



ANNO VICESIMO SEXTO

# GEORGII V REGIS.

A.D. 1935.

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## No. 2238.

An Act to consolidate certain Acts relating to public health.

[Assented to, 19th December, 1935.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

### PART I. PRELIMINARY.

### PART I.

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|---|---------------------|
| <p>1. This Act may be cited as the " Health Act, 1935 ".</p>  | Short title.        |
| <p>2. This Act is a consolidation of the Acts mentioned in the first schedule, and the said Acts are hereby repealed to the extent therein mentioned.</p>   | Consolidation       |
| <p>3. The provisions of this Act are arranged as follows :—</p> <p style="margin-left: 2em;">PART I.—Preliminary.</p> <p style="margin-left: 2em;">PART II.—The Central Board.</p> <p style="margin-left: 2em;">PART III.—Local Boards.</p> <p style="margin-left: 2em;">PART IV.—County Boards—</p> <p style="margin-left: 4em;">DIVISION I.—General :</p> <p style="margin-left: 4em;">DIVISION II.—The Metropolitan County Board.</p> <p style="margin-left: 2em;">PART V.—Officers.</p> | Arrangement of Act. |

## PART I.

*Health Act.—1935.*

PART VI.—Insanitary Conditions and their Removal.

PART VII.—Reports and Inquiries.

PART VIII.—Sanitation—

DIVISION I.—Air :

DIVISION II.—Food :

DIVISION III.—Premises.

PART IX.—Infectious Diseases.

PART X.—Regulations.

PART XI.—Miscellaneous.

Interpretation,  
711, 1898,  
ss. 5 and 90.  
2217, 1935,  
s. 2.

4. In this Act, and in all proceedings thereunder, except where some other meaning is clearly intended—

“ Act ” includes regulations :

“ Central Board ” means the Central Board of Health :

“ cesspool ” means any receptacle for nightsoil or liquid refuse :

“ district ” means the area within the jurisdiction of a local board :

“ drain ” means a drain used solely in connection with any building or premises within the same curtilage, and “ sewer ” means every other drain and sewer :

“ infectious disease ” means—

(a) any disease included in the second schedule ; and

(b) any other disease which the Governor by proclamation declares to be an infectious disease :

“ local board ” means a local board of health, and “ the local board ” means the local board of health of the particular district :

“ metropolitan local boards ” means—

(a) the municipal councils of Adelaide, Brighton, Burnside, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Prospect, St. Peters, Thebarton, Port Adelaide, Unley, and Woodville ;

(b) the district councils of Campbelltown, Enfield, Marion, Mitcham, Payneham, Walkerville, and West Torrens ;

(c) the Garden Suburb Commissioner ; and

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## PART I.

(d) such other local boards as the Governor by proclamation declares to be metropolitan local boards :

“ offensive trade ” means—

- (a) every trade, business, process, or manufacture carried on in any candle-house, melting-house, soap-house, fellmongery, tannery, or slaughterhouse, or in any building or place for boiling meat, offal, or blood, or for boiling, burning, or crushing bones :
- (b) every trade, business, process, or manufacture carried on so as to cause offensive effluvia :
- (c) every trade, business, process, or manufacture whereby lead, or other poisoning may be caused :
- (d) the trades and businesses of hide and skin drying, rag sorting, and flock making :
- (e) any trade, business, process, or manufacture declared by proclamation to be an offensive trade :

“ owner ” includes every person for the time being entitled, either on his own or on any account, to the receipt of any rent or profit of the premises referred to :

“ public place ” includes every place to which the public ordinarily have access :

“ private place ” means every place other than a public place :

“ water supply ” includes any river, stream, water-course, creek, swamp, waterhole, well, tank, or reservoir.

5. (1) The Governor may from time to time by proclamation declare any disease to be an infectious disease.

(2) The Governor may from time to time by proclamation declare that any disease (whether defined as an infectious disease by section 4 or proclaimed as such by proclamation) shall cease to be an infectious disease. Any such disease may subsequently be again proclaimed as an infectious disease.

(3) The Governor may from time to time by proclamation declare any trade, business, process, or manufacture to be an offensive trade.

(4) The Governor may from time to time by proclamation declare that any trade, business, process, or manufacture (whether defined as an offensive trade by section 4 or proclaimed

Infectious  
diseases and  
offensive  
trades.  
2217, 1935, s. 3.

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as such by proclamation) shall cease to be an offensive trade. Any such trade, business, process, or manufacture may subsequently be again proclaimed as an offensive trade.

Alternative  
procedure.  
711, 1898, s. 6.

**6.** In all cases where this Act, and any other Act, not hereby repealed, contain provisions for effecting the same or a similar object, but in different modes, proceedings may be had under either Act.

Other  
procedure  
not affected.  
711, 1898 s. 7.

**7.** Nothing in this Act shall affect any power of proceeding by indictment, complaint, or information, or take away or affect any other remedy under any other Act or otherwise.

Saving.  
711, 1898, s. 8.

**8.** Nothing in this Act shall affect any powers conferred upon the Commissioner of Sewers or the Central Board by the Sewerage Act, 1929, or limit the effect of any Act relating to factories or lodging-houses.

Public  
buildings  
subject to  
this Act.  
711, 1898,  
ss. 9 and 10.

**9.** (1) Premises owned or occupied by the Government or by public bodies shall be subject to the provisions of this Act in the same manner as if they were owned or occupied privately.

(2) The officer having the use or control of any such premises shall be liable for any breach of the provisions of this Act as if he were the actual owner or occupier of the premises.

Minister.  
711, 1898,  
s. 11.

**10.** The Chief Secretary shall be the Minister of Health.

**PART II.****PART II.****THE CENTRAL BOARD.**

Central Board.  
711, 1898,  
s. 12.

**11.** The Central Board shall be charged with the execution of this Act for securing the proper sanitary condition of the State.

Constitution  
of Central  
Board.  
711, 1898,  
s. 13.

**12.** The Central Board shall consist of a chairman appointed by the Governor and four other members, two of whom shall be appointed by the Governor and two shall be elected as hereinafter provided. At least one of the members shall be a legally qualified medical practitioner.

Quorum, etc.  
711, 1898,  
s. 14 (part).

**13.** (1) A quorum shall consist of any three members.

(2) If the chairman is not present within five minutes after the time for which any meeting has been convened, any three members present may elect one of their number to be chairman for that meeting until the permanent chairman arrives.

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## PART II.

(3) Every chairman shall have a deliberative vote, and also a casting vote in case of equality of voting.

14. The chairman of the Central Board shall be the permanent head of the department.

Permanent head.  
711, 1898,  
s. 14 (part).

15. Before the first day of February, nineteen hundred and thirty-seven, and before the first day of February in every second year thereafter, nominations of candidates willing to act as representatives on the Central Board may be made by the constituent boards to the Chief Secretary.

Nominations.  
711, 1898,  
s. 15.

16. The names of persons so nominated shall be forwarded to the constituent boards, who may, before the first day of March in that year, each vote for a representative from persons so nominated, and advise the Chief Secretary of their vote.

Voting.  
711, 1898,  
s. 16.

17. (1) The elective members of the Central Board shall be elected as follows :—

Representative members of Central Board.  
711, 1898,  
s. 17.  
2217, 1935,  
ss. 4 and 5.

I. (a) One member shall be elected by the metropolitan local boards :

(b) The other member shall be elected by all the other local boards :

II. In the month of March following every biennial election, and so soon as practicable after each extraordinary election, the Chief Secretary shall, by notice in the *Government Gazette*, declare the names of the persons elected, and the notice shall be conclusive evidence of the election :

III. When the seat of any elective member becomes vacant from any cause whatever other than by effluxion of time, the vacancy shall be filled up by an extraordinary election of a new member, to hold office only for the unexpired portion of the term of his predecessor. On the happening of the vacancy the Chief Secretary shall notify the constituent boards and fix a date not less than six weeks thereafter for such boards to advise him of their votes. If any such vacancy occurs within three months of the time when the seat would become vacant by effluxion of time, the Chief Secretary may, in his discretion, not hold an election to fill the vacancy and in such case the seat shall be filled at the next biennial election :

IV. In the case of equality of votes amongst the constituent boards the Chief Secretary shall have a casting vote.

**PART II.***Health Act.—1935.*

(2) If at any election for a member only one candidate is nominated, the candidate nominated shall be deemed to have been elected and no vote shall be taken.

Term of office.  
711, 1898,  
s. 18.

**18.** The elective members shall hold office until notification of the election of their successors.

Recovery of  
expenses and  
penalties.  
711, 1898,  
s. 19.

**19.** All reasonable expenses incurred by the Central Board in carrying out any duty imposed on or in exercising any power vested in any local board shall be paid by and recovered from the local board in any case where the expense incurred was due to the neglect of the local board.

Powers of  
Central Board.  
711, 1898,  
s. 20.

**20.** Any powers which a local board and its officers may exercise with respect to its particular district may be exercised by the Central Board and its officers with respect to the whole State.

Access to all  
papers of local  
boards.  
711, 1898,  
s. 21.

**21.** The Central Board shall have access to all papers and things whatsoever belonging to or in the custody of any local board.

Appointment  
of officers.  
711, 1898,  
s. 22.

**22.** The Governor may appoint such officers of the Central Board as he may deem necessary.

**PART III.****PART III.****LOCAL BOARDS.**

Constitution  
of local boards.  
711, 1898,  
s. 23.

**23.** (1) Every municipal council shall be the local board of health for its municipality.

(2) Every district council shall be the local board of health for its district council district.

Duties of  
local board.  
711, 1898,  
s. 24.

**24.** Every local board shall be charged with the due execution of this Act for securing the proper sanitary condition of its district, and in particular shall abide by and carry out all such directions as it shall receive in that behalf from the Central Board.

Power of local  
board to  
establish  
committee.  
2156, 1934,  
s. 891 (2).

**25.** (1) The local board may—

(a) appoint a committee or committees of its members :

(b) delegate to any such committee such of the powers and duties of the local board under this Act as the local board thinks fit :

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## PART III.

- (c) pass such resolutions as the local board thinks fit for the guidance of any such committee :
- (d) remove any members of any such committee and appoint in the stead of them, or any of them, other members of the local board :
- (e) fix the quorum (which shall be not less than three members) of any such committee.
- (2) The proceedings of a committee shall, unless otherwise ordered by the local board, require the approval of the local board.
- (3) No expenditure or payment or contract to expend or pay any sum of money exceeding twenty pounds, made by a committee, shall be lawful or valid unless the expenditure, payment, or contract is afterwards approved or ratified by the local board.
- (4) A committee appointed under this Act may (subject to any resolution passed by the local board) meet from time to time and adjourn as the committee thinks fit, but no business shall be transacted at any meeting of the committee unless three members are present.
- (5) At the first meeting of any committee one of its members shall be appointed chairman of the committee and all questions in committee shall be determined by a majority of votes of the members present. The chairman of the committee shall have a deliberative vote and a casting vote also.
- (6) The chairman of the local board shall be *ex officio* a member of every committee of the local board.

