or permits to be cast into any place designed for the reception of waste infected by an infectious disease without previous disinfection is guilty of an offence and upon conviction shall be liable to a fine not less than two hundred thousand shillings or imprisonment for term not exceeding of six months or both such fine and imprisonment.

(2) If any institution knowingly casts or causes or permits to be cast into any place not designed for the reception of infected waste without previous disinfection shall commit an offence and upon conviction shall be liable to a fine not less than two million shillings or imprisonment for term of six months or both such fine and imprisonment.

(3) The Director shall cause a notice of the provisions of this section to be served on and explained to the occupier of any house or part thereof in which there is a carrier or person suffering from an infectious disease, and on the request of such occupier shall provide for the removal and disinfection or destruction of the aforesaid infectious wastes.

Penalty for
Letting
Houses in
which
Infected
Person have
been
Lodging.

68. Any person who knowingly lets for hire any house, or part of a house in which any carrier has resided or in which any person has been suffering from infectious disease, without having such house or part of a house and all articles therein liable to retain infection, disinfected to the satisfaction of authorized officer of health as testified by a certificate signed by him, or as regards the articles destroyed shall be guilty of an offence and be liable to a fine not less than three hundred thousand shillings or imprisonment for a term of three months or both such fine and imprisonment.

Penalty on
Making
False
Statements.

69. Any person letting for hire, or showing for the purpose of letting for hire any house or part of a house to whom being questioned by any person negotiating for the hire as to the fact of there being, or within six weeks previously having been therein any carrier or any person suffering from any infectious disease, knowingly makes a false answer to such question shall be guilty of an offence and shall be liable to a fine not less than one hundred thousand shillings or imprisonment for a term of one month or both such fine and imprisonment.



Offence
for
Deliberate
Spread of
Infectious
Disease.

70. Any person who:-

- (a) knows himself to be a carrier or suffering from an infectious disease, or who is nursing or attending a case of infectious disease, milks any animal or engages in any occupation connected with food, or carries on any trade or business in such a case as to be likely to spread the infectious disease; or
- (b) while suffering from any infectious disease, willfully exposes himself, without proper precautions against spreading the disease, in any street, public place, shop, hotel, or public conveyance; or
- (c) being in charge of any person so suffering, so exposes such sufferer, or causes such sufferer to be so exposed;

shall be guilty of an offence.

Infected
Clothes not
to be Sent to
Laundry or
any Other
Public
Washing
Places.

71.(1) No person shall give, lend, sell, transmit, or expose, without prior disinfection, any bedding, clothing, rags or other things which have been exposed to infection from any infectious disease.

(2) No person shall take, send or deliver to any public washing place or to any laundry, or give to any person, for the purpose of being washed, any bedding, clothes, or other things which he knows to have been exposed to infection from any infectious disease, unless they have been disinfected.

(3) Any person who contravenes provisions of subsections (1) and (2) of this section shall be guilty of an offence.

Prohibition
from
Carrying
Infected
Person in
Public
Conveyance.

72.(1) If any person suffering from disease is conveyed in any public conveyance, the owner or carrier thereof as soon as it comes to his knowledge shall give notice to the Authorized Health Officer who shall cause such conveyance to be disinfected.

(2) The owner, driver, or carrier of conveyance stipulated in subsections (1) of this section shall be entitled to recover from the person so conveyed by him, or from the person causing that person to be so conveyed, a sum sufficient to cover any loss and expenses incurred by him in connection with such disinfection.

(3) It shall be the duty of the authorized Health Officer to disinfect when so required by the owner, driver, or carrier of the public conveyance, provided for the disinfection.



