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S.I. 2024 No.

**HEALTH SERVICES (NUISANCES)
REGULATIONS, 2024**

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Health Services Act

CAP. 44

**HEALTH SERVICES (NUISANCES)
REGULATIONS, 2024**

The Minister, in exercise of the powers conferred on him by section 10(1)(f) of the *Health Services Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Health Services (Nuisances) Regulations, 2024*.

Definitions

2.(1) In these Regulations,

“agricultural land” has the meaning assigned to it in section 2(1) of the *Land Tax Act*, Cap. 78A;

“Relief Board” means the Land Taxation Relief Board established by section 18 of the *Land Tax Act*, Cap. 78A;

“Chief Environmental Health Officer” means the person assigned to the post of Chief Environmental Health Officer, Ministry of Health and Wellness, as established in the *Public Service (General) Order, 2020* (S.I. 2020 No. 41);

“Environmental Health Officer” means the person assigned to the post of Environmental Health Officer, Ministry of Health and Wellness, as

established in the *Public Service (General) Order, 2020* (S.I. 2020 No. 41);

“officer” means the person assigned to the post of

- (a) Environmental Health Officer I, Ministry of Health and Wellness; or
 - (b) Environmental Health Officer II, Ministry of Health and Wellness,
- as established by the *Public Service (General) Order, 2020* (S.I. 2020 No. 41);

PART II

NUISANCES

Nuisances under health regulations

3.(1) For the purposes of these Regulations and in addition to nuisances specified in regulations 4 and 6, any

- (a) act not authorised by law;
- (b) failure to discharge a legal duty; or
- (c) contravention of the provisions of any other regulations made under the *Health Services Act, Cap. 44*,

of which the act, the failure or the contravention prejudicially affects or is liable to prejudicially affect public health or safety is deemed to be a nuisance.

(2) No person shall commit a nuisance or permit a nuisance referred to in this regulation.

General nuisances

4.(1) For the purposes of these Regulations, on any premises the following are deemed to be nuisances:

- (a) any place, matter, thing, deposit or accumulation of liquid or solid matter that is full, in such a state, or so placed, made or left as to be insanitary, injurious or dangerous to health or likely to become so;
- (b) the existence of
 - (i) flies, mosquitoes or other insects capable of transmitting or causing disease;
 - (ii) bed bugs, cockroaches or other vermin;
 - (iii) mice or rats;
- (c) the existence of any condition, matter or thing which in the opinion of an officer provides or may provide food or harbourage or acts as a breeding place for
 - (i) insects capable of transmitting or causing disease; or
 - (ii) vermin or rodents;
- (d) any grass, bush or weeds which are more than 2 feet in height;
- (e) the presence of branches, tree trunks or uprooted tree stumps which have been cut and accumulated which constitutes a health and safety hazard or which can block a watercourse;
- (f) the presence of empty bottles, broken or otherwise, empty tins, coconut shells, uncovered barrels, boxes or any other thing which may serve as a receptacle for water which creates a breeding place for mosquitoes or other insects capable of transmitting or causing disease;
- (g) any sanitary convenience which is not properly constructed or maintained;

- (h) any discharge, except in accordance with a permit granted by the Minister or the Chief Environmental Health Officer of any industrial waste or other noxious matter on to any beach, into the sea or into any river, ravine, watercourse, pond, ditch, drain or other place;
 - (i) any stack which emits smoke or grit in such quantity or of such density so as to be prejudicial or injurious to public health;
 - (j) any serious disregard for general maintenance or upkeep of premises so as to be prejudicial or injurious to public health; and
 - (k) any water supply system in such a condition that the water passing through, when used for domestic purposes can be injurious to health.
- (2) No person shall
- (a) commit a nuisance referred to in this regulation;
 - (b) aid or abet another person to commit a nuisance referred to in this regulation; or
 - (c) being the owner or occupier of any premises, permit a nuisance referred to in this regulation to continue on the premises.

Application for exemption

- 5.(1) Notwithstanding regulation 7, an owner or occupier of premises may at any time, in writing, apply to the Relief Board for an exemption from regulation 4.
- (2) An owner or occupier may be exempted on grounds of hardship.
- (3) An application made pursuant to paragraph (2) shall state the reasons for the application and shall contain any documentation or other information relied upon in support of the application.
- (4) Where an application is received pursuant to this regulation, the Relief Board shall respond in writing to the application within 7 days of receipt of the application.

- (5) Where the Relief Board approves an application, the Relief Board may state terms and conditions concerning the maintenance of the premises.
- (6) Where an owner or occupier is served with
- (a) a contravention notice in accordance with regulation 8; or
 - (b) an administrative penalty notice in accordance with regulation 9,
- and thereafter he applies for and is granted by the Relief Board an exemption in respect of the nuisance committed, the contravention notice or administrative penalty notice shall be null and void.
- (7) Where the Relief Board does not approve the application, the Relief Board shall, in writing, notify the applicant of its determination and state the reasons for the determination.