**26.** Except where otherwise specially directed, all expenses, penalties, and fees recovered by any local board, and the proceeds of the sale of any refuse and other like matter, shall be paid over to and applied by the local board for the purposes of this Act.

Expenses,  
penalties, etc.  
711, 1898,  
s. 26.

**27.** Every local board shall keep separate accounts of its revenue and expenditure and minutes of its proceedings.

Separate  
accounts.  
711, 1898,  
s. 27.

**28.** The moneys required by a local board for the purposes of this Act shall be provided out of the general rate declared under the Local Government Act, 1934, for the purposes of the municipality or district council district comprised within the district of the local board.

Expenditure.  
2156, 1934,  
s. 891 (3).

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## PART IV.

## PART IV.

## COUNTY BOARDS.

## DIVISION I.

## DIVISION I.—GENERAL.

Creation of  
county boards.  
711, 1898,  
s. 29.

**29.** The Governor may, by proclamation, upon the request of all the local boards affected, declare any two or more contiguous districts to be a county district designated by some distinctive name.

Proclamation  
of county  
board.  
711, 1898,  
s. 30.

**30.** Upon the proclamation of any county district a county board of health, consisting of not less than three members, shall be constituted for the district in manner prescribed by the proclamation.

Election of  
members and  
auditors of  
county boards.  
711, 1898,  
s. 31.

**31.** Local boards forming a county district shall elect the members of the county board in the same manner as elective members of the Central Board are elected, and they shall hold office for a like period, except for the first year, when one-half shall retire by lot, and subsequently one-half shall retire annually.

Chairman.  
711, 1898,  
s. 32.

**32.** At the first meeting of the county board after it is constituted, and after each annual election, the members thereof shall elect one of their number to act as chairman, who shall hold office for one year.

Auditors.  
711, 1898,  
s. 33.

**33.** Local boards forming a county district shall elect two auditors, holding office for two years, except for the first year, when one shall retire by lot.

Accounts.  
711, 1898,  
s. 34.

**34.** County boards shall cause the accounts to be balanced and an abstract of the receipts and expenditure prepared for each half-year ending on the last day of the months of June and December, and shall publish in the *Government Gazette* within one month of the yearly audit in January an abstract of the receipts and expenditure as allowed by the auditors. Copies of the abstract shall be sent to all local boards forming the county district.

Powers and  
duties.  
711, 1898,  
s. 35.

**35.** Upon the constitution of any county board by proclamation—

(a) all the powers, duties, and liabilities vested in or imposed on the local boards in the county district shall be vested in and imposed on the county board, and shall, except as to the powers mentioned in the next section, cease to be exercised by the local boards:

(b) the county board shall, in addition, have power to establish and carry on chemical and bacteriological laboratories.



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DIVISION I.

**36.** Subject to section 46, the county board may require any local board within the county district to pay to the county board such portion of the amount of any general rate declared and levied pursuant to the Local Government Act, 1934, as is necessary for the purposes of the county board under this Act.

Revenue.  
2156, 1934,  
s. 891 (4).

**37.** County boards shall meet at least once in each month.

Meetings.  
711, 1898,  
s. 37.

**38.** The Governor by proclamation may—

(a) add to a county district any contiguous local board :

(b) remove from any county district any local board.

Local boards  
may be added  
or removed.  
711, 1898,  
s. 38.

**39.** All or any of the provisions of section 35 may be modified by proclamation.

Powers of  
Governor.  
711, 1898,  
s. 39.

## DIVISION II.—THE METROPOLITAN COUNTY BOARD.

## DIVISION II.

**40.** In this Division, and in all proceedings under this Division, except where some other meaning is clearly intended—

Interpretation.  
1063, 1911,  
s. 3.  
2217, 1935,  
s. 11.

“ animal ” includes mammal, fish, fowl, crustacean, mollusc, and any animal used as food :

“ drug ” includes any substance used for or in the composition or preparation of medicine, whether for internal or external use, and also any preservative, antiseptic, disinfectant, deodorant, narcotic, or cosmetic, and any laundry or toilet soap intended for sale to the public by retail, and absorbent cotton wool, and surgical dressings :

“ food ” includes any article used for food or drink by man, other than drugs, and any article which ordinarily enters into or is used in the composition or preparation of human food, and also flavouring matters, condiments, and confectionery :

“ metropolitan county district ” means the metropolitan area as defined by section 5 of The Food and Drugs Act, 1908, including all districts before or after the passing of this Act declared by proclamation under that Act to be within the metropolitan area.

**41.** The metropolitan county district is hereby declared to be a county district under this Act, under the name of “ The Metropolitan County District ”.

Metropolitan  
county  
district.  
1063, 1911,  
s. 4.

**42.** (1) The county board constituted under The Food and Drug Act, 1908, for the metropolitan area under the Act is hereby declared to be a county board under this Act, and shall be the county board for the metropolitan county district.

Metropolitan  
county board.  
1063, 1911,  
s. 5.

Notwithstanding anything in this Act, the members of the first-mentioned county board shall, by virtue of their offices as such members, be the members of the county board hereby declared to be constituted.

(2) Section 16 of The Food and Drugs Act, 1908, shall apply to and in respect of the said county board to the same extent as if the county board hereby constituted were constituted by proclamation under this Act.

Certain  
functions of  
local boards  
vested in the  
metropolitan  
county board.  
1063, 1911,  
s. 6.

**43.** (1) Notwithstanding anything to the contrary in this Act contained, all the powers, duties, and liabilities vested in or imposed on the several local boards in the metropolitan county district by this Act, with reference to the following matters, namely :—

- I. Any land or premises or any public place whereon or wherein—
  - (a) any animal is sold or slaughtered, or is offered or exposed for sale or slaughter, or is being prepared or stored or kept for sale or slaughter, for human consumption ;
  - (b) any article of food or drug is sold or offered or exposed for sale, or is deposited, stored, or delivered for the purpose of sale or of preparation for sale, for human consumption ;
  - (c) any animal which, or the produce of which, is used or is capable of being used as an article of food for human consumption, is fed, housed, or kept, whether temporarily or otherwise ; or
  - (d) any person is engaged in the production of an article of food or drug to be sold or offered or exposed for sale, or to be deposited, stored, or delivered for the purpose of sale or of preparation for sale, for human consumption ;
- II. Any person who is engaged in the production of any article of food or drug to be sold or offered, exposed, stored, carried, or delivered for sale for human consumption ;
- III. Any premises, animal, vehicle, receptacle, or other article or thing used in the production of any article of food or drug for sale for human consumption ; and
- IV. Any act, matter, or thing which will provide or tend to provide a proper or better security for the sale of food and drugs in a pure and genuine condition ;

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**DIVISION II.**

shall cease to be vested in or imposed on the said local boards or any of them, and shall be solely vested in and imposed upon the county board aforesaid.

(2) All powers, duties, and liabilities vested in or imposed on the said local boards with reference to any matters not mentioned in subsection (1), shall continue to be vested in and imposed on the said local boards.

**44.** In all proceedings under this Division it shall, until the contrary is proved, be presumed that the animal or article of food or drug the subject matter of, or referred to in the proceedings, was intended to be sold or to be offered, exposed, deposited, stored, delivered, or prepared for sale, as the case may require, for human consumption, and that the person engaged in or the animal used in the production of any such article of food or drug was engaged in or used in, as the case may require, the production of an article of food or drug intended for sale for human consumption.

Presumptive  
evidence in  
certain cases.  
1063, 1911,  
s. 7.

**45.** An inspector appointed under The Food and Drugs Act, 1908, shall have all powers, authorities and duties of an inspector appointed under this Act, so far as those powers relate to the matters mentioned in subsection (1) of section 43 of this Act, or any of them.

Powers of  
inspectors.  
1063, 1911,  
s. 8.

**46.** Notwithstanding any provision to the contrary in this Act contained, no local board within the metropolitan county district shall be required by the said county board to contribute any sum to the said county board for enabling the county board to carry out or perform the powers, duties, and liabilities vested in or imposed upon the county board by this Division, otherwise or to a greater extent than the local board is required to contribute to the county board under the provisions of The Food and Drugs Act, 1908.

Limit of  
liability of  
local boards  
under this  
Division.  
1063, 1911,  
s. 9.

**PART V.****PART v.****OFFICERS.**

**47.** Every local board shall appoint an officer of health, and such inspectors and officers as may be deemed necessary by the Central Board.

Officers.  
711, 1898,  
s. 40.

**48.** The appointment and dismissal of every officer of health shall be subject to the approval of the Central Board. The officer of health shall—

Officer of  
health.  
711, 1898,  
s. 41.

- (a) be when practicable a legally qualified medical practitioner; and
- (b) possess all the powers vested in any inspector.

## PART V.

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Appointment  
of inspectors.  
711, 1898,  
s. 42.  
2156, 1934,  
s. 891 (5).

**49.** (1) The appointment of every inspector shall be in writing, in duplicate, under the hand of the chairman of the Central Board, or if the appointment be by a local board, under the hand of the chairman and the secretary of the local board.

(2) Every inspector shall be furnished with one of such duplicates, and, if required, shall produce the same to any person whose premises he may be inspecting or about to inspect.

Power to enter  
and inspect.  
711, 1898,  
s. 43.

**50.** For the purposes of any inspection, an inspector may, with or without others, enter into and upon any premises between the hours of nine in the forenoon and six in the afternoon, or in the case of any business or trade premises at any time when the business or trade is in progress or is usually carried on, and for the purposes of inspection may open up drains and execute any other necessary works.

Obstruction  
of officers  
and members.  
711, 1898,  
s. 44.

**51.** (1) Any person who obstructs or incites any other person to obstruct, any person acting in the execution of this Act, or of any power thereunder, shall be guilty of an offence against this Act, and liable to a penalty not exceeding ten pounds.

(2) Every member of the police force shall assist all persons acting as aforesaid.

## PART VI.

## PART VI.

## INSANITARY CONDITIONS AND THEIR REMOVAL.

Definition of  
insanitary  
condition.  
711, 1898,  
s. 45.

**52.** The expression "insanitary condition" includes every breach or non-observance of any of the sanitary provisions of this Act, and also every condition declared to be an insanitary condition pursuant to section 58.

Local board  
to order  
inspection in  
certain cases.  
711, 1898,  
s. 46.

**53.** Every local board, upon receiving from any person other than an inspector any information establishing reasonable grounds for suspicion of the existence of any insanitary condition, shall forthwith instruct an inspector to inquire into and report upon the premises referred to.

Report to  
local board.  
711, 1898,  
s. 47.

**54.** (1) If any inspector ascertains the existence of any insanitary condition, he shall forthwith report the circumstances to the local board.

(2) The report shall set out as far as possible—

(a) the nature of the insanitary condition ;

(b) the apparent cause thereof, and the suggested remedy ;

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## PART VI.

- (c) the description and situation of the premises ;
- (d) the name of the owner ; and
- (e) the name of the occupier.

**55.** (1) Every occupier shall, on request, furnish any inspector with the name and address of the owner so far as the same may be known to him.