Exception.	<p>73. Notwithstanding the provisions of section 72 of this Act, it shall be lawful for the owner or person in charge of any public conveyance to transport at Government expense from place to place within Zanzibar, any person suffering or suspected to be suffering from an infectious disease when required to do so by Director or an authorized officer.</p>
	<p>Provided always that every such owner or person shall observe such precautions as may be prescribed.</p>
Offence for Removal of Dead Bodies.	<p>74. The bodies of persons dying from an infectious disease in a hospital or other place used for the reception of persons suffering from infectious disease shall not be removed without the permission of the Authorized officer, and any person contravenes the provisions of this section shall be guilty of an offence.</p>
Burial or Cremation of Dead Bodies Power to Order Postmortem Examination.	<p>75.(1) The burial or burning of the bodies of persons who have died of an infectious disease shall be conducted within such period, and with such precautions as the Director may direct;</p> <p>(2) Whenever in the opinion of the authorized officer, there is reason to suspect that a person has died of an infectious disease, it shall be lawful for them to order that the body of deceased person shall be conveyed to such place as the Director shall appoint, for such examination as he may consider necessary.</p>
Power to Apprehend Persons in the Streets Suffering from any Infectious Disease.	<p>76. It shall be lawful for authorized officer to apprehend and take, or cause to be apprehended and taken, to a hospital for infectious diseases, any person whom he shall find in any public place suffering from any of the declared infectious diseases.</p>
Order to Declare Infected Zone.	<p>77. Whenever any part of Zanzibar appears to be threatened by any formidable epidemic, endemic, or infectious disease, the Director shall in consultation with relevant authorities declare any area or place to be an infected area.</p>
Presumption.	<p>78. Where a person in charge or in attendance of or living with a person suffering from an infectious disease is charged with an offence against this part relating to such infectious disease, he shall be presumed to have known of the existence of such disease in such person, unless and until he shows to the satisfaction of the court that he had not such knowledge and could not with reasonable diligence have obtained such knowledge.</p>



Control of
Persons on
Board any
Vessel
Exposed to
Infection.

79.(1) Where any person on board any vessel is believed to have been exposed to infection so that he may be in the incubation stage of any infectious disease, the authorized officer may require such person to remain on board such vessel, or alternatively to land proceed direct to his place of destination and there report himself to the authority for medical surveillance.

(2) Where in the opinion of the Director any person to whom subsection (1) of this section applies cannot otherwise be properly kept under medical surveillance or the public health cannot be otherwise adequately safeguarded, such person may be removed to a place of isolation on shore and there detained until considered free from infection.

Introduction
of
Infectious
Diseases.

80.(1) The Minister in consultation with related ministries may, by statutory notice, prohibit, restrict or regulate the immigration or importation into Zanzibar of any person, animal, article or thing likely, in his opinion, to introduce any infectious disease, or impose restrictions or conditions as regards the examination, detention, disinfection, or otherwise of any such person, animal, article or thing.

(2) Any person who contravenes or fails to comply with any such notice shall be guilty of an offence, and shall be liable to a fine not less than five hundred thousand shillings or three months imprisonment or both.

Medical
Examination.

81.(1) Every employee whether in government, private, or informal sector shall perform pre medical examination at a recognized government institution.

(2) It shall be responsibility of employer to ensure that all employees perform pre and periodic medical examination after every period of six months for those who work in food premises or for period of twelve months for the other employee.

(3) All certificates of medical examination shall be kept in the place of work and available when required.

(4) Any person who contravenes any provision of this section shall be guilty of an offence and upon conviction shall be liable to a fine not less than fifty thousand Shillings or one month imprisonment or both.

PART VI NOTIFIABLE DISEASES AND VACCINATION

Power to
Declare
List of
Notifiable
Diseases.

82. The Minister shall declare and publish from time to time a list of notifiable diseases and may in like manner amend or revoke such declaration.



Inspection and Examination of Vessels and Travelers.

83.(1) The Port Health officer shall inspect or examine any vessels and travelers entering Zanzibar through port of entry for the purpose of preventing the introduction of notifiable diseases.

(2) Any vessel or traveler arrived in port of entry shall first be examined by port health officer before being granted permit to enter in Zanzibar.

(3) Any captain, pilot, crew or passenger who refuses to be examined or inspected is guilty of an offence and shall not be permitted to enter in Zanzibar.

(4) Upon the recognition of unlawful entry of any vessel or traveler, the authority shall undertake thorough examination and or place him in isolation.

Vaccination of Persons Entering Zanzibar.

84.(1) Any person entering in Zanzibar whether by air or sea shall produce a certificate of vaccination against notifiable vaccine preventable diseases in line with international health regulation.

(2) Any person who does not comply with subsection (1) of this section shall be detained in isolation at his own cost for the duration of the disease incubation period.

(3) If the person fails to comply with sub section (2) of this section on the payment shall be deported to his previous destination immediately.