Derelict buildings etc.

- 6.(1) A building or structure on premises which is in a derelict condition so as to be insanitary, injurious or dangerous to health or likely to become so is deemed to be a nuisance.
- (2) No person, being the owner or occupier of any premises, permit a nuisance referred to in this regulation.
- (3) Notwithstanding paragraphs (1) and (2) and regulation 7, an owner or occupier may, in writing, apply to the Relief Board for an exemption from this regulation.
- (4) Subject to paragraph (3), an owner or occupier may be exempted on grounds of hardship.
- (5) An application made pursuant to paragraph (3) shall state the reasons for the application and shall contain any documentation or other information relied upon in support of the application.

(6) Where an application is received pursuant to this regulation, the Relief Board shall respond in writing to the application within 7 days of receipt of the application.

(7) Where the Relief Board does not approve the application, the Relief Board shall, in writing, notify the applicant of its determination and state the reasons for the determination.

PART III

ADMINISTRATIVE PENALTIES

Administrative penalties

7.(1) A person who

- (a) contravenes a regulation appearing in the first column under the heading “Regulation” of the *First Schedule*; and
- (b) fails to comply with a contravention notice under regulation 8,

shall pay to the Chief Environmental Health Officer the administrative penalty in the second column appearing opposite thereto under the heading “Administrative Penalty”.

Contravention notice

8.(1) Where a person contravenes a regulation specified in the *First Schedule*, an officer shall first serve a contravention notice, in such form as the Chief Environmental Health Officer determines, to the person.

(2) The notice referred to in subparagraph (1) shall

- (a) specify the regulation which has been contravened;
- (b) specify the nature of the act constituting the contravention; and

- (c) require a person in contravention of the specified regulation to remedy the contravention within a period specified by the Chief Environmental Health Officer, such period not exceeding 21 days.
- (3) An administrative penalty shall be imposed where a person fails to remedy the contravention within 21 days of the date of the contravention notice.

Administrative penalty notice

- 9.(1) Subject to regulation 7 where a person contravenes a regulation specified in the *First Schedule*, an officer shall serve an administrative penalty notice, in such form as the Chief Environmental Health Officer determines, to the person.
- (2) An administrative penalty notice shall specify
 - (a) the regulation which has been contravened;
 - (b) the nature of the act constituting the contravention; and
 - (c) the penalty to be paid.
 - (3) The penalty shall be paid to the Chief Environmental Health Officer within 30 days of the date of the administrative penalty notice.
 - (4) A person who is in receipt of an administrative penalty notice shall pay the penalty to the Chief Environmental Health Officer on or before the date specified in the administrative penalty notice.
 - (5) A person in receipt of an administrative penalty notice shall pay a further penalty, as set out in the *Second Schedule*, to the Chief Environmental Health Officer for every day or part thereof for which the contravention is continued.

PART IV

APPEALS

Appeals

10.(1) Where the Relief Board does not approve an application made pursuant to regulation 5 or 6(3), the relevant applicant may appeal to the High Court.

(2) The decision of the High Court in respect of an appeal made under paragraph (2) shall be final.

(3) A person who receives an administrative penalty notice pursuant to regulation 9 may, within 14 days of receipt of the notice, appeal to the Relief Board.

(4) An appeal shall

(a) be made in such form as the Relief Board determines; and

(b) state the grounds on which the appeal is based.

(5) A person shall submit with the appeal any documentation or other information relied upon in support of the appeal.

(6) Where the Relief Board receives an appeal in accordance with this regulation, it shall

(a) make a determination within 21 days of receipt of the appeal; and

(b) in writing, notify the applicant of the determination.

(7) Subject to paragraph (3), the Relief Board may

(a) impose the administrative penalty;

(b) mitigate or remit the administrative penalty; or

(c) revoke the administrative penalty and declare the administrative penalty notice to be null and void.

(8) A person who is aggrieved by a decision of the Relief Board made in accordance with this regulation may, within 14 days of receipt of the decision, appeal to the High Court.

(9) The decision of the High Court in respect of an appeal made under paragraph (8) shall be final.

PART V

MISCELLANEOUS

Specified regulations to bind the State

11. Regulations 4 and 6 bind the State.

Revocation

12. The *Health Services (Nuisances) Regulations, 1969* (S.I. 1969 No. 159) are revoked.

FIRST SCHEDULE*(Regulations 7(1), 8(1) and 9(1))**Administrative Penalties*

Regulation	Administrative Penalty for Contravention of Regulation \$
Regulation 3(2)	300
Regulation 4(2)	300
Regulation 6(2)	300

SECOND SCHEDULE*(Regulation 9(5))**Administrative Penalties For Continuing Contravention*

Regulation	Administrative Penalty for Continuing Contravention \$
Regulation 3(2)	10 per day
Regulation 4(2)	10 per day
Regulation 6(2)	10 per day

Made by the Minister this day of , 2024.

Minister responsible for Health