Occupier to furnish owner's name, etc.  
711, 1898,  
s. 48.

(2) Any person who fails to furnish any name or address as aforesaid shall be guilty of an offence against this Act, and liable to a penalty not exceeding ten pounds.

**56.** If, in the opinion of the inspector, the insanitary condition should be immediately removed, he shall, in addition to reporting the circumstances to the local board, serve upon the occupier, or owner, a notice to remove or amend the same, and therein shall specify what is required to be done, and limit a time for compliance.

Notice by inspector.  
711, 1898,  
s. 49.

**57.** Upon the receipt of an inspector's report the local board, with or without further inquiry—

Notice by local board.  
711, 1898,  
s. 50.

- (a) may serve a notice requiring the removal or amendment of the insanitary condition ; or
- (b) may, if the inspector has already given notice—
  - (i.) adopt the notice ; or
  - (ii.) issue a new notice in lieu thereof.

**58.** Any local board, upon being satisfied that it is proper so to do, may serve a notice requiring the removal or amendment of any condition which the local board declares to be an insanitary condition.

Notice of insanitary condition.  
711, 1898,  
s. 51.

**59.** Every notice under sections 57 and 58 shall specify what is required to be done, and shall limit a time for compliance, and may direct to be done such works as the local board may deem necessary to prevent a recurrence of the insanitary condition.

Requirements of notice.  
711, 1898,  
s. 52.

**60.** The notice may be served in manner following :—

Service.  
711, 1898,  
s. 53.

- I. If the owner be unknown, or if, in the opinion of the local board, the insanitary condition is caused by the act or neglect of the occupier, the notice may be served on the occupier :
- II. In all other cases the notice may be served on the owner or on any person by whose act or neglect in the opinion of the local board the insanitary condition arises :

## PART VI.

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III. In the case of premises owned by the Government, or by any public body, the notice may be served upon the officer having, or apparently having, the chief control of the premises.

Penalty for non-compliance with notice.  
711, 1898,  
s. 54.

**61.** Any person who, after service upon him, fails to comply with—

(a) any notice given by an inspector (provided the same be subsequently adopted) ; or

(b) any notice of the local board ;

shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

Power of local board to carry out requirements of notice.  
711, 1898,  
s. 55.

**62.** On failure to comply with any notice of the local board, or with any inspector's notice, the local board may carry out the requirements of the notice.

No notice necessary in certain cases.  
711, 1898,  
s. 56.

**63.** In the case of unoccupied lands or premises, if the owner and the person by whose act or neglect the insanitary condition is caused are unknown, or cannot be found, the local board may remove or amend the insanitary condition without any previous notice whatever.

Power of local board to make complaint  
711, 1898,  
s. 57.

**64.** In addition to, or in lieu of summarily removing or amending any insanitary condition, if either—

(a) the person on whom a notice to remove or amend any insanitary condition has been served makes default in complying with any of the requisitions thereof within the time specified ; or

(b) the insanitary condition, although amended or removed since the service of the notice, is, in the opinion of the local board, likely to recur on the same premises,

the local board may institute summary proceedings against the person on whom the notice was served.

Powers of court.  
711, 1898,  
s. 58.

**65.** (1) The court, if satisfied that the alleged insanitary condition exists, or has been declared, or is likely to recur on the same premises, may by order, require the defendant to remove or amend the same, or to prevent the recurrence thereof within a time to be specified in the order, and may, if thought desirable, specify the works to be executed for the purpose of removing, amending, or preventing the recurrence of the insanitary condition.

(2) Any defendant who fails to comply with any such order shall be guilty of an offence against this Act and liable to a penalty not exceeding one pound for every day during which the default continues.

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**66.** All expenses incurred by the local board in connection with the removal or amendment of any insanitary condition may be recovered from the person upon whom the notice has been served.

Recovery of expenses.  
711, 1898,  
s. 59.

**67.** All expenses incurred by an owner by reason of his compliance with any notice may be recovered by him from the occupier or other person in all cases where the insanitary condition concerning which the notice was given was caused by the act or neglect of the occupier or other person.

Recovery of expenses by owner from occupier.  
711, 1898,  
s. 60.

**68.** All expenses incurred by an occupier by reason of his compliance with any notice may be recovered by him from the owner in all other cases.

Occupier from owner.  
711, 1898,  
s. 61.

**69.** In all cases all expenses incurred by any local board shall be a charge upon the premises in respect of which the same were incurred, and may be immediately recovered in the same manner as if they were rates in arrear.

Expenses to be a charge on land.  
711, 1898,  
s. 62.

**PART VII.****PART VII.****REPORTS AND INQUIRIES.**

**70.** Every local board shall, during January in every year and at such other times as the Central Board may direct, report to the Central Board concerning the sanitary condition of its district in such form as the Central Board may require.

Annual report.  
711, 1898,  
s. 63.

**71.** Every local board shall forward monthly to the Central Board during the first week in each month a return of all cases of infectious disease reported within the district in such form as the Central Board may require.

Monthly return of infectious diseases.  
711, 1898,  
s. 64.

**72.** Every local board shall immediately forward to the Central Board a return of all cases of measles, scarlet fever, diphtheria, typhoid fever, and puerperal fever reported to it for the first time within the district, in such form as the Central Board may require.

Returns of measles, scarlet fever, &c.  
711, 1898,  
s. 65.

**73.** Every local board shall immediately report to the Central Board the outbreak within its district of any infectious disease or the occurrence of any indications thereof, or of any circumstances of special importance likely to affect the health of any

Outbreak of infectious disease to be reported.  
711, 1898,  
s. 66.

## PART VII.

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part of the district, together with all such particulars as can aid in the complete comprehension of the case and of its nature and cause.

Central board to report annually to Chief Secretary.  
711, 1898,  
s. 67.

**74.** The Central Board shall annually, not later than the month of March, and also whenever required by the Chief Secretary, report to him concerning all matters affecting the public health.

Annual report to be laid before Parliament.  
711, 1898,  
s. 68.

**75.** The annual report of the Central Board shall be laid before Parliament.

Power to institute inquiries.  
711, 1898,  
s. 69.

**76.** Whenever it appears to the Central Board necessary or proper to make formal inquiry into any matter for the purposes of this Act, the following provisions shall have effect :—

- I. The Central Board shall specify in writing the general scope and object of the inquiry, and such general directions as it may think proper to secure its due performance :
- II. The inquiry shall be thereupon held by the chairman or such other person as the board may appoint :  
The chairman or such other person is hereinafter included in the expression " the chairman " :
- III. The inquiry shall be held either in public or with closed doors, and at such place or places as the chairman may think fit :
- IV. The chairman shall hold sittings at such places, with power from time to time to adjourn the same. He may summon and examine witnesses and receive any evidence that may be offered respecting the subject of the inquiry :
- V. All parol evidence shall be reduced to writing :
- VI. The chairman may require any person to sign any evidence given by him :
- VII. Witnesses may be summoned by being served with a notice in writing under the hand of the chairman calling upon them to attend and give evidence at a time and place to be therein specified. The notice shall be served so long before the time appointed as the chairman may deem reasonable.

Penalty for non-attendance.  
711, 1898,  
s. 70.

**77.** If any person is served with any such notice, and having been paid or tendered in advance such moneys as he would have been entitled to receive had he been a witness summoned to attend a local court, fails to comply with the same, or,



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having attended, refuses to give evidence or sign the same, he shall be guilty of an offence against this Act, and liable to a penalty not exceeding five pounds.

**78.** A certificate under the hand of the chairman to that effect shall be sufficient proof of non-compliance with the notice to attend and give evidence, and of all other facts necessary to be proved to show it was incumbent upon such person to comply therewith.

Certificate of chairman to be sufficient proof.  
711, 1898,  
s. 71.

**79.** The chairman, either alone or with others, for the purposes of the inquiry, may enter and inspect any land or premises between sunrise and sunset.

Power of inspection.  
711, 1898,  
s. 72.

**80.** The chairman may, at any time during the progress of the inquiry, and shall, on its completion, make to the Central Board a written report under his hand setting forth the result of the inquiry, his opinion thereon, and his reasons for that opinion. The report shall be accompanied by all evidence and information received during the inquiry.

Chairman to report to Central Board.  
711, 1898,  
s. 73.

**81.** Any person who wilfully gives false evidence on any inquiry shall be guilty of an offence against this Act, and liable to a penalty not exceeding fifty pounds.

False evidence.  
711, 1898,  
s. 74.

**PART VIII.****PART VIII.****SANITATION.****DIVISION I.—AIR.****DIVISION I.**

**82.** Every local board shall cause all sewers and drains to be kept properly cleared, cleansed, and emptied so as not to become or be likely to become injurious to health, or offensive, and for this purpose may construct all necessary works, and direct any sewer or drain into or through such places as may be deemed proper, except into fresh water running streams.

Sewers and drains.  
711, 1898,  
s. 75.

**83.** (1) Any person who—

(a) without the consent of the local board causes or permits any private sewer or drain to be emptied or flow into any public sewer or drain :

Sewers, drains, stagnant water, and collections of offensive matter.  
711, 1898,  
s. 76  
1696, 1925,  
s. 2.  
2089, 1932  
s. 2.

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- (b) does anything which, in the opinion of the local board, will tend to the injury of any drain or sewer :
- (c) suffers any waste or stagnant water to remain in any cellar or place within or around any dwelling-house, so as to be, or be likely to become, injurious to health or offensive :
- (d) allows any overflow, soakage, or leakage from any water-closet, privy, or cesspool: Provided that this paragraph shall not apply to any overflow or soakage from a bacteriolytic tank unless the overflow or soakage is offensive :
- (e) allows any drainage, filth, water, night-soil, or matter to collect or to be deposited in any place, so as to become, or be likely to become, injurious to health or offensive ;
- (f) allows any dead animal to remain in any place, so as to cause an offensive smell ;
- (g) allows any place to become, or be likely to become, in such a state as to be a nuisance, or injurious to health, or offensive ;
- (h) carries or conveys offensive or injurious matter through the streets except at hours specified by the local board ;
- (i) without the consent of the local board removes, or allows to be removed, any night-soil from a ditch or pit in which the same has been deposited by any local board,

shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

(2) If any premises are in such a state as to be a nuisance or injurious to health or offensive, the occupier of the premises shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

Public  
conveniences.  
711, 1898,  
s. 77.

**84.** Any local board may provide and maintain water-closets, earth-closets, privies, urinals and other similar conveniences for public accommodation.

Removal of  
refuse.  
711, 1898,  
s. 78.

**85.** (1) Any local board may itself undertake or contract for the removal of refuse or excreta from private places, and for this purpose may provide convenient receptacles, and may by regulation require the occupiers of premises to provide boxes, or other specified receptacles, for the temporary deposit of such matter, and to place such boxes or receptacles in convenient places at convenient times for the removal of their contents.

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DIVISION I.

(2) Any person who deposits any refuse in any place except in such boxes or receptacles shall be guilty of an offence against this Act and liable to a penalty not exceeding ten pounds.

(3) All such refuse shall be the property of the local board.