Emergency Vaccination.

85. In the occurrence or threatened outbreak of notifiable vaccine preventable diseases in any part of Zanzibar, the Director responsible for Public Health may require any person to be forthwith vaccinated or revaccinated who has or is suspected to have been in any way exposed to such diseases.

Vaccination Against Childhood Diseases.

86.(1) Every child born in Zanzibar shall be vaccinated against preventable childhood diseases as directed by the Director responsible for preventive services from time to time.

(2) A parent or guardian of a child shall ensure that his child complete an entire vaccination process as required.

(3) Any parent or guardian who denies the child the right to be vaccinated shall be guilty an offence.



- Certificate to be Given for Successful Vaccination. **87.** On ascertaining that the vaccination procedure has been performed successfully, an authorized officer, shall give a person a certificate in the prescribed form.
- Vaccination Costs. **88.** All vaccinations to be given for traveler shall be paid fee by the traveller as determined by the Director from time to time.
- Power of the Inspector to Visit Schools. **89.** During the outbreaks, the Inspector may visit school, and make therein inspection of the children as will enable him to furnish prescribed returns to the Director.
- Vaccination Costs for Childhood Vaccine Preventable Diseases. **90.** All vaccinations against childhood vaccine preventable diseases shall be provided free of charge.
- Power to Make Regulations for Notifiable Disease Prevention. **91.**(1) The Minister shall make regulations for:-
- (a) compelling and providing procedures for vaccination of persons to prevent diseases
 - (b) conferring powers and imposing duties in connection with the carrying out or enforcement of the provisions of this part;
 - (c) prescribing forms of certificate, notices, returns and books of records to be used in connection with public vaccination; and Prescribing fees for vaccination;
 - (d) as to the application and enforcement of the provisions of this part to persons entering Zanzibar any person to be forthwith vaccinated or revaccinated who has or is suspected to have been in any way exposed to notifiable infectious agent, area and for requiring where deemed necessary, the vaccination or revaccination of any person before so entering;
 - (e) measures to prevent infectious diseases.



PART VII
THE PREVENTION AND CONTROL OF VECTORS AND VERMINS
BORNE DISEASES

Premises to be Kept Free from Vector and Vermin.

92.(1) No person whether owner or occupier of premises shall be allowed to create environment for the breeding and or nurturing of vectors or vermin that may facilitate the spread of diseases.

(2) Research institutions and program shall apply to the Director for a special permit for breeding of specified animals, birds, and other species for research purposes.

(3) Any person who contravene subsections (1) and (2) of this Section shall be guilty of an offence and upon conviction shall be liable to a fine not more than one hundred thousand shillings or one month imprisonment or both.

(4) For the purpose of this section articles of domestic use may be deemed to be protected if emptied at sufficiently brief periods to prevent the propagation of vectors and vermin.

Prohibition of Rubbish in Dwellings.

93.(1) It shall be unlawful for the owner or occupier of any premises to keep any bottles, whole or broken whether fixed on walls or not, tins, shells, coconut - shells or any other rubbish or articles so situated or so placed as to be likely to retain water or facilitate the breeding of vectors and vermins.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and upon conviction shall be liable to a fine of fifty thousand shillings or fourteen days imprisonment or both.

Spraying and Fumigation for Disease Prevention.

94.(1) The Director in consultation with the Ministry responsible for Environment, Agriculture, Livestock and Fisheries and other relevant authorities shall allow fumigation, space spraying and other approved methods by using chemical and biological methods in any region, district, Shehia, village, individual house or houses for the purpose of controlling vector and vermin borne diseases.

(2) Any person who attempts to hinder or obstruct the exercise or humiliate a spraying operator, or supervisor or any involved personnel shall be guilty of an offence and upon conviction be liable to a fine not less than two hundred thousand shillings or one month imprisonment or both.



Cesspit
to be
Protected.

95. The owner or occupier of any premises upon, or attached to, which the water reservoirs, septic tanks shall cause such cesspit or water septic tanks water to be protected to the satisfaction of the Director or authorized officer, and in default he shall be liable to a fine not less than one hundred thousand shillings or imprisonment for seven days or both such fine and imprisonment.

PART VIII CEMETERIES

Establishment
of
Cemeteries.