**86.** Every local board shall take all necessary and proper measures to ensure that all public places are properly cleansed and kept free from offensive matter.

Public places.  
711, 1899,  
s. 79.

**87.** (1) Every distillery, manufactory, brewery, slaughterhouse, and every establishment for the boiling, preserving, or preparing of any animal matter shall be provided with a watertight cesspool, constructed and kept covered in such a manner as the local board may require.

Cesspools.  
711, 1898,  
s. 81.

(2) All refuse which may be or be likely to become injurious to health or offensive shall be deposited therein and periodically removed at prescribed times.

(3) Any person guilty of any contravention of this section shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

**88.** Any person who keeps any pig in any sty or place at a less distance than fifty feet from any dwelling-house, dairy, or public street shall be guilty of an offence against this Act and liable to a penalty not exceeding ten pounds.

Keeping of  
pigs.  
711, 1898,  
s. 82.

**89.** (1) Any person who, after the seventeenth day of December, nineteen hundred and twenty-five, commences or extends an offensive trade without the consent in writing of the local board shall be guilty of an offence against this Act and liable to penalty not exceeding fifty pounds, and any person who carries on an offensive trade so commenced or extended shall be guilty of an offence against this Act and liable to a penalty not exceeding two pounds for every day on which the offence is continued.

Offensive  
trades.  
711, 1898,  
s. 83.  
1896, 1925,  
s. 3.

(2) No consent shall be granted except subject to the following conditions :—

- I. One month's prior notice of the intention to apply for the consent shall be published in the *Government Gazette* and in a daily newspaper circulating in the district :
- II. The notice shall specify the proposed site and trade :
- III. Any person may state his objections to the local board :
- IV. If nevertheless consent is granted, any such person, within one month may appeal to the Central Board, who may affirm, vary, or rescind the consent, and whose decision shall be final.

(3) This section shall apply only to such districts or portions of a district as may from time to time be declared by proclamation to be under the protection of this section.

(4) In any proceedings for an offence against this section, the allegation in the complaint that the offensive trade was commenced or extended without the consent in writing of the local board shall be deemed proved in the absence of proof to the contrary.

Trade  
nuisances.  
711, 1898,  
s. 84.

**90.** If in the opinion of—

- (a) the local board ; or of
- (b) any two legally qualified medical practitioners ; or of
- (c) any six householders of the district,

any place used for any trade or business is or is likely to become injurious to the health of or offensive to any of the inhabitants of the district, or any person employed therein, the local board may institute summary proceedings against the person by or on whose behalf the trade or business is carried on.

Removal.  
711, 1898,  
s. 85.

**91.** If on the hearing it appears to the court that the trade or business is or is likely to become injurious to the health of or offensive to any of the inhabitants of the district, or any person employed therein, then, unless it be shown that the best practicable means for preventing injury to health or offence have been used, the person so summoned shall be guilty of an offence against this Act and liable to a penalty—

- (a) of not less than two pounds or more than ten pounds ;
- (b) of twenty pounds upon a conviction for a second or continued offence ;
- (c) of double the amount of the penalty imposed for the then last preceding offence for the subsequent or continued offence : Provided that no penalty shall exceed two hundred pounds.

Final  
determination  
may be  
suspended.  
711, 1898,  
s. 86.

**92.** The court may suspend its final determination in any case upon condition that the person summoned shall undertake to adopt, within a time to be fixed by the court, such means as may be deemed practicable, and ordered to be carried into effect for preventing or mitigating injury or offence.

Accumulations  
of offensive  
matter.  
711, 1898,  
s. 87.

**93.** Any person who keeps any accumulation or deposit of offensive matter longer than in the opinion of the local board is necessary for the purposes of the trade or business, or who omits to take the best available means for preventing injury thereby to the public health, shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

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DIVISION I.**

**94.** Manufacturing districts may be exempted from the operations of the sections of this Act dealing with offensive trades in manner provided by Division I. of Part XXVIII. of the Local Government Act, 1934.

Exemption of  
manufacturing  
districts.  
711, 1898  
s. 88.

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**95.** Any person who permits any case or receptacle used, or intended to be used, for the carriage of fresh fruit or vegetables to come into direct contact with any manure or other offensive matter, shall be guilty of an offence against this Act and liable to a penalty not exceeding five pounds.

Fruit cases.  
711, 1898,  
s. 89.

**96.** (1) Whenever the pollution of any water supply becomes or is likely to become injurious to health, the local board shall for the purpose of preventing such pollution have within its district the rights of a riparian proprietor, and may enforce those rights by summary proceedings against the person in default, and may generally prevent the pollution of any water.

Riparian  
rights.  
711, 1898,  
s. 91.

(2) Any person so in default shall be guilty of an offence against this Act and liable to a penalty not exceeding ten pounds for a first offence, and for every subsequent offence to a penalty of double the amount of the penalty imposed on the then last preceding offence.

**97.** Any local board may direct that any water supply which in the opinion of the officer of health, or any two legally qualified medical practitioners, is so polluted or unwholesome as to be unfit for human consumption, shall be closed, and that the contents thereof shall cease to be used for human consumption, either absolutely or for such time as the local board may direct.

Sources of  
water supply  
may be closed.  
711, 1898,  
s. 92.

**98.** Any person who uses or permits to be used for human consumption, any such well or other source of water while any such direction remains in force, shall be guilty of an offence against this Act and liable to a penalty not exceeding ten pounds.

When closed  
not to be used.  
711, 1898,  
s. 93.

**99.** Any person who throws or permits to be thrown, any night-soil, animal, or other offensive matter, into any water supply, or deposit the same in any place whence the offensive matter flows or falls, or is liable to flow or fall, into any water supply, shall be guilty of an offence against this Act and liable to a penalty not exceeding fifty pounds.

Offensive  
matter thrown  
in or near  
water.  
711, 1898,  
s. 94.

**100.** Any person who keeps any swine, sheep, or cattle on any butcher's business premises, or dresses any carcass therein shall, unless the premises are duly licensed for slaughtering purposes, be guilty of an offence against this Act and liable to a penalty not exceeding ten pounds.

Swine, etc.,  
on butcher's  
premises.  
711, 1898,  
s. 95.

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No swine  
at slaughter-  
houses.  
711, 1898,  
ss. 96 and 97.  
1896, 1925,  
s. 4.  
2089, 1932,  
s. 3.

**101.** (1) No person in charge of any slaughter-house shall keep, or permit to be kept, in or about any slaughter-house any swine, unless intended for immediate slaughter, or any dog, unless constantly chained when not being used for yarding purposes: Provided that the local board may grant written permission to any person to keep swine, on the following conditions:—

- I. That the swine are to be kept at such distance from the slaughter-house, as may be directed; and
- II. That the swine may be fed with offal if the offal has been first thoroughly cleansed and boiled.

(2) No licence, pursuant to this section, shall be granted for a longer period than for one year at any one time, and every such licence may be withdrawn on proof to the satisfaction of the local board of any non-observance of any condition thereof.

(3) If any swine are fed on any blood, offal, manure, or filth from any slaughter-house, other than as authorised by subsection (1), the person in charge of the slaughter-house shall be guilty of an offence against this Act and liable to a penalty not exceeding ten pounds.

Feeding of  
swine.  
2089, 1932,  
s. 4.

**102.** Any person who feeds to any swine any blood, offal, manure, or filth, or causes or permits any swine to be so fed, shall be guilty of an offence against this Act and liable to a penalty not exceeding ten pounds: Provided that this section shall not apply to offal which has been thoroughly cleansed and boiled.

Inspection  
after slaughter.  
711, 1898,  
s. 100.

**103.** No meat of any animal slaughtered in any public slaughter-house shall be sold or offered for sale as human food unless the animal has been inspected by an inspector of cattle after the slaughtering thereof, and certified fit for human consumption. The Central Board may direct any butcher's slaughter-house to be subject to the same inspection.

Non-applica-  
tion of sections  
100, 101, and  
103, in  
certain  
districts.  
957, 1908,  
s. 4.  
1055, 1911,  
s. 4.

**104.** Sections 100, 101, and 103 shall not apply within any district comprised within the metropolitan abattoirs area within the meaning of The Metropolitan Abattoirs Act, 1908, nor within any district comprised within any abattoirs area within the meaning of The Abattoirs Act, 1911.

Inspector of  
cattle.  
711, 1898,  
s. 104.

**105.** Any local board may appoint, subject to the approval of the Central Board, an inspector of cattle. There shall also be a chief inspector of cattle appointed by the Governor. The chief inspector shall be a veterinary surgeon.

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**DIVISION II.**

**106.** (1) Animals suffering from cancer, pleuro-pneumonia, tuberculosis, actinomycosis, anthrax, or trichinosis, or any other disease which the Governor may by proclamation add to this list, are "diseased animals" within the meaning of this Act.

Diseased animals.  
711, 1898,  
s. 105.  
2217, 1935,  
s. 6.

(2) The Governor may, by proclamation, declare any disease to be a disease for the purposes of this section, and may by proclamation declare that any disease (whether mentioned in this section or declared a disease as aforesaid) shall cease to be a disease for the purposes of this section. Any such disease may subsequently be again proclaimed as a disease for the purposes of this section.

**107.** (1) Every owner of a diseased animal shall give notice thereof to the local board, and shall isolate the animal from all other animals not being diseased animals, and shall keep it so isolated.

Isolation of diseased animals.  
1248, 1916,  
s. 3.

(2) Any owner who fails to isolate or keep isolated any such animal shall be guilty of an offence against this Act, and liable to a penalty not exceeding twenty pounds.

(3) It shall be a defence to any prosecution under this section to show that the defendant did not know, and could not by the exercise of reasonable diligence have discovered, that the animal was diseased.

**108.** If the inspector of cattle suspects that any animal is a diseased animal, he may use all necessary tests to ascertain the facts as regards the suspected animal, and any other animal in the same herd or premises.

Inspector may use tests.  
711, 1898,  
s. 107.  
2217, 1935,  
s. 7.

**109.** (1) Any inspector of cattle on being satisfied that any animal is a diseased animal shall give notice in writing to the owner or person in charge, directing him to kill the animal and destroy its carcass.

Destruction of diseased animals.  
711, 1898,  
s. 108.

(2) Any such owner or person who fails to comply with any such notice shall be guilty of an offence against this Act, and liable to a penalty not exceeding twenty pounds.

(3) If any animal killed pursuant to this section is subsequently found to be free from disease, the owner may recover its value from the board by which the inspector was appointed. The owner may require the inspector to test for disease the carcass before being destroyed. The value of the carcass may be deducted from the compensation recoverable.

**110.** (1) Any person who sells, consigns, or exposes for sale, or supplies for food, any diseased animal, or any meat therefrom, shall be guilty of an offence against this Act, and liable to a penalty not exceeding twenty pounds.

Diseased meat exposed for sale.  
711, 1898,  
s. 109.  
1248, 1916  
s. 4.

(2) Any person having for sale any such animal or meat in his possession or under his control, shall be deemed to be a person who exposes the animal or meat for sale.

(3) On proof of the selling, consigning, exposing for sale, or supplying, of the animal or meat in question, it shall be presumed that that animal or meat was sold, consigned, exposed for sale, or supplied, for food, unless the defendant proves the contrary.

Unwholesome  
food.  
711, 1898,  
s. 110.

**111.** (1) Any person who keeps or exposes for sale any food intended for human consumption which is diseased, unsound, unwholesome, or otherwise unfit for human consumption, shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

(2) On proof of the keeping or exposing for sale it shall be presumed that the food in question was intended for human consumption unless the defendant proves the contrary.

Contamination  
of milk.  
711, 1898,  
s. 111.  
1248, 1916,

**112.** (1) Any person who—

- (a) supplies to any person the milk of any diseased animal or any animal suffering from ulcers or other diseases of the udder :
- (b) mixes any such milk with other milk intended for human consumption, sale, or for butter or cheese making :
- (c) uses any such milk for human consumption, or for the food of swine or other animals, unless the milk has been boiled for at least ten minutes, and the local board has been notified of the intention to so use the milk :
- (d) allows any person suffering from any infectious disease, or who may be living in any house where such disease exists, to—
  - (i.) milk any cow ;
  - (ii.) handle any vessel used for the reception of milk intended for sale or for human consumption ;
  - (iii.) take part or assist in the business of dairyman, cowkeeper, or vendor of milk ; or
  - (iv.) to be employed in a dairy,

shall be guilty of an offence against this Act, and liable to a penalty not exceeding twenty pounds.



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(2) It shall be a defence to any prosecution under this section to show that the defendant did not know, and could not by the exercise of reasonable diligence have discovered—

- (a) that the animal was diseased or suffering as aforesaid ;  
or
- (b) that the person was suffering from an infectious disease ; or
- (c) that an infectious disease existed in the house where the person lived,

according to the nature of the offence charged.

(3) The officer of health may grant exemption from the operation of paragraph (d) of subsection (1) in respect of a person living in a house where an infectious disease exists, provided that—

- (a) the person is not suffering from any infectious disease ;  
and
- (b) proper isolation is secured.

**113.** (1) Every person, on production of a certificate of the officer of health that the milk supplied by that person, or from his dairy, is suspected of causing disease, shall furnish to the local board a list of the names and addresses of his customers, and a full statement of the names and residences of the persons from whom the milk is obtained.

List of customers to be furnished.  
711, 1898,  
s. 112.

(2) Any person who fails to supply any such list or statement shall be guilty of an offence against this Act, and liable to a penalty not exceeding ten pounds.

**114.** No person shall store, keep, or deposit any milk in any room used for sleeping, or in any other place or mode likely to render the milk unwholesome.

Storing of milk in sleeping or dwelling place.  
711, 1898,  
s. 113.

**115.** Local boards may, by regulation, provide—

- (a) for the licensing of cowkeepers, dairymen, and vendors of milk ;
- (b) for the registration and inspection of dairies, milk stores, and milk shops ;
- (c) for the inspection of dairy farms and grazing grounds ;
- (d) for the sanitary conditions of cowyards, cowsheds, dairies, milk, milk stores, milk shops, and vessels used for milk ;
- (e) for preserving the health and good condition of cattle kept at any dairy ;

Registration and licensing of dairies and regulations.  
711, 1898,  
s. 115.

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- (*f*) for prohibiting the sale of milk by other than licensed persons and except from registered dairies, milk stores, and milk shops ;
- (*g*) for prohibiting the adulteration of milk ;
- (*h*) for temporarily prohibiting, on the certificate of the officer of health, the sale of milk from dairies where animals are diseased, or supposed to be diseased, or where persons are suffering, or supposed to be suffering, from an infectious disease, or where there are reasonable grounds for suspecting that the milk supply from such dairies is causing the spread of infectious disease.

DIVISION III.

DIVISION III.—PREMISES.

Dwelling-  
houses unfit for  
habitation.  
711, 1898,  
s. 116.

**116.** (1) Any local board may, by notice in writing, declare that any building, or any specified part thereof, is unfit for human habitation.

(2) The notice may direct that the building, or part thereof, shall not, after a time to be specified in the notice, be inhabited or occupied by any person.

(3) The notice shall be affixed to some conspicuous part of the building.

Not to be let  
or occupied  
711, 1898,  
s. 117.

**117.** Any person who after the expiration of the specified time, inhabits or occupies, or suffers to be inhabited or occupied, any such building or part thereof, shall be guilty of an offence against this Act and liable to a penalty not exceeding ten pounds.

Condemned  
building to be  
removed or  
amended.  
711, 1898,  
s. 118.

**118.** (1) A notice may be served upon the owner of the building directing him to either amend the same in some specified manner, or to take down and remove the same.

(2) Any person who fails to comply with any such notice shall be guilty of an offence against this Act, and liable to a penalty not exceeding twenty pounds.

Over-  
crowding.  
711, 1898,  
s. 119.

**119.** Any person who suffers any building or part thereof, to be so overcrowded as to be, or likely to become, injurious to health, shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

Proper  
conveniences  
in houses.  
711, 1898,  
s. 120.

**120.** (1) All houses shall have in proper and convenient situations such closets and privies, with such conveniences and of such size and so constructed as shall, in the opinion of the local board, be necessary and sufficient.

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(2) Any person guilty of any contravention of this section shall be guilty of an offence against this Act and liable to a penalty not exceeding ten pounds.

**121.** (1) The local board may, by notice, prohibit the erection of any house, or building on any land which, in their opinion, for sanitary reasons is unfit for human habitation until any sanitary defects existing in connection with the land have been removed to the satisfaction of the local board.

Houses erected on insanitary land.  
711, 1898,  
s. 121.

(2) Any person guilty of any contravention of this section shall be guilty of an offence against this Act and liable to a penalty not exceeding ten pounds.

**122.** (1) Any local board, when necessary or expedient, may enter into and construct drains and other works upon any public or private land for the purpose of draining surface water from other lands.

Drains may be made in private or public property.  
711, 1898,  
s. 122.

(2) Where the land upon which the works are constructed is private property, the local board shall pay full compensation to any person who shall sustain damage by reason of the exercise of the above power.

**123.** (1) All houses erected or re-built in municipalities after the thirteenth day of January, eighteen hundred and ninety-nine, shall have such drains, means of ventilation, and sanitary requirements, constructed of such materials and in such manner as the local board may prescribe.

New houses to have proper drains.  
711, 1898,  
s. 123.

(2) Plans and specifications showing the proposed drains, means of ventilation, and sanitary arrangements, shall be submitted to and approved by the local board before the occupation of any such house.

(3) Any person guilty of any contravention of this section shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

**124.** (1) The owner or occupier of every building, whether erected before or after the passing of this Act—

- (a) which is used as a workshop or manufactory ; or
- (b) in which persons are employed or are intended to be employed in any trade or business ; or
- (c) which is used as a school, church, theatre, or hall, capable of ordinarily accommodating a meeting or assembly of more than twenty persons :

Factories to have proper conveniences, to be ventilated and not to be over-crowded.  
711, 1898,  
s. 124.

shall—

- (i.) provide the building with suitable accommodation in the way of urinals, closets, and privies ; where both sexes are employed separate accommodation shall be provided with separate approaches thereto :

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(ii.) keep the building in a clean state and ventilate the same in such manner as to render harmless, as far as practicable, any impurities generated by the work carried on therein.

(2) Any person guilty of any contravention of this section shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

Definition of  
lodging-house.  
711, 1898,  
s. 125.

**125.** Whenever any building, or part thereof, is let in lodgings or for the purpose of board and lodging, the same shall be deemed to be a lodging-house.

Limit of  
number of  
inmates.  
711, 1898,  
s. 126.

**126.** The local board may fix the number of persons who may occupy any lodging-house, and may, by regulation, provide for the registration and special inspection thereof.

**PART IX.**

**PART IX.**

**INFECTIOUS DISEASES.**

Report of  
infectious  
disease.  
711, 1898,  
s. 127.

**127.** (1) Where any inmate of any building or part of a building is or is supposed to be suffering from any infectious disease, unless the building is a public or licensed hospital into which persons suffering from infectious diseases are received—

- (a) the head of the family :
- (b) on his default, the nearest relative of the inmate present in the building or being in attendance on the inmate ;
- (c) on default by such relative, every person in charge or in attendance on the inmate ; or
- (d) on default by any such persons, the occupier or owner of the building :

and in any case

- (e) every medical practitioner attending on or called in to visit the inmate ;

shall, so soon as he becomes aware that the inmate is suffering from any infectious disease, report the same to the local board, who shall immediately report the same to the Central Board.

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(2) Any person not being a person required to make a report in the first instance, but only in case of default by some other person, shall not be liable to any penalty if he proves that he had reasonable cause to suppose that the report had been duly made.

(3) The owner or occupier of every building used as a hospital shall, as soon as he or his manager or superintendent becomes aware that an inmate is suffering from any infectious disease, report the same to the local board.

(4) Any person guilty of any contravention of this section shall be guilty of an offence against this Act and liable to a penalty not exceeding five pounds.

**128.** (1) Every medical practitioner attendant on or consulted by any person suffering from pulmonary tuberculosis shall, so soon as the fact becomes known to him, report the same to the local board of the district in which the person resides: Provided the notification shall not be necessary if the case has been previously reported to the same local board.

Medical practitioner to notify cases of pulmonary tuberculosis.  
711, 1898,  
s. 128.

(2) Any person who fails to make any report required by this section shall be guilty of an offence against this Act and liable to a penalty not exceeding five pounds.

**129.** The local board shall pay to every medical practitioner a fee of two shillings for every report made by him to the board under section 127 or section 128: Provided that when a report or reports is or are made concerning two or more persons in the same building only one such fee shall be payable.

Fee to medical practitioner.  
711, 1898,  
s. 129,  
891, 1909,  
s. 5.

**130.** No medical practitioner shall be liable to any proceedings for any mis-statement made in good faith in attempted notification of any infectious disease: Provided he promptly notifies to the local board any change in his diagnosis.

Medical practitioner protected.  
711, 1898,  
s. 130.

**131.** (1) If the officer of health or any legally qualified medical practitioner certifies in writing to the local board that the cleansing or disinfection of any building or part thereof, or any bedding, clothes, or other articles whatever would tend to prevent the spread of tuberculosis or any infectious disease, the local board may order and supervise the use of disinfectants, and take such other sanitary precautions as it may deem necessary to cleanse or disinfect the building or part thereof, and articles, and for that purpose may remove any such articles.

Disinfection of buildings and articles.  
711, 1898,  
s. 131.

(2) Any expenses incurred by the local board may be recovered from the owner or occupier of the building or part thereof, or the local board may itself, if it see fit, defray the expenses or any part thereof.

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Butter and  
cheese  
factories may  
be closed.  
711, 1898,  
s. 132.