96.(1) The authority in consultation with the Director and the Ministry responsible for land and other relevant authorities shall appoint and publish in the Gazette any place within the limits of any district to be used as a cemetery, and to appropriate any such cemetery or part thereof to be the place of burial of persons of any community, or religious denomination, and to appoint any persons or institution to be the managing authority thereof.

(2) Any person or community who contravenes the provision of sub section (1) of this section shall be guilty of an offence.

Prohibition
of
Establish-
ment of
Cemeteries
Without
Approval.

97. A person or any community or religious denomination shall not establish any cemetery within the limits of any district without the permission of the authority in consultation with the Director and relevant authority.

Use of
Family
Vaults.

98.(1) In any case where, before the coming into operation of this Act, it was customary and lawful for any family to use, within the limits of any district, a family vault or other place not being within a cemetery, as a place of burial of persons belonging to or connected with such family, the authority may in consultation with relevant authorities, if it thinks fit, authorize the head of such family to continue to use any such family vault for the purpose aforesaid under such conditions as may be prescribed.

(2) Every such family vault or place of sepulture shall for the purpose of this part be deemed to be an appointed cemetery.

The
Authority
May Set
Aside
Place to
be Used
as
Cemetery.

99.(1) The authority may in consultation with other relevant authorities within the district, by notice published in the Gazette, set aside any place as a cemetery.

(2) Where a cemetery is set aside under subsection (1) of this section, no person shall use such an area for burial purposes.



(3) Any person who, without a written permission of the authority buries anybody in contravention of subsection (2) of this section or any place other the declared under this part is guilty of an offence.

Closure of Cemetery.

100.(1) In case it appears to the Authority upon recommendations being made to him, that for the protection of the public and environmental health or for other good reason, burials in any cemeteries should be wholly discontinued or discontinued subject to any exceptions it shall be lawful for the Authority, by notice published in the Gazette, to order that after a time mentioned in such notice, burials in such cemetery shall be discontinued wholly or subject to any exceptions mentioned in such order.

(2) Any person who contravenes an order made under subsection (1) of this section is guilty of an offence and upon conviction shall be liable to a fine of three hundred thousand shilling or three month imprisonment or both.

Prohibition of Exhumation Without Permit.

101.(1) It shall not be lawful to exhume a body, or the remains of a body, which may have been buried in any cemetery, without a permit of the authority.

(2) Such permit shall be granted only to the legal personal representative or next of kin of the person buried.

(3) The process shall also involve the presence of a qualified medical practitioner.

(4) The director may prescribe such precautions as may deem fit as to the condition of the grant of such permit.

(5) Any person who shall exhume a body, or the remains of a body contrary to this Act, or who shall neglect to observe the precautions prescribed as the condition of the permit shall commit an offence and upon conviction shall be liable to a fine not less than three hundred thousand shillings or six months imprisonment or both.

Power of the Authority to Request for an Exhumation.

102. Whenever it shall be made to appear to the satisfaction of the authority that anybody has been buried contrary to the provision of this Act or whenever it shall deem expedient for the execution of any public works or for any public purpose to cause the removal of a body, or the remains of a body from any grave, it shall be lawful for the authority in consultation with the relevant authorities to order the exhumation of every such body or such remains, whether in particular cemetery or elsewhere, and by such order to direct re-burial in such place and manner as he shall think fit.



- Corpse Keeping in Domestic Settings. **103.** It shall be unlawful to keep or cause to be kept anybody unburied in domestic settings beyond the time of thirty six hours unless the time for such burial as specified shall have been extended for the purposes of examination or by the authority of the Director or examining medical practitioners.
- Burial Permits. **104.**(1) No burial of any person who has died in any district shall take place until a permit has been obtained from the Sheha or Medical Officer of Health.
- (2) If it appears that the death was caused by violence or any other unnatural cause, or by infectious diseases, the permit shall be withheld until the body has been examined by the medical officer of health.
- Permission for Cremation. **105.**(1) No person shall perform or engage in cremation of a dead body unless he receives a written permission from the authority.
- (2) The authority may allow cremation of dead body after being satisfied that cremation procedure stipulated by the law of the land has been followed.
- (3) Any person who performs cremation of dead body without prior permission of the authority is guilty of an offence and upon conviction shall be liable to a fine not less than three hundred thousand shillings or two month imprisonment or both.
- Regulations. **106.** The Minister may make regulations for: -
- (a) the control and management of cemeteries;
 - (b) digging and allotting of graves;
 - (c) the cremation of human remains;
 - (d) keeping of registers of cemeteries and crematoriums;
 - (e) mortuary specifications and standards;
 - (f) transportation of corpses;
 - (g) standards and specifications of funeral homes; and
 - (h) operations of mortuaries and funeral homes.