**132.** (1) If at any time any legally qualified medical practitioner certifies to the local board that any person suffering from any infectious disease or from pulmonary tuberculosis is residing in a building or part of a building used for the storage of milk, or for the storage or manufacture of butter, cheese, or other articles of human food, and that there is reason to believe that the milk, butter, cheese, or other article of human food may be contaminated by the disease, the local board may, with the sanction of the Central Board, order the owner or person in charge of the building to close the same until the officer of health certifies that the person has been removed from the building, and that all necessary precautions have been taken to prevent such contamination.

(2) Any person neglecting to comply with any such order shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

Disinfecting  
apparatus may  
be provided.  
711, 1898,  
s. 133.

**133.** Any local board may—

- (a) provide or combine with other local boards to provide proper places, apparatus, and attendance for disinfecting purposes ;
- (b) disinfect any articles ;
- (c) make arrangements for disinfection with any hospital or with any local board possessing disinfecting apparatus ;
- (d) make arrangements with any laboratory for scientific examination.

Exposure of  
infected  
persons.  
711, 1898,  
ss. 134 and 135.

**134.** (1) Any person who, knowing himself to be suffering from any infectious disease, or having so suffered, not being sufficiently recovered to be free from all risks of infecting others—

- (a) exposes himself in any public place without taking reasonable precautions against spreading the disease :
- (b) enters any place of common resort :
- (c) enters any ship, vessel, railway carriage, or public conveyance without previously notifying to the master, conductor, or person in charge the fact of the disease,

shall be guilty of an offence against this Act and liable to a penalty not exceeding five pounds.

(2) Any such person entering a public conveyance in breach of paragraph (c) of subsection (1) shall in addition to the said penalty, be liable to pay to the owner all loss and expense incurred in respect of the disinfection of the conveyance.

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**135.** (1) Every owner or person in charge of any public conveyance having conveyed any person suffering or having so suffered not being sufficiently recovered from an infectious disease shall, immediately after he becomes aware of that fact, give notice to the local board of the district wherein he resides.

Owner of conveyance to give notice to local board.  
711, 1898,  
s. 136.

(2) Every such owner or person who fails to give any notice required by this section shall be guilty of an offence against this Act and liable to a penalty not exceeding five pounds.

**136.** The local board may disinfect any such conveyance, and may recover all expenses incurred from the owner.

Disinfection of conveyance.  
711, 1898,  
s. 137.

**137.** Any person who suffers any child to attend school who is or has been suffering, or has been resident where any person is or has been suffering, from any infectious disease unless and until he shall—

Children attending school.  
711, 1898,  
s. 138.

- (a) have had the clothes of the child properly disinfected; and
- (b) have procured a certificate from some legally qualified medical practitioner that there is no risk of infection,

shall be guilty of an offence against this Act and liable to a penalty not exceeding five pounds.

**138.** (1) Any person who knowingly lets for hire any building or part of a building in which any person is or has been suffering from any infectious disease without having had the building or part thereof, and all articles therein liable to retain infection, disinfected, in manner directed by a legally qualified medical practitioner, shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

Letting infected buildings.  
711, 1898,  
s. 139.

(2) The keeper of an inn shall be deemed to let for hire part of a building to any person admitted as a guest.

**139.** (1) When any person having suffered from any infectious disease dies in consequence of that disease, the body shall be interred within forty-eight hours, or at such earlier time as may be directed by the local board, by the parent, nearest relative, or person in charge during the illness.

Interment within forty eight hours.  
711, 1898,  
s. 140.

(2) Any person guilty of any contravention of this section shall be guilty of an offence against this Act and liable to a penalty not exceeding five pounds.

**140.** (1) Upon the receipt of a certificate in writing or by telegram from any officer of health or any legally qualified medical practitioner that any infectious disease exists within

Isolation of tenements and premises.  
711, 1898,  
s. 141.

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a district, and that isolation is necessary to prevent the spreading thereof, the Governor may authorise the Central Board to stop all or any traffic, and to limit and prevent the ingress and egress of any persons to or from any house or premises for such time and in such manner as the Central Board may think necessary.

(2) Any person guilty of any contravention of this section shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

Power to  
prevent spread  
of disease by  
isolation.  
1338, 1918  
s. 3.

**141.** Upon the receipt of a certificate in writing from the Central Board that any infectious disease exists within the State, and that isolation is necessary to prevent the spreading thereof, or that there is danger of an outbreak of infectious disease occurring in the State, and that isolation is necessary to prevent the outbreak, the Governor may authorise the Central Board to stop all or any traffic and to limit and prevent the ingress, egress, and regress of any persons to or from any house or premises, or to limit and prevent the carriage of any persons in any vehicle for such time and in such manner as the Governor may think necessary.

Ambulances.  
711, 1898,  
s. 142.

**142.** Any local board may provide or combine with any other local board to provide and maintain vehicles suitable for the conveyance of persons suffering from any infectious disease, and may convey any such person to a hospital or other place free of charge.

Removal of  
persons to  
hospitals.  
711, 1898,  
s. 143.

**143.** Where any suitable hospital, quarantine station, or place for the reception of the sick is provided within any district, or within a reasonable distance therefrom, and any person is suffering from any infectious disease and—

- (a) proper isolation is otherwise impracticable ; or
- (b) the person is lodged in a room occupied by others of more than one family, or on board any ship or vessel, or in a common lodging-house, or in a boarding-house,

any local board may, on a certificate signed by any legally qualified medical practitioner, and with the consent of the superintending body or medical officer of the hospital, quarantine station, or place, compulsorily remove any such person to the hospital, quarantine station, or place, at the cost of the local board.

Hospitals.  
711, 1898,  
s. 144.

**144.** Any local board may provide or combine with any other local boards to provide for the use of inhabitants of the district hospitals or temporary places for the reception of



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any person suffering from any infectious disease, and for that purpose may—

- (a) build any such hospitals or places :
- (b) contract for the use of any hospital, or part of a hospital or place :
- (c) arrange with any person for the reception of the suffering.

**145.** Any expenses incurred by a local board in maintaining any such person shall be deemed to be a debt due from that person to the local board. Maintenance.  
711, 1898,  
s. 145.

**146.** (1) No building or any part thereof shall, after the first day of June, one thousand eight hundred and ninety-nine, be used for the purpose of a private hospital or maternity home unless and until the building or part thereof shall be licensed by the local board for that purpose. Every application for a licence shall be accompanied by the name of the manager. Licensing of  
hospitals and  
managers.  
711, 1898,  
s. 146.  
2156, 1934,  
s. 891 (10).

(2) No person shall act as manager of any such private hospital or maternity home unless licensed by the local board for that purpose.

(3) Any person guilty of any contravention of this section shall be guilty of an offence against this Act, and liable to a penalty not exceeding twenty pounds.

(4) The manager shall be responsible for the good government of the institution.

(5) The licence fee for the building shall not exceed one pound per annum, and shall, subject to section 165 of the Maintenance Act, 1926, be the only licence fee chargeable: Provided that no fee shall be required from any institution where no charge is made for the attendance on and maintenance of its inmates.

(6) The licence shall be granted upon such conditions as may be prescribed by the Central Board by notice published in the *Government Gazette*, including the power to revoke the licence. Any such notice published by the Central Board may prescribe the qualifications of persons acting as manager or person in charge of any such private hospital or maternity home, and may provide for an appeal to the Central Board from a decision of the local board under this section and for any other matters necessary to give effect to this section. The Central Board may, by notice published in the *Government Gazette*, revoke or vary any such notice as aforesaid.

(7) Any building or part thereof so licensed shall be liable to be inspected at any time.

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## PART X.

## REGULATIONS.

Regulations,  
2080, 1932,  
s. 5.  
2156, 1934,  
s. 801 (8) and  
(9).

**147.** (1) The Governor, on the recommendation of the Central Board, may make regulations for or with respect to—

- (a) the measures to be taken for preventing the spread of or for limiting, mitigating, or eradicating tuberculosis or any infectious disease :
- (b) the prevention of the spread of infectious disease by persons who though not at the time suffering from such disease are " contacts " or " carriers " and liable to disseminate the infection thereof, and the keeping of such persons under medical surveillance and the restriction of the movements of such persons :
- (c) defining " contacts " and " carriers " for the purposes of this Act :
- (d) the prohibition of spitting in public places or in public conveyances except into receptacles provided for the purpose :
- (e) the imposition and enforcement of isolation or of medical observation and surveillance in respect of persons suffering or suspected to be suffering from tuberculosis or any infectious disease, the premises in which such persons are accommodated, those in charge of or in attendance on such persons, and other persons living in or visiting such premises or who may otherwise have been exposed to the infection of such disease ; and the inspection of any such premises :
- (f) the disinfection of ambulances and other vehicles in which persons suffering from infectious disease are conveyed ; the measures to be taken to prevent the spread of infectious disease from the bodies of persons who have died from infectious disease including the disinfection of any vehicles in which any such bodies are conveyed :
- (g) the regulation of trade in flock, rags, and in second-hand clothing, bedding, or any similar articles, and requiring the cleaning and disinfection of any such articles before removal, sale, or exposure for sale, or use in any manufacturing process :

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- (h) the installation, maintenance, and inspection of bacteriolytic tanks, and the fittings and drains and water closets used in connection therewith :
- (i) the supervision of slaughter-houses licensed pursuant to the Local Government Act, 1934, and the receiving, inspection, and slaughtering therein of animals ; and the conduct of persons carrying on business or employed at such slaughter-houses :
- (j) except as regards slaughter-houses within the metropolitan abattoirs area under The Metropolitan Abattoirs Act, 1908, or within any area proclaimed under The Abattoirs Act, 1911, the prescribing and regulation of the nature and kind of structure of, and the materials to be used in the construction of slaughter-houses in respect of which any application for a slaughtering licence under the Local Government Act, 1934, may be made, and the drains, receptacles, and other conveniences to be provided in connection with any such slaughter-house, prior to the granting of any such licence :
- (k) except as aforesaid, the maintenance of cleanliness in, at, and about every slaughter-house and place used for slaughtering cattle, sheep, or swine :
- (l) enforcing the destruction of infected cattle, which, if slaughtered, would be unfit for human food :
- (m) enforcing the destruction of unwholesome meat :
- (n) generally carrying into effect the purposes of this Act :
- (o) imposing penalties not exceeding ten pounds for the breach of any regulation.

(2) Any regulation purporting to be made before the first day of November, nineteen hundred and thirty-four, by the Central Board of Health pursuant to The Health Act, 1898, with respect to any matters referred to in paragraphs (i) to (m), both inclusive of subsection (1), shall be deemed to have been made by the Governor pursuant to the powers conferred by the said paragraphs.

**148.** The Central Board may make—

- (a) model regulations for the guidance of local boards in the execution of this Act :
- (b) all such regulations as a local board is by this Act authorised to make.

Powers of  
Central Board.  
711, 1898,  
s. 147.

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*Health Act.—1935.*

Powers of  
local board.  
711, 1898,  
s. 148.

**149.** Every local board—

- (a) may, and when expressly directed by the Central Board shall, adopt the model regulations prepared by the Central Board :
- (b) and may make in addition all such regulations not repugnant thereto as it may deem useful or necessary for properly carrying into effect the provisions of this Act within its district.