PART IX TOBACCO PRODUCTS AND ALCOHOL CONTROL

Restriction
on
Importation,
Sale and
Distribution.

107.(1) No person shall import, sell or distribute any tobacco product in Zanzibar unless the package containing health warning statement.

(2) The warning statement referred to in sub-section (1) shall be:-

- (a) in both the English and Kiswahili languages stating "SMOKING IS DANGEROUS TO YOUR HEALTH (UVUTAJI WA SIGARANI HATARI KWAAFYA YAKO)";
- (b) clearly and prominently printed on all the packages of the tobacco product comprising not less than 25% of the total surface area of the package; parallel to the top edge of the package and located on the upper portion of the front and rear panels of the package directly on the package underneath the cellophane or other clear wrapping;
- (c) displayed on a principal display surface in a manner to ensure that none of the words of the warning will be severed when the package is opened;
- (d) bear text that is black on a white background or white on a black background in a manner that contrasts by typography, layout or colour with all other printed material on the package.

(3) A person who sells or gives tobacco or tobacco product to any person less than 18 years of age is guilty of an offence and upon conviction shall be liable to a fine not less than three hundred thousands shillings or two month imprisonment or both.

(4) Any person who contravenes any of the provisions of subsections (1) and (2) of this section shall be guilty of an offence and upon conviction shall be liable to a fine not less than one million shillings or imprisonment for six months or both such fine and imprisonment.

Provided that if the seller is a retailer shall be liable to a fine of two hundred thousand shillings or one month imprisonment or both.



Restriction
on
Advertising.

108.(1) No person shall advertise any tobacco product unless such advertising:

- (a) contains the warning as stated in subsection (2) of section 107;
- (b) is, subject to paragraph (a), approved in writing by the Director.

(2) The warning referred to in sub-section (1) shall:-

- (a) be in the English and Kiswahili languages;
- (b) be clearly and prominently printed or broadcast in the language applicable; and
- (c) appear at the end of each broadcasted advertisement.

(3) Any person who contravenes the provisions of this section is guilty of an offence and upon conviction shall be liable to a fine not less than one million shillings or six month imprisonment or both.

Smoking
in Public
Places.

109.(1) No person shall smoke a tobacco product or hold a lighted tobacco product in an enclosed indoor area of a public place.

(2) Notwithstanding the provisions of Sub section (1), the Minister may by notice in the Gazette prohibit or restrict smoking in specified outdoor public spaces where persons are likely to congregate within close proximity to one another or where smoking may pose a fire or other hazard.

(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence and upon conviction shall be liable to a fine of two hundred thousand shillings or seven day imprisonment or both.

Display of
Signs in
Non-
smoking
Areas.

110.(1) The owner, occupier or manager of a public place or any public vessel in which smoking is prohibited under this Act shall post clearly eligible signs stating that smoking is prohibited.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and upon conviction be liable to a fine of two hundred thousand shillings or seven day imprisonment or both.



Alcohol Restriction. **111.**(1) No person shall engage a person aged less than 18 years in importing, selling or distributing any form of alcohol in Zanzibar.

(2) No person aged less than 18 years shall be allowed to buy any alcohol, visit bars, pubs and night clubs.

(3) A person who sells or gives alcohol to a another person of the age below 18 years, or commits any act in contravention of subsections (1) or (2) of this section is guilty of an offence and upon conviction shall be liable to a fine of two hundred thousand shillings or seven days imprisonment or both.

Restriction on Alcohol Advertisement.

112.(1) It shall be unlawful to advertise or to promote alcohol business.

(2) For the purpose of this section, to advertise includes using brochures, fliers, newspaper, radio, television or any other way of conveying information by electronic devises, sponsorship of events, sports or any activities, public advertisements and any other way aimed at conveying message to the public in Zanzibar.

(3) A person who contravenes the provisions of this section shall be guilty of an offence and upon conviction shall be liable to a fine of three hundred thousand shillings or fourteen day imprisonment or both.

PART X PORT HEALTH SERVICES

Establishment of Port Health Office.

113.(1) There shall be a health office in every legal point of entry for travelers to be headed by qualified health officer.

(2) The Port Health Officer shall have the following functions:-

- (a) to monitor baggage, cargo, containers, conveyances, goods and human remains departing and arriving from affected areas, so that they are maintained in such a condition that they are free of sources of infection or contamination, including vectors and reservoirs;
- (b) ensure sanitary facilities used by travelers at points of entry are maintained at optimal standards and kept free from sources of infection or contamination, including vectors and reservoirs;



- (c) be responsible for the supervision of disinfection, dissection or decontamination of baggage, cargo, containers, conveyances, goods and human remains or sanitary measures for persons, as appropriate under these Regulations;
- (d) to advise conveyance operators, as far in advance as possible, of their intent to apply control measures to a conveyance, and shall provide, where available, written information concerning the methods to be employed;
- (e) be responsible for the supervision of the removal and safe disposal of any contaminated water or food, human or animal dejects, wastewater and any other contaminated matter from a conveyance;
- (f) to take all practicable measures consistent with these regulations to monitor and control the discharge by ships of sewage, refuse, ballast water and other potentially disease-causing matter which might contaminate the waters of a port or other international waterway;
- (g) be responsible for supervision of service providers for services concerning travelers, baggage, cargo, containers, conveyances, goods, postal parcels and human remains at points of entry, including the conduct of inspections and medical examinations as necessary;
- (h) be responsible for the establishment of a well equipped observation and or isolation unit and ambulatory services;
- (i) to have effective contingency arrangements to deal with an unexpected public health event;
- (j) to do any other functions as instructed by the Director.

Powers
of Port
Health
Officer.

114.(1) The port health officer may at any time board any vessel and inspect any part thereof or anything therein, and may medically examine any person on board and require any such person to answer any question for the purpose of ascertaining whether or not infection exists or has recently existed on board.

(2) Any person who refuses to allow any such officer to board any vessel for inspection purposes or to make any inspection or medical examination as aforesaid, or



otherwise obstructs or hinders any such officer in the execution of his duty, or who fails or refuses to give any information which he may lawfully be required to give, or who gives false or misleading information to any such officer knowing it to be false or misleading, shall be guilty of an offence and upon conviction be liable to a fine not less than five hundred thousand shillings or imprisonment for period not less than two months or both.

Powers of
the
Minister to
Make
Rules.

115. The Minister may make rules:-

- (a) prescribing the powers and duties of port health officers and the procedure to be followed in the examination of, and the granting of pratique to vessels.
- (b) requiring every master of a vessel on arrival at any port or place in Zanzibar to furnish a declaration of health in respect of the existence or suspected existence on board, in any person, animal or thing, of any infectious disease, or any other disease.
- (c) prescribing the form of declaration, and empowering any port health officer or other duly authorized officer to require the master of any vessel to verify upon oath the statements in the declaration.
- (d) requiring the master to declare to the best of his knowledge the presence or suspicion of the presence on board his vessel of a person suffering from an infectious or contagious disease;
- (e) requiring the master to declare if he has recently docked at any port or place which is a proclaimed place or reported to have documented formidable epidemic disease;
- (f) prescribing the measures which shall be taken for the disinfection of, or the destruction of rodents or insects in vessels, the disposal of bilge or other water on board, the cleansing of vessels, the provision of a supply of pure water on board, and for preventing the pollution of the water of the port with excreta and manure or any infective or offensive matter;
- (g) as to the grant, refusal or withdrawal of pratique to vessels and the detention in quarantine of vessels having or suspected of having on board any person, animal or thing, presence of persons and or suspects of infectious diseases;



PART XI GENERAL PROVISIONS

Owner of Premises Need not to be Otherwise Designated.

116. Whenever in any proceeding under this Act, whether written or otherwise, it shall become necessary to mention or refer to the owner of any premises, it shall be sufficient to designate him as the owner of such premises without name or further description.

Informalities and Errors in Documents Not to be Deemed to Invalidate Such Documents.