Application of  
regulations  
may be  
limited.  
711, 1898,  
s. 149.

**150.** Any regulation may be made to apply only to particular districts or to particular parts of a district.

Penalties may  
be imposed.  
711, 1898,  
s. 150.  
2217, 1935,  
s. 9.

**151.** In all cases not otherwise provided for any regulation may impose any penalty not exceeding ten pounds for any breach or non-observance of the same, or in the case of a continuing breach not exceeding two pounds for each day that the breach is continued.

Submission of  
regulations to  
Central Board.  
711, 1898,  
s. 151.

**152.** All regulations made by a local board shall—

- (a) be submitted to the Central Board for approval ;
- (b) be subject to the confirmation of the Governor ; and
- (c) when confirmed by the Governor, shall be published in the *Government Gazette*, and shall thenceforth have the force of law.

Regulations  
to be laid  
before  
Parliament.  
711, 1898,  
s. 152.  
2089, 1932,  
s. 6.

**153.** All regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then in session, and if not, then within fourteen days after the commencement of the next session of Parliament.

Disallowance  
by Parliament.  
2089, 1932,  
s. 7.

**154.** If either House of Parliament passes a resolution disallowing any such regulation of which resolution notice has been given at any time within fourteen sitting days of such House after the regulation has been laid before it, the regulation shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity, of anything done, or of the omission of anything, in the meantime.

Evidence of  
regulations.  
711, 1898,  
s. 154

**155.** The *Government Gazette* containing any regulations shall be conclusive evidence of the making thereof.

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## PART XI.

## PART XI.

## MISCELLANEOUS.

**156.** To secure the due execution of this Act all persons failing to do any act directed to be done or doing any act forbidden to be done by any provision or by any part of any provision of this Act, or by any regulation, notice, or order of the Central Board, or of any local board, or any notice of any officer, or order of court, shall be guilty of an offence against this Act, and shall be liable—

Penalties.  
711, 1898,  
s. 155.  
2217, 1935,  
s. 10.

- (a) to any sum not exceeding the particular penalty specified in or at the foot of the provision or regulation, or in or at the foot of the particular provision under which any such notice or order is given or made :
- (b) if there be no specified penalty, then in the case of a breach—
- (i.) of a provision of this Act to a penalty not exceeding fifty pounds ; or
- (ii.) of any regulation to a penalty not exceeding ten pounds.

**157.** All complaints and informations shall be heard and determined, and all moneys, costs, and expenses shall be recovered in a summary way.

Summary proceedings.  
711, 1898,  
s. 156.

**158.** All penalties for an offence against this Act which are recovered on the complaint of any inspector or officer of a local board shall be paid to that local board. All other penalties shall be paid into the general revenue of the State.

Appropriation of penalties.  
711, 1898,  
s. 157.  
2089, 1932,  
s. 8.

**159.** All complaints, informations, and legal proceedings by or against the Central Board or any local board, may be preferred, prosecuted, or defended in the name of that board, or in the name of the chairman, secretary, or inspector.

Legal proceedings.  
711, 1898,  
s. 158.

**160.** Except where otherwise provided, no proceedings shall be instituted under this Act, except by or on behalf, or with the authority of the Central Board or of the local board. The authority may be either general or particular, and may be proved by the production of the authority in writing under the hand of the chairman or secretary of the board, or a copy of a resolution under the hand of the chairman or secretary.

No proceedings to be taken without authority.  
711, 1898,  
s. 159.

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Constitution of board need not be proved.  
711, 1898,  
s. 160.

**161.** It shall not be necessary in any legal proceedings to prove the existence, constitution, or appointment of the Central Board, or any local board, or of any chairman, officer, or member thereto.

Proof of boundaries and appointment of officers.  
711, 1898,  
s. 161.

**162.** (1) A certificate under the hand of any person appearing to be the chairman or secretary, or the oath of any officer, shall be sufficient evidence of—

(a) the boundaries of any district :

(b) the appointment of any officer,

until the contrary be proved.

(2) Any notice thereof in the *Government Gazette* shall be conclusive evidence.

Presumption where goods are exposed in shop, &c.  
1248, 1916,  
s. 6.

**163.** In any proceedings under this Act, on proof that an article was exposed in any place to which the public had access, or in any market or shop, it shall be presumed that the article was exposed for sale, unless the defendant proves the contrary.

Authentication of documents.  
711, 1898,  
s. 167.

**164.** Every document required to be made or authenticated by any board shall (unless otherwise provided) be sufficiently authenticated if appearing to be signed by any member or officer of the board.

Service of documents.  
711, 1898,  
s. 168.

**165.** (1) Any document required to be served may be served by posting the same in an envelope addressed to the person for whom it is intended at his last known or most usual place of abode or business, or by delivering the same to the said person or at the said place.

(2) In the case of unoccupied land or premises it shall be sufficient to affix any necessary notice on some conspicuous part of the land or premises.

(3) Any notice, consent, permission, or licence by this Act required to be given or obtained shall be in writing.

(4) Any document posted pursuant to this section shall be deemed to have been duly served at the time when in the ordinary course of post it would have arrived at its address.

Neglect of duty.  
711, 1898,  
s. 169.

**166.** Whenever any person fails to perform any duty cast upon him by this Act, or fails to comply with any order or notice, the local board may perform the duty or carry out the terms of the order or notice, and recover all expenses from the person in default.

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**167.** No board shall, except where otherwise expressly provided, be liable for anything in good faith done or caused or omitted to be done by it in carrying out the provisions of this Act, and every person acting under the authority of any board shall be indemnified by the board for all liability in so acting.

Board not to be liable in certain cases.  
711, 1898,  
s. 170.

**168.** Every legal proceeding against any such person or against any board or person in good faith acting or intending to act under this Act, on account of anything done or omitted to be done shall be commenced within two months after the cause of action shall have arisen, and not afterwards.

Actions against board.  
711, 1898,  
s. 171.

**169.** Any member or officer of any board who—

- (a) is directly or indirectly interested in any bargain or contract entered into by the board; or
- (b) exacts, takes, or accepts any fee or reward whatsoever other than his proper remuneration,

Members and officers of boards interested in contracts, &c.  
711, 1898,  
s. 172.

shall be guilty of an offence against this Act and liable to a penalty not exceeding fifty pounds.

**170.** The Compulsory Acquisition of Land Act, 1925, except sections 49, 79, 80, 81, and 82, is incorporated with this Act. The board of health shall be deemed to be the promoters of an undertaking, and this Act shall be deemed to be the special Act.

Incorporation of Compulsory Acquisition of Land Act, 1925.  
711, 1898,  
s. 173.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. DUGAN, Governor.

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## SCHEDULES.

## THE FIRST SCHEDULE.

*Acts Consolidated and Repealed.*

Reference to Act.	Short Title.	Extent of Repeal.
No. 711 of 1898 .....	The Health Act, 1898.....	The whole
No. 991 of 1909 .....	The Health Act Amendment Act, 1909	The whole
No. 1063 of 1911 .....	The Health Act Amendment Act, 1911	The whole
No. 1248 of 1916 .....	Health Act Further Amendment Act, 1916	The whole
No. 1338 of 1918 .....	Health Act Further Amendment Act, 1918	The whole
No. 1696 of 1925 .....	Health Act Further Amendment Act, 1925	The whole
No. 2089 of 1932 .....	Health Act Amendment Act, 1932 .	The whole
No. 2156 of 1934 .....	Local Government Act, 1934 .....	Section 891
No. 2217 of 1935 .....	Health Act Amendment Act, 1935 .	The whole

## THE SECOND SCHEDULE.

*List of Infectious Diseases.*

Amoebic dysentery	Influenza vera
Ankylostomiasis	Intermittent, remittent, paludal or malarial fever
Anthrax	Leprosy
Bacillary dysentery	Measles
Bilharziosis	Membranous croup
Cerebro-spinal fever	Paratyphoid fever
Cerebro-spinal meningitis	Plague
Chickenpox	Poliomyelitis anterior acuta
Cholera	Relapsing or puerperal fever (including all puerperal conditions depending on infection)
Diphtheria	Scarlatina
Encephalitis lethargica (epidemic encephalitis)	Scarlet fever
Endemic typhus fever	Smallpox
Enteric fever	Trichinosis
Epidemic cerebro-spinal meningitis	Tuberculosis in animals
Epidemic parotitis (mumps)	Typhoid fever
Erysipelas	Typhus fever
Favus	Whooping cough
Filariasis	Yellow fever
Influenza or any febrile toxic septicaemic condition similar to influenza, including pneumonic influenza	



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HEALTH ACT, 1935.

TABLE SHOWING HOW THE SECTIONS OF THE ACTS CONSOLIDATED HAVE BEEN DEALT WITH.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Health Act, 1898		
Ibid. .... s. 1	Short title.....	—
“ ..... s. 2	Repeals .....	—
“ ..... s. 3	Saving provision .....	—
“ ..... s. 4	Arrangement .....	—
“ ..... s. 5	As amended by 2217, 1935, s. 2. Definitions of “proclamation” and “prescribed” omitted as unnecessary. The definition of “city and suburban local boards” is altered to read “metropolitan local boards” and is further altered to give effect to proclamations made on 27/5/1925. The definition of “infectious diseases” is altered to give effect to proclamations made on 9/7/1902; 13/11/1902; 24/2/1904; 13/5/1909; 26/9/1912; 28/6/1917; 30/8/1917; 17/10/1918; 15/1/1919; 17/8/1921; 15/2/1922; 8/2/1928; 27/2/1929; 5/5/1932; 19/5/1932. The definition of “offensive trade” is altered to give effect to proclamations made on 7/9/1911 and 8/9/1920.	4
“ ..... s. 5A	As enacted by 2217, 1935, s. 3. ....	5
“ ..... s. 6	.....	6
“ ..... s. 7	.....	7
“ ..... s. 8	.....	8
“ ..... s. 9	.....	9
“ ..... s. 10	.....	9
“ ..... s. 11	.....	10
“ ..... s. 12	.....	11
“ ..... s. 13	.....	12
“ ..... s. 14	.....	13, 14
“ ..... s. 15	.....	15
“ ..... s. 16	.....	16
“ ..... s. 17	As amended by 2217, 1935, s. 4 .....	17
“ ..... s. 17A	As enacted by 2217, 1935, s. 5 .....	17 (2)
“ ..... s. 18	.....	18
“ ..... s. 19	.....	19
“ ..... s. 20	.....	20
“ ..... s. 21	.....	21
“ ..... s. 22	.....	22
“ ..... s. 23	.....	23
“ ..... s. 24	.....	24
“ ..... s. 24A	As enacted by 2156, 1934, s. 891 (2).....	25
“ ..... s. 25	Repealed by 2156, 1934, s. 891 (1).....	—
“ ..... s. 26	.....	26
“ ..... s. 27	.....	27
“ ..... s. 28	As enacted by 2156, 1934, s. 891 (3) .....	28
“ ..... s. 29	.....	29
“ ..... s. 30	.....	30
“ ..... s. 31	.....	31
“ ..... s. 32	.....	32
“ ..... s. 33	.....	33
“ ..... s. 34	.....	34
“ ..... s. 35	.....	35
“ ..... s. 36	As enacted by 2156, 1934, s. 891 (4) .....	36
“ ..... s. 37	.....	37
“ ..... s. 38	.....	38
“ ..... s. 39	.....	39
“ ..... s. 40	.....	47