117. No such informality, clerical error, omission or other defect shall be deemed to render the notice or other document invalid or illegal, if the provisions of this Act and of the regulations made thereunder have in substance and effect been complied with.

Service of Notice etc.

118.(1) It shall be sufficient in all cases where any notices, orders or other documents are required to be given to, or served on, or delivered to the owner or occupier of any premises, to address the same to such "owner" or "occupier" (as the case may be) of the premises (naming them) in respect of which such notices, orders or other documents are to be given, served or delivered, without further name or description and if required or authorized to be given, served, or delivered, under this Act such notices, orders or other document may be given, served, or delivered, by delivering the same or a true copy thereof to or at the residence of the person to whom they are respectively addressed, or where addressed to the "owner" or "occupier" thereof to some person on the premises, or

(2) If there is no person on premises who can be served, by fixing the same on some conspicuous part of the premises, and they may also be served by sending the same through Sheha of the Shehia who will sign on dispatch before handling over, otherwise through notice advertized in local newspapers.

Default in Compliance with Notice, and General Penalty Compliance.

119.(1) When any notice under this Act requires any act to be done or work to be executed by the owner or occupier of any premises, and default is made in complying with the requirements of such notices, the person in default shall, where no fine is specially provided for such default, be liable to a fine not less than five hundred thousand shillings.

(2) When any such notice requires any act to be done or work to be executed for which no time is fixed by this Act, a reasonable time for complying with the requirements shall be fixed.



Recovery of Incurred Costs and Expenses.

120. Where the Director has incurred costs or expenses, for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable under this Act or by any agreement with such Director, such costs or expenses may be recovered from such owner.

Compensation.

121. The owner of any premises, article or thing damaged or destroyed, or of any animal destroyed under any order made or powers exercised in pursuance of this Act, in relation to any matter as to which he is not himself in default, shall be entitled to be compensated by the Director.

Proceeding Not to be Abated by Reason of Death.

122. Proceedings under this Act against several persons included in one complaint shall not abate by reason of the death of any of the persons so included, but all such proceedings may be continued against the survivor or survivors as if such deceased person or persons had not been so included.

Penalty for Obstructions.

123. Any person who:-

- (a) fails to give or refuses to admit any Inspector or authorized officer into or upon any building, land or premises; or
- (b) obstructs or hinders any such Inspector or authorized officer or person in the execution of his duties under this Act or any regulations made thereunder; or
- (c) forged or fails or refuses to give information that he may lawfully be required to give to such Inspector or authorized officer; shall commit an offence.

Court may Grant Warrant.

124.(1) If a Court is satisfied by information on oath:-

- (a) that there is reasonable ground for the entry into or upon any premises on the part of the Inspector or authorized officer, and that there has been a refusal or failure to admit to such premises as provided in section 123 and either that reasonable notice of the intention to apply to a court for a warrant has been given or that the giving of notice would defeat the object of the entry; or
- (b) that there is reasonable cause to believe that on the said premises contravene with the provisions of this Act or of regulations made



thereunder and that an application for entrance , or notice of an application for the warrant, would defeat the object of the entry;

Provided that the court may, by warrant under his hand, empower the Inspector or authorized officer, as the case may be, to enter into or upon the premises, and if needed by force, with such assistants as he may require, and there execute his duties under this Act.

(2) Any person obstructing the execution of any such warrant commits an offence and shall be liable to imprisonment for a term not less than three months, or to a fine not less than five hundred thousand shillings or to both such fine and imprisonment.

(3) The warrant shall continue in force until the purpose for which the entry is necessary has been satisfied.

General
Penalty.

125. Any person who found guilty of any offence against or contravention of, or default in complying with, any provision of this Act or any regulations made hereunder, shall, if no penalty is expressly provided for such offence, contravention or default, shall be liable upon conviction to a fine of five hundred thousand shillings or to imprisonment for a term three months or to both such fine and imprisonment.

Co-
operation
with Police.

126.(1) The Commissioner of Police of Zanzibar shall, as far may be, cooperate with the Director in carrying out the enforcement of the provisions of this Act.

(2) It shall be the duty of every police officer in any district to communicate without delay to the Director any information which he receives of the suspect who wants to commit or of the commission of any offence against this Act or against any regulations made thereunder and to assist the Director or other authorized person reasonably demanding his aid for the lawful exercise of any power vested in him under this Act.

Punishment
Without
Prosecution.

127.(1) Where an authorized officer has reason to believe that any person is committing or has committed an offence under this Act he may give him prescribed notice in writing offering the opportunity of discharge of any liability to conviction of that offence by payment of a spot penalty, and no person shall then be liable to be convicted of that offence if the spot penalty is paid in accordance with this section before the expiration of seven days next following the date of the notice or before the date on which proceeding have began whichever event first occur.

Provided that if the offender is not a resident of Zanzibar, the spot penalty shall be paid immediately.



(2) Where a person is given a notice under this section, proceeding shall not be taken against such a person by any authorized officer until after expiry of seven days next following the date of the notice.

(3) Payment of a spot penalty under this section shall be made to the authorized officer who shall issue a receipt for the paid amount.

(4) A sum paid by way of spot penalty shall be treated as if they were fines imposed in conviction for that offence.

(5) A notice under subsection (1) of this section shall specify the offence alleged and give such particulars of the offence as is necessary for giving reasonable information of the alleged offence, and shall state also the period during which will not be taken for the offence the amount of the spot penalty, and the officers to whom and the address at which the spot penalty may be paid.

Public and
Environmental
Health
Advisory
Council.

128.(1) There is hereby established Public and Environmental Health Advisory Council.

(2) The council shall be composed of the chairman who shall be appointed by the President, and the following members appointed by the Minister:-

- (a) Director;
- (b) Director for environment as recommended by the Minister responsible for Environment;
- (c) Senior Health Officer as recommended by the Minister responsible for Local Governments;
- (d) Senior Officer from Water Department as recommended by the Minister responsible for Water;
- (e) Director for Municipal Council;
- (f) State Attorney as recommended by Attorney General;
- (g) One member from private sector on account of his distinguished expertise in environmental or public health;

(3) The Minister shall appoint a senior officer from the Ministry to be the secretary to the Advisory Council.



Functions
of the
Advisory
Council.

129.(1) The Advisory Council shall generally be responsible to advise the Minister on all matters necessary for protection, promotion and improvement of public and environmental health.

(2) Without prejudice to the generality of the provisions of subsection (1), the Advisory Council shall undertake the following functions:-

- (a) to identify emerging public and environmental health concerns and advise on appropriate interventions;
- (b) to advise an effective advocacy and public awareness programs necessary for improved health compliance;
- (c) to advise on appropriate law enforcement measures to make the existing laws effective;
- (d) to advise the Minister on appropriate regulations, policies, and institutional framework for the enforcement of public and environmental health;
- (e) to serve as a forum for exchange of information and experience between sectors both in public and private sector;
- (f) to coordinate rationalization and streamlining of policies, laws and other interventions for effective enforcement of public and environmental health.

(3) The Secretary to the Advisory council shall be responsible for all secretariat service of the Advisory Council.

Regulations.

130.(1) The Minister may, in consultation with other relevant authorities, make regulations for the better carrying out of the purposes of this Act.

(2) Without prejudice to the generality of the subsection (1) of this section, the Minister may make regulations prescribing for:-

- (a) registration of laundries and their proper management and Control;
- (b) registration of common lodging houses and their proper management and control;



- (c) registration, control and management of house let in lodgings, communal rest houses, let in lodgings, and premises in which persons of the laboring, artisan or mechanic class are housed by their employers;
- (d) detection, prevention and treatment of any disease specified by him;
- (e) ventilation, lighting and cleanliness of factories and workshops, and generally for the welfare of the workers therein;
- (f) cleanliness and disinfection of the premises;
- (g) instruments, appliances and furniture used in or in connection with the business of a beauty salon;
- (h) restriction and control of the conduct of offensive trades in any area thereof;
- (i) electronic waste management;
- (j) occupational health and safety; and
- (k) any matter or thing which is required or permitted to be regulated for better carrying on or for the effectiveness of the provisions of this Act.

(3) The power of the Minister to make regulations under this Act shall include a power to impose permit and registration fees.

PASSED in the House of Representatives of Zanzibar on 11th day of October, 2012.

{ YAHYA KHAMIS HAMAD }
CLERK OF THE HOUSE OF REPRESENTATIVES
ZANZIBAR