*Health Act.—1935.*

*Table Showing how the Sections of the Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Health Act, 1898		
Ibid. .... s. 41		48
" ..... s. 42	As amended by 2156, 1934, s. 891 (5) .....	49
" ..... s. 43		50
" ..... s. 44		51
" ..... s. 45	The word "or" substituted for "of" first occurring in the second line.	52
" ..... s. 46		53
" ..... s. 47		54
" ..... s. 48		55
" ..... s. 49		56
" ..... s. 50		57
" ..... s. 51		58
" ..... s. 52		59
" ..... s. 53		60
" ..... s. 54		61
" ..... s. 55		62
" ..... s. 56		63
" ..... s. 57		64
" ..... s. 58		65
" ..... s. 59		66
" ..... s. 60		67
" ..... s. 61		68
" ..... s. 62		69
" ..... s. 63		70
" ..... s. 64		71
" ..... s. 65		72
" ..... s. 66		73
" ..... s. 67		74
" ..... s. 68		75
" ..... s. 69		76
" ..... s. 70		77
" ..... s. 71		78
" ..... s. 72		79
" ..... s. 73		80
" ..... s. 74		81
" ..... s. 75		82
" ..... s. 76	As amended by 1696, 1925, s. 2, and 2089, 1932, s. 2..	83
" ..... s. 77		84
" ..... s. 78		85
" ..... s. 79		86
" ..... s. 80	Repealed by 2156, 1934, s. 891 (6).....	—
" ..... s. 81		87
" ..... s. 82		88
" ..... s. 83	As amended by 1696, 1925, s. 3 .....	89
" ..... s. 84		90
" ..... s. 85		91
" ..... s. 86		92
" ..... s. 87		93
" ..... s. 88		94
" ..... s. 89		95
" ..... s. 90		4
" ..... s. 91		96
" ..... s. 92		97
" ..... s. 93		98
" ..... s. 94		99
" ..... s. 95		100
" ..... s. 96	As amended by 1696, 1925, s. 4, and 2089, 1932, s. 3..	101
" ..... s. 96A	As enacted by 2089, 1932, s. 4 .....	102
" ..... s. 97		101 (2)
" ..... s. 98	} Repealed by 2156, 1934, s. 891 (7).....	—
" ..... s. 99	}	
" ..... s. 100		103
" ..... s. 101		
" ..... s. 102	} Repealed by 2156, 1934, s. 891 (7).....	—
" ..... s. 103		

*Health Act.—1935.**Table Showing how the Sections of the Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Health Act, 1898		
Ibid. .... s. 104	.....	105
“ ..... s. 105	As amended by 2217, 1935, s. 6, and amended to give effect to proclamation made on 9/7/1902	106
“ ..... s. 106	As amended by 1248, 1916, s. 13	107
“ ..... s. 107	As amended by 2217, 1935, s. 7.	108
“ ..... s. 108	.....	109
“ ..... s. 109	As amended by 1248, 1916, s. 4	110
“ ..... s. 110	.....	111
“ ..... s. 111	As amended by 1248, 1916, s. 5	112
“ ..... s. 112	.....	113
“ ..... s. 113	.....	114
“ ..... s. 114	Repealed by 2217, 1935, s. 8	—
“ ..... s. 115	.....	115
“ ..... s. 116	.....	116
“ ..... s. 117	.....	117
“ ..... s. 118	.....	118
“ ..... s. 119	.....	119
“ ..... s. 120	.....	120
“ ..... s. 121	.....	121
“ ..... s. 122	.....	122
“ ..... s. 123	.....	123
“ ..... s. 124	.....	124
“ ..... s. 125	.....	125
“ ..... s. 126	.....	126
“ ..... s. 127	.....	127
“ ..... s. 128	.....	128
“ ..... s. 129	As amended by 991, 1905, s. 5	129
“ ..... s. 130	.....	130
“ ..... s. 131	.....	131
“ ..... s. 132	.....	132
“ ..... s. 133	.....	133
“ ..... s. 134	.....	134
“ ..... s. 135	.....	134
“ ..... s. 136	.....	135
“ ..... s. 137	.....	136
“ ..... s. 138	.....	137
“ ..... s. 139	.....	138
“ ..... s. 140	.....	139
“ ..... s. 141	.....	140
“ ..... s. 142	.....	142
“ ..... s. 143	.....	143
“ ..... s. 144	.....	144
“ ..... s. 145	.....	145
“ ..... s. 146	As amended by 2156, 1934, s. 891 (10). The words “subject to section 165 of the Maintenance Act, 1926,” are inserted in the third paragraph. That Act provides for a licence fee for lying-in homes.	146
“ ..... s. 146A	As enacted by 2089, 1932, s. 5 and amended by 2156, 1934, s. 891 (8) and (9)	147
“ ..... s. 147	.....	148
“ ..... s. 148	.....	149
“ ..... s. 149	.....	150
“ ..... s. 150	As amended by 2217, 1935, s. 9	151
“ ..... s. 151	.....	152
“ ..... s. 152	As amended by 2089, 1932, s. 6.	153
“ ..... s. 153	As enacted by 2089, 1932, s. 7.	154
“ ..... s. 154	.....	155
“ ..... s. 155	As amended by 2217, 1935, s. 10	156
“ ..... s. 156	.....	157
“ ..... s. 157	As enacted by 2089, 1932, s. 8.	158
“ ..... s. 158	.....	159
“ ..... s. 159	.....	160
“ ..... s. 160	.....	161
“ ..... s. 161	.....	162

*Health Act.—1935.*

Table Showing how the Sections of the Acts Consolidated have been dealt with—continued.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
<b>The Health Act, 1898</b>		
Ibid. . . . . s. 162	} Omitted, other provision being made under the Justices Act, 1921.	—
“ . . . . . s. 163		—
“ . . . . . s. 164		—
“ . . . . . s. 165		—
“ . . . . . s. 166		—
“ . . . . . s. 167		164
“ . . . . . s. 168		165
“ . . . . . s. 169		166
“ . . . . . s. 170		167
“ . . . . . s. 171		168
“ . . . . . s. 172	169	
“ . . . . . s. 173	170	
<b>The Health Act Amendment Act, 1909</b> s. 1	Short title . . . . .	—
Ibid. . . . . s. 2	Incorporation . . . . .	—
“ . . . . . s. 3	} Repealed by 2156, 1934, s. 891 (11).	—
“ . . . . . s. 4		—
“ . . . . . s. 5	Amendment of 711, 1898, s. 129 . . . . .	129
<b>The Health Act Amendment Act, 1911</b> s. 1	Short titles . . . . .	—
Ibid. . . . . s. 2	Incorporation . . . . .	—
“ . . . . . s. 3	As amended by 2217, 1935, s. 11 . . . . .	40
“ . . . . . s. 4	“ . . . . .	41
“ . . . . . s. 5	“ . . . . .	42
“ . . . . . s. 6	“ . . . . .	43
“ . . . . . s. 7	“ . . . . .	44
“ . . . . . s. 8	“ . . . . .	45
“ . . . . . s. 9	“ . . . . .	46
<b>Health Act Further Amendment Act, 1916</b> . . . . . s. 1	Short titles . . . . .	—
Ibid. . . . . s. 2	Incorporation . . . . .	—
“ . . . . . s. 3	Amendment of 711, 1898, s. 106 . . . . .	107
“ . . . . . s. 4	Amendment of 711, 1898, s. 109 . . . . .	110
“ . . . . . s. 5	Amendment of 711, 1898, s. 111 . . . . .	112
“ . . . . . s. 6	“ . . . . .	163
<b>Health Act Further Amendment Act, 1918</b> . . . . . s. 1	Short titles . . . . .	—
Ibid. . . . . s. 2	Incorporation . . . . .	—
“ . . . . . s. 3	“ . . . . .	141
<b>Health Act Further Amendment Act, 1925</b> . . . . . s. 1	Short titles . . . . .	—
Ibid. . . . . s. 2	Amendment of 711, 1898, s. 76, and as amended by 2089, 1932, s. 2 . . . . .	83
“ . . . . . s. 3	Amendment of 711, 1898, s. 83 . . . . .	89
“ . . . . . s. 4	Amendment of 711, 1898, s. 96, but impliedly repealed by 2089, 1932, s. 3 (a) . . . . .	—
<b>Health Act Amendment Act, 1932</b> . . . . . s. 1	“ . . . . .	—
Ibid. . . . . s. 2	Amendment of 711, 1898, s. 76 . . . . .	83
“ . . . . . s. 3	Amendment of 711, 1898, s. 96 . . . . .	101
“ . . . . . s. 4	“ . . . . .	102
“ . . . . . s. 5	As amended by 2156, 1934, s. 891 (8) and (9) . . . . .	147
“ . . . . . s. 6	Amendment of 711, 1898, s. 152 . . . . .	153
“ . . . . . s. 7	Amendment of 711, 1898, s. 153 . . . . .	154
“ . . . . . s. 8	Amendment of 711, 1898, s. 157 . . . . .	158
<b>Local Government Act, 1934—</b>		
s. 891 (1) . . . . .	Repeal of 711, 1898, s. 25 . . . . .	—
(2) . . . . .	“ . . . . .	25
(3) . . . . .	“ . . . . .	28
(4) . . . . .	“ . . . . .	36
(5) . . . . .	Amendment of 711, 1898, s. 42 . . . . .	49

*Health Act.—1935.**Table Showing how the Sections of the Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
Local Government Act, 1934—		
s. 891 (6).....	Repeal of 711, 1898, s. 80 .....	—
(7).....	Repeal of 711, 1898, ss. 98, 99, 101, 102, and 103 ..	—
(8).....	Amendment of 2089, 1932, s. 5 .....	147 (1)
(9).....	.....	147 (2)
(10).....	Amendment of 711, 1898, s. 146 .....	146
(11).....	Repeal of 991, 1909, ss. 3 and 4 .....	—
Health Act Amendment Act, 1935 s. 1	Short titles .....	—
Ibid. .... s. 2	Amendment of 711, 1898, s. 5 .....	4
" ..... s. 3	.....	5
" ..... s. 4	Amendment of 711, 1898, s. 17 .....	17
" ..... s. 5	.....	17 (2)
" ..... s. 6	Amendment of 711, 1898, s. 105 .....	106
" ..... s. 7	Amendment of 711, 1898, s. 107 .....	103
" ..... s. 8	Repeal of 711, 1898, s. 114 .....	—
" ..... s. 9	Amendment of 711, 1898, s. 150 .....	151
" ..... s. 10	Amendment of 711, 1898, s. 155 .....	156
" ..... s. 11	Amendment of 1063, 1911, s. 3 .....